

**COUNCIL WORK SESSION**

**FEBRUARY 20, 2018**

**5:30 P.M. PROMPT**

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- **DISCUSSION OF AGENDA**
- **DISCUSSION OF CITY'S WEBSITE**
- **DISCUSSION OF AMENDING §915.03 & §915.10 "GARBAGE AND REFUSE"**
- **DISCUSSION OF AMENDING §1313.01 "ADOPTION OF CODE; TITLE"**  
(#9240-15)
- **EXECUTIVE SESSION** – (Personnel / Economic Development / Litigation) (Moon Glow property) (1+ hour)

**PLEASE TURN OFF ALL CELL PHONES BEFORE MEETING**  
(Council Minutes and Agendas posted at [www.bedfordoh.gov](http://www.bedfordoh.gov))

Bedford City Council met in a Work Session at Bedford City Hall on Tuesday, February 20, 2018 at 5:35 p.m.

Present: Council Members: Mayor Stan Koci, Donald Saunders, Sandy Spinks, Walter Genutis, Victor Fluharty, Heather Rhoades and Paula Mizesak [joined at 5:42 p.m.]. Absent: None. Also Present: Clerk of Council Lorree Villers. Administration: City Manager Michael Mallis, Law Director John Montello [joined at 6:00 p.m.], Building Commissioner Calvin Beverly and Assistant Finance Director Jennifer Howland. [Finance Director Frank Gambosi was absent] Resident: Beth Housiaux-Stewart.

Mayor Koci began discussion of the Regular Council Meeting agenda.

There was one minor change to the Work Session minutes per Mrs. Rhoades and no changes to the Regular Meeting minutes of February 5, 2018.

ORDINANCE NO. 9561-18 AN ORDINANCE AMENDING ORDINANCE NO. 9366-16 SECTION 1105.04 ENTITLED "RECREATION PROGRAM REGISTRATION FEES" OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD PLACED ON FIRST READING AND DECLARING AN EMERGENCY

Mr. Mallis again explained the fees were not going to be increased; this allowed the Directors the flexibility to schedule newer different types of programs without having to come back to Council for approval. If Parks & Recreation Director had to get approval for every program it would hold up the scheduling of the programs.

**Motion to accept the Planning Commission's recommendation of February 6, 2018 for Leon Sampat, 22082 Lorain Road, Fairview Park, Architect for tenant Fit Circuit who is seeking Board approval from \$1939.02 (e).**

Mr. Beverly explained this item had to go before the Commission because it was not an approved use within a shopping center district. Council had no concerns and were pleased Fit Circuit was coming to Bedford.

ORDINANCE NO. 9562-18 AN ORDINANCE AMENDING ORDINANCE NO. 9170-14, CHAPTER 1944 OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD, OHIO WHICH OUTLINES THE REQUIREMENTS FOR PROHIBITED USES IN THE H-D HISTORICAL DOWNTOWN DISTRICT AND DECLARING AN EMERGENCY

Mr. Mallis explained this needs to be amended to retain the historical nature of the Downtown District by expanding prohibited uses in 1944.05. The change was as follows: (h) Pay day loan businesses who loan a small, short-term unsecured loan, regardless of whether repayment is linked to a borrowers pay day. Said loans are also referred to as "cash advances" or "title loans", though that term can also refer to cash provided against a prearranged line of credit such as a credit card, but can also rely on the consumer having previous payroll and employment records. Mr. Saunders thought the State regulated these types of businesses and there were five different definitions for "Pay Day Loans". It was determined this type of business was welcome to Bedford but not in the Historical downtown area.

ORDINANCE NO. 9563-18 AN ORDINANCE AUTHORIZING CHANGE ORDER #3 FOR THE RESIDENTIAL WATER METERS CONTRACT WITH UNITED SYSTEMS AND DECLARING AN EMERGENCY

Mr. Mallis explained this was the third change order pursuant to Ordinance No. 9384-16. Council authorized a contract with United Systems and a first change order in Ordinance No. 9477-17 and a second change order in Ordinance No. 9519-17. Due to an unanticipated increase in the scope of the needed work for this project, there was a need to approve the additional work and expenses to complete



the project. However, the City did not spend the entire loan amount of \$1.2 million; this project was still under budget. He explained the additional money was needed for additional meters and a few other items.

ORDINANCE NO. 9564-18 A ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A THREE YEAR CONTRACT FOR CREDIT CARD PAYMENT SERVICE WITH ANOVIA PAYMENTS, LLC AND MERRICK BANK CORPORAION ("PROVIDER") TO COMPLIMENT THE ETRAK SOFTWARE REGISTRATION PROCESS AND DECLARING AN EMERGENCY

Mr. Mallis recommended that the City contract to assist the Recreation Department with the registration process for programs. The services would allow residents to register and pay online which would add to the efficiency of the department. Mrs. Rhoades had a few concerns with the wording of the contract. It was determined Mr. Montello would review the contract again and this item would be placed on first reading this evening.

ORDINANCE NO. 9565-18 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A FIVE YEAR CONTRACT FOR RECREATION SOFTWARE WITH ST. ANDREW'S PARKS & PLAYGROUND D/B/A ETRAK ("eTrak") AND DECLARING AN EMERGENCY

Mr. Mallis recommended that the City contract with eTrak to streamline the registration process and payment of programs provided by the City. The software would ensure efficient and economical operation of the department. It was determined the cost was going to be \$3,540 annually at \$295 per month. He explained Mr. Callahan had a banking background from a previous job so he was comfortable with him reviewing the contract. Discussion was had that this department was striving for a new look and would be called the Parks & Recreation Department still located at the Ellenwood Recreation Center.

ORDINANCE NO. 9566-18 AN ORDINANCE AMENDING ORDINANCE NO. 9317-15 AND 9427-16 AND 9543-17 CHAPTER 178.10 (H) ENTITLED "PENALTY, INTEREST, FEES AND CHARGES" AND DECLARING AN EMERGENCY

Mr. Montello explained the Home Rule Amendment of the Ohio Constitution provides that municipalities shall have authority to exercise all powers of local self-government delegated by the people of the State to the people of municipalities. The Ohio Constitution provides that the General Assembly may restrict a municipality's power of taxation to the extent necessary to prevent abuse of such power and the Ohio Constitution states that laws may be passed to limit the powers of municipalities to levy taxes and incur debts for local purposes. The General Assembly determined that it was appropriate to comprehensively review and amend Chapter 718 of the Ohio Revised Code setting forth statutory requirements for municipal income tax codes in Ohio. The constitutionality of certain provisions of the state-mandated code had been put in question by recent decisions of the Courts regarding the collection costs recoverable by the City for delinquent tax payers. This item had to be passed this evening.

ORDINANCE NO. 9567-18 AN ORDINANCE AMENDING ORDINANCE NO. 9317-15 SECTION 178.062 ENTITLED "NET PROFIT; INCOME SUBJECT TO NET PROFIT TAX; ALTERNATIVE APPORTIONMENT" AND SECTION 178.093 ENTITLED "USE OF OHIO BUSINESS GATEWAY; TYPES OF FILING AUTHORIZED" OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD RELATED TO CHAPTER 178 "MUNICIPAL INCOME TAX" AND DECLARING AN EMERGENCY

Mr. Montello explained in December 2017, Judge David Cain of the Franklin County Court of Common Pleas issued an order in Franklin County Common Pleas extending the deadline of H.B. 49 to February 24, 2018. Although the municipal income tax provisions of H.B. 49 and Section 718.04(A) of the Ohio Revised Code violates the Home Rule Amendment, the City nevertheless was compelled to adopt H.B. 49's municipal income tax provisions before February 24, 2018, to avoid any doubt or taxpayer challenge as to its ability to impose a municipal income tax of HB 49 and the Ohio Revised Code. It was somewhat a complicated issue; however it was necessary to act on the issue even if it had to be repealed.



**DISCUSSION OF CITY'S WEBSITE**

Mr. Mallis explained the Administration had been working together on a new avenue for the City's website; however, the avenue taken would determine on the amount of money Council wanted to spend. It was time for updates; the website went live in 2000 and was redone in 2009. A new platform costs could range starting at \$8,000 and could cost as much as \$40,000 which was not budgeted. Mrs. Rhoades had some suggestions and would continue conversations with Mr. Mallis as the Administration moved forward with the project. Council was on board with the expenditure. This issue would be discussed again at the March 5<sup>th</sup> Work Session.

**DISCUSSION OF AMENDING §915.03 & §915.10 "GARBAGE AND REFUSE"**

Mrs. Rhoades submitted the following information for discussion:

§915.10 entitled "REMOVAL REQUIREMENTS" - It is the intention of this Chapter that each family or person occupying a separate place of abode, or each business or firm, shall make separate provisions for the collection and removal of garbage and/or refuse. There shall be no doubling up. No garbage or refuse shall be placed, or allowed to be placed, for removal except in the receptacles provided for that purpose by the person so placing such garbage or refuse. (Ord. 727-45. Passed 12-6-45.)

§915.03 entitled "CONTAINERS; NEWSPAPERS AND TRIMMINGS" (a) It shall be the duty of each person requiring the removal of garbage and/or refuse to provide suitable portable approved garbage cans for holding garbage and substantial containers for holding refuse. The garbage cans shall be watertight and provided with suitable handles on the outside and a tight-fitting cover which shall not be removed except when necessary in the use of such cans. Each can shall have a capacity of not more than thirty-two gallons provided, however, that in cases where there are large quantities of garbage, larger sized garbage cans may be used with the permission of the Director; in no case shall they be larger than can be handled by two men and weigh no more than sixty pounds. All garbage, before being deposited in the cans, shall be thoroughly drained of all water and other fluids and securely wrapped. Refuse containers shall be of substantial construction and shall in no case be larger than can be handled by two men. No garbage shall be placed in any refuse container, and no night soil shall be placed in either garbage cans or refuse containers. (b) Tree trimmings, hedge clippings and similar rubbish shall be cut in lengths not exceeding four feet and shall be securely tied in bundles before being deposited for collection. Newspapers, magazines and other printed matter, not placed in containers, shall be securely tied in bundles not exceeding sixty pounds in weight. (Ord. 5641-86. Passed 5-19-86.)

She explained the need in the Downtown area, it came to light that a number of buildings either have no access to dedicated trash receptacles or have trash receptacles that are unreasonably far away from the business or residence. This has resulted in residents and businesses in these buildings using alternative methods to dispose of their trash. It has been established that they are using either neighboring building's dumpsters or using city trash receptacles. It is also suspected that residents or businesses may be dumping trash in vacant areas. All 3 of these scenarios have resulted in additional costs to either responsible landlords or businesses or to the city. A review of the pertinent law (915.10) to resolve this showed that it had not been updated since 1945 which is likely prior to the use of dumpsters in Bedford and it may even possibly inadvertently outlaw using dumpsters. Looking beyond the Downtown area, there is no provision in the Ordinances that requires any commercial or multi-unit residential building to provide trash removal services to their tenants. For example, an apartment complex could not provide trash removal and the City has no recourse to make them do so.

She felt the following needed to be addressed: 1) Does this ordinance need to be updated? 2) Whose responsibility is it to provide trash receptacles in a commercial or multi-unit residential building – building owner or tenant or both? 3) What is a reasonable distance that a trash receptacle can be located from a building? 4) How do we handle buildings that do not have room for a trash receptacle? 5) Should we allow "doubling up" and allow multiple buildings to share the same trash receptacle?



She supplied the following sample ordinances from Cuyahoga Falls, Solon, Cleveland, Lancaster and Columbus as follows:

Cuyahoga Falls §941.02 RESPONSIBILITIES FOR SERVICE.

- (a) It shall be the duty of the occupant of each single-family dwelling to secure solid waste collection and disposal services from the City of Cuyahoga Falls Division of Sanitation. Unoccupied single-family dwellings are not eligible for weekly curbside solid waste collection. It shall be the duty of the owner of a two-family, three-family, or four family dwelling to secure solid waste collection and disposal services from the City of Cuyahoga Falls Division of Sanitation. All residential units shall be serviced by the City of Cuyahoga Falls Division of Sanitation, except dwellings with two or more units utilizing commercial boxes one cubic yard or larger may be serviced by the City or any licensed commercial hauler. All commercial and industrial businesses shall make provision for collection and disposal of municipal solid waste and collection of recyclables with the City of Cuyahoga Falls, or any private commercial hauler licensed to operate in the City of Cuyahoga Falls.
- (b) All Residential units shall be charged for the availability of such garbage and rubbish collection service unless such fees are excused or waived by the Director of Public Service or the Director's designee for good cause or unnecessary hardship. Use by the occupant or owner of other service, a garbage disposal, or incinerator shall not constitute good cause.
- (c) Solid waste collection and disposal services shall be secured and served a minimum of once weekly for each "Residential Unit." Industrial or Commercial establishments shall be served at least bi-weekly, except for food service establishments which shall be served weekly at a minimum. The City may require additional service when overflow litter, unsightly nuisances and/or health related issues are apparent.
- (d) It is the intent of this chapter that each owner or tenant of a residential, commercial or industrial unit within the corporate limits of Cuyahoga Falls shall make separate provisions for the collection and disposal of solid waste. There shall be no doubling up of service in which more than one unit uses a common service or containers except as provided by this chapter or as allowed by the Director of Public Service or the Director's designee.
- (e) In an instance of a "Multiple Unit Residence or Apartment," it shall be the duty of the property owner to furnish adequate sanitation service for the entire "Multiple Unit Residence Apartment."

Solon §1060.13 STORAGE CONTAINER REGULATIONS FOR APARTMENT AND CONDOMINIUM BUILDINGS.

The owner of any condominium or apartment dwelling, building or structure within the city which contains six or more dwellings shall provide a storage container of sufficient size and capacity to accommodate the rubbish of the occupants of the dwelling units. The storage containers shall be maintained in good working condition and shall be tightly sealed at all times to eliminate odors, rodent problems and any other unsightly or unsanitary conditions. The container shall be constructed to be watertight and must contain any liquids from spilling out of the container.  
(Ord. 2013-46, passed 3-18-2013)

§1060.14 CONTAINERS REGULATIONS AT SHOPPING CENTERS.

The owner of any building or structure in the retail district shall provide storage containers of sufficient size and capacity to accommodate the rubbish of the occupants of the building or structure. The storage containers shall be maintained in good condition and shall be tightly sealed at all times to eliminate odors, rodent problems and other unsightly and unsanitary conditions. All rubbish shall be contained within the storage containers, and no exposed rubbish shall be permitted. The container shall be constructed to be watertight and must contain any liquids from spilling out of the container. (Ord. 2013-46, passed 3-18-2013)



Cleveland §551.06 Responsibility to Provide Containers and Location of Containers

Sufficient solid waste containers, as set forth in Section 551.02, shall be in conformity with applicable State statutes and local regulations or rules adopted by the Director of Public Service. They shall be provided, kept clean and located as follows:

- (a) Single or Two (2) Family Dwellings. Where there are not more than two (2) dwelling units on a single premises where wastes accumulate, each unit occupant shall provide and properly maintain solid waste containers sufficient to house the solid waste for his or her respective unit.
- (b) Multiple Dwellings. Where there are more than two (2) dwelling units on a single premises where wastes accumulate, the owner of the premises, the lessor or the managing agent shall provide and properly maintain solid waste containers of sufficient capacity to contain the solid waste materials of each dwelling unit.
- (c) Food Service and Food Handling Operations. Food service and food handling operations which store solid waste shall do so only in dumpsters, compactors and other containers that are kept and maintained fully closed and airtight at all times, except in the act of loading or unloading, and shall store such waste in accordance with the Ohio Food Service law, local ordinances and rules and regulations adopted by the Director of Public Service. When the Director of Health determines that small containers are used by a food service or food handling operator in such a way as to constitute a public nuisance, he or she shall have the authority to order the use of dumpsters or compactors. In case of such an order, the food service or food handling operator may appeal such order as provided by the City Charter.
- (d) Underground Containers. After December 16, 1981, no underground solid waste container shall be permitted in the City.
- (e) Location of Containers. All privately owned solid waste containers shall be located on private property and not on a street, alley, sidewalk, or other public place and stored under the requirements of the Zoning Code. No person shall store a solid waste container in the front of a residential property including on any porch or in the area between the street and the front of a residential structure. (Ord. No. 149803. Passed 111703, eff. 111903)

Lancaster 937.11 DUMPSTERS.

- (a) It shall be the duty of all commercial businesses and multiple-family dwellings, where thirty-three gallon containers are not suitable for the amount of acceptable waste accumulated, to maintain a dumpster. Such dumpster shall be constructed and located so as to allow servicing by City equipment by means of a specially designed dumping mechanism.
- (b) It shall be the duty of the Superintendent of Sanitation to determine the need, size, number, and frequency of pickup of dumpsters and require use of same. (Ord. 7-16. Passed 3-14-16.)

Columbus §1309.01 - Multiple dwelling unit and multiple dwelling development dumpster requirements. The provisions in this subsection shall become effective upon enactment.

- A. It shall be the duty of any owner, lessor, developer, architect, or agent in charge of any existing or newly constructed multiple dwelling unit or multiple dwelling development to provide a minimum of one-half ( $\frac{1}{2}$ ) cubic yard of dumpster capacity for any mobile home unit, apartment unit, townhouse unit, or condominium unit.

On-Site Dumpster Variance. A form shall be completed by any property owner who requests a variance from the dumpster capacity requirements set forth above and who has arranged to share a dumpster with another property owner. Said dumpster shall be within thirty (30) feet of the property for which a variance is sought. The public service director shall determine if a variance should be granted in accordance with the variance criterion set forth in 1303.03 of the Columbus City Code. Such variance may be revoked at any time by the public service director upon the sending of a letter of revocation.



The refuse collection division shall promptly give notice concerning the enactment hereof to each owner of a building or premises in said area and include therewith a dumpster compliance statement to be completed by the owner.

Mrs. Rhoades explained a few situations that were happening in the downtown area and some of the business owners/renters were upset; enough that one business owner made a police report. Discussion was held of the increased costs to those who had dumpsters and the upstairs renters not having access to rubbish disposal. Mr. Mallis suggested this issue be treated in the same manner as the criminal nuisance and water collections; it all goes back to the "property owner". It wasn't the City's business what the lease agreements read regarding the business owners/resident rentals and the landlord/property owner. He added there was a possibility that if the property owner was forced to pay for rubbish disposal it could increase the rent for the business owners/renters; for every action there's a reaction. It was agreed some of the wording was outdated and needed cleaned up. Mr. Montello was instructed to review Kimble's rubbish collection contract. Further discussion was needed on this issue and would be continued at the March 5<sup>th</sup> Work Session.

#### **DISCUSSION OF AMENDING §1313.01 "ADOPTION OF CODE; TITLE"**

Mr. Beverly explained the amendment was as follows in bold:

##### **§1313.01 ADOPTION OF CODE; TITLE.**

(a) There is hereby adopted as a General Building Code of Bedford that certain Building Code of Construction Standards known as the Ohio Building Code. (Ord. 7827-06. Passed 6-12-06.)

(b) Rules and regulations governing the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of structures other than one, two and three-family dwellings, together with accessory buildings thereto, shall be the applicable sections and parts of sections of the Ohio Revised Code and other provisions of Ohio law, including the Ohio Building Code, authorized and promulgated by the Ohio Board of Building Standards pursuant to Section 3781.10 of the Ohio Revised Code on July 1, 1979, together with all amendments thereto hereafter promulgated; and such other building regulations of the Ohio Board of Building Standards and such rules and regulations as are adopted in furtherance of and as additional requirements to the 2011 Ohio Building Code and related Codes and listed in Chapter 35 of said code, including the 2014 National Electrical Code, The 2011 Ohio Mechanical Code and the 2011 Ohio Plumbing Code, the dates and editions of which shall be as established by the Ohio Department of Commerce, Board of Building Standards, **the International Property Maintenance Code, 2012 Edition**, all of which shall, when properly promulgated, become a portion of the General Building Code of Bedford.

There was discussion of the different types of codes the Building Department used and it was determined all the affected codified sections would be amended per Mr. Beverly's request.

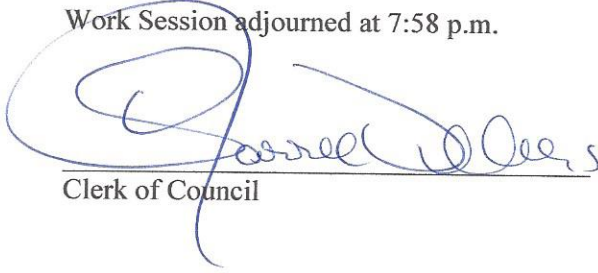
Motion made by Spinks seconded by Mizesak to go into executive session to discuss Personnel 121.22 (B) (1) / Economic Development / Litigation. The roll was called. Vote – Yeas: Saunders, Rhoades, Spinks, Koci, Mizesak, Genutis, Fluharty. Nays: None. Motion carried unanimously.

At 7:03 p.m., Bedford City Council, City Manager Mike Mallis, Finance Director Law Director John Montello and Building Commissioner Calvin Beverly went into an executive session to discuss Personnel 121.22 (B) (1) / Economic Development / Litigation.

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

Executive Session adjourned at 7:57 p.m.

Work Session adjourned at 7:58 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 February 5, 2018
  - b. Approval of Minutes of the Regular Meeting of February 5, 2018
5. PRESENTATIONS –
6. OLD BUSINESS – (1<sup>st</sup> Rdg: 2/5/18)  
Ordinance No. 9561-18 amend Ordinance #9366-16 §1105.04 “Recreation Program Registration Fees”
7. REPORTS
  - a. City Manager
  - b. Law Director
  - c. Finance Director
  - d. Council Reports
8. NEW BUSINESS
  - a. Motion to accept the Planning Commissions recommendation of February 6, 2018 for Leon Sampat, 22082 Lorain Road, Fairview Park, Architect for tenant Fit Circuit who is seeking board approval from §1939.02 (e)
  - b. Motion to re-appoint Ken Wilson to the Board of Building Standards & Appeals (5 yr)
  - c. Motion to appoint Dot Schwende to the Bedford Historical Preservation Board (3 yr)
  - d. Motion to appoint Lynette Speights to the Board of Zoning Appeals (3 yr)
  - e. Motion to appoint Cathy Dulik to the Housing Council (4 yr) (Mayor’s appt)
  - f. Motion to appoint Anthony Longino-Thomas to the Civil Service Commission (3 yr)
  - g. Ordinance No. 9562-18 amend Ordinance #9170-14 §1944.05 “Prohibited Uses”
  - h. Ordinance No. 9563-18 change order #3 w/United Systems for residential water meters (\$34,824.00)
  - i. Ordinance No. 9564-18 contract w/Anovia Payments, LLC (3 yr)
  - j. Ordinance No. 9565-18 contract w/eTrak (5 yr)
  - k. Ordinance No. 9566-18 amend Ord. #9427-16 - §178.10 - “Penalty, Interest, Fees and Charges”
  - l. Ordinance No. 9567-18 amend Ord. #9317-15 – §178.062 – “Net Profit; Income Subject to Net Profit Tax; Alternative Apportionment” and §178.093 – “Use of Ohio Business Gateway; Types of Filings Authorized”
9. HEARING OF CITIZENS
10. ADJOURNMENT

Bedford City Council met in Regular Session at Bedford City Hall on Tuesday, February 20, 2018. 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: Saunders, Rhoades, Spinks, Koci, Mizesak, Genutis, Fluharty.

Motion made by Spinks seconded by Genutis to approve the minutes of the Work Session Meeting of February 5, 2018. The roll was called. Vote – Yeas: Saunders, Rhoades, Spinks, Koci, Mizesak, Genutis, Fluharty. Nays: None. Motion carried unanimously.

Motion made by Mizesak seconded by Saunders to approve the minutes of the Regular Meeting of February 5, 2018. The roll was called. Vote – Yeas: Saunders, Rhoades, Spinks, Koci, Mizesak, Genutis, Fluharty. Nays: None. Motion carried unanimously.

ORDINANCE NO. 9561-18 AN ORDINANCE AMENDING ORDINANCE NO. 9366-16 SECTION 1105.04 ENTITLED “RECREATION PROGRAM REGISTRATION FEES” OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD PLACED ON FIRST READING ON FEBRUARY 5, 2017 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Spinks seconded by Fluharty to place Ordinance No. **9561-18** on second reading.

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

Council and the Administration welcomed the new Board and Commission member appointments.

City Manager Michael Mallis reported the Ellenwood Recreation Center would be closed starting February 26<sup>th</sup> and would temporarily be conducting business out of City Hall; he was not sure of the date the building would reopen. He commended Mrs. Kuzma who was successful in securing a \$45,000 grant to be utilized for the Broadway corridor improvements. He explained the City had one solicitor registered who represented Constellation Energy. When a solicitor does register, the City conducted a criminal history check, they were fingerprinted and received an ID card. If anyone had a concern or question about a specific solicitor, they are to contact the non-emergency number 440-232-1234. The Administration continued to work diligently on the salt shortage issues. He was pleased the recycling percentages continued to increase with everyone's recycling efforts. The City was billed for rubbish tonnage so recycling helped considerably. He announced the Easter egg hunt was at the High School on March 24<sup>th</sup>. He explained the City continued to move forward with the Police Department entrance exam in order to hire a new Officer.

No reports from Law Director Montello, Mayor Koci, Councilwoman Spinks and Assistant Finance Director Jennifer Howland in Mr. Gambosi's absence.

Councilman Saunders asked if the Administration was going to revisit the resident rubbish fee since the recycling numbers continued to increase. Mr. Mallis explained the issue could be revisited if Council wished but currently the City was in no position to reduce the current fee. He stated Council was provided the recycling report twice a year and he was very confident on behalf of himself and Mr. Gambosi it was not the proper time to reduce the fees. Mr. Saunders agreed with Mr. Mallis understanding the City was still experiencing budgetary issues. Mr. Saunders complained about the residents who continue to place their rubbish at the curb several days before it was scheduled to be picked up and residents continued to leave their rubbish cans at the street after pickup. He appreciated the rubbish cans located near the UH Hospital but wondered why they weren't emptied more often. Mr. Mallis explained it was Kimble's responsibility to empty the containers. He explained at least those containers were covered; one of the problems in the downtown area was the cans did not have covers and the rubbish was actually frozen inside the container and were impossible to empty.



Councilwoman Rhoades announced Soccer sign up was ending shortly. She talked about the recent meeting held at City Hall on February 16<sup>th</sup> regarding the Main Street Program; she offered materials for those who were interested. (See attached) She was pleased to announce the City would donate 1/3 the cost for the program in the amount of \$1,700 and the other 2/3's would be donations and a fundraiser. She also announced the City would place a Bike Patrol Officer in the downtown area as soon as the Police Department was fully staffed and the weather was permitting.

Councilwoman Mizens found the recent Fire Department Open House educational, interesting and enjoyed the demonstrations and personal experience of the equipment. She was pleased to know the Bedford Fire Department was the most qualified department in Cuyahoga County because of their extensive training. She felt students should be made aware of what to do in case they were faced with a school shooting.

Councilman Genutis asked what solicitors did not have to get a badge. Mayor Koci replied those who were religious and political. Mr. Genutis understood the City could only charge the residents the actual cost for rubbish program so with the increase in recycling the costs could conceivably decrease if the residents recycled more. Mr. Mallis said the City was not charging more than what was permitted. He urged Council to review the recycling report for a full understanding. Mr. Genutis felt the comment made by Mr. Saunders was misleading because the City was charging exactly the cost for rubbish. The City of Bedford was not enjoying any additional funds. Mr. Genutis suggested the City plant trees that have a specific purpose and a utility such as a sugar maple instead of decorative trees or invasive trees. He calculated the tree lawns would support 110 miles of trees.

Councilman Fluharty gave kudos to whomever cleared the Northfield Bridge of snow. Mr. Mallis explained it was the Service Department who cleared the bridge sidewalks once they got caught up around town. Mr. Fluharty made rounds in his Ward and addressed those who were not keeping their sidewalks clear from snow buildup; it was dangerous for the students and/or anyone to be walking in the streets. He enjoyed the recent Valentine's Day party held at the High School.

**Motion made by Spinks seconded by Fluharty to accept the Planning Commission's recommendation of February 6, 2018 for Leon Sampat, 22082 Lorain Road, Fairview Park, Architect for tenant Fit Circuit who is seeking Board approval from \$1939.02 (e).** The roll was called. Vote – Yeas: Saunders, Rhoades, Spinks, Koci, Mizens, Genutis, Fluharty. Nays: None. Motion carried unanimously.

Motion made by Mizens seconded by Rhoades to re-appoint Ken Wilson to the Board of Building Standards & Appeals (5 yr). The roll was called. Vote – Yeas: Saunders, Rhoades, Spinks, Koci, Mizens, Genutis, Fluharty. Nays: None. Motion carried unanimously.

Motion made by Spinks seconded by Genutis to appoint Dot Schwende to the Bedford Historical Preservation Board (3 yr). The roll was called. Vote – Yeas: Saunders, Rhoades, Spinks, Koci, Mizens, Genutis, Fluharty. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Mizens to appoint Lynette Speights to the Board of Zoning Appeals (3 yr). The roll was called. Vote – Yeas: Saunders, Rhoades, Spinks, Koci, Mizens, Genutis, Fluharty. Nays: None. Motion carried unanimously.

Motion made by Spinks seconded by Fluharty to appoint Cathy Dulik to the Housing Council (4 yr) (Mayor's appt). The roll was called. Vote – Yeas: Saunders, Rhoades, Spinks, Koci, Mizens, Genutis, Fluharty. Nays: None. Motion carried unanimously.

Motion made by Mizzak seconded by Saunders to appoint Anthony Longino-Thomas to the Civil Service Commission (3 yr). The roll was called. Vote – Yeas: Saunders, Rhoades, Spinks, Koci, Mizzak, Genutis, Fluharty. Nays: None. Motion carried unanimously.

Mayor Koci and Council recognized the Board and Commission members in the audience.

ORDINANCE NO. 9562-18 AN ORDINANCE AMENDING ORDINANCE NO. 9170-14, CHAPTER 1944 OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD, OHIO WHICH OUTLINES THE REQUIREMENTS FOR PROHIBITED USES IN THE H-D HISTORICAL DOWNTOWN DISTRICT AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Spinks seconded by Fluharty to place Ordinance No. **9562-18** on third and final reading and passed.

Mr. Mallis explained this needs to be amended to retain the historical nature of the Downtown District by expanding prohibited uses in 1944.05. The change was as follows: (h) Pay day loan businesses who loan a small, short-term unsecured loan, regardless of whether repayment is linked to a borrowers pay day. These loans were also referred to as “cash advances” or “title loans”, though that term can also refer to cash provided against a prearranged line of credit such as a credit card, but can also rely on the consumer having previous payroll and employment records. These type businesses were welcome to Bedford but not in the Historical Downtown area.

The roll was called. Vote – Yeas: Rhoades, Spinks, Koci, Mizzak, Genutis, Fluharty. Nays: Saunders. Motion carried.

ORDINANCE NO. 9563-18 AN ORDINANCE AUTHORIZING CHANGE ORDER #3 FOR THE RESIDENTIAL WATER METERS CONTRACT WITH UNITED SYSTEMS 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: Saunders, Rhoades, Spinks, Koci, Mizzak, Genutis, Fluharty. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Mizzak to place Ordinance No. **9563-18** on third and final reading and passed.

Mr. Mallis explained this was the third change order pursuant to Ordinance No. 9384-16. Council authorized a contract with United Systems and a first change order in Ordinance No. 9477-17 and a second change order in Ordinance No. 9519-17. The unanticipated increase in the scope of the needed work for this project, there was a need to approve the additional work and expenses to complete the project. He said the City employees would finish up the project. The City was under the anticipated amount budgeted for the project.



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

ORDINANCE NO. 9564-18 A ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A THREE YEAR CONTRACT FOR CREDIT CARD PAYMENT SERVICE WITH ANOVIA PAYMENTS, LLC AND MERRICK BANK CORPORAION (“PROVIDER”) TO COMPLIMENT THE ETRAK SOFTWARE REGISTRATION PROCESS AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Saunders seconded by Mizesak to place Ordinance No. **9564-18** on first reading.

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

ORDINANCE NO. 9565-18 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A FIVE YEAR CONTRACT FOR RECREATION SOFTWARE WITH ST. ANDREW’S PARKS & PLAYGROUND D/B/A ETRAK (“eTrak”) AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Genutis seconded by Fluharty to place Ordinance No. **9565-18** on first reading.

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

ORDINANCE NO. 9566-18 AN ORDINANCE AMENDING ORDINANCE NO. 9317-15 AND 9427-16 AND 9543-17 CHAPTER 178.10 (H) ENTITLED “PENALTY, INTEREST, FEES AND CHARGES” AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Saunders seconded by Mizesak to place Ordinance No. **9566-18** on third and final reading and passed.

Mr. Montello explained the amendments were to clarify the fees the City could charge regarding those who had not cooperated with the Tax Department.

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

ORDINANCE NO. 9567-18 AN ORDINANCE AMENDING ORDINANCE NO. 9317-15 SECTION 178.062 ENTITLED “NET PROFIT; INCOME SUBJECT TO NET PROFIT TAX; ALTERNATIVE APPORTIONMENT” AND SECTION 178.093 ENTITLED “USE OF OHIO BUSINESS GATEWAY; TYPES OF FILING AUTHORIZED” OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD RELATED TO CHAPTER 178 “MUNICIPAL INCOME TAX” AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Spinks seconded by Genutis to place Ordinance No. **9567-18** on third and final reading and passed.

It was explained this was in regards to HB 49 that was currently being considered by the State. The State continued to burden the Cities with budget cuts one way or the other.

The roll was called. Vote – Yeas: Fluharty, Saunders, Rhoades, Spinks, Koci, Mizsak, Genutis 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, referenced the City's Ohio Summary of White Tailed Deer Management Winter 2016 – 2017. (See attached)

Barb McDaniel, 186 Center Road, explained an area of damage caused by Dominion last fall near her home in the tree lawn near the curb and other areas on Center Road.

Kathy Williams, 491 Lamson, gave kudos to the Fire Department regarding the CPR Class she attended. She hoped the Administration would bring the Fire Department fully staffed in regards to the grant option. She asked what the equipment cost was at the Southeast Dispatch Center noticing departments continued to move out. It was explained Cuyahoga County paid and controlled this specific Dispatch Center. The City was pleased with the operations of the CVD.

Marilyn Koci, 767 Archer, referenced HB175 and she strongly disagreed with the House Bill and hoped other residents agreed with her. Raising farm animals within City limits was very difficult, dirty and smelly. She expressed the 40 x 80 lots were not large enough for farm animals. She felt those who wanted such animals had the right and privilege to move elsewhere and enjoy their farm life. She said she would be writing to Bedford's Senator and House Representative in hopes HB 175 would not pass and urged other citizens to speak up. Mayor Koci concurred.

James Slifka, 130 Grand Boulevard, asked for an update on the Dominion project. There were safety concerns of the flagmen who walked right out in front of traffic without bright protective gear. Mr. Mallis explained Dominion experienced some issues with the reamer equipment of late. Dominion would move forward with another project after they completed this project. The City was not going to allow Dominion to start projects all over the City simultaneously.

Dot Schwende, 531 Lamson, submitted information regarding the Bedford Garden Club. (See attached)

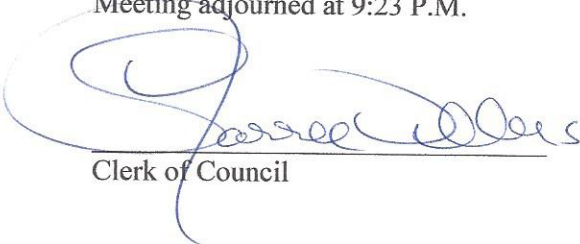
David Neff, 1136 Archer, explained after a poll on the Neighborhood Watch the residents were 70% in favor of a permanent deer culling program. He asked if the Fire Department grant was being considered. Mr. Mallis explained the Administration was currently in discussions whether two more employees were affordable or not. Mr. Neff asked how the water discharge was being addressed. Mr. Mallis explained currently there was not a meter in place but the Administration had the City's Engineer on the issue. Mr. Neff asked how long Ellenwood Recreation Center would be closed. Mr. Mallis could not put an exact date on the reopening because of the age of the building. Mr. Neff asked if the Water Department theft was resolved and if an insurance claim had been paid to the City. Mr. Mallis replied, No, the State Auditor's Office was handling it. Mr. Neff read several quotes from the Liberty News & Views regarding religion opinions. He wondered why anyone on Council would write for this paper and stacks in the lobby



at City Hall. Mrs. Rhoades replied she wrote for the newspaper because it reached most of the seniors because Bedford did not have a local newspaper. Mr. Neff said there was a separation of church and state.

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

Meeting adjourned at 9:23 P.M.

  
Clerk of Council  
Mayor - President of Council