

**SPECIAL COUNCIL WORK SESSION**

**MARCH 9, 2017**

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

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- **DISCUSSION OF AGENDA**

**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 Special Work Session at Bedford City Hall on Thursday, March 9, 2017 at 6:07 p.m.

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

Mayor Koci began discussion of the Special Council Meeting agenda.

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 PLACED ON FIRST READING MARCH 6, 2017 AND DECLARING AN EMERGENCY

Mr. Mallis and Mr. Beverly explained this specific piece of legislation spoke to "rental inspections"; not "Point of Sale Inspections" and it was best not to confuse the two issues. Discussion was held why the reasons for the amendments came about because of the recent litigation brought against the City. The amendments themselves could be viewed as somewhat cleaning up the verbiage and the City working with the Plaintiff as part of a mutual agreement. To date the litigation was not finalized and there could possibly be class action lawsuit to follow; however, the strides by the Plaintiff to abolish the Point of Sale Inspections and Rental Inspections were not accomplished through the litigation process and were refused by the Judge. It was determined there was only one landlord with approximately 30 rentals that had issues with the rental inspections which obviously was going to create havoc for the City. The City would continue to issue an Administrative Warrant when necessary. For clarification the amendments for Section 1311.29 would read as follows:

(a) 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.

(b) 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.

(c) 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.

(d) 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.



(e) 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.

(f) 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.

(g) 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.

(1) 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.

(h) 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.

(i) 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.

Discussion of the Special Meeting agenda was concluded.

Work Session adjourned at 6:35 p.m.



Sarah J. Jones  
Clerk of Council



Steve K.  
Mayor – President of Council

**SPECIAL MEETING**

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

**DATE: March 9, 2017**

**AGENDA**

**TIME: 6:30 P.M.**

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1. **CALL TO ORDER**
2. **ROLL CALL**
3. **SPECIAL BUSINESS** - (1<sup>st</sup> Rdg: 3/6/17)
  - a. Ordinance No. 9473-17 amend Ord. #9432-16 §1311.29 "Certificate of Rental Inspection"
4. **ADJOURNMENT**

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

Bedford City Council met in Special Session at Bedford City Hall on Thursday, March 9, 2017. Mayor Koci called the meeting to order at 6:36 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Koci, Mizesak, Genutis, Pozar, Saunders, Zolata. Absent: Spinks.

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

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

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

Motion made by Genutis seconded by Zolata to place Ordinance No. **9473-17** on third and final reading and passed.

Mr. Mallis explained the amendments were clarification, cleaning up the verbiage and the removal of the criminal penalty piece in agreement with the Federal Court regarding recent litigation.

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

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

Meeting adjourned at 6:40 P.M.



Clerk of Council



Mayor - President of Council



CITY OF BEDFORD, OHIO

BEDFORD CITY COUNCIL WILL HOLD A SPECIAL COUNCIL MEETING ON THURSDAY, MARCH 9, 2017 IN COUNCIL CHAMBERS OF BEDFORD CITY HALL AT 6:30 P.M.

THIS NOTICE IS BEING POSTED AT THE FIVE MOST PUBLIC PLACES IN THIS MUNICIPALITY AS FOLLOWS:

- Location No. 1 - Bedford City Hall  
165 Center Road
- Location No. 2 - Southeast Branch, Cuyahoga County Library  
70 Columbus Road
- Location No. 3 - Bedford Recreation Center  
124 Ellenwood Avenue
- Location No. 4 - Board of Education Administration Building  
475 Northfield Road
- Location No. 5 - Glendale School  
W. Glendale and Turney Road

*Louise Dillers*

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*Clerk of Council*