

**COUNCIL WORK SESSION**

**MARCH 6, 2017**

**6:00 P.M. PROMPT**

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- **DISCUSSION OF AGENDA**
  
- **DISCUSSION OF EQUALIZATION OF WARDS** – (Charter Art. II, Section 1 (c)) (11/21/16-12/5/16-12/19/16-1/3/17-1/17/17-2/6/17-2/21/17)
  
- **DISCUSSION OF POINT OF SALE**
  
- **DISCUSSION OF BEDFORD HISTORICAL PRESERVATION BOARD VACANCY**  
(Barbara Tapocsi / Dot Schwende)
  
- **EXECUTIVE SESSION** – (Personnel / Economic Development)

**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 Monday, March 6, 2017 at 6:10 p.m.

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

Mayor Koci began discussion of the Regular Council Meeting agenda.

Council had no changes to the Work Session and Regular Meeting of February 21, 2017 and the February 27, 2017 Wards 1 & 2 meeting minutes.

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. Gambosi explained Data Basics had amended the original contract from 35 to 37 employees which extended the agreement an additional year from 2016 to 2022. The plus was the two additional hires would increase the current \$4 million payroll. Mr. Mallis referred to an article in Crain's Magazine which listed Data Basics as one of the top places to work. He explained this grant was a creation and retention of jobs and employment opportunities which was integral in Bedford's economic health. The use of governmental resources for the promotion of economic development in the City was important. A Job Creation and Retention Program was 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. This company was an excellent company for Bedford to have with such a large payroll.

ORDINANCE NO. 9473-17 AN ORDINANCE AMENDING ORDINANCE NO. 9432-16 SECTION 1311.29 OF THE BUILDING CODE ENTITLED "CERTIFICATE OF RENTAL INSPECTION" OF THE CITY OF BEDFORD, OHIO AND DECLARING AN EMERGENCY

Mr. Mallis and Mr. Beverly explained the amendments were agreed to by the City and the Federal Court in conjunction of a recent lawsuit. The amendments were the Judge's recommendations; not the City's. Mr. Beverly explained in his position he was doing what was required by the State of Ohio per the Codes and Ordinances. Mr. Beverly, Mr. Montello and Mr. Mallis explained the changes were as follows:

No owner(s), agent or person in charge of any dwelling unit(s) or structure, used or designed or intended to be used as a single or a multi-family dwelling, shall rent or lease such unit(s) or structure or any part thereof for residential occupancy unless the owner(s) thereof holds current Certificates of Rental License issued by the Building Commissioner for such unit(s) or structure, which certificate has not expired, been revoked or otherwise become null and void, except licensed rooming houses.

It shall be unlawful for the owner of any real estate premises to change a tenant without having obtained an inspection of it under this code. This inspection will enable the code official to work toward accomplishing the purposes of this code by listing any repairs or other work necessary to eliminate any unsafe or hazardous conditions, to comply with applicable requirements of the Building Code, Fire Code, Zoning Code and other ordinances, and also to correct any unlawful nuisance conditions in the form of violations of this Property Maintenance Code. Such an inspection and list shall be part of the process of issuing the required certificate of rental inspection.

Notification for a Certificate of Rental Inspection shall be made on such form and in such manner as may be prescribed from time to time by the code official. The city may charge a fee for this service as provided for under Section 1311.32.

Within 30 days after Notification was received by the code official, the code official shall have completed the inspection, compiled a list of any items to be brought into compliance with this code and applicable provisions of the Building Code, Fire Code, Zoning Code and other ordinances, and shall have issued a violation letter to the owner or lienholder of a premises. This period of time may be extended by the code official if a delay is caused by any matter beyond the reasonable control of that official.

A certificate of rental inspection shall be valid for two years after the violations have been corrected to the satisfaction of the code official or until 60 days after the premises may be transferred to a new owner or tenant, whichever occurs sooner.

If the owner, occupant, or agent thereof does not consent to the proposed inspection, the code official may appear before any judge in a court of competent jurisdiction and seek an administrative search warrant to allow an inspection. Any such application shall be made within ten (10) calendar days after the non-consent. The application for the warrant shall specify the basis upon which the warrant is being sought and shall include a statement that the inspection will be limited to a determination whether there are violations of the code provisions identified in this section. The court may consider any of the following factors along with such other matters as it deems pertinent in its decision as to whether a warrant shall be issued:

- (1) Eyewitness account of violation;
- (2) Citizen complaints;
- (3) Tenant complaints;
- (4) Plain view violations;
- (5) Violations apparent from city records;
- (6) Property deterioration;
- (7) Age of property;
- (8) Nature of alleged violation;
- (9) Condition of similar properties in the area;
- (10) Documented violations on similar properties in the area;
- (11) Passage of time since last inspection;
- (12) Previous violations on the property.

If a warrant is issued, no owner, occupant, or agent thereof shall fail or neglect, upon presentation of a warrant, to properly permit entry therein by the code official or his/her duly authorized designee for the purpose of conducting a rental inspection and examination pursuant to this section and consistent with the terms of the warrant. If the court declines to issue a warrant, or if no warrant is sought, the rental inspection shall still take place but the scope thereof shall be limited to such areas as are in plain view. A limited-scope rental inspection conducted pursuant to this paragraph shall be considered a "rental inspection" for purposes of Chapter 1311 and all other provisions of the rental inspection program set forth in this section.

No criminal penalty, or any penalty or fine under Chapter 1311, shall attach, nor shall any certificate of rental inspection be denied, solely by reason of the owner's, occupant's or agent's refusal to consent to a full inspection.

A certificate of rental inspection signed by the code official shall be evidence that the premises complies with the requirements of this code and all other applicable ordinances, provided however, that if a limited-scope inspection is conducted pursuant to subsection (g) above, the certificate of rental inspection shall note said fact and shall not constitute evidence of code compliance as to any uninspected portions of the premises. If the inspection disclosed aspects of the property not in compliance, the certificate shall be merely a conditional certificate of rental inspection. The condition shall be that the defective aspects of the premises must be brought into compliance with this code within such reasonable length of time as may be set forth in the certificate.

Such a conditional certificate of rental inspection shall be deemed to be a notice under Section 1311.29 that the premises and its owners are in violation of this code or other applicable ordinances and that the unsafe, hazardous, or unlawful conditions must be corrected. The certificate shall constitute a notice, as referred to in Chapter 1311 and its subparts, and shall include all matters required by that section.

It was determined this piece of legislation would be read as a first reading this evening and a Special Council Meeting would be scheduled as soon as possible.

**Motion to accept the Planning Commission's recommendation of February 22, 2017 for Pruitt Construction, Inc. 3851 Wadsworth Road, Norton, OH / Dick Marcellino owner of Motorcars Acura/Volvo, 18123 Rockside Road, Bedford is seeking relief from \$1305.09 of the Codified Ordinance for parking expansion to be used to inventory new vehicles**

Mr. Mallis and Mr. Montello explained the Commission did not have any issues or concerns regarding the parking expansion. Discussion was held regarding the possibility of creek contamination; it was determined the vehicles were new and the lot was already being used for storage. The dealership was only paving the area.

Discussion of the Regular Meeting agenda was concluded.

**DISCUSSION OF EQUALIZATION OF WARDS** – (Charter Art. II, Section 1 (c)) (11/21/16-12/5/16-12/19/16-1/3/17-1/17/17-2/6/17)

Council was not able to make any decisions this evening because of the lack of information. Mr. Montello was instructed to be prepared for the next meeting.

**DISCUSSION OF POINT OF SALE**

Mr. Mallis and Mr. Beverly passed out the current (June 2012) and the newly revised (March 2017) Check List for Point of Sale inspections. Pros and cons were expressed by Council and the Administration; however, it was determined this was developed by following the current State Codes, the Building Codes and Ordinances. It was determined not every item on the list would be selected during an inspection; however, the focus was the Health and Safety items. Mr. Genutis was not in favor of the POS inspections; he felt it was a negative affect for those trying to sell their home holding them hostage because they couldn't afford to fix up their homes. He felt maybe the number of vacant homes were because of the strict inspections. Mr. Mallis explained the real estate agents he had spoken with supported the POS inspections; the City's fee per inspection was \$50 versus the bank's fee of \$650-\$1,000. Discussion was held about the poor conditions of some of the communities that did not have such an inspection and what Bedford could become if it stopped doing them. Mr. Saunders pointed out the City of Cleveland reinstated their inspections because of the poor housing stock. Regardless of the pros and cons it was determined the Federal Court stated the POS inspections were constitutional. The documents were for Council to review at their convenience and discuss further if necessary.

**DISCUSSION OF BEDFORD HISTORICAL PRESERVATION BOARD VACANCY**

(Barbara Tapocsi / Dot Schwende)

It was determined Barbara Tapocsi would be appointed to this Board at the next meeting.

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

At 7:43 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 / Economic Development.

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

Executive Session adjourned at 7:56 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 21, 2017
  - b. Approval of Minutes of the Regular Meeting of February 21, 2017
  - c. Approval of Minutes of the Wards 1 & 2 Meeting of February 27, 2017
5. **PRESENTATIONS** - GFOA Jon Lindow / Hawthorn Valley Youth Council
6. **OLD BUSINESS** – (1<sup>st</sup> Rdg: 2/6/17 – 2<sup>nd</sup> Rdg: 2/21/17)
  - a. Ordinance No. 9468-17 adopt Job Creation and Retention Program w/Data Basics (6 yrs)
7. **REPORTS**
  - a. City Manager
  - b. Law Director
  - c. Finance Director
  - d. Council Reports
8. **NEW BUSINESS**
  - a. Ordinance No. 9473-17 amend Ord. #9432-16 §1311.29 “Certificate of Rental Inspection”
  - b. Motion to accept the Planning Commissions recommendation of February 22, 2017 for Pruitt Construction, Inc. 3851 Wadsworth Road, Norton, OH / Dick Marcellino owner of Motorcars Acura/Volvo, 18123 Rockside Road, Bedford is seeking relief from §1305.09 of the Codified Ordinances for parking expansion to be used to inventory new vehicles (roll call)
9. **HEARING OF CITIZENS**
10. **ADJOURNMENT**

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(Council Minutes and Agendas posted at [www.bedfordoh.gov](http://www.bedfordoh.gov))

Bedford City Council met in Regular Session at Bedford City Hall on Monday, March 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: Koci, Mizsak, Genutis, Saunders, Zolata. Absent: Pozar, Spinks.

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

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

Motion made by Zolata seconded by Genutis to approve the minutes of the Work Session Meeting of February 21, 2017. The roll was called. Vote – Yeas: Koci, Mizsak, Genutis, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion made by Mizsak seconded by Saunders to approve the minutes of the Regular Meeting of February 21, 2017. The roll was called. Vote – Yeas: Koci, Mizsak, Genutis, Saunders, Zolata. Nays: None. Motion carried unanimously.

Motion made by Zolata seconded by Genutis to approve the minutes of the Wards 1 & 2 Meeting of February 27, 2017. The roll was called. Vote – Yeas: Koci, Mizsak, Genutis, Saunders, Zolata. Nays: None. Motion carried unanimously.

Mr. Gambosi was pleased to announce on behalf of the Government Finance Officers Association (GFOA) of the United States and Canada the 26<sup>th</sup> consecutive Certificate of Achievement for Excellence on financial reporting for the year 2016 that the Assistant Finance Director Jon Lindow assisted with. He explained less than 5% received this award annually. He commended Mr. Lindow on his continued accomplishments in assisting with the GFOA award and his recent CPA status. The HVYC were not able to attend this evening to give their report. The Administration and Council members commended Mr. Lindow and Mr. Gambosi on their accomplishments and appreciated their dedication.

ORDINANCE NO. 9468-17 AN ORDINANCE ADOPTING A JOB CREATION AND RETENTION PROGRAM GRANT BY THE CITY OF BEDFORD TO DATA BASICS, INC. PLACED ON FIRST READING ON FEBRUARY 6, 2017 AND SECOND READING FEBRUARY 21, 2017 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Mizsak seconded by Saunders to amend Ordinance No. 9468-17 by increasing the agreement by one year from 6 years to 7 years and to extend the agreement by an additional year 2016 to 2022.

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

Motion made by Saunders seconded by Mizsak to place Ordinance No. **9468-17** on third and final reading and passed as amended.

Mr. Mallis explained this was a job creation and retention program used for business attraction as well as retention. Data Basics was a software company listed in Crain's Magazine as the top 25 software developers employing 37 very high paid positions.

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

City Manager Michael Mallis announced the following: the May 2, 2017 election for the Income Tax Increase was known as Issue #1, the Wards 3 & 4 meeting was on March 16, 2017 at 7:00 p.m.; the staff would be available to answer questions and concerns, the Automile Pancake Breakfast / Run is on April 30, 2017, the Metroparks presentation is on May 8, 2017 at 7:00 p.m. and Shred Day dates were May 20<sup>th</sup> and September 23<sup>rd</sup> through the Solid Waste District grant and the same grant would be used for recycling containers at the parks. He informed Mr. Genutis the Heather Road curb would be addressed this coming spring, the tree would be addressed and the resident concern was the person that was seen measuring the deck was not a city employee.

No reports from Law Director John Montello.

Finance Director Frank Gambosi explained HB 49 was another State bill that would affect the City's income tax. The State wanted to take over the collection of business net profit taxes. The penalty of interest would be imposed by the State, all entries would be done online according to the State's rules and regulations filed quarterly. He understood the very large companies filing in this manner but not the smaller companies as it would be an inconvenience.

Councilwoman Mizensak was pleased to hear the weather sirens the other morning that she pursued starting in 1994. She was in favor of regionalization whether it be weather sirens or the dispatch center. The recent Historical Society events had 80 attendees; she thanked everyone for their dedication. She announced the Wards 3 & 4 meeting on Thursday, March 16<sup>th</sup> at 7:00 p.m.

Councilman Genutis stated for the record he disapproved of the monthly water fee when water was shut-off or disconnected. He felt there was very little evidence to substantiate the claim that the money was used to maintain the infrastructure. He said it appeared the money was deposited directly into the City coffers. He felt the water system was financially healthy. Mayor Koci clarified per the State laws the water bill money/collections remained in the Water Fund; not the "City coffers" / general fund. Mr. Gambosi explained the water bill money that continued to be collected was used to maintain the infrastructure which was the water lines underneath the street. Currently the Administration was working with the City's Engineer on the cost to address the aging water lines. The last time this was discussed in depth the cost was \$5 million+. The City had to save to address such important issues and currently the City was not able to freely borrow money. Mr. Mallis explained there was no longer grant funding available and the primary target for loans was the City had to have the matching funds. For example: if a project was \$1 million the City would be required to match the funds of \$1 million.

Mr. Genutis stated in regards to the vacant homes he felt the City's own policies were a contributing factor; mainly the POS inspection policy whereby any need of repair made it a crime to sell your home. Approximately 22 communities in the general area that conduct the POS inspections, approximately 50 cities in the State in 88 counties perform this inspection. The POS inspection purpose was to protect the community and property values of the other homeowners in the area. He felt this policy could be doing harm and contributing to the vacant homes and increasing number of rentals. He pointed out if the homeowner could not afford to meet the inspection requirements: the home could not be sold, it could become or remain empty, or a property management company that can afford the repairs was able to place the amount into an escrow account and access to repairman was likely to buy the property at a reduced rate. He appreciated the notion of maintaining the neighborhoods but the inspections went too far into petty issues. This evening on the Work Session agenda the POS inspection check list was briefly reviewed by Council where they learned some of the petty items were no longer required. He talked about how it used to be in 1968; however, it was not 1968 anymore. He compared the deteriorating City streets to some of the resident's driveways and if the resident wanted to sell their home they couldn't because of the poor condition of the drive. He did not think this was fair and equal treatment. He felt the POS inspection policy needed to be revisited. The central portion of his home was 100 years old and he shouldn't be expected to bring it back to "like new condition". He felt the POS policy discouraged the



younger families. He felt the idea of a young family living here and fixing up your home as they saved the money was not permitted in Bedford; the homes remained vacant or became rentals. He appreciated the efforts of the Building Commissioner in addressing the petty items on the POS policy.

Councilman Saunders informed Mr. Genutis both natural gas and electric were going to start a minimum monthly fee so if a resident shut these two utilities the resident would receive a minimum monthly bill because of the maintenance of lines. He asked if it was possible to assign the street sweeper and the chipper to clean up the seasonal debris and branches.

Councilwoman Zolata said she agreed and disagreed with some of Mr. Genutis comments. She assured Mr. Genutis the "younger" people in Bedford wanted well-kept neighborhoods and nice homes. She stressed inspections were very important to maintain the neighborhoods. She was aware of some of the cities who no longer did these types of inspections and they were now in poor condition. The City Administration and Council made an effort to work with the residents but there were some issues that could not be overlooked. She said Council members and the City were just as accountable to the State laws/codes as the residents were. She agreed the chipper service was much needed after the storms. She announced the home on 16 Justin was torn down. She was pleased with the recent Historical Society event. She announced the Tax Department would be open Saturdays, April 1<sup>st</sup> and 8<sup>th</sup> from 9:00 a.m. to 1:00 p.m. The Wards 3 & 4 meeting would be Thursday, March 16, 2017 at 7:00 p.m. Mr. Genutis was in favor of exterior inspections but he only brought the inspection issue up because of the complaints he received.

Mayor Koci congratulated City Receptionist Annie Mallis on her recent birth of a healthy baby boy. He said two of the Cleveland Ballet dancers and an employee from Data Basics recently moved to Bedford. The Cleveland Ballet would be doing a performance on April 14<sup>th</sup> at LOHV; more details later.

ORDINANCE NO. 9473-17 AN ORDINANCE AMENDING ORDINANCE NO. 9432-16 SECTION 1311.29 OF THE BUILDING CODE ENTITLED "CERTIFICATE OF RENTAL INSPECTION" OF THE CITY OF BEDFORD, OHIO AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Mizens seconded by Saunders to place Ordinance No. 9473-17 on first reading.

The roll was called. Vote – Yeas: Koci, Mizens, Saunders, Zolata. Nays: Genutis. Motion carried. Clerk Villers asked for clarification on the vote with: Yeas: 4, Nays: 1 and two absent. Mr. Montello stated the first reading stood.

**Motion made by Mizens seconded by Saunders to accept the Planning Commission's recommendation of February 22, 2017 for Pruitt Construction, Inc. 3851 Wadsworth Road, Norton, OH / Dick Marcellino owner of Motorcars Acura/Volvo, 18123 Rockside Road, Bedford who is seeking relief from §1305.09 of the Codified Ordinance for parking expansion to be used to inventory new vehicles**

The roll was called. Vote – Yeas: Koci, Mizens, Genutis, Saunders, Zolata. 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.

Schelsey Parker, 481 Taft, expressed her concern regarding the very, very large tree in front of house number 781. She was informed the City was already aware of the tree and would be addressing it.

Bill Astalos, 685 Archer, pointed out the recycle bin at 511 Columbus since last Monday. He thought the Officers should be reporting these violators. Mayor Koci explained the City was going to start citing those who leave their rubbish/recycling containers at the street.

Otto Ersek, 33 Charles, pointed out there were two tree stumps that need ground on Charles. He heard rumor on the resident managed Facebook page that the City was discussing the Equalization of Wards and wanted to know if that was fact or rumor. Mr. Montello said the City had been discussing it since November 2016.

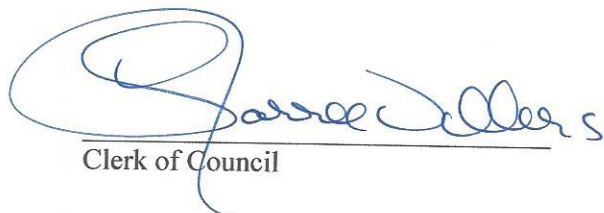
Sarah Gnoddie, 331 Marion, found interest in Mr. Genutis' Council Report this evening. She listed the upcoming programs at Ellenwood Recreation Center: Raising Resilient Responsible Independent Children on March 28, 2017 at 7:00 p.m. at no cost, a parenting series in April and the Limits of Love in May.

Eileen Barto, 155 West Glendale, wanted clarification on "Five Points"; she saw something on the resident managed Facebook page. Mr. Mallis explained the City was trying to bring more events to the downtown area such as a Farmers Market along with the normal scheduled events. Mrs. Barto listed several questions from her seat in the audience. Mayor Koci interrupted and instructed Mrs. Barto to approach the microphone so the dialog could be recorded. Mrs. Barto did not return to the microphone. Mr. Mallis explained the City was already addressing many of her questions/concerns.

David Neff, 1136 Archer, felt there were problems with the POS inspections and the accountability of the Inspectors, the Inspector's foresight, the Inspector's oversight and the Inspector's over violating. He felt the Inspectors had the power to set up a home so their friends could purchase it cheap. He pointed out the POS inspection that was performed on his home was not effective regarding the GFCI outlets. He felt the Inspectors only had accountability for the City not the seller and buyer. He agreed the health and safety issues needed addressed and the results of the inspections should not be public record and kept confidential. He stated there needed to be oversight over the Inspectors. He agreed with Mr. Genutis that there should be no monthly charge for zero water usage whether vacant or shut-off. He suggested there should be a price structure for the amount of water used. After a set amount was determined the more cubic feet a resident used the more the cost per cubic feet. He listed different scenarios of how he thought the water should be charged. He felt those who used large amounts should pay more per cubic feet.

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

Meeting adjourned at 9:00 P.M.

  
Clerk of Council

  
Mayor - President of Council