

**COUNCIL WORK SESSION**

**MAY 7, 2018**

**6:15 P.M. PROMPT**

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- **DISCUSSION OF AGENDA**
- **DISCUSSION OF SUMMER SESSION DATES**
- **DISCUSSION OF PARKING FINES**  
(4/16/18 Work Session)
- **DISCUSSION OF SMALL CELL AND WIRELESS SUPPORT STRUCTURES WITHIN THE RIGHT-OF-WAY**
- **EXECUTIVE SESSION** – (Personnel / Economic Development / Litigation) – 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 Monday, May 7, 2018 at 6:15 p.m.

Present: Council Members: Mayor Stan Koci, Donald Saunders, Heather Rhoades, Sandy Spinks, Walter Genutis, Victor Fluharty and Paula Mizesak. Absent: None. Also Present: Clerk of Council Lorree Villers. Administration: City Manager Michael Mallis, Law Director John Montello and Building Commissioner Calvin Beverly. [Absent: Finance Director Frank Gambosi]

Residents: Trish Karabowicz, Dot Schwende, Attorney Anthony Vacanti representing The Redemption Center Church and Gregory Washington, 16202 Corkhill Road, Maple Heights, Ohio for 339 Columbus Road.

Mayor Koci began discussion of the Regular Council Meeting agenda.

There were no changes to the Work Session minutes, the Regular Meeting minutes of April 16, 2018 and Wards 2 & 6 meeting of April 23, 2018.

ORDINANCE NO. 9586-18 AN ORDINANCE AMENDING ORDINANCE NO. 9473-17 CHAPTER 1311 OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD BY ENACTING NEW SECTION 1311.29 (J) ENTITLED "CERTIFICATE OF RENTAL LICENSE AND INSPECTION" PLACED ON FIRST READING APRIL 2, 2018 AND SECOND READING APRIL 16, 2018 AND DECLARING AN EMERGENCY

It was previously explained the enactment of letter "j" under Certification of Inspection were:

(j) Notwithstanding any other provisions of this Chapter, no certificate shall be issued for any structure used or intended to be used for residential occupancy located on a parcel which:

(1) has a certified delinquent property tax balance or other unpaid liens that appear on the Cuyahoga County Real Property Tax duplicate unless the property owner, agent, or person in charge of such structure provides documentation of being on a Delinquent Payment Plan in good standing with the Cuyahoga County Treasury; or

(2) has an unpaid balance for nuisance abatement costs imposed by the City pursuant to Subsection 511.12 that has not been placed on the Cuyahoga County Real Property Tax duplicate.

If such structure as described above is determined to be occupied by a tenant, the Building Commissioner shall provide notice to such tenant of the rejection of application for the issuance or renewal of a Certificate of Inspection. Notice shall be by mail, hand delivery, or posting on the structure. Notwithstanding the requirement of notice provided herein, failure of the Building Commissioner to notify a tenant shall not preclude the enforcement of any provision of this Chapter.

ORDINANCE NO. 9593-18 AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA (CRA) AGREEMENT BETWEEN THE CITY OF BEDFORD AND QUA, INC., AND AUTHORIZING EXECUTION OF THAT AGREEMENT, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ABATEMENT COMPENSATION AGREEMENT WITH THE BEDFORD CITY SCHOOL DISTRICT PLACED ON FIRST READING APRIL 16, 2018 AND DECLARING AN EMERGENCY

Mr. Mallis explained the City met with the school who approved the agreement. The agreement would be for Year One (2019) through Year Fifteen (2034) at 80%. It was determined this would be passed this evening.

ORDINANCE NO. 9596-18 AN ORDINANCE AMENDING ORDINANCE NO. 7671-05 AUTHORIZING THE LAW DIRECTOR TO EXECUTE OF AN ADENDUM TO THE CONTRACT WITH KEITH D. WEINER & ASSOCIATES CO., L.P.A. ("WEINER") FOR THE COLLECTION OF PAST DUE TAX COLLECTIONS AND DECLARING AN EMERGENCY

Mr. Mallis explained this was for past due accounts for tax collection with Weiner since December 8, 2004 in accordance with the terms and conditions set forth in the Retainer Agreement. The State changed municipal tax law effective January 1, 2016. The City agreed to amend the retainer agreement to provide an equitable fee structure for tax years 2016 and forward. The Retainer Agreement may be later amended in order to adapt and comply with the laws set forth by the State.

ORDINANCE NO. 9597-18 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER AN AGREEMENT WITH THE BEDFORD CITY SCHOOL DISTRICT TO PAY CERTAIN SUMS TO THE DISTRICT TO PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY AND THE SCHOOL DISTRICT, AND DECLARING AN EMERGENCY.

Mr. Montello and Mr. Mallis explained the City has authority under Ohio law to abate taxes on property to promote economic development within the City. In order to promote economic development and create and retain jobs within the City, the City was considering a grant of tax abatement of a portion of the assessed value certain additional property in the City to be acquired and constructed by Qua, Inc. which was also within the boundaries of the Bedford City School District. The City recognizes that a quality school system was essential to the health, safety and welfare of the citizens of the City. The City intended to compensate the District for its loss of revenues as a result of the Qua, Inc. Abatements, and to evidence that intention proposes that the City and the District enter into an Abatement Compensation Agreement, whereby the City would pay to the District a portion of the income tax revenues withheld by and paid to the City as a result of Qua, Inc. acquisition and construction of the Abated Properties. Council has determined that such compensation to the School District will facilitate economic development in the City, improve the quality of the school system serving all of the citizens of the City, enhance property values and City revenues, and improve the quality of the City's services, among other benefits, all of which will promote the health, safety and welfare of the citizens of the City. In no event shall the compensation paid to the District pursuant to the Abatement Agreement exceed the lesser of the. (a) 30 percent (30%) of the Additional Withholding Income Tax Revenues over Mazda's payroll amount of \$3,795,000.00 (as defined in the Agreement) which the City derives from the Abated Properties pursuant to its income tax ordinance, including all subsequent amendments thereto or (b) an amount equal to the portion of property tax revenues the School District would have otherwise annually received from the Abated Properties but for the tax abatement granted by the City.

ORDINANCE NO. 9598-18 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE ODOT WINTER CONTRACT (018-19) FOR ROAD SALT AND DECLARING AN EMERGENCY

Mr. Mallis explained the City agreed to participate in the annual Ohio Department of Transportation's (ODOT) annual winter road salt bid contract. The City acknowledged that upon the Director of ODOT's signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the City. The City requested a total of 3,700 tons of Sodium Chloride (Road Salt) at a minimum of 90% of its salt quantities during the effective period of September 1, 2018 through April 30, 2019.

ORDINANCE NO. 9599-18 AN ORDINANCE AMENDING ORDINANCE NO. 9538-17 MAKING ADDITIONAL APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF BEDFORD, OHIO DURING THE YEAR 2018 AND DECLARING AN EMERGENCY

Mr. Mallis explained per Mr. Gambosi's memo in his absence: General Fund: The increases in appropriations for 2018 were Personal Service change and the 1% increase in wages for 2018 for all

fulltime employees. The Tax Department Personal Services includes the part time Tax employee. This employee was hired to allow daily processing, while others are cross trained and moved to learn other job functions, in preparation of an employee leaving in 2019. Economic Development's budget was overstated earlier this year, so a correction was made to decrease this in line with proper earnings. Fund 209 Street Maintenance & Repair Fund: Increases occurred in this fund are for the vehicle purchases Dump truck and pickup trucks. Fund 210 Law Enforcement Fund: The appropriations from this fund are for the purchase of a second Police Dog K-9 \$12,900. Fund 212 Fire Equipment Fund: The \$10,260 is for grant purchases for protective clothing for the Firemen. Fund 213 Grants Fund: The O.J.P. Bullet Proof Vest Grant expenditures need funding in the amount of \$4,538.50. The OCJS Taser Acquisition Grant expenditures were \$6,354.67 and need funding. Fund 403 Capital Improvements Fund: This appropriation is to account for the Dominion Project for expenditures made in 2018 and funds were received in 2017. Fund 500 Water Fund: This fund has other expenditures for increased cost of Vehicles/trucks in Water \$3,734, and the \$1,938 is for the Water meter costs. Fund 801 Law Enforcement Agency Fund: To account for the confiscated funds from Drug busts pending final disbursement from the Court. Fund 805 SEALE Unforfeited Fund: To account for payments from the confiscations as Court ordered to be paid out to other federal and local agencies in the amount of \$81,587.00.

ORDINANCE NO. 9600-18 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH AC LAWN CARE & LANDSCAPING FOR PARCEL CLEANUP AT BEDFORD PARK TERRACE AND BEDFORD DALES CONDOS DECLARING THE ABOVE PROPERTY A NUISANCE AND DECLARING AN EMERGENCY

Mr. Mallis explained the Building Commissioner hereby notified Walton Properties LLC/Suelsy Investments, LLC and Bedford Dales Condo Association % Aries Management Corporation on March 2, 2018 for properties located at Bedford Park Terrace #176-210 Union Street and Bedford Dales Condos #193-225 Dalepark in the City of Bedford to remove all trash, various debris, barrels, appliances, tires tree limbs from said properties per Codified Section 1333.07 (a) (1).

ORDINANCE NO. 9601-18 AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PVS TECHNOLOGIES, INC. BEING THE LOWEST, RESPONSIVE AND RESPONSIBLE BIDDER, AND DECLARING AN EMERGENCY

Mr. Mallis explained this was the annual bid for the purchase of Liquid Ferric Chloride. The bid advertisement was received and PVS was the lowest, responsive and responsible bidder.

ORDINANCE NO. 9602-18 AN ORDINANCE AUTHORIZING THE CITY MANAGER AND THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH VILLAGE OF HIGHLAND HILLS FOR USE OF THE BEDFORD CITY JAIL FACILITIES ("JAIL") AND DECLARING AN EMERGENCY

Mr. Mallis explained Chief Stemple negotiated a contract for the use of our Jail by the Village of Highland Hills pursuant to Bedford Codified Ordinance Section 137.13.

ORDINANCE NO. 9603-18 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH L.E. SCOTT ELECTRICAL, LLC AND DECLARING AN EMERGENCY

Mr. Mallis explained the Recreation Director recommended L.E. Scott Electrical, LLC to provide electrical installation of new fixtures and LED lighting at Ellenwood Recreation Center in an amount not to exceed \$8,000.

ORDINANCE NO. 9604-18 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH LEFFELECTRIC ENERGY SOLUTIONS AND DECLARING AN EMERGENCY

Mr. Mallis explained the Recreation Director recommended LEFFELECTRIC Energy Solutions to provide said electrical equipment and LED lighting at Ellenwood Recreation Center in an amount not to exceed \$5,000.

RESOLUTION NO. 2523-18 BEING A RESOLUTION APPROVING AND ACCEPTING THE PROPOSED 2018 TAX BUDGET FOR THE YEAR JANUARY 1, 2019 TO DECEMBER 31, 2019 AND DECLARING AN EMERGENCY (Rdgs: 5/7/18, 5/21/18, PH 5/21/18, Pass 6/4/18)

Mr. Mallis explained the State required municipalities as well as other government subdivisions submit to the County Commission approximately six (6) months prior to the beginning of each calendar year, an estimated budget for the next calendar year so that the tax rate for such year may be determined by said Budget Commission. The Public Hearing had been advertised as required by law and was to be held on May 21, 2018. Mr. Gambosi in his absence submitted the following information to review: The three purposes for the Tax Budget: 1.) It allows the County Auditor to set a property tax rate for next year, which are a total of 21.70 mills as the residents passed the levy on November 3, 2009. Failure to pass the tax budget would eliminate all property tax revenue for the City in the year 2019. 2.) It allows the City of Bedford to receive the Undivided Local Government and Local Government Revenue Assistance in the year 2019. These funds are estimated to be \$289,500 in 2019. 3.) It allows the County Auditor to provide The City of Bedford with a "Certificate of Estimated Resources" which limits the amount of money Council can appropriate for the year 2019. This is the first preliminary step in many involved in creating the 2019 City Appropriations Budget.

Mr. Montello felt since Attorney Anthony Vacanti was present representing The Redemption Center Church the issue should be discussed in Executive Session because it could become future litigation so Council might as well discuss all three topics in Executive Session.

**Motion to accept the Planning Commission recommendation of April 17, 2018 for Gregory Washington, 16202 Corkhill Road, Maple Heights, Ohio is proposing to open a restaurant / entertainment establishment located at 339 Columbus Road (Ref: §1935.02 / §511.06 – P.P. 811-38-002-003 - 004) (PC Tabled 4/3/18)**

Mr. Mallis explained this issue was not approved by the Commission for various reasons. Mr. Washington previously submitted for the Council packet the changes the Commission had concerns with. He explained he changed the hours of operation, a revised menu, submitted a marketing plan and 21 signatures of support for the restaurant which included the two residents that abutted the property that the Commission was concerned with. Upon Council's review of the revised information they were pleased Mr. Washington was willing to work with the Commission/City and felt there were no issues with overturning the Commission's recommendation.

**Motion to accept the Planning Commission recommendation of April 17, 2018 Reverend Neal W. May, 1109 Riverview Drive, Macedonia, Ohio – owner Testa Enterprises, Inc., is requesting conditional use approval to use the building located at 1200 Broadway Avenue for "The Redemption Center Church" (Ref: §1927.02 – P.P. 814-19-013) (PC Tabled 4/3/18)** Mr. Mallis explained this issue was approved by the Commission by a 3 – 2 vote. Chairman Briggs and Mr. Mallis were the two nay votes. Mrs. Rhoades and Mrs. Spinks had concerns this applicant would be like the other two applicants who applied and ended up not being actual churches. Attorney Vacanti assured everyone this would be a church and should be compared to the others who claimed to be a church. He was only aware of his applicant's request. Mayor Koci questioned whether the Reverend/Testa Company would be willing to use/rent the hall for other events as the City needed a catering type hall. Attorney Vacanti said he would ask the Reverend it would be up to him; not Mr. Testa. He talked about Ordinance No. 9442-16 and the restrictions requested by the City which were being followed. There was discussion as to how the building had been used over the many years and the fact that there hadn't been any incidents/accidents with pedestrians crossing the street. Some of Council supported the Commission's

recommendation and some of Council were leery. Attorney Vacanti explained when dealing with religious organizations like this the Commission/City needed to be aware that there were protections built in the Federal Law. He explained RLUIPA defined as: *The Religious Land Use and Institutionalized Persons Act, Pub.L. 106-274, codified as 42 U.S.C. § 2000cc et seq., is a United States federal law that prohibits the imposition of burdens on the ability of prisoners to worship as they please and gives churches and other religious institutions a way to avoid zoning law restrictions on their property use. It also defines the term "religious exercise" to include "any exercise of religion, whether or not compelled by, or central to, a system of religious belief."* RLUIPA was enacted by the United States Congress in 2000 to correct the problems of the Religious Freedom Restoration Act of 1993. The act was passed in both the House of Representatives and the Senate by unanimous consent in voice votes, meaning that no objection was raised to its passage, so no written vote was taken. The S. 2869 legislation was enacted into law by the 42nd President of the United States Bill Clinton on September 22, 2000. He cautioned Council the failure to do so could create real issues for the City. It was determined this issue would be discussed further in Executive Session. He clarified the applicant was willing to address the concerns with the crosswalk even though there had never been an accident. Attorney Vacanti stated he would talk to his client prior to the Regular Council meeting this evening and asked if a short presentation prior to the final consideration/vote would be in order.

**Motion to accept the Planning Commission recommendation of April 17, 2018 Alex Jones, 3160 Ludlow Road, Shaker Heights is requesting a conditional use approval to use the existing building located at 776 Broadway Avenue to open a Cigar Store (§1937.03)**

Mr. Mallis explained this issue was approved by the Commission. The partner of the applicant already owned two Cigar Stores elsewhere. It was determined that Council had no objections to the store as long as they adhered to the Commission's requests of a conditional use approval based on no sales of paraphernalia, medical marijuana and/or a hookah lounge.

#### **DISCUSSION OF SUMMER SESSION DATES**

It was determined the dates would be: June 4<sup>th</sup>, July 2<sup>nd</sup> and August 6<sup>th</sup>.

#### **DISCUSSION OF PARKING FINES (4/16/18)**

Mr. Mallis explained at the April 16, 2018 Work Session he had discussions with Chief Stemple and there were "regular violators" who didn't give much thought of paying numerous parking tickets. He offered to put together an escalation of parking fine costs, a shorter period between the ticket date the Court date for those who did not pay on time. The focus was to entice them to obey the parking laws and stop repeat violators. Council was interested in pursuing the issue. Other things that needed addressed was whether the City needed additional signage and ways to educate the residents. He explained the records would be too hard to administer and it would be best to address the overall parking fines instead of the repeat offenders. This item would further be discussed at the June 4<sup>th</sup> meeting.

#### **DISCUSSION OF SMALL CELL AND WIRELESS SUPPORT STRUCTURES WITHIN THE RIGHT-OF-WAY (Draft)**

Mr. Montello explained it would be best to monitor this topic and make the necessary changes when there was a more clear understanding. This item would be discussed at the June 4<sup>th</sup> meeting.

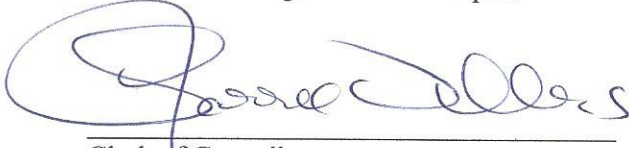
Motion made by Fluharty seconded by Rhoades to go into executive session to discuss Personnel 121.22 (B) (1) / Economic Development / Litigation. The roll was called. Vote – Yeas: Genutis, Fluharty, Saunders, Rhoades, Spinks, Koci, Mizensak. Nays: None. Motion carried unanimously.

At 7:43 p.m., Bedford City Council, City Manager Mike Mallis and Law Director John Montello went into an executive session to discuss Personnel 121.22 (B) (1) / Economic Development / Litigation.

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

Executive Session adjourned at 8:03 p.m.

Work Session adjourned at 8:05 p.m.



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Clerk of Council



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Mayor – President of Council

1. CALL TO ORDER2. PLEDGE OF ALLEGIANCE3. ROLL CALL4. APPROVAL OF MINUTES

- a. Approval of Minutes of the Work Session of April 16, 2018
- b. Approval of Minutes of the Regular Meeting of April 16, 2018
- c. Approval of Minutes of the Wards 2 & 6 of April 23, 2018

5. PRESENTATIONS – HVYC / Cleveland Jewelry 30 yrs6. OLD BUSINESS –

- a. Ordinance No. 9586-18 amend Ord. #9473-17 §1311.29 “Certificate of Rental License and Inspection” enacting new §1311.29 (j) (1<sup>st</sup> Rdg: 4/2/18 – 2<sup>nd</sup> Rdg 4/16/18)
- b. Ordinance No. 9593-18 approving CRA agreement w/Qua Inc. (15 yrs) (1<sup>st</sup> Rdg: 4/1/6/18)

7. REPORTS

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

8. NEW BUSINESS

- a. Ordinance No. 9596-18 amend Ord #7671-05 contract w/Keith D. Weiner & Associates Co., L.P.A.
- b. Ordinance No. 9597-18 Compensation Agreement w/BCSD re: Qua Inc. / Mazda (30% - \$3,795,000)
- c. Ordinance No. 9598-18 authorize purchase of sodium chloride (rock salt)
- d. Ordinance No. 9599-18 amend Ordinance No. 9538-17 making additional appropriations
- e. Ordinance No. 9600-18 contract w/AC Lawncare & Landscaping for Union Apt & Condo debris nuisance
- f. Ordinance No. 9601-18 contract w/PVS Technologies, Inc. for Liquid Ferric Chloride
- g. Ordinance Nol 9602-18 contract w/Village of Highland Hills
- h. Ordinance No. 9603-18 contract w/L. E. Scott Electrical, LLC (\$8,000)
- i. Ordinance No. 9604-18 contract w/LEFFELECTRIC Energy Solutions (\$5,000)
- j. Resolution No. 2523-18 approving and accepting the proposed 2018 Tax Budget for the year January 1, 2019 to December 31, 2019 (Rdgs: 5/7/18, 5/21/18, PH 5/21/18, Pass 6/4/18)
- k. Motion to accept the Planning Commission recommendation of April 17, 2018 for Gregory Washington, 16202 Corkhill Road, Maple Heights, Ohio is proposing to open a restaurant / entertainment establishment located at 339 Columbus Road (Ref: §1935.02 / §511.06 – P.P. 811-38-002-003 -004) (PC Tabled 4/3/18) (roll call)



- l. Motion to accept the Planning Commission recommendation of April 17, 2018 Reverend Neal W. May, 1109 Riverview Drive, Macedonia, Ohio – owner Testa Enterprises, Inc., is requesting conditional use approval to use the building located at 1200 Broadway Avenue for “The Redemption Center Church” (Ref: §1927.02 – P.P. 814-19-013) (PC Tabled 4/3/18) (roll call)
- m. Motion to accept the Planning Commission recommendation of April 17, 2018 Alex Jones, 3160 Ludlow Road, Shaker Heights is requesting a conditional use approval to use the existing building located at 776 Broadway Avenue to open a Cigar Store (§1937.03) (roll call)

9. **HEARING OF CITIZENS**

10. **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 Regular Session at Bedford City Hall on Monday, May 7, 2018. Mayor Koci called the meeting to order at 8:09 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Genutis, Fluharty, Saunders, Rhoades, Spinks, Koci, Mizesak. Absent: None.

Motion made by Mizesak seconded by Genutis to approve the minutes of the Work Session Meeting of April 16, 2018. The roll was called. Vote – Yeas: Genutis, Fluharty, Saunders, Rhoades, Spinks, Koci, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Genutis seconded by Spinks to approve the minutes of the Regular Meeting of April 16, 2018. The roll was called. Vote – Yeas: Genutis, Fluharty, Saunders, Rhoades, Spinks, Koci, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Rhoades to approve the minutes of Wards 2 & 6 Meeting of April 23, 2018. The roll was called. Vote – Yeas: Genutis, Fluharty, Saunders, Spinks, Koci, Mizesak. Nays: None. Abstain: Rhoades. Motion carried.

Oakwood Clerk of Council Deb Hladky and four Bedford students gave a presentation of what they learned participating in the Hawthorne Valley Youth Council. Mrs. Hladky and the students thanked Council and the Administration for their support. Mayor Koci congratulated Larry Zilbert Cleveland Jewelry on his 30 years in business with a Certificate of Recognition.

Mayor Koci rearranged the agenda to allow those who wished to speak regarding the Planning Commission recommendation of April 17, 2018 Reverend Neal W. May, 1109 Riverview Drive, Macedonia, Ohio – owner Testa Enterprises, Inc., is requesting conditional use approval to use the building located at 1200 Broadway Avenue for “The Redemption Center Church” (Ref: §1927.02 – P.P. 814-19-013) (PC Tabled 4/3/18 – 4/16/18)

Present: Attorney Anthony Vacanti, Paul J. Testa, CEO, President of Testa, Reverend Neal W. May and Sister Dorothy of Sisters of Charity.

Attorney Vacanti reiterated the letter emailed to Council on May 7, 2018 from Holly Barnicoat-Kutscher. (See attached) Also referenced were the April 3<sup>rd</sup> and 17<sup>th</sup> Planning Commission meeting minutes and Ordinance No. 9314-15. (See attached)

Paul Testa referred to the previous tenant Catered Elegance who was not paying their rent and were no longer in the building when he inherited the property. He posted the property and the response was four (4) churches, one facility was to house those with dependency problems and a couple caterers who did not have any money. He was working with what he had been dealt, the valuable Stations of the Cross plus the rules and guidelines of the Historic Tax Credits. Working with the Historic Tax Credits comes with limitations. He felt the request was a good fit for Bedford and took the property back to its roots. Reverend May would be leasing the property over four/five years with an option to purchase. At the end of the lease the property would be paid for in full. Reverend May could do as he saw fit as long as he met the Historic Tax Credits. Mayor Koci talked about the difference between a gathering hall and a church. Mr. Testa felt both a gathering hall and a church could be considered the same. The building had religious symbols which could be considered a religious type building. Mr. Testa clarified after the approval of the Historic Tax Credit there were certain things that could not be changed; however, things prior to the Historic Tax Credit approval were moot. The Historical Tax Credits only allowed certain things to be changed, added and or taken away and the list may not fit the use of a catering hall.

Mr. Saunders talked about the crosswalk on Broadway Avenue which dated back 30-40 years and he felt was a safety concern because of the increased traffic on Broadway Avenue since the I-271 construction. He felt no matter what went in the building the crosswalk needed to be brought up to current

standards. Mr. Testa, Reverend May and Attorney Vacanti agreed and the building could not be shut down just because the parking is across the street. Mr. Testa said a vacant property was not good for the neighbors.

Sister Dorothy, Sisters of Charity of Cincinnati, previous owners of the property which was purchased by Testa Companies. Had been here since 1928 with many of the ministries and projects being geared to or rooted in the Slovak traditions and this was why they were able to become a historic district. In 1930, the statue of Mary was built and drew hundreds of European Slovak people to the property because the Slovak immigrants in the area which lasted until 1970's. The property serviced all the religious purposes that were initiated by people and the headquarters for the religious order that lived there. She stated there was a lot of history attached to this property. She understood the traffic safety issues but people have been crossing Broadway Avenue since 1930. She understood the traffic had increased over the years but there had never been an accident. Various crossing guards have been utilized over the years for various events. The catering began to generate income, serve the visitors and those who lived there. In 1970 was the first catering business and Catered Elegance opened in 1996. During all this time people crossed Broadway Avenue and there had been no accident. She felt set church hours would be easier to hire a crossing guard than an open type event. The senior living apartments would not be a religious part of the property but Mr. Testa was very mindful of the grounds.

Reverend May reiterated from the previous meetings he was born in Bedford Hospital, lived at 474 Lamson Avenue, attended St. Pius in 1957, his mother was a 1941 graduate from Bedford High School and his Druso family currently owns the Sunoco Gas Station on Northfield Avenue. He listed his many education accomplishments, a professor, became a Doctor, a published author of five books, a photographer, assisted at nearby hospitals helping people with pain and addictions and traveled/toured the Holy Land. He told a story of how he was connected to the property through life experiences and was now coming back full circle to his Bedford roots. He had been a Pastor for 40+ years and has built churches all over the world. He explained the Historic Tax Credits allowed him to change the stage into an altar but he would have to follow the guidelines. The church would be called Evangelical and he had taught all types of religious people to help them process their faith. He stated he met with Sergeant Paul Kellerman and Chief Stemple who expressed caution and offered to help in the matter. The Police Department recommended an increase in signage which lead him to call Service Director Clint Bellar who expressed the same thing was to increase signage. He said the current caution light above Broadway Avenue was owned by the owner of the building/Testa Companies, a solar lite sign could be installed at the expense of the applicant and a pedestrian symbol type sign was recommended by the Police and Service Departments that would be effective and really, really help the cause. He also requested quotes from Signal Service located in Warrensville Heights. He stressed safety was a high concern and was willing to absorb the costs.

Mr. Fluharty pointed out there were 2-3 churches within one mile of this building. Reverend was well aware there were other churches in the area. Mayor Koci stated there were 24 churches in town. He showed a photograph that he inserted a picture of himself in the picture of the Stations of the Cross. Again, he felt he had come full circle back to the property that affected him/changed him 58 years ago. He wanted to preserve the property for its historical value.

Mrs. Spinks said not being disrespectful but all Council had heard was about him not the church itself and the congregation. She had concerns about churches that move into the City, claim they were a church and then used the building for other uses. Reverend May explained the Bedford Heights church was three (3) years old considered evangelical with 100 various races and denominations as members. Mrs. Spinks asked if he baptized members. Reverend May replied, yes, in various locations even as far as the Jordan River. Mayor Koci asked if Reverend May was willing to rent hall space. Reverend May said it could be a possibility, the kitchen would need updated and his goal was to be a blessing with the City and work in tandem. He asked Council to Google how a church impacted a City: economically, socially,

educationally, helps fight crime, it brings down deviance and he felt there could never be enough churches. There were all different kinds and sizes. Mayor Koci said Council was not anti-church and there were 8-12 ministers who pray for the City every week for the past 4-5 years.

Mrs. Mizensak questioned the Occupancy Permit for this building. Reverend May explained this issue would have to be revisited after the permitted changes were made. Mrs. Mizensak asked if there was going to be benches or chairs. The Reverend replied, chairs for the ease of accommodating.

Mr. Montello asked if he was going to cater weddings and funerals. Reverend May said that would be up to the family members. Mayor Koci asked if this was just for his members. Reverend May replied in a funeral situation they were there to serve the community. He had nothing carved in stone for a possible rental agreement but he was open to it.

Attorney Vacanti thanked everyone for their concerns and questions. He respectfully requests that Council approve the April 17, 2018 Planning Commission's recommendation and reminded everyone churches were conditional use and the applicant/client satisfied the conditions under the City's Codes.

ORDINANCE NO. 9586-18 AN ORDINANCE AMENDING ORDINANCE NO. 9473-17 CHAPTER 1311 OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD BY ENACTING NEW SECTION 1311.29 (J) ENTITLED "CERTIFICATE OF RENTAL LICENSE AND INSPECTION" PLACED ON FIRST READING APRIL 2, 2018 AND SECOND READING APRIL 16, 2018 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: Genutis, Fluharty, Saunders, Rhoades, Spinks, Koci, Mizensak. Nays: None. Motion carried unanimously.

Motion made by Spinks seconded by Fluharty to place Ordinance No. **9586-18** on third and final reading and passed.

Mr. Mallis explained no certificate shall be issued for any structure used or intended to be used for residential occupancy located on a parcel which: 1) Has a certified delinquent property tax balance or other unpaid liens that appear on the Cuyahoga County Real Property Tax duplicate unless the property owner, agent, or person in charge of such structure provides documentation of being on a Delinquent Payment Plan in good standing with the Cuyahoga County Treasury; or 2) Has an unpaid balance for nuisance abatement costs imposed by the City pursuant to Subsection 511.12 that has not been placed on the Cuyahoga County Real Property Tax duplicate. If such structure as described above is determined to be occupied by a tenant, the Building Commissioner shall provide notice to such tenant of the rejection of application for the issuance or renewal of a Certificate of Inspection. Notice shall be by mail, hand delivery, or posting on the structure.

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

ORDINANCE NO. 9593-18 AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA (CRA) AGREEMENT BETWEEN THE CITY OF BEDFORD AND QUA, INC., AND AUTHORIZING EXECUTION OF THAT AGREEMENT, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ABATEMENT COMPENSATION AGREEMENT WITH THE BEDFORD CITY SCHOOL DISTRICT PLACED ON FIRST READING APRIL 16, 2018 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Mizesak seconded by Saunders to place Ordinance No. **9593-18** on third and final reading and passed.

Mr. Mallis explained this was the tax abatement between the City and the Mazda dealership. This was in conjunction with Ordinance No. 9597-18.

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

City Manager Michael Mallis announced: Shred Day was May 19<sup>th</sup> and June was Free Permit Month. Mr. Bellar and City Engineer Joe Ciuni assessed the streets throughout the City that needed to be resurfaced; the streets to be resurfaced would be the worst of the worst. The City hoped to work with \$650,000 to start off the resurfacing. The Dominion project continued to be delayed because of various reasons. The water leak issue on Broadway Avenue near Union Street was resolved. The turn lane from Broadway Avenue onto Union Street was closed because of the five foot by thirty foot cavity under the pavement for safety reasons. The Administration continue to work with ODOT regarding the Northfield Bridge repairs.

No reports from Law Director Montello.

Councilman Genutis thought the road and sidewalk program was tremendous news to the residents. He was pleased with the sale and the future plans regarding the Sisters of Charity property. He thought it was a miracle that Mr. Testa bought it, he was preserving it and proposing a church for the vacant building. He was touched by the interesting story told by Reverend May.

Councilman Fluharty attended his first LOHV birthday bash. He reminded everyone to vote.

Councilman Saunders pointed out the Dominion project on Washington and Central was being undermined. He understood the 2017 sidewalk repairs were cracking and settling unevenly. Mr. Mallis instructed the residents to call the City Mangers Office. Mr. Saunders asked if Dominion was paying for the water they were using. Mr. Mallis replied, yes. Mr. Saunders hoped the City could start the tree program in the future. Mr. Mallis explained the City had to take one step at a time and it was a possibility in the future. The City previously looked at a grant but wasn't in the best of finances prior to the income tax increase. The Administration would continue to seek grants.

Councilwoman Rhoades explained Heritage Ohio was going to evaluate the downtown area and return with a plan to revitalize the area. On May 8<sup>th</sup> at Nature Stone at 6:00 p.m. there would be a presentation regarding revitalizing the downtown area. Softball and Baseball signups were still open and the Bedford Garden Club plant sale was this weekend at the Lamson House. She urged everyone to visit the art fence on the Historical Garden.

Councilwoman Spinks announced Ellenwood would be open for voting. She thanked Mrs. Rhoades in assisting her in getting her paintings back from a downtown landlord. She clarified the Police Officer showed up because it was their job/duty not because she was a council person.

Councilwoman Mizesak asked if the leaves would be picked up along with the branches and grass clippings. She asked if landscapers had to abide by rules like the snowplowing companies. Mr. Mallis said landscapers/homeowners should not blow their grass clipping in the street. She asked Mr. Mallis to talk to the Mayor in Maple Heights concerning a grant for Lee Road South resurfacing. She told a story about a resident who set off a firework larger than an M-100 and ruined the curb. She felt a blurb should be put in the newsletter regarding the use of fireworks.

Mayor Koci clarified for the record the same landlord Mrs. Spinks had recent trouble with said he didn't have to have inspections because the Mayor waived them. Mayor Koci stated that was a rumor.

ORDINANCE NO. 9596-18 AN ORDINANCE AMENDING ORDINANCE NO. 7671-05 AUTHORIZING THE LAW DIRECTOR TO EXECUTE OF AN ADENDUM TO THE CONTRACT WITH KEITH D. WEINER & ASSOCIATES CO., L.P.A. ("WEINER") FOR THE COLLECTION OF PAST DUE TAX COLLECTIONS AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Saunders seconded by Mizesak to place Ordinance No. **9596-18** on third and final reading and passed.

Mr. Mallis explained this was for past due accounts for tax collection with Weiner since December 8, 2004 in accordance with the terms and conditions set forth in the Retainer Agreement. The State changed municipal tax law effective January 1, 2016. The City agreed to amend the retainer agreement to provide an equitable fee structure for tax years 2016 and forward. The Retainer Agreement may be later amended in order to adapt and comply with the laws set forth by the State.

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

ORDINANCE NO. 9597-18 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER AN AGREEMENT WITH THE BEDFORD CITY SCHOOL DISTRICT TO PAY CERTAIN SUMS TO THE DISTRICT TO PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY AND THE SCHOOL DISTRICT, AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Fluharty seconded by Genutis to place Ordinance No. **9597-18** on third and final reading and passed.

Mr. Montello and Mr. Mallis explained the City has authority under Ohio law to abate taxes on property to promote economic development within the City. In order to promote economic development and create and retain jobs within the City, the City was considering a grant of tax abatement of a portion of the

assessed value certain additional property in the City to be acquired and constructed by Qua, Inc. which was also within the boundaries of the Bedford City School District. The City recognizes that a quality school system was essential to the health, safety and welfare of the citizens of the City. The City intended to compensate the District for its loss of revenues as a result of the Qua, Inc. Abatements, and to evidence that intention proposes that the City and the District enter into an Abatement Compensation Agreement, whereby the City would pay to the District a portion of the income tax revenues withheld by and paid to the City as a result of Qua, Inc. acquisition and construction of the Abated Properties. Council has determined that such compensation to the School District will facilitate economic development in the City, improve the quality of the school system serving all of the citizens of the City, enhance property values and City revenues, and improve the quality of the City's services, among other benefits, all of which will promote the health, safety and welfare of the citizens of the City. In no event shall the compensation paid to the District pursuant to the Abatement Agreement exceed the lesser of the. (a) 30 percent (30%) of the Additional Withholding Income Tax Revenues over Mazda's payroll amount of \$3,795,000.00 (as defined in the Agreement) which the City derives from the Abated Properties pursuant to its income tax ordinance, including all subsequent amendments thereto or (b) an amount equal to the portion of property tax revenues the School District would have otherwise annually received from the Abated Properties but for the tax abatement granted by the City.

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

ORDINANCE NO. 9598-18 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE ODOT WINTER CONTRACT (018-19) FOR ROAD SALT 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: Genutis, Fluharty, Saunders, Rhoades, Spinks, Koci, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Spinks seconded by Genutis to place Ordinance No. **9598-18** on third and final reading and passed.

Mr. Mallis explained the City agreed to participate in the Ohio Department of Transportation's (ODOT) annual winter road salt bid in accordance with Ohio Revised Code 5513.01(B) and agreed to the following terms and conditions in its participation of the ODOT winter road salt contract. The City agreed to be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract. The City hereby acknowledged that upon the Director of ODOT's signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the City. The City agreed to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract and agrees to hold ODOT harmless for any claims, actions, expenses, or other damages arising out of the City's participation in the winter road salt contract. The City requested through this agreement a total of 3,700 tons of Sodium Chloride (Road Salt) of which the City agreed to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT. The City agreed to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract's effective period of September 1, 2018 through April 30, 2019.

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

ORDINANCE NO. 9599-18 AN ORDINANCE AMENDING ORDINANCE NO. 9538-17 MAKING ADDITIONAL APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF BEDFORD, OHIO DURING THE YEAR 2018 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: Genutis, Fluharty, Saunders, Rhoades, Spinks, Koci, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Mizesak to place Ordinance No. **9599-18** on third and final reading and passed.

Mr. Mallis explained in Mr. Gambosi's absence: General Fund: The increases in appropriations for 2018 are as follows Personal Service changes are to account for the 1% increase in wages for 2018 for all fulltime employees. The Tax Department Personal Services includes the part time Tax employee. This employee was hired to allow daily processing, while others are cross trained and moved to learn other job functions, in preparation of an employee leaving in 2019. Economic Development's budget was overstated earlier this year, so a correction was made to decrease this in line with proper earnings. Fund 209 Street Maintenance & Repair Fund: Increases occurred in this fund are for the vehicle purchases Dump truck and pickup trucks. Fund 210 Law Enforcement Fund: The appropriations from this fund are for the purchase of a second Police Dog K-9 \$12,900. Fund 212 Fire Equipment Fund: The \$10,260 is for grant purchases for protective clothing for the Firemen. Fund 213 Grants Fund: The O.J.P. Bullet Proof Vest Grant expenditures need funding in the amount of \$4,538.50. The OCJS Taser Acquisition Grant expenditures were \$6,354.67 and need funding. Fund 403 Capital Improvements Fund: This appropriation is to account for the Dominion Project for expenditures made in 2018 and funds were received in 2017. Fund 500 Water Fund: This fund has other expenditures for increased cost of Vehicles/trucks in Water \$3,734, and the \$1,938 is for the Water meter costs. Fund 801 Law Enforcement Agency Fund: To account for the confiscated funds from Drug busts pending final disbursement from the Court. Fund 805 SEALE Unforfeited Fund: To account for payments from the confiscations as Court ordered to be paid out to other federal and local agencies in the amount of \$81,587.00.

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

ORDINANCE NO. 9600-18 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH AC LAWNCARE & LANDSCAPING FOR PARCEL CLEANUP AT BEDFORD PARK TERRACE AND BEDFORD DALES CONDOS DECLARING THE ABOVE PROPERTY A NUISANCE AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Spinks seconded by Fluharty to place Ordinance No. **9600-18** on third and final reading and passed.

Mr. Mallis explained the Building Commissioner hereby notified Walton Properties LLC/Suetsy Investments, LLC and Bedford Dales Condo Association % Aries Management Corporation on March 2, 2018 for properties located at Bedford Park Terrace #176-210 Union Street and Bedford Dales Condos



#193-225 Dalepark in the City of Bedford to remove all trash, various debris, barrels, appliances, tires tree limbs from said properties per Codified Section 1333.07 (a) (1).

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

ORDINANCE NO. 9601-18 AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PVS TECHNOLOGIES, INC. BEING THE LOWEST, RESPONSIVE AND RESPONSIBLE BIDDER, 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: Genutis, Fluharty, Saunders, Rhoades, Spinks, Koci, Mizesak. Nays: None. Motion carried unanimously.

Motion made by Mizesak seconded by Saunders to place Ordinance No. **9601-18** on third and final reading and passed.

Mr. Mallis explained this was the annual bid for the purchase of Liquid Ferric Chloride. The bid advertisement was received and PVS was the lowest, responsive and responsible bidder.

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

ORDINANCE NO. 9602-18 AN ORDINANCE AUTHORIZING THE CITY MANAGER AND THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH VILLAGE OF HIGHLAND HILLS FOR USE OF THE BEDFORD CITY JAIL FACILITIES (“JAIL”) AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Saunders seconded by Rhoades to place Ordinance No. **9602-18** on third and final reading and passed.

Mr. Mallis explained Chief Stemple negotiated a contract for the use of our Jail by the Village of Highland Hills pursuant to Bedford Codified Ordinance Section 137.13.

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

ORDINANCE NO. 9603-18 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH L.E. SCOTT ELECTRICAL, LLC 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: Genutis, Fluharty, Saunders, Rhoades, Spinks, Koci, Mizensak. Nays: None. Motion carried unanimously.

Motion made by Spinks seconded by Genutis to place Ordinance No. **9603-18** on third and final reading and passed.

Mr. Mallis explained the Recreation Director recommended L.E. Scott Electrical, LLC to provide electrical installation of new fixtures and LED lighting at Ellenwood Recreation Center in an amount not to exceed \$8,000.

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

ORDINANCE NO. 9604-18 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH LEFFELECTRIC ENERGY SOLUTIONS AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Spinks seconded by Genutis to place Ordinance No. **9604-18** on third and final reading and passed.

Mr. Mallis explained the Recreation Director recommended LEFFELECTRIC Energy Solutions to provide said electrical equipment and LED lighting at Ellenwood Recreation Center in an amount not to exceed \$5,000.

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

RESOLUTION NO. 2523-18 BEING A RESOLUTION APPROVING AND ACCEPTING THE PROPOSED 2018 TAX BUDGET FOR THE YEAR JANUARY 1, 2019 TO DECEMBER 31, 2019 AND DECLARING AN EMERGENCY

Motion made by Spinks seconded by Fluharty to place Resolution No. 2523-18 on first reading.

Mr. Mallis explained the laws of the State of Ohio require municipalities as well as other government subdivisions submit to the County Commission approximately six (6) months prior to the beginning of each calendar year, an estimated budget for the next calendar year so that the tax rate for such year may be determined by said Budget Commission. There would be second reading and a Public Hearing on May 21, 2018.

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

**Motion made by Rhoades seconded by Saunders to accept the Planning Commission recommendation of April 17, 2018 for Gregory Washington, 16202 Corkhill Road, Maple Heights, Ohio is proposing to open a restaurant / entertainment establishment located at 339 Columbus Road (Ref: §1935.02 / §511.06 – P.P. 811-38-002-003 -004) (PC Tabled 4/3/18 – 4/16/18) (roll call)**

Mayor Koci explained the Commission's recommendation failed the application of Mr. Washington unanimously. Mr. Washington submitted additional information meeting all the requests of the Commission for Council review.

The roll was called. Vote – Yeas: None. Nays: Genutis, Fluharty, Saunders, Rhoades, Spinks, Koci, Mizsak. Motion carried unanimously. The Commission's recommendation was overturned by Council unanimously. Mayor Koci congratulated Mr. Washington on his new restaurant.

**Motion made by Genutis seconded by Rhoades to accept the Planning Commission recommendation of April 17, 2018 Reverend Neal W. May, 1109 Riverview Drive, Macedonia, Ohio – owner Testa Enterprises, Inc., is requesting conditional use approval to use the building located at 1200 Broadway Avenue for “The Redemption Center Church” (Ref: §1927.02 – P.P. 814-19-013) (PC Tabled 4/3/18 – 4/16/18) (roll call)**

Mayor Koci explained the Commission's recommendation approved the application of Reverend May: 3 Yeas, 2 Nays.

Kathy Williams, 491 Lamson, asked if the City was going to collect tax revenue and if the applicant needed to go before the Board of Zoning Appeals for a variance. Mr. Montello stated the collection of tax revenue was not a factor to be considered. Real estate taxes would be paid on the property and if the Church decided to embrace a catering business then taxes would be collected. He explained the applicator did not need a variance because it was a preexisting building and it predated the City's Codes.

The roll was called. Vote – Yeas: Genutis, Saunders, Rhoades, Koci, Mizsak. Nays: Fluharty, Spinks. Motion carried. The Commission's recommendation was approved by Council. Mayor Koci announced the application was approved by Council.

**Motion made by Genutis seconded by Fluharty to accept the Planning Commission recommendation of April 17, 2018 Alex Jones, 3160 Ludlow Road, Shaker Heights is requesting a conditional use approval to use the existing building located at 776 Broadway Avenue to open a Cigar Store (§1937.03) (roll call)**

Mayor Koci explained the Commission's recommendation approved the application of Alex Jones unanimously.

The roll was called. Vote – Yeas: Genutis, Fluharty, Saunders, Rhoades, Spinks, Koci, Mizsak. 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.

Donald Navratil, 907 High, explained he had a tree cut down in his front yard and wanted to know why the Service Department would not chip his branches. The Service Department explained the private hired company was supposed to clean up the tree. Mr. Mallis would check into the matter.

Nancy Lachowski, 197 Wandle, reported at 100 Gould a large construction bag that needs to be picked up for the past three weeks. She reported there was an orange barrel on Broadway Avenue which had been there all winter and wanted to know what was happening.

The Bedford HVYC student stayed for the entire meeting and felt it was pretty cool.

Sarah Gnoddie, Southeast Branch Library, listed several interesting programs for the next upcoming months.

Diane Astalos, 685 Archer Road, was very upset with the recent utility company who butchered the maple tree in front of her house. It was terrible looking and she felt the tree should have been removed.

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

Meeting adjourned at 10:15 P.M.



Clerk of Council



Mayor - President of Council