

COUNCIL WORK SESSION

DECEMBER 17, 2018

6:30 P.M. PROMPT

- **DISCUSSION OF AGENDA**
- **DISCUSSION OF “CRIMINAL ACTIVITY NUISANCES, COSTS OF ENFORCEMENT”**
(§511.12 (B) (2)) – (Ord. #9523-17)
- **DISCUSSION OF “COLLECTION AND DROP OFF BOXES”**
(§1341.24) – (Ord. #9087-13)
- **EXECUTIVE SESSION** – (Personnel / Economic Development / Litigation) (30 mins)

PLEASE TURN OFF ALL CELL PHONES BEFORE MEETING
(Council Minutes and Agendas posted at www.bedfordoh.gov)

Bedford City Council met in a Work Session at Bedford City Hall on Monday, December 17, 2018 at 6:37 p.m.

Present: Council Members: Mayor Stan Koci, Victor Fluharty, Walter Genutis, Paula Mizesak, Donald Saunders, Sandy Spinks and Heather Rhoades. Absent: None. Also Present: Clerk of Council Lorree Villers. Administration: City Manager Michael Mallis, Law Director John Montello and Assistant Finance Director Jennifer Howland. Absent: Finance Director Frank Gambosi.

Mayor Koci began discussion of the Regular Council Meeting agenda.

There were no changes to the December 3, 2018 Work Session and Regular Council Minutes.

ORDINANCE NO. 9657-18 AN ORDINANCE AMENDING ORDINANCE NO. 9542-17 PROVIDING FOR A CONTRACT WITH GPD GROUP FOR ENGINEERING SERVICES WITHIN THE CITY OF BEDFORD PLACED ON FIRST READING NOVEMBER 19, 2018 AND SECOND READING DECEMBER 3, 2018 AND DECLARING AN EMERGENCY

Mr. Ciuni attended the previous Work Session per Council's request and satisfied their questions and concerns. Council had no additional questions.

DISCUSSION OF "CRIMINAL ACTIVITY NUISANCES, COSTS OF ENFORCEMENT"

(§511.12 (B) (2)) – (Ord. #9523-17)

Ordinance No. 9523-17 currently read:

(a) The following activities occurring on properties in the City of Bedford or involving an offender residing at a property within the City of Bedford are hereby declared to be a public nuisance:

(1) Any violation of a City of Bedford ordinance or the Ohio Revised Code excluding traffic violations.

(b) The City Manager and Director of Law shall have full authority to abate such nuisances specified in subsection (a) hereinabove in accordance with law, and law enforcement costs incurred by the City. The property owners shall be charged \$250.00 for the first offense following a warning, \$500.00 for a second offense, \$750.00 for a third offense and \$1,000.00 for any subsequent offenses. An additional \$100.00 administrative costs will be charged if not paid within the time prescribed in (b) (2) in abating any such nuisance. Any charges not paid as prescribed shall be certified to the County Fiscal Officer in accordance with law to be assessed as a lien on the real estate from which the nuisance originated or of which the same offender resides in provided however, that such costs shall not be certified unless the following conditions have been met:

(1) Two or more nuisance activities have occurred on or with relation to the same premises within a one year period or one felony drug activity in violation of Chapter 2925 of the Ohio Revised Code or equivalent federal laws has occurred on the premises, and

(2) Prior to the actual certification of any administrative and law enforcement costs pursuant to this section, the City Manager or his designee shall give at least thirty (30) days advance written notice of intent to certify such costs to the owner of the real estate against which the costs are to be certified. The owner of said real estate may appeal such intended certification to the Board of Building Standards and Appeals, which may affirm, reverse, or modify the proposed certification. All appeals must be filed within ten (10) days of the mailing/posting of the notice of intended certification.

(3) Administrative and law enforcement costs shall not be charged against an owner who establishes:

A. He had no knowledge of the nuisance activities on the premises and could not, with reasonable care and diligence, have known of the nuisance activities occurring on the premises; and

B. Upon receipt of notice of the occurrence of nuisance activities on the premises, he promptly took all actions necessary to abate the nuisance including, without limitation, compliance with the requirements of Ohio R.C. 5321.17(C) and 5321.04(A)(9).

Per Codified Section 1307.06 "Powers" of the Board of Building Standards & Appeals were as follows:

The Board of Building Standards and Appeals shall have the power, subject to the limitations and in the manner set forth in this Building Code, to:

(a) Affirm or reverse, in whole or in part, or modify, any decision of the Building Commissioner interpreting the provisions of this Building Code;

(b) Vary the application of any provision of this Building Code to any particular case when, in its opinion, enforcement thereof would do manifest injustice, would be contrary to the spirit and the purpose of this Building Code or the public interest;

(c) Determine if any material or method of construction may be used, even though not specifically authorized by this Building Code, and specify the manner in which such materials and methods shall be used;

(d) Determine any requirement for the strength or stability of an existing or proposed building or structure, or for the safety or health of the occupants thereof, not specifically covered by this Building Code, or not readily interpretable from the provisions of this Building Code;

(e) Determine whether any proposed rule of the Building Commissioner supplements or aids in the interpretation of the requirements of this Building Code and is consistent therewith, and affirm, amend, modify or nullify any such proposed rule;

(f) Establish rules and regulations, conditions and qualifications for the registration, licensing or certification of qualification of any person performing work or providing services under this Building Code;

(g) Report and Recommend to Council any amendment, deletion or addition to this Building Code.

(h) The Board is not authorized to substantially alter or modify the mandatory provisions of this Building Code. (Ord. 7215-00. Passed 3-6-00.)

Per Mr. Montello's request several codified samples were submitted to Council and the Administration for review. The information was to determine a more appropriate Board for Criminal Nuisance calls. Since 2005 the issues had been placed on the Board of Building Standards & Appeals which per Section 1307.06 "Powers" did not apply.

Mayor Koci read from the materials the several ways other communities addressed criminal nuisances. The discussion topics to be considered for future discussions were: 1) peers should handle the appeal, 2) possibly creation of a new Board, 3) the need to appoint qualified people who understand criminal nuisances, 4) exclude Council members on the Board, 5) exclude the Police Department designee from having voting powers, 6) resident may feel a moral obligation to volunteer for this type of Board, 7) it was difficult to find volunteers to serve on some of the Boards, 8) realizing society was changing, 9) domestic violence needed to be addressed in the section, 10) list the various reasons for criminal nuisances, 11) create an assistance type program for criminal nuisances similar to the Safe Passage Program, and 12) consider a Police Department designee, the City Manager and the Law Director be present for the meetings. Council and the Administration felt there were a lot of valuable comments/suggestions made this evening and this issue would be discussed further.

DISCUSSION OF "COLLECTION AND DROP OFF BOXES" (§1341.24) – (Ord. #9087-13)

Mrs. Rhoades requested this issue be placed on the agenda for discussion. She felt the bright yellow box located in the Los Gallos parking lot was an eyesore. She suggested the organization who wanted to place one of these type boxes should have to go through the Building Department. It was determined the Administration would review the information with Building Commissioner Calvin Beverly for his input.

Section 1341.24 currently read as follows:

Collection drop off boxes may be placed in the City only in commercially zoned districts and are permitted with the following conditions:

(a) Boxes must be placed on hard surfaces such as asphalt or concrete. Boxes may not be located in parking spaces if it reduces the available spaces below that which is required for occupancy. Boxes may not be located in a fire lane or within ten feet of a structure. No box may be located in an area which creates a hazard to visibility or flow of traffic or pedestrians on public or private property.

(b) Responsibility for keeping the area clear and clean around boxes shall be shared with the property owner, the leaseholder and the entity providing the box. Bags, boxes and debris around the box shall be immediately removed. The Building Commissioner may order the removal of any box where repeated violations are found.

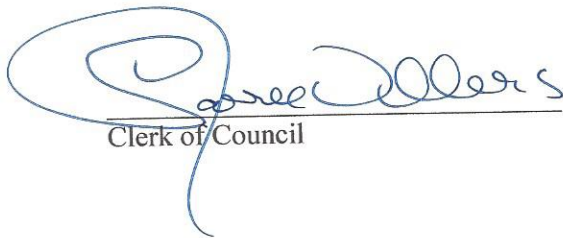
(c) No more than two boxes may be located on any property. Property, for this section, is defined as a free standing occupancy, a shopping center or a strip center regardless of the number of parcels making up these properties.

Motion made by Spinks seconded by Rhoades to go into executive session to discuss Personnel 121.22 (B) (1) / Economic Development / Litigation. The roll was called. Vote – Yeas: Mizesak, Genutis, Fluharty, Saunders, Rhoades, Spinks, Koci. Nays: None. Motion carried unanimously.

At 7:27 p.m., Bedford City Council, City Manager Mike Mallis and Law Director John Montello went into an executive session to discuss Personnel 121.22 (B) (1) / Economic Development / Litigation.

Executive Session adjourned at 7:58 p.m.

Work Session adjourned at 8:00 p.m.



Clerk of Council



Mayor - President of Council

REGULAR MEETING

AGENDA

**BEDFORD CITY COUNCIL
STATE OF OHIO
COUNTY OF CUYAHOGA**

DATE: DECEMBER 17, 2018

TIME: 8:00 P.M.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES**
 - a. Approval of Minutes of the Work Session of December 3, 2018
 - b. Approval of Minutes of the Regular Meeting of December 3, 2018
5. **PRESENTATIONS –**
6. **OLD BUSINESS** – (1st Rdg: 11/19/18 – 2nd Rdg: 12/3/18)
 - a. Ordinance No. 9657-18 amend Ord. #9542-17 contract w/GPD Group for Engineering services
7. **REPORTS**
 - a. City Manager
 - b. Law Director
 - c. Finance Director
 - d. Council Reports
8. **NEW BUSINESS**
 - a. Ordinance No. 9660-18 authorize mandatory pay increase for Clerk of Courts Tom Day (\$117,980)
9. **HEARING OF CITIZENS**
10. **ADJOURNMENT**

PLEASE TURN OFF ALL CELL PHONES BEFORE COUNCIL MEETING
(Council Minutes and Agendas posted at www.bedfordoh.gov)

Bedford City Council met in Regular Session at Bedford City Hall on Monday, December 17, 2018. Mayor Koci called the meeting to order at 8:03 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Mizesak, Genutis, Fluharty, Saunders, Rhoades, Spinks, Koci. Absent: None.

Motion made by Mizesak seconded by Rhoades to approve the minutes of the Work Session Meeting of December 3, 2018. The roll was called. Vote – Yeas: Mizesak, Genutis, Fluharty, Saunders, Rhoades, Spinks, Koci. Nays: None. Motion carried unanimously.

Motion made by Spinks seconded by Genutis to approve the minutes of the Regular Meeting of December 3, 2018. The roll was called. Vote – Yeas: Mizesak, Genutis, Fluharty, Saunders, Rhoades, Spinks, Koci. Nays: None. Motion carried unanimously.

ORDINANCE NO. 9657-18 AN ORDINANCE AMENDING ORDINANCE NO. 9542-17 PROVIDING FOR A CONTRACT WITH GPD GROUP FOR ENGINEERING SERVICES WITHIN THE CITY OF BEDFORD PLACED ON FIRST READING NOVEMBER 19, 2018 AND SECOND READING DECEMBER 3, 2018 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Rhoades seconded by Mizesak to suspend the rule requiring the reading of said ordinance three different days.

The roll was called. Vote – Yeas: Mizesak, Genutis, Fluharty, Saunders, Rhoades, Spinks, Koci. Nays: None. Motion carried unanimously.

Motion made by Spinks seconded by Genutis to place Ordinance No. **9657-18** on third and final reading and passed.

Mr. Mallis explained Administration determined that an amendment to the contract with the City Engineer is in the best interest of the City for the year 2019. Some of the costs were reimbursed to the City. The pay increase was in line with the union and non-union 2019 pay increases.

The roll was called. Vote – Yeas: Mizesak, Genutis, Fluharty, Rhoades, Spinks, Koci. Nays: None. Abstain: Saunders. Motion carried.

The Administration and Council wished everyone a Merry Christmas and a Happy New Year.

Mayor Koci thanked the citizens for their support throughout 2018. He felt the City was moving in the right direction and appreciated the residents understanding. He explained Bedford was not the only city dealing with the seasonal leaf pickup; other cities were experiencing the same debacle. He talked about his recent experience with the third graders at Glendale School and then they toured City Hall. Children were 30% of the population but 100% of the future.

City Manager Michael Mallis reported the Service Department continued to make several rounds throughout the City collecting leaves. The plan to have employees work overtime to continue the collection on the weekends did not happen because the business, MRLM, where the City dumps the leaves was closed on the weekends. He said the Shop with a Cop which was on December 15th at Target was another success buying stuff for 20 children. The City was appreciative for the large donation and support from Xellia and a few dealerships. Xellia also helped through employees volunteering to go shopping at Target with the children. State of the City Address was scheduled for January 30, 2019 at LOHV at noon and Lights Out for Hunger was December 19th. The Administration continued to negotiate

with new businesses interested in moving into Bedford along with the new and old property owners in the Meadowbrook area.

No reports from Law Director John Montello and Councilman Genutis.

Assistant Finance Director Jen Howland reported the next Tax Department demonstration regarding the new Tax Program was January 9th from 6:00 p.m. to 7:00 p.m. at City Hall. She thanked Councilwoman Rhoades for her assistance in recording the December 9th demonstration so it could be posted for the residents. She explained starting January 16th the residents would be able to set up their pin number which would need changed every year.

Councilwoman Mizesak reminded everyone the rubbish pickup dates would change due to the Christmas and New Year holidays. She supported Lights Out for Hunger on December 19th. It was important to support the Food Banks and Meals on Wheels so the less fortunate can eat.

Councilman Fluharty informed Mr. Mallis there were leaves in Ward 3 that still needed picked up; he offered to create a list of addresses.

Councilman Saunders thanked the Administration and staff who assisted in the yard cleanup of 112 Logan; he hoped it was not being moved to another family locations. He agreed with Councilman Fluharty regarding the need for additional leaf pickup. He questioned why the City complex was not decorated for the holidays like other cities; however, he was pleased with the articles that spoke of the decorations on the City Square.

Councilwoman Rhoades announced the Garden Club continued to sell bean soup and honey, the Bedford Alliance was having a Chocolate Walk on February 16th and First Fridays March for Art would be starting in March 2019. Volunteers were needed for various events and cleaning the downtown area. She thanked everyone who attended the Tree Lighting ceremony and posting their memories.

Councilwoman Spinks talked about the 12 point buck who has claimed her yard during this year's rutting season. She was pleased to sell some of her paintings at the Tremont Art Walk. Her vision was to open a studio in Bedford.

ORDINANCE NO. 9660-18 AN ORDINANCE AMENDING ORDINANCE NO. 9549-17, PASSED DECEMBER 18, 2017 PROVIDING COMPENSATION FOR THE CLERK OF COURT AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Spinks seconded by Fluharty to suspend the rule requiring the reading of said ordinance three different days.

The roll was called. Vote – Yeas: Koci, Mizesak, Genutis, Fluharty, Saunders, Rhoades, Spinks. Nays: None. Motion carried unanimously.

Motion made by Mizesak seconded by Rhoades to place Ordinance No. **9660-18** on third and final reading and passed.

Mayor Koci explained the State of Ohio mandates a five percent (5%) raise to Clerk of Municipal Courts to coincide with the raises provided to the Judiciary and in consideration of the outstanding efforts of the Clerk in regards to efficiency and economics of administration of the Court adjusting the compensation for the Bedford Clerk of Court. The amount of \$117,980.00, 60% to be paid by the City of Bedford and 40% to be paid by the County of Cuyahoga in equal bi-weekly payments effective with the pay period beginning January 1, 2019. It was a benefit to have the Court in the same building.

The roll was called. Vote – Yeas: Koci, Mizesak, Genutis, Fluharty, Saunders, Rhoades, Spinks. Nays: None. Motion carried unanimously.

Mayor Koci said that concluded the business portion of the meeting and asked if anyone in the audience had any comments.

Beth Housiaux-Stewart, 93 Avalon, explained the money donated for the Lights Out for Hunger efforts went to the local Food Bank and February and July were the months that experienced limited foods to pass out. She urged everyone to participate at the Twinsburg Cleveland Clinic on December 18th for a blood drive.

Mary Burge, 1302 Caryl Drive, thanked those who attended the Senior Christmas Party.

James Slifka, 130 Grand Boulevard, reported people were not stopping at the stop sign located at Grand, Southwick, and Kenyon. Mr. Mallis said the City was aware and had already addressed a couple of the dealerships in the area.

Ron Valentik, 1197 Edgecliff, thought since the City no longer paid for fireworks that money could be used for Christmas lights. Mr. Valentik reported there were eight street lights out in the area starting at the Bedford Cemetery to the City Square. He also felt the Broadway Avenue crosswalk lights were not bright enough. He pointed out the wild turkeys were fighting near his home.

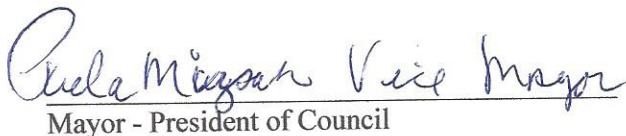
Tim Fetterman, 78 Gould Avenue, had the same concerns with Mr. Slifka regarding those motorists who were running the stop signs at Gould and Kenyon. He had not seen any additional Police presence. Mr. Mallis said he would discuss this issue with the Police Chief Tuesday morning at the Staff Meeting. Mr. Fetterman felt the Officers should be more social with the residents.

Dick Bender, 69 Wandle Avenue, also agreed with Mr. Slifka and Mr. Fetterman regarding those who were not stopping at the stop signs.

Mayor Koci asked if there were any further comments. There being no reply, motion made by Spinks seconded by Genutis to adjourn. The roll was called. Vote – Yeas: Mizesak, Genutis, Fluharty, Saunders, Rhoades, Spinks, Koci. Nays: None. Motion carried unanimously.

Meeting adjourned at 8:44 P.M.


Clerk of Council


Mayor - President of Council