

COUNCIL WORK SESSION

DECEMBER 4, 2017

7:00 P.M. PROMPT

- **DISCUSSION OF AGENDA**
- **DISCUSSION OF ELIMINATION OF PAY DAY LOANS TYPE BUSINESSES**
(Historic District §1944)
- **EXECUTIVE SESSION** – (Personnel / Economic Development / Litigation)

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 4, 2017 at 7:05 p.m.

Present: Council Members: Mayor Stan Koci, Donald Saunders, Sandy Spinks, Walter Genutis, Marilyn Zolata and Paula Mizesak. Absent: Greg Pozar. Also Present: Clerk of Council Lorree Villers. Administration: City Manager Michael Mallis, Finance Director Frank Gambosi, Law Director John Montello and Building Commissioner Calvin Beverly. Residents: Victor Fluharty, Heather Rhoades and Laura Hulett.

Mayor Koci began discussion of the Regular Council Meeting agenda.

There were no changes to the Regular Meeting of November 20, 2017 or the Minutes of the Work Session of November 20, 2017.

ORDINANCE NO. 9543-17 AN ORDINANCE AMENDING ORDINANCE NO. 9317-15 SECTION 178.10 (C) (3) OF CHAPTER 178 INCOME TAX ENTITLED "PENALTY, INTEREST, FEES, AND CHARGES" OF THE CITY OF BEDFORD, OHIO AND DECLARING AN EMERGENCY

Mr. Gambosi explained the General Assembly enacted H.B. 49 on September 29, 2017, and mandated that municipal income tax codes be amended by January 31, 2018 dealing with Penalty, Interest, Fees and Charges. The amendments required were prior to the January deadline in accord with the provisions and limitations specified in H.B. 49 and the Revised Code 718.27. The amendments were: (C) (3) "With respect to any unpaid withholding tax, a penalty equal to and not to exceed fifty percent of the amount not timely paid shall be imposed".

ORDINANCE NO. 9544-17 AN ORDINANCE AMENDING ORDINANCE NO. 9317-15 SECTION 178.07 (C) (1) (d) OF CHAPTER 178 INCOME TAX ENTITLED "DECLARATION OF ESTIMATED TAX" OF THE CITY OF BEDFORD, OHIO AND DECLARING AN EMERGENCY

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Motion to accept the recommendation of the November 21, 2017 Planning Commission - Bedford DG, LLC, 361 Summit Blvd., Ste. 110, Birmingham, AL, Developer and Hilco Acquisition (Medic Real Estate) LLC, owner located at 647 Broadway Ave, Bedford, OH 44146 is proposing to completely renovate the interior and exterior of the property currently known as the Medic Building (#812-13-043)

Mr. Beverly passed out renderings for Council to review during the discussion this evening. Mr. Mallis explained the building was under contract to purchase from the current owner for the development of a Dollar General store. The topic had already been discussed at three Historical Preservation Board meetings: June 12th, September 27th, and November 8, 2017. (See attached) The interior and exterior renovations were figured at \$700,000 to \$1 million. Dollar General was nationally known as a general store type business that would have been around 50-60 years ago with a variety of items not a dollar type store. The store would sell paper products, soups, soaps, refrigerated foods, dry foods, frozen foods, cookies/crackers, toys and clothing but no automotive or sporting goods.

The interior and exterior had been neglected for many years by the previous owner. The current condition of the building was basically condemnable because of the many years it sat empty: the roof leaked, the floors were peeling and the walls were ruined so basically the interior needed gutted down to the structure. The exterior needed work and the parking lot needed to be repaved. At the rear of the lot a new guardrail would be tastefully installed. Dollar General's investment would be \$700,000 to \$1 million for interior and exterior renovations.

Mr. Beverly explained the Historical Preservation Board wanted the building to be somewhat like the old Fischer store. He explained the Historical Preservation Board's final determination was to keep the original brick exterior and not paint it, add a bronze neutral colored metal awning instead of the current shake shingles, resurface the parking lot and add parking lot lights, build a decorative brick half wall along the Broadway Avenue sidewalk area with landscaping. The Commission also made an additional request of outside cameras which the City was waiting a response to. Dollar General's store hours were normally 8:00 a.m. to 10:00 p.m.; however the hours could be changed accordingly per the demand of the area. He clarified Dollar General was not a junk type store but rather a general store similar to a business 50-60 years ago with various limited items to choose from.

Mr. Mallis struggled with not keeping the Historical Downtown District a quaint historic district and that was why he voted no at the November 21, 2017 Planning Commission meeting. He struggled allowing a national chain store into the historical area because of trying to keep the historical significance. Dollar General made changes per the request of the Historical Preservation Board to fit the historical area. The hope was with the addition of Dollar General it would boost sales in the downtown area and bring in more foot traffic. Discussion was held regarding the poor condition of the building's interior, exterior and parking lot because it sat empty for many years. The yellow in the sign and possible relocation of the Broadway Avenue side sign had been discussed by the Historical Preservation Board and the Planning Commission and was not going to be changed. Mr. Mallis pointed out the Los Gallos' yellow sign that faced Broadway Avenue was also a yellow sign.

DISCUSSION OF ELIMINATION OF PAY DAY LOANS TYPE BUSINESSES

(Historic District §1944)

It was determined the Administration and Council would review several different type businesses that were not welcomed to the Historical Downtown District in the near future. After a determination was made the Codified Section 1944 would be amended to reflect what was "permitted uses" and "prohibited uses".

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


At 7:45 p.m., Bedford City Council, City Manager Mike Mallis, Finance Director Frank Gambosi and Law Director John Montello went into an executive session to discuss Personnel 121.22 (B) (1) / Economic Development / Litigation.

Motion made by Mizsak seconded by Saunders to adjourn executive session. The roll was called. Vote – Yeas: Koci, Mizsak, Genutis, Saunders, Zolata, Spinks. Nays: None. Motion carried unanimously.

Executive Session adjourned at 8:00 p.m.

Work Session adjourned at 8:02 p.m.


Clerk of Council


Mayor – President of Council

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF MINUTES
 - a. Approval of Minutes of the Work Session of November 20, 2017
 - b. Approval of Minutes of the Regular Meeting of November 20, 2017

5. PRESENTATIONS – Christmas in Bedford Falls

6. OLD BUSINESS

7. REPORTS
 - a. City Manager
 - b. Law Director
 - c. Finance Director
 - d. Council Reports

8. NEW BUSINESS
 - a. Ordinance No. 9543-17 amend 9317-15 §178.10 (C) (3) “Penalty, Interest, Fees and Charges”
 - b. Ordinance No. 9544-17 amend 9317-15 §178.07 (C) (1) (d) “Declaration of Estimated Tax”
 - c. Motion to accept the recommendation of the November 21, 2017 Planning Commission - Bedford DG, LLC, 361 Summit Blvd., Ste. 110, Birmingham, AL, Developer and Hilco Acquisition (Medic Real Estate) LLC, owner located at 647 Broadway Ave, Bedford, OH 44146 is proposing to completely renovate the interior and exterior of the property currently known as the Medic Building (#812-13-043)

9. HEARING OF CITIZENS

10. ADJOURNMENT

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(Council Minutes and Agendas posted at www.bedfordoh.gov)

Bedford City Council met in Regular Session at Bedford City Hall on Monday, December 4, 2017. Mayor Koci called the meeting to order at 8:04 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Genutis, Saunders, Zolata, Spinks, Koci, Mizesak.

Motion made by Saunders seconded by Genutis to excuse Councilman Pozar. The roll was called. Vote – Yeas: Genutis, Saunders, Zolata, Spinks, Koci, Mizesak. Nays: None. Motion carried unanimously.

Mayor Koci presented Dot Schwende the Proclamation for Christmas in Bedford Falls. Ms. Schwende had been involved with the event for 20 years. Ms. Schwende listed the activities and welcomed volunteers to get involved for next year's event.

Motion made by Zolata seconded by Genutis to approve the minutes of the Work Session Meeting of November 20, 2017. The roll was called. Vote – Yeas: Genutis, Saunders, Zolata, Spinks, Koci, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Mizesak seconded by Saunders to approve the minutes of the Regular Meeting of November 20, 2017. The roll was called. Vote – Yeas: Genutis, Saunders, Zolata, Spinks, Koci, Mizesak. Nays: None. Motion carried unanimously.

City Manager Michael Mallis explained the City had already contacted Norfolk Southern regarding the rush hour traffic held up by their train blocking the roadway; the City would continue to monitor. He reminded everyone not to park in the street when there was a snowfall of two inches or more; it was a safety issue. He explained with efforts from other groups who pushed Cuyahoga County to keep the residential and commercial demolitions; the City previously received \$600,000 to demolish selected properties. He commended the Service Department in their efforts in leaf collection and decorating the City Square and Broadway Avenue. The City encountered some electrical issues of recent that limited some of the decorations. The City would address the electrical issues at a later date. He also commended the Police Department in their arrest regarding the issues at the Automobile.

No report from Law Director Montello.

Finance Director Frank Gambosi alerted everyone that the Tax Department would be mailing a large bright yellow postcard reminding residents and businesses to review their finances regarding those effected by the recent income tax increase.

Councilman Genutis explained why he supported the Planning Commission's recommendation regarding the Dollar General store; he thought it was a positive move for the City. He appreciated the concerns he read that was recently posted on a website he was on. He also talked to local business owners who were in favor of the addition to the downtown area and it would increase foot traffic. He felt the store itself did not discourage visitors and the current empty dilapidated building was going to be renovated costing nearly \$1 million. He felt in order to have a thriving downtown there needed to be a blend of interesting unique shops but also businesses that would serve the daily needs of those who live in the community. He would be voting to accept the recommendations of the Historical Preservation Board and the Planning Commission.

Councilman Saunders referred to the Dollar General Representatives who were present this evening and hoped the store would participate in the festivals that were held in the City annually. He agreed with Mr. Mallis in reminding the residents not to park in the street during the snowfall. He asked for the definition for "two inches" of snow. Mr. Mallis replied, if there was two inches of snow in one's drive then they should not be parking in the street. The plow drivers contacted the Police Department if these violators were parked in the street. Mr. Saunders wanted to make sure Mr. Mallis was aware the Federal Government was cutting out all the Historical Preservation Funds and wondered if it was going to affect

the Testa project. Mr. Mallis was not aware of the extent of the cuts; however, Testa project would not be affected.

Councilwoman Zolata was pleased with the recent Tree Lighting and the efforts of the Service and Fire Departments. She reminded everyone to clear the snow from around the fire hydrants and shovel their sidewalk.

Councilwoman Spinks explained Mr. and Mrs. Claus would be at Frames and Fine Arts on Broadway Avenue. Frames and Fine Arts would be displaying artwork from local artists. She agreed with Mr. Genutis in supporting and welcoming the new Dollar General to Bedford which was a positive direction for the City. She asked Mr. Mallis what Kimble's guidelines/rules were for mattress and furniture collection because there were a few addresses in Ward 1. Mr. Mallis understood mattress and furniture needed to be wrapped by the person disposing of it but he would check into it. Mr. Saunders stated the items needed to be wrapped for the safety of the driver because of the possibility catching bed bugs; however, the decision would be up to the driver.

Councilwoman Mizzsak commended the Chagrin Valley Dispatch for their professionalism in regards to one of her neighbors who were lighting fireworks at 11:15 p.m. She announced the Senior Christmas party was December 13th and the Lights Out for Hunger was December 20th.

Mayor Koci enjoyed the Chamber of Commerce holiday dinner with an opportunity to meet the Garfield members who would be joining the Chamber. He announced the New Day Cleveland Show would be in Bedford on December 8th broadcasting from the City Square. The City would be meeting with County Executive Budish to discuss various topics of concern.

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

The roll was called. Vote – Yeas: Genutis, Saunders, Zolata, Spinks, Koci, Mizzsak. Nays: None. Motion carried unanimously.

Motion made by Mizzsak seconded by Saunders to place Ordinance No. **9543-17** on third and final reading and passed.

Mr. Gambosi explained the General Assembly enacted H.B. 49 on September 29, 2017, and mandated that municipal income tax codes be amended by January 31, 2018 dealing with Penalty, Interest, Fees and Charges. The amendments required were prior to the January deadline in accord with the provisions and limitations specified in H.B. 49 and the Revised Code 718.27. The amendments were: (C) (3) "With respect to any unpaid withholding tax, a penalty equal to and not to exceed fifty percent of the amount not timely paid shall be imposed".

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

A representative confirmed the Dollar General would be installing security cameras inside and outside depending on the crime index of the area.

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

Nancy Lachowski, 197 Wandle Avenue, asked for the update regarding 38 Gould Avenue. Mr. Beverly explained permits were issued for the front steps, porch and exterior work. Mr. Mallis reiterated the history of the property that happened some time ago. She welcomed Dollar General to Bedford.

James Slifka, 130 Grand Boulevard, inquired if there were arrests made concerning recent break-ins. Mr. Mallis said there had not been any arrests at this point connecting them to specific break-ins in which Mr. Slifka was referring to. There was an individual arrested which had nothing to do with his concerns.

Jeff Duber, 134 Harriman, wondered why Council and the Administration continued to bring up parking on City streets when nothing was done about it. He said if the City wasn't going to do something about it

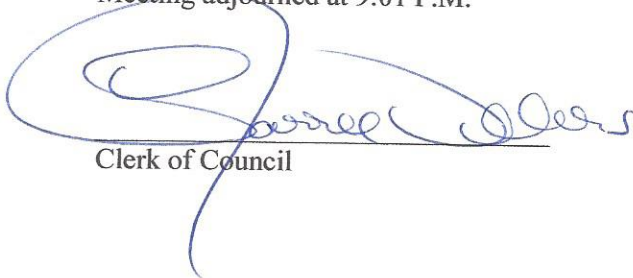
why bring it up. Just like the railroad tracks, again, nothing happens. He questioned the procedure regarding Occupant Load Limits and the process followed if it was or wasn't posted. Mr. Beverly explained building structures prior to 1979 were not required to have a Certificate of Occupancy per the State of Ohio. Mr. Montello explained the City Administration worked together as a team to collect information prior to an event to determine what necessary measures needed to be taken. It was determined there should be a posting for the Occupant Load Limits which would be processed through the Building Department and enforced by the Fire Department. Mayor Koci said it was the responsibility of the building owner to have the certificate posted. Mr. Duber mentioned he had previously saw in a different community a Kimble rubbish truck loading an unwrapped mattress.

Tim Tench, 286 Marion Avenue, welcomed the Dollar General store to downtown Bedford. He felt the City and the residents wanted a good business occupying this location as a well ran business. He thanked everyone for their support in his re-election. He wished Councilman Pozar and Councilwoman Zolata good luck in their future endeavors. He appreciated the Certificate Clerk Villers did for his aunt who was 106 years old.

Kathy Williams, 491 Lamson Avenue asked if the Service Department was going to do anymore limb chipping before the winter weather. Mr. Mallis would check with Mr. Bellar and let her know. Ms. Williams asked who bought the church. The Administration did not know.

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: Genutis, Saunders, Zolata, Spinks, Koci, Mizesak. Nays: None. Motion carried unanimously.

Meeting adjourned at 9:01 P.M.



Clerk of Council



Mayor - President of Council