

COUNCIL WORK SESSION

FEBRUARY 6, 2017

6:00 P.M. PROMPT

- **DISCUSSION OF AGENDA**
- **DISCUSSION OF EQUALIZATION OF WARDS** – (Charter Art. II, Section 1 (c)) (11/21/16-12/5/16-12/19/16-1/3/17-1/17/17)
- **DISCUSSION OF ARTS AND CULTURAL BOARD** – (§149 / Ord. #9252-15 w/Bylaws) (10/17/16-11/7/16-11/21/16-12/5/16-12/19/16-1/3/17-1/17/17)
- **DISCUSSION OF WIRELESS COMMUNICATION TOWERS, ANTENNAS & EQUIPMENT** (Ref: §1959) (1/17/17)
- **EXECUTIVE SESSION** – (Personnel / 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, February 6, 2017 at 6:10 p.m.

Present: Council Members: Mayor Stan Koci, Sandy Spinks, Walter Genutis, Marilyn Zolata, Donald Saunders, Greg Pozar and Paula Mizesak. Absent: None. Also Present: Clerk of Council Lorree Villers. Administration: City Manager Michael Mallis, Finance Director Frank Gambosi, Law Director John Montello. Residents: Beth Housiaux-Stewart, 93 Avalon and Joyce Daunch, 86 Harriman Street.

Mayor Koci began discussion of the Regular Council Meeting agenda.

Council had no changes to the Approval of Minutes of the Work Session of January 17, 2017, the Regular Meeting of January 17, 2017, the Special Work Session of January 26, 2017 and the Special Meeting of January 26, 2017.

ORDINANCE NO. 9468-17 AN ORDINANCE ADOPTING A JOB CREATION AND RETENTION PROGRAM GRANT BY THE CITY OF BEDFORD TO DATA BASICS, INC. AND DECLARING AN EMERGENCY

Mr. Mallis and Mr. Gambosi explained this was for six years, 35 employees at nearly a \$4 million payroll. The creation and retention of jobs and employment opportunities was integral to the continued economic health of the City. The use of governmental resources for the promotion of economic development in the community was in the public interest and proper exercise of municipal powers. A Job Creation and Retention Program has been developed to provide incentives to businesses to create, retain and expand employment opportunities with the City without utilizing tax revenues or impacting negatively upon the local school system. Mr. Gambosi suggested a first reading this evening because he was waiting on additional information to see if it was going to be six or seven years; one more employee could give them an additional year. The amount for six years was \$22,500 with a 10 year cap. It was determined if the number of employees decrease the contract would be revisited for a lessor amount.

ORDINANCE NO. 9469-17 AN ORDINANCE AMENDING ORDINANCE NO. 9431-16 AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NICKS TREE SERVICE DIVISION AND DECLARING AN EMERGENCY

Mr. Mallis explained this was to amend the original ordinance in 2016 for an additional \$2,750 for the tree located on Logan Street. Nicks Tree Service Division had to use two cranes to remove this tree because of its large size and poor condition.

Discussion of the Regular Meeting agenda was concluded.

DISCUSSION OF EQUALIZATION OF WARDS – (Charter Art. II, Section 1 (c)) (11/21/16-12/5/16-12/19/16-1/3/17-1/17/17)

Mr. Saunders previously requested the City needed to address the Wards after the Presidential election per the Charter. Mr. Montello passed out a map submitted by John Eddy from the Board of Elections that reflected the numbers of voters per street in each Ward. He was not sure if the Board of Elections was going to base it on population or registered voter count for each Ward. Upon review of the document Council and Mr. Montello felt it was outdated with 2015 information. Discussion was held about how it was done 10 years ago by Councilman Pocek prior to him becoming Mayor. Mr. Montello said this issue would also have to be addressed by the City's Engineer Joe Ciuni. Mr. Ciuni would have to also update the map if and when the new areas were determined. Discussion was held whether this should be done with the upcoming income tax increase issue because residents could get confused as to where to vote. Mr. Saunders pointed out this had not been done for about 20 years. Mayor Koci read the exact wording from the Charter four times for clarification. It was determined this issue was controlled by Council and may not really be necessary at this time. The Wards had approximately the following voters: Ward 1 – 1,502, Ward 2 – 1,413, Ward 3 – 1,532, Ward 4 – 1,841, Ward 5 – 1,239 and Ward 6 – 1,350. Mr. Pozar

did not think it was necessary to address the issue because he was not worried about the difference of 602 voters between Ward 4 and his Ward. Council did not make any decisions this evening and Mr. Montello would follow up with Council at the next Work Session with newer information from the Board of Elections.

DISCUSSION OF ARTS AND CULTURAL BOARD – (§149 / Ord. #9252-15 w/Bylaws) (10/17/16-11/7/16-11/21/16-12/5/16-12/19/16-1/3/17-1/17/17)

Mayor Koci informed Council he recently talked to Dave Wolfe and was under the understanding that he had “washed their hands and wanted nothing to do with this Board”. Both Chairs were no longer involved or on this Board. Mr. Pozar and Mrs. Zolata asked why the two Chairs quit. Mrs. Daunch said she did not know because she was not on the Board anymore. The Board was created in 2006 and with the changes over time the original direction had been lost over the years. Council agreed that the Arts Board was originally intended to boost Economic Development. There were certain events and/or activities that were going to continue as they were well attended. Discussion was held to either suspend the Board, work towards some type of a 501C3, talk to Chuck St. John about the CDC’s 501C3, recreate a 501C3 or form some type of committee/organization to discuss the direction and focus of this Board. Mrs. Spinks explained the pros and cons of the Board being associated with the City for funding purposes. There were some positives of joining efforts with the Bedford Historical Society and Tri-C; Bedford seemed to be the only city associated with this type of Board. It was evident there was a need to keep this Board vibrant but it was also hard to get volunteers to donate their time and actually work together on projects. Being a name serving on a Board and actually volunteering to do the work were two different things. Depending on the final decision of this Board would determine the City’s involvement. Mrs. Daunch felt it was best to wait until after the income tax increase election before moving forward with the members. This issue would be discussed at a later date in 2017.

DISCUSSION OF WIRELESS COMMUNICATION TOWERS, ANTENNAS & EQUIPMENT -
(Ref: §1959) (1/17/17)

Mr. Mallis explained this issue was pushed through Columbus with an interested US industry behind it. It was determined even though it was hard to prevent this type of business the issue itself needed more research. Plus it would be wise to see if North Royalton ended up in litigation and maybe there was a way to collect some type of funding or fees. Council chose to move the issue to the next Work Session.

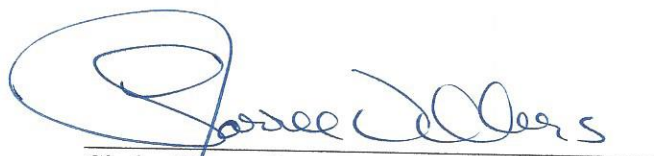
Motion made by Mizensak and seconded by Zolata to go into executive session to discuss Personnel / Litigation. The roll was called. Vote – Yeas: Saunders, Zolata, Spinks, Koci, Mizensak, Genutis, Pozar. Nays: None. Motion carried unanimously.

At 7:30 p.m., Bedford City Council, City Manager Mike Mallis, Law Director John Montello and Finance Director Frank Gambosi went into an executive session to discuss Personnel / Litigation.

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

Executive Session adjourned at 7:55 p.m.

Work Session adjourned at 7:57 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 January 17, 2017
 - b. Approval of Minutes of the Regular Meeting of January 17, 2017
 - c. Approval of Minutes of the Special Work Session of January 26, 2017 (Impact)
 - d. Approval of Minutes of the Special Meeting of January 26, 2017 (Income Tax Increase)

5. **PRESENTATIONS**

6. **OLD BUSINESS**

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

8. **NEW BUSINESS**
 - a. Ordinance No. 9468-17 adopt Job Creation and Retention Program w/Data Basics (6 yrs)
 - b. Ordinance No. 9469-17 amend Ord. 9431-16 contract with Nicks Tree Service Division (\$2,750)

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, February 6, 2017. Mayor Koci called the meeting to order at 8:01 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Saunders, Zolata, Spinks, Koci, Mizesak, Genutis, Pozar. Absent: None.

Motion made by Mizesak seconded by Saunders to approve the minutes of the Work Session Meeting of January 17, 2017. The roll was called. Vote – Yeas: Saunders, Zolata, Spinks, Koci, Mizesak, Genutis, Pozar. Nays: None. Motion carried unanimously.

Motion made by Spinks seconded by Zolata to approve the minutes of the Regular Meeting of January 17, 2017. The roll was called. Vote – Yeas: Saunders, Zolata, Spinks, Koci, Mizesak, Genutis, Pozar. Nays: None. Motion carried unanimously.

Motion made by Mizesak seconded by Pozar to approve the minutes of the Special Work Session Meeting of January 26, 2017. The roll was called. Vote – Yeas: Saunders, Zolata, Spinks, Koci, Mizesak, Genutis, Pozar. Nays: None. Motion carried unanimously.

Motion made by Zolata seconded by Spinks to approve the minutes of the Special Meeting of January 26, 2017. The roll was called. Vote – Yeas: Saunders, Zolata, Spinks, Koci, Mizesak, Genutis, Pozar. Nays: None. Motion carried unanimously.

Mayor Koci announced the Lion Club and the Garden Club would be celebrating their 90th Anniversary in 2017.

City Manager Michael Mallis explained the NEORSD would be dredging two lakes and would be dump dredge per the EPA at the Shaker Heights landfill located in Bedford. The City had concerns with the amount of traffic, the weight of the trucks that would most likely exceed the roadway weight limit and who would be responsible for the damage to the roadway. He assured the City Administration was being proactive in making those responsible should there be damages to the roadways. He was pleased to congratulate Patrolman John Lobenthal for receiving an award for the highest total seat belt citations in 2016. In addition, Patrolman Dave Kempinski received an award for the most OVI arrests in 2016. On top of these recognitions presented at the Cuyahoga County Safe Communities Coalition OVI Reduction Task Force event, the Department was recognized for an award for the most social media outreach. The Department was awarded another handheld Stalker Lidar unit which was valued at \$2,000.00. The video from the recent January 30th public presentation regarding the Income Tax Increase would be available soon on the City's website per a link along with other information. The City could also email this information to those who would like to view the information. The Mayor, Finance Director and he were available to attend evening boards, commissions, club or organization to give a presentation; there were 33 separate presentations given nine years ago. He assured everyone those who were parking in the streets during the snow season were being issued citations and letters and visits were made to those who were not shoveling their sidewalks. He figured most had seen the news report regarding the right decision to withdraw from the SECC. He believed in regionalism; however, in this situation it was the best decision. The decision was made first and foremost as an operational standpoint and secondly a financial standpoint; sometimes partnerships of 3 ½ years don't work out but he stood behind this decision. He would keep the residents updated as things unfolded.

No reports from Law Director John Montello.

Finance Director Frank Gambosi said the Civil Service Commission were addressing promotions for Police Sergeant and Lieutenant this month into March. The City met with Moody's for a full rating regarding the City's financial situation addressing concerns with the fund balance and revenues. The City hoped to maintain its current rating even though it was downgraded a couple years ago. He would have a final report after the election in May.

Councilman Saunders hoped NEORS used the dump trucks with the additional wheels for the extremely heavy loads being taken to the landfill. He pointed out the biggest problem would be in the locations where they were making turns; the wheels would push or stress the asphalt. He was pleased with the citations given during the city street parking ban during the recent snowfall; however, the residents were still parking in the street. The residents need to understand the plow trucks plow in both directions; if the truck goes down the street it would be coming back. He noticed the violations were mostly at the rental homes. He suggested the new Police Department handheld Stalker Lidar unit be put to good use on Washington, Talbot and Lincoln for speeders and those who were not stopping at the stop signs.

Councilwoman Zolata announced the City obtained a SEALE grant for \$28,000 which would assist the Task Force. She appreciated the ongoing effort emphasizing the importance of placing Union Street and Solon Road on the list for repair with Michael W. Dever, Director of Public Works Cuyahoga County Department of Public Works. The Union Street area between Broadway and Northfield, specifically was in extremely poor condition. These roads have been deteriorating for some time and were in need of repair. Mr. Mallis explained Union Street was scheduled in 2014 and again in 2015 and in 2016 the County ran out of money. His belief was the City was not going to pay to repave a County owned street and it would be documented annually. The City would make small repairs as needed but the City would not take on full responsibility.

Councilwoman Spinks asked if citations could be issued for those who continue to walk in the streets. There was an incident on Willard where a person was walking directly in the middle of the street in the middle of the day with headphones on. She added the sidewalks were cleared so she called the Dispatch Center to report it for safety reasons. The dispatcher replied, "By the time an Officer would get there, they'd be gone". Plus there was an incident on Center Road too. She pointed out there were residents not taking in their rubbish cans in a timely manner; currently there was a resident on Greencroft. She thanked the Fire Departments that assisted and maintained the house fire near her ward.

Councilwoman Mizsak attended the Lions Club Anniversary dinner where other clubs attended. She was pleased to present the Bedford's Lions Club proclamation and she enjoyed her evening. She reminded everyone about the March 3rd Irish Flare Historical Society dinner and the Senior Valentine's Day party where there would be lunch, entertainment, a raffle and dancing.

Councilman Genutis appreciated the Income Tax increase information that would shortly be posted on the website. He suggested the County Department of Public Works grind Solon Road prior to paving it because there was a significant difference in the pavement in certain areas. He asked if the mobile speed limit display unit could be set up in the locations where there were speeding complaints. Mr. Mallis explained this unit was just placed recently at a location but he would see if it was available. He said the nice thing about this unit was it documented those who traveled the street and it helped verify those areas of concern. If there was an area of concern an Officer would be stationed prior to or after the unit and citations written. Mr. Genutis understood residents were loaned the handheld radar guns and if someone was caught speeding a warning letter would be mailed to their address which he thought was a neat idea. He also felt the stop sign and signal lights that were removed a few years back should be revisited and possibly be reinstalled.

Councilman Pozar offered those who wanted to view the 23 year old memorabilia he had this evening regarding the \$7 ½ million for the Bearcats stadium and the resident complaints at that time. Around this very same time as the stadium the City hired a young Economic Development Director to focus on how things could be paid for by grants or Federal monies. Over the years, the Economic Development program and Department Heads joined certain groups and organizations to research for grant monies and apply for various grants to save money. He wondered what condition the City would be in if some of these things/items weren't covered if grant monies weren't sought after. Currently the City Manager's job

description did both duties and if the City was able to hire an Economic Development Director he hoped the grant program continued even though some of the available grant programs were diminishing overall. It was determined the City had acquired approximately \$36 million in grants. Mr. Pozar urged the residents to consider this when discussing the income tax increase. Mr. Mallis talked about the CDBG program that the City applied for every year which was now diminishing from \$350,000 to \$150,000/\$125,000 and when a City was awarded the grant they couldn't apply for three years. Overall the grant programs were diminishing. Mayor Koci appreciated the work the Administration did to be awarded these grants no matter how small the amount was. He felt without the additional grant money and improvements the Automobile wouldn't have invested as much as they did in the community. The grants go a very long way.

ORDINANCE NO. 9468-17 AN ORDINANCE ADOPTING A JOB CREATION AND RETENTION PROGRAM GRANT BY THE CITY OF BEDFORD TO DATA BASICS, INC. AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Mizesak seconded by Pozar to place Ordinance No. **9468-17** on first reading.

Mr. Mallis explained this was an incentive program for businesses who were interested in locating in Bedford. Currently this business employed 35 employees with a very large payroll. Depending on the number of employees would determine the number of years they can apply. This incentive offered two to ten years depending on the number of employees and formulated with the appropriate tax filings. Mr. Gambosi explained the formulation was very simple to figure out and was a benefit to the City as well. Mayor Koci noted the job creation and retention program could be rescinded if the business did not fill their obligations. This was a good gesture to keep the businesses here and give incentive for the businesses to grow in number.

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

ORDINANCE NO. 9469-17 AN ORDINANCE AMENDING ORDINANCE NO. 9431-16 AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NICKS TREE SERVICE DIVISION AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Saunders seconded by Mizesak to place Ordinance No. **9469-17** on third and final reading and passed.

Mr. Mallis explained the additional payment was for the tree on Logan Street that was added to the list in 2016 after Ordinance No. 9431-16 was approved by Council. This specific tree was very large and had to be removed by two cranes which the City did not have the appropriate equipment to remove safely.

The roll was called. Vote – Yeas: Mizesak, Genutis, Pozar, Saunders, Zolata, Spinks, Koci. 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.

Kathy Williams, 491 Lamson, said there were speeders on Washington between 8:15 a.m. and 8:45 a.m. that needed attention; plus they were not stopping at the stop sign on Harriman. She said 475 Lamson Avenue as of today had a for sale sign posted. She wondered if the current Point of Sale (POS) lawsuit was still pending and if there was something that could be done; she remembered the interior being deplorable years ago. Mr. Mallis explained the City could attempt to inspect the home through an Administrative Warrant for public health reasons since the utilities had been shut off. He also referred to the current POS lawsuit and even though it was not closed the City was successful to resume the Point of Sale inspections in the near future. He felt it was best the City revisit its current POS policy and some other legal issues. The POS lawsuit was a huge win for the City. Mrs. Williams asked to meet with Law Director Montello regarding an offender living near a school.

Beth Housiaux-Stewart, 93 Avalon, supported the additional .25% on the recent income tax increase request for additional Officers since there had been two robberies. She said in regards to the comments this evening concerning Union and Broadway the Water Department has never fixed the leak. Mayor Koci clarified it was Cleveland Water Department not Bedford's Water Department. Mrs. Housiaux-Stewart referred to the discussion regarding the Arts & Cultural Board at the Work Session and felt most people do not have time to volunteer for such Boards. She thought her neighbor would be a choice for the Arts Board. She felt the City needed new blood on all the Boards and Commissions. Plus she felt most residents weren't aware the City had additional Boards & Commissions or what their duties were. She was not in favor of suspending any Boards and the City should make an effort to invite people first before suspending. She directed her question to the Law Director not knowing if the Ohio Sunshine Laws were the same for City Council as they were for the School Board. She asked, "What is the definition of a Sunshine Law"? Mr. Montello explained the meetings had to be open to the public, sharing information, public records encompassing a number of things. He asked for her to be more specific. Mrs. Housiaux-Stewart replied, isn't like four things for example negotiations. Mr. Montello clarified what she was referring to was Executive Sessions. He listed: personnel matter, sale of property, pending/imminent court action/litigation, collective bargaining matters, matters required to be kept confidential, security matters, and economic development and hospital trade secrets. Mrs. Housiaux-Stewart noted the people in the Executive Session had to stick to the topic that was listed on the agenda; correct? Mr. Montello replied yes.

Mayor Koci thanked the residents for attending the meeting and sharing their comments.

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

Meeting adjourned at 8:55 P.M.


Clerk of Council


Mayor - President of Council