

COUNCIL WORK SESSION

JULY 5, 2016

6:00 P.M. PROMPT

(Rebecca Widowski – State Auditor’s Award)

- **DISCUSSION OF AGENDA**

- **DISCUSSION OF SPIDERCAT MARKETING INC. ONLINE NEWS** (\$1,500 monthly)

- **DISCUSSION OF REQUEST FOR STREET NAME CHANGE** (5-16-16/6-6-16)

- **DISCUSSION OF BOARD APPOINTMENT**
(Assessment Equalization / Local Municipal Income Tax)

- **DISCUSSION OF URGING CUYAHOGA COUNTY TO RECONSIDER ITS DECISION TO CLOSE THE SOUTHGATE NEIGHBORHOOD FAMILY SERVICE CENTER**

- **EXECUTIVE SESSION** – (Personnel)

PLEASE TURN OFF ALL CELL PHONES BEFORE MEETING
(Council Minutes and Agendas posted at www.bedfordoh.gov)

Bedford, Ohio

July 5, 2016

Bedford City Council met in a Work Session at Bedford City Hall on Tuesday, July 5, 2016 at 6:03 p.m.

Present: Council Members: Walter Genutis, Sandy Spinks, Greg Pozar, Don Saunders, Paula Mizsak, Mayor Stan Koci Marilyn Zolata. Absent: None. Administration: City Manager Michael Mallis, Finance Director Frank Gambosi, Law Director John Montello, Clerk of Council Lorree Villers. Also in attendance: Beth Housiaux-Steward, 93 Avalon Avenue, Rebecca Widowski, State Auditor's Office, Julie D'Aloiso, Spidercat Marketing Inc. and Building Commissioner Calvin Beverly.

Mr. Gambosi introduced Rebecca Widowski from the State Auditor's Office. Ms. Widowski presented the State Auditor's Award to Mr. Gambosi and the City. She explained there were 58,000 entities in Ohio and only 5% received this award. Mr. Gambosi thanked the Finance Department and the other departments on working diligently together in financial reporting. The City was awarded the Ohio Auditor of State Award with Distinction from Auditor of State, Dave Yost. The award was presented to the City for excellence in financial reporting for the City's Comprehensive Annual Financial Report for 2015. The award was for exemplary reporting served as the standard for clean, accountable government, representing the highest level of service to Ohioans.

Council had no changes to the minutes of the Work Session and the Regular Meeting of June 6, 2016.

DISCUSSION OF SPIDERCAT MARKETING INC. ONLINE NEWS

Mayor Koci requested this topic be placed on the agenda for consideration. Julie D'Aloiso, owner of Spidercat Marketing Inc., was present for questions. The quote before Council for Bedford's costs was in the amount of \$1,500 per month which entailed 3 hours a day Monday through Friday and one (1) hour on the weekend at approximately 20 hours a week or 80 hours a month which was roughly \$18.75 per hour. Discussion was held of ways to try and save money for the monthly services but nothing was determined. The Administration would contact the other three school district communities to see if they were interested in participating in hopes to save money. Mayor Koci thought the schools were interested but he would follow up to make sure. Ms. D'Aloiso explained she assigned reporters to their areas of interest to ensure accurate reporting. Plus, she could also canvas the area for supporters to assist them in costs. A thought was the sponsor's donations should be applied to the \$1,500 monthly fee to offset the City's cost. It was determined the City would revisit the topic next meeting and possibly consider a 6 month trial to see if it was cost effective and to see if the news was getting out to the residents, businesses and surrounding communities.

ORDINANCE NO. 9389-16 AN ORDINANCE ESTABLISHING SECTION 133.22 ENTITLED "APPLICATION OF OVERPAYMENTS AND REFUNDS" OF THE ADMINISTRATIVE CODE OF THE CITY OF BEDFORD, OHIO

Read as a first reading on June 6, 2016, Mr. Gambosi explained any refund that was due to the City from any individual/business from any public monies collected from City Income Tax, water bills, sewer bills, assessments, permits, license fees or any other funds from any service provided by a municipal department or operations, the Finance Director would apply the refund net to any fund or amounts due the City for any other service provided, obligation owed or assessments due the City.

ORDINANCE NO. 9390-16 AN ORDINANCE TO LEVY ASSESSMENTS FOR THE EXPENSE OF GARBAGE/REFUSE COLLECTION, RECYCLING AND DISPOSAL WITHIN THE CITY OF BEDFORD, OHIO DURING THE YEAR 2016

Read as first reading on June 6, 2016, Mr. Gambosi explained this assessment was for the costs for garbage/refuse collection, recycling and disposal which was approximately \$704,000. The assessment could not be in excess of the actual costs for the tax year 2016. The total cost of the above assessments had to be payable in cash within thirty (30) days and the assessments remaining unpaid at the expiration of said thirty (30) day period would be certified to the County Auditor to be placed on the tax duplicate to be assessed and collected on the next tax collection.

ORDINANCE NO. 9396-16 AN ORDINANCE REQUIRING THE CLERK OF COUNCIL TO DELIVER TO THE CUYAHOGA COUNTY BOARD OF ELECTIONS A PROPOSED AMENDMENT TO ARTICLE VI, SECTION 3 (b) OF THE CHARTER OF THE CITY OF BEDFORD REGARDING INITIATIVE, REFERENDUM AND RECALL TO BE SUBMITTED TO THE ELECTORS AT THE NOVEMBER 8, 2016 MUNICIPAL ELECTION

Mr. Montello explained Article XIII, Section 4 of the Charter of the City of Bedford provides that Amendments to the Charter may be submitted to the electors of the municipality by a vote of two-thirds (2/3) of the members of Council. The Cuyahoga County Board of Elections has requested that Bedford amends its Charter to streamline filing deadlines in regards to absentee balloting to conform to recent changes in Ohio and Federal Law to allow more preparation. The changes were as follows: If however, an election is held for the recall of more than three (3) members of Council, candidates to succeed them for their unexpired terms shall be voted upon at the same election and shall be nominated by petitions dated and verified in the manner required for petitions presenting names of candidates for regular Municipal elections and similar in form to such petitions and filed with the election authorities at least seventy five (75) days prior to such recall election, but no such nominating petition shall be signed or circulated until such recall petition has been certified to Council, and any signatures antedating such time shall not be counted.

ORDINANCE NO. 9397-16 AN ORDINANCE REQUIRING THE CLERK OF COUNCIL TO DELIVER TO THE CUYAHOGA COUNTY BOARD OF ELECTIONS A PROPOSED AMENDMENT TO ARTICLE VI, SECTION 4 OF THE CHARTER OF THE CITY OF BEDFORD REGARDING INITIATIVE, REFERENDUM AND RECALL TO BE SUBMITTED TO THE ELECTORS AT THE NOVEMBER 8, 2016 MUNICIPAL ELECTION Mr. Montello explained Article XIII, Section 4 of the Charter of the City of Bedford provides that Amendments to the Charter may be submitted to the electors of the municipality by a vote of two-thirds (2/3) of the members of Council. The Board of Elections has requested that Bedford amends its Charter to streamline filing deadlines in regards to absentee balloting to conform to recent changes in Ohio and Federal Law to allow more preparation. The changes were as follows: Whenever it becomes the duty of Council to call an election by reason of the filing of an initiative or referendum petition, or one for recall, Council shall call an election for the submission of such question, or recall, at the next regular primary or general election occurring not less than forty (40) days ninety (90) days nor more than ninety (90) one hundred twenty (120) days thereafter. If no such regular primary or general election is to be held within such time, Council shall provide for calling a special election not less than forty (40) ninety (90) days nor more than ninety (90) one hundred twenty (120) days thereafter. In either event, Council shall certify its action to the Board of Elections. Provided, however, that if the recall of more than three (3) members of Council is sought by such petition, the period of forty (40) ninety (90) days hereinbefore provided shall be changed to sixty (60) one hundred twenty (120) days.

ORDINANCE NO. 9398-16 AN ORDINANCE AUTHORIZING THE CITY MANAGER AND THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH WOODMERE POLICE DEPARTMENT FOR USE OF THE BEDFORD CITY JAIL FACILITIES ("JAIL")

Mr. Mallis explained the negotiated contract for the use of our jail with Woodmere Police Department was referenced in Codified Ordinance Section 137.13. The agreement was like the other agreements.

ORDINANCE NO. 9399-16 AN ORDINANCE TO LEVY ASSESSMENTS FOR BEDFORD'S CRIMINAL ACTIVITY NUISANCE ORDINANCE IN THE CITY OF BEDFORD, OHIO

Mr. Mallis explained these individuals were notified and failed to pay as stated in Codified Section 511.12. The City continued to experience repeat offenders for criminal activities.

ORDINANCE NO. 9400-16 AN ORDINANCE TO LEVY ASSESSMENTS FOR BEDFORD'S FALSE ALARMS ORDINANCE IN THE CITY OF BEDFORD, OHIO

Mr. Mallis explained these individuals were notified and failed to pay as stated in Codified Ordinance Section 747.01. The owner of Eight-Seven LLC said he did not get the first three notices but received the notice from the Finance Department dated in June, 2016. The City had been responding to this particular business since 2012 for numerous false alarms. It was determined the Exhibit would be amended to remove former Mayor Joe Migliorini's assessed costs since 2012.

ORDINANCE NO. 9401-16 AN ORDINANCE AMENDING ORDINANCE NO. 9342-15 MAKING ADDITIONAL APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF BEDFORD, OHIO DURING THE YEAR 2016

Mr. Gambosi explained the following were the reasons for the increase or decrease in appropriation requests: General Fund: The increases in appropriations for 2016 in the general fund was due mostly to Police employees paid to perform other duties charged to personnel accounts and the funds were available in the SECC other account in Police Department \$18,000 estimated for 2016. Municipal Court expenditures will need more appropriations due to a major claim in 2016. Fund 200 CDBG Fund: To allow expenditure of taxes on homes 775 Lincoln and demolishing 24 Oakwood. Fund 205 SEALE Narcotics Fund: To allow expenditure of LEF Grant and additional Funds in 2016/2017 per grant. Fund 210 Law Enforcement Trust Fund: To allow expenditure of confiscated funds over past years to be used by Police Department according to Ohio Revised Code in the amount of \$45,000. Fund 213 Grants Fund: Heightened Enforcement grants have been received and spent during 2016 and funds need appropriation to coincide with revenue received. Community Diversion received fees of \$300 for use by the department. The Recreation Department received donations of \$530 for soccer and baseball and football use. Fund 500 Water Fund: Increase in appropriation is to pay for water meter bonds issue costs in 2016 \$296,807.

ORDINANCE NO. 9402-16 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE A LEASE CONTRACT WITH SBA STRUCTURES, LLC FOR AN EASEMENT AGREEMENT OF A CELLULAR TOWER SITE AT BEDFORD MUNICIPAL CENTER IN THE CITY OF BEDFORD

Mr. Mallis explained the lease was a two year negotiation regarding a proposed acquisition of an easement from SBA Structures, LLC for an exclusive term communications easement and assignment of the existing ground lease located at the cellular tower site at Bedford Municipal Center. Per the agreement the City would receive a buyout of \$950,000, any technology added to the tower the City would receive 50% of the revenue for the next 50 years and SBA Structures, LLC would have to maintain the tower for any repairs.

ORDINANCE NO. 9403-16 AN ORDINANCE ENACTING SECTION 549.20 ENTITLED "FLYING MODEL AIRCRAFT" OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD

Mr. Mallis explained the Chief of Police recommended that the City regulate the use of Flying Model Aircraft, including drones, due to their rising popularity and obvious safety issues to the residents. Mr. Genutis questioned why the drone aircraft was under "Weapons and Explosives" in the Codified Ordinances. He read:

(a) No person shall operate, within the city limits of Bedford, any model aircraft, unmanned aircraft system (UAS), or drone which is controlled by radio, electronic, or similar free flight operation, by a person on the ground or otherwise, in a manner that the aircraft flies over or within 1,000 feet of any of the following:

- (1) Public or private school property, without written expressed consent, such as athletic facilities, school buildings, and transportation facilities
- (2) All city owned buildings, without the express written consent of the city
- (3) Any public utility location such as water, sewer, electric, phone, or gas

- (4) Active crime scenes
 - (5) Active fire or accident scenes
 - (6) Communications tower
- (b) Sustained operation above any roadway is prohibited where such operation could impair a driver's line of sight, distract drivers, or come into contact with motor vehicles operating within said roadways.
- (c) Operation to view or capture images of people on private property or to view or capture images of private property that would otherwise not be visible without the use of any model aircraft, unmanned aircraft system (UAS), or drone is prohibited. Operation of any model aircraft, unmanned aircraft system (UAS), or drone that causes a property owner to believe they or their property is being viewed or imaged or is harassing in nature is prohibited.
- (d) Operation before dawn and after dusk is prohibited.
- (e) No person shall equip any model aircraft, unmanned aircraft system (UAS), or drone with any weapon such as a firearm, explosive device, incendiary device, ballistic knife, knife, zip gun or any other dangerous ordinance as described in sections 2923.11 or 2923.24 of the Ohio Revised Code or any device that is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, and regulations issued under this act.
- (f) Law enforcement officers are exempt when operated in the course of their duty.
- (g) No person shall fly any model aircraft, unmanned aircraft system (UAS), or drone which is controlled by radio, electronic, or similar free flight operation, within the city limits of Bedford, without first registering the device with the Federal Aviation Administration (FAA) as required by FAA guidelines. Any person operating any model aircraft, unmanned aircraft system (UAS), or drone must have in their possession any required FAA registration certificate for the specific model aircraft, unmanned aircraft system (UAS), or drone being operated.

He was totally against letter "f"; he felt it should be removed. He suggested this issue be discussed in more detail before consideration. Mr. Mallis added as far as the military was concerned it didn't really matter what laws Bedford had on their books; the military would do what they wanted to do regardless. Council would read this tonight as a first reading.

ORDINANCE NO. 9404-16 AN ORDINANCE AMENDING ORDINANCE NO. 9286-15 CHAPTER 747.01 ENTITLED "FALSE ALARMS" OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD

Mr. Mallis explained there continued to be numerous false alarms called in which the Police Department and/or Fire Department were required to respond. The false alarms were not only a public nuisance but also a threat to public safety by diverting limited police and fire resources from legitimate requests for assistance and other law enforcement and fire protection matters. The idea was to encourage security alarm users and alarm system monitoring companies to maintain the operational reliability and proper use of security alarm systems in order to reduce unnecessary Police Department and/or Fire Department responses to false alarms. The Police Chief requested the warning letter be mailed by regular mail/US Postal service and the bills be mailed certified mail.

ORDINANCE NO. 9405-16 AN ORDINANCE AMENDING ORDINANCE NO. 9358-16 PASSED JANUARY 19, 2016 ESTABLISHING PAY RANGES AS SUBSEQUENTLY AMENDED
Mr. Mallis and Mr. Gambosi explained the changes were under the City Manager's section of the pay ordinance for the Part Time Receptionist/Office Clerk at a starting range of \$10.00-15.00 per hour with a maximum of \$20.00 per hour. The other position was for an Interim Purchasing Clerk at an additional

\$3.00 plus rate per hour. It was determined this topic would be discussed in executive session this evening. (See attached 2013 minutes, memo and union contract verbiage)

There were no issues or concerns with the following Planning Commission's recommendations:

Motion made by Spinks seconded by Genutis to accept the Planning Commission recommendation of June 7, 2016 Nick Badah Enterprise, Inc. of Gasway Service Station located at 1483 Broadway Avenue – BNEXT Signs & Awning's, 5109 Clark Avenue, Cleveland who is seeking relief from §1949.12 of the Codified Ordinances of the City of Bedford for approval to install a new pole sign, 22' high x 84" in width with a total of 86.33 sq. ft.

Motion made by Spinks seconded by Genutis to accept the Planning Commission recommendation of June 7, 2016 Joseph Greenler, 10801 Tittle Road, Defiance, OH – Central Congregation of Jehovah's Witnesses, 1406 Broadway Avenue who is proposing to update the building exterior – §1305.09 Building Plan Review (Applicant withdrew 6/27/16)

Council chose to accept the recommendation as proposed in case Joseph Greenler chose to move forward at a later date then he would not have to come back before the Planning Commission.

Motion made by Spinks seconded by Genutis to accept the Planning Commission recommendation of June 7, 2016 Safely Home, Inc., 121 Center Road, Bedford who seeking relief from §1929.02 of the Codified Ordinances of the City of Bedford for approval for additional office space and classroom expansion after the purchase of 111 Center Road which is an existing two family dwelling

Motion made by Spinks seconded by Genutis to accept the Planning Commission recommendation of June 7, 2016 Heather Rhoades, 241 Center Road, Bedford is seeking relief from §1927.02 of the Codified Ordinances of the City of Bedford for approval to convert the 2nd floor of the existing detached two car garage into a one bedroom apartment

Motion made by Spinks seconded by Genutis to accept the Planning Commission recommendation of June 7, 2016 MRLM, LLC, 6011 Heisley Road, Mentor, OH – 600 Solon Road is seeking relief from §1305.09 of the Codified Ordinances of the City of Bedford for approval to construct a new 3,876 sq. ft. structure to be used as an Office/Warehouse for their landscaping business

Discussion of the Regular Meeting agenda was concluded.

DISCUSSION OF REQUEST FOR STREET NAME CHANGE

Discussion was held on May 16th and June 6th to rename something in honor of former Principal Paul G. Ward, Jr. Discussion was held of the recent passing of Holsey Handyside, a lifelong resident, a United States Ambassador and other influential people who also deserved to have something named after them. It was determined the Paul G. Ward, Jr sign would be hung below the current Melba sign and done the same as Northfield Avenue aka the Avenue of Champions.

DISCUSSION OF URGING CUYAHOGA COUNTY TO RECONSIDER ITS DECISION TO CLOSE THE SOUTHGATE NEIGHBORHOOD FAMILY SERVICE CENTER

Mr. Genutis requested this topic be placed on the agenda for discussion because he felt Bedford should consider a Resolution urging Cuyahoga County to reconsider its decision. Discussion was held that some of the surrounding cities were not in support of keeping the service in Maple Heights for various unstated reasons. Clerk Villers informed Council she received a Resolution from the Council Clerk of Bedford Heights; Council signed it but Mayor Berger did not. It was determined Bedford passing a Resolution would not change the outcome so maybe it was best not too since the issue was moot.

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

At 7:55 p.m., Bedford City Council, City Manager Mallis, Finance Director Gambosi and Law Director Montello went into an executive session to discuss Personnel.

At 8:06 p.m., Bedford City Council recessed Executive Session to attend the Regular Council Meeting.

At 9:35 p.m., Council reconvened Executive Session with Bedford City Council only. City Manager Mallis, Finance Director Gambosi and Law Director Montello were not required to attend.

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

Work Session adjourned at 10:00 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 June 6, 2016
- b. Approval of Minutes of the Regular Meeting of June 6, 2016

5. PRESENTATIONS (World Ranger Day / State Auditor's Award / Hawthorne Valley Youth Council)**6. OLD BUSINESS** (1st Rdg: 6/6/16)

- a. Ordinance No. 9389-16 establishing §133.22 "Application Overpayments and Refunds"
- b. Ordinance No. 9390-16 levying assessments for garbage/refuse collection, recycling and disposal

7. REPORTS

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

8. NEW BUSINESS

- a. Ordinance No. 9396-16 proposed amendment to Article VI, Section 3 (b) of the Charter
- b. Ordinance No. 9397-16 proposed amendment to Article VI, Section 4 of the Charter
- c. Ordinance No. 9398-16 contract w/Woodmere Police Department
- d. Ordinance No. 9399-16 levy assessments for Bedford's criminal activity nuisance (§511.12)
- e. Ordinance No. 9400-16 levy assessments for false alarms (§747.01)
- f. Ordinance No. 9401-16 amend Ordinance No. 9342-15 making additional appropriations
- g. Ordinance No. 9402-16 contract w/SBA Structures, LLC for cellular tower site at Bedford Municipal Center
- h. Ordinance No. 9403-16 enacting §549.20 entitled "Flying Model Aircraft"
- i. Ordinance No. 9404-16 amend Ord. 9286-15 §747.01 "False Alarms"
- j. Ordinance No. 9405-16 amend Ord. 9358-16 Pay Ordinance (Interim Purchasing Clerk)
- k. Motion to accept the Planning Commission recommendation of June 7, 2016 Nick Badah Enterprise, Inc. of Gasway Service Station located at 1483 Broadway Avenue – BNEXT Signs & Awing's, 5109 Clark Avenue, Cleveland who is seeking relief from §1949.12 of the Codified Ordinances of the City of Bedford for approval to install a new pole sign, 22' high x 84" in width with a total of 86.33 sq. ft. (roll call)
- l. Motion to accept the Planning Commission recommendation of June 7, 2016 Joseph Greenler, 10801 Tittle Road, Defiance, OH – Central Congregation of Jehovah's Witnesses, 1406 Broadway Avenue who is proposing to update the building exterior – §1305.09 Building Plan Review (roll call) – (Applicant withdrew 6/27/16)
- m. Motion to accept the Planning Commission recommendation of June 7, 2016 Safely Home, Inc., 121 Center Road, Bedford who seeking relief from §1929.02 of the Codified Ordinances of the City of Bedford for approval for additional office space and class room expansion after the purchase of 111 Center Road which is an existing two family dwelling (roll call)

- n. Motion to accept the Planning Commission recommendation of June 7, 2016 Heather Rhoades, 241 Center Road, Bedford is seeking relief from §1927.02 of the Codified Ordinances of the City of Bedford for approval to convert the 2nd floor of the existing detached two car garage into a one bedroom apartment (roll call)
- o Motion to accept the Planning Commission recommendation of June 7, 2016 MRLM, LLC, 6011 Heisley Road, Mentor, OH – 600 Solon Road is seeking relief from §1305.09 of the Codified Ordinances of the City of Bedford for approval to construct a new 3,876 sq. ft. structure to be used as an Office/Warehouse for their landscaping business (roll call)
- p. Motion to appoint Charles Mowery to the Board of Building Standards & Appeals (5 year term) (roll call)
- q. Motion to appoint James Chappelle to the Civil Service Commission (3 year term) (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)

Bedford City Council met in Regular Session at Bedford City Hall on Tuesday, July 5, 2016. Mayor Koci called the meeting to order at 8:10 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Zolata, Spinks, Koci, Mizesak, Genutis, Pozar, Saunders. Absent: None.

Motion made by Zolata and seconded by Genutis to approve the minutes of the Work Session Meeting of June 6, 2016. The roll was called. Vote – Yeas: Spinks, Koci, Mizesak, Genutis, Pozar, Saunders. Nays: None. Abstain: Zolata. Motion carried.

Motion made by Mizesak and seconded by Pozar to approve the minutes of the Regular Meeting of June 6, 2016. The roll was called. Vote – Yeas: Spinks, Koci, Mizesak, Genutis, Pozar, Saunders. Nays: None. Abstain: Zolata. Motion carried.

Mayor Koci had three presentations this evening: World Ranger Day on July 29th. Mrs. Mizesak spoke about the ceremony she attended in 2015. Mayor Koci read the Hawthorne Valley Youth Council certificate. Mr. Gambosi thanked the Finance Department and the other departments on working diligently together in financial reporting. The City was awarded the Ohio Auditor of State Award with Distinction from Auditor of State, Dave Yost. The award was presented to the City for excellence in financial reporting for the City's Comprehensive Annual Financial Report for 2015. The award was for exemplary reporting served as the standard for clean, accountable government, representing the highest level of service to Ohioans.

ORDINANCE NO. 9389-16 AN ORDINANCE ESTABLISHING SECTION 133.22 ENTITLED "APPLICATION OF OVERPAYMENTS AND REFUNDS" OF THE ADMINISTRATIVE CODE OF THE CITY OF BEDFORD, OHIO PLACED ON FIRST READING JUNE 6, 2016 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Pozar seconded by Saunders to place Ordinance No. **9389-16** on third and final reading and passed.

Mr. Gambosi explained any refund that was due to the City from any individual/business from any public monies collected from City Income Tax, water bills, sewer bills, assessments, permits, license fees or any other funds from any service provided by a municipal department or operations, the Finance Director would apply the refund net to any fund or amounts due the City for any other service provided, obligation owed or assessments due the City.

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

ORDINANCE NO. 9390-16 AN ORDINANCE TO LEVY ASSESSMENTS FOR THE EXPENSE OF GARBAGE/REFUSE COLLECTION, RECYCLING AND DISPOSAL WITHIN THE CITY OF BEDFORD, OHIO DURING THE YEAR 2016 PLACED ON FIRST READING JUNE 6, 2016 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Zolata seconded by Genutis to place Ordinance No. **9390-16** on third and final reading and passed.

Mr. Gambosi explained the fee was the same and hadn't increased.

The roll was called. Vote – Yeas: Zolata, Spinks, Koci, Mizsak, Genutis, Pozar. Nays: Saunders. Motion carried.

Council and the Administration thanked everyone for another successful 4th of July Parade. Mr. Mallis and Council commended Mr. Gambosi, the Finance Department and the other departments on working diligently together in financial reporting. Council and the Administration gave their condolences to the Holsey Handyside family.

City Manager Michael Mallis explained the City would be “sounding” the water system in August to attempt to find water leaks. The City currently had a 40% loss in water costs. Dominion continued the gas line project as they work closely with the Service Department. The Columbus Road Bridge would open ahead of schedule in July. Another demolition would be happening at 24 Oakwood Avenue soon. He urged the residents to get involved and stay informed with City business. Budget cuts would continue to happen to bring the numbers in line. He announced the Plein Air Art and Classic Car Show on Saturday, July 16th 11:00 a.m. to 7:00 p.m.

No reports from Law Director John Montello and Councilman Genutis.

Finance Director Frank Gambosi thanked Mr. Mallis and Mr. Montello for their efforts regarding the acquisition of an easement from SBA Structures, LLC for an exclusive term communications easement and assignment of the existing ground lease located at the cellular tower site at Bedford Municipal Center; it was a two year negotiation. He thanked Jean King for serving on the Assessment Equalization and Local Municipal Income Tax Board.

Councilwoman Zolata thanked everyone for their efforts. She was pleased with Robert Martel and Shaun Stanton for graduating from the Police Academy as Patrolmen. She thanked her son Larry for bringing her to the meeting.

Councilwoman Spinks thanked Mr. Mallis for the new banner and Mr. and Mrs. Briggs for offering their truck as a float. She mentioned there were potholes in her Ward. She announced the 2016 “Hoop it up” program was underway; she urged others to volunteer for this well needed program.

Councilwoman Mizsak thanked the Service Department for cleaning up after the parade. She said the Holsey Handyside service would be private; however, she would announce the date. She asked for prayers for Father Begin.

Councilman Pozar gave kudos to the Administration for their attention to address the budgetary issues. He was confident in the decisions that would be brought forward to address the budget concerns. He was pleased with the outcome of Ordinance No. 9402-16.

Councilman Saunders was pleased with the efforts made by Dominion prior to the parade in making the project areas presentable and secure. He questioned why Dominion was not addressing Logan Street because of the numerous gas leaks. He felt the rubbish fee assessment was a temporary Band-Aid in

addressing the budgetary issues/concerns; however, he did agree the City needed the money. He hoped the new residential water meters and sounding project helped the loss of water the City was experiencing.

Mayor Koci talked about Holsey Handyside being a lifelong resident and a United States Ambassador in the State Department for many years.

Mr. Montello explained the next two Ordinances were Charter changes recommended by the Board of Elections to allow ample time for the Board of Elections to address the military and overseas civilian voters. Mayor Koci urged the residents to vote "yes" to allow ample time for others to vote; there was no cost to the residents so it shouldn't be an issue.

ORDINANCE NO. 9396-16 AN ORDINANCE REQUIRING THE CLERK OF COUNCIL TO DELIVER TO THE CUYAHOGA COUNTY BOARD OF ELECTIONS A PROPOSED AMENDMENT TO ARTICLE VI, SECTION 3 (b) OF THE CHARTER OF THE CITY OF BEDFORD REGARDING INITIATIVE, REFERENDUM AND RECALL TO BE SUBMITTED TO THE ELECTORS AT THE NOVEMBER 8, 2016 MUNICIPAL ELECTION AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Zolata seconded by Spinks to place Ordinance No. **9396-16** on third and final reading and passed.

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

ORDINANCE NO. 9397-16 AN ORDINANCE REQUIRING THE CLERK OF COUNCIL TO DELIVER TO THE CUYAHOGA COUNTY BOARD OF ELECTIONS A PROPOSED AMENDMENT TO ARTICLE VI, SECTION 4 OF THE CHARTER OF THE CITY OF BEDFORD REGARDING INITIATIVE, REFERENDUM AND RECALL TO BE SUBMITTED TO THE ELECTORS AT THE NOVEMBER 8, 2016 MUNICIPAL ELECTION AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Saunders seconded by Pozar to place Ordinance No. **9397-16** on third and final reading and passed.

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

ORDINANCE NO. 9398-16 AN ORDINANCE AUTHORIZING THE CITY MANAGER AND THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH WOODMERE POLICE DEPARTMENT FOR USE OF THE BEDFORD CITY JAIL FACILITIES (“JAIL”) AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Spinks seconded by Genutis to place Ordinance No. **9398-16** on third and final reading and passed.

Mr. Mallis explained this was the same agreement the City made with previous agreements as determined by the Bedford Police Department. Woodmere had about 8-15 prisoners annually.

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

ORDINANCE NO. 9399-16 AN ORDINANCE TO LEVY ASSESSMENTS FOR BEDFORD’S CRIMINAL ACTIVITY NUISANCE ORDINANCE IN THE CITY OF BEDFORD, OHIO AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Mizsak seconded by Pozar to place Ordinance No. **9399-16** on third and final reading and passed.

Mr. Mallis explained these assessments were because of Police calls to repeat offenders as stated in Codified Ordinance §511.12.

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

ORDINANCE NO. 9400-16 AN ORDINANCE TO LEVY ASSESSMENTS FOR BEDFORD’S FALSE ALARMS ORDINANCE IN THE CITY OF BEDFORD, OHIO AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Genutis seconded by Zolata to remove Eighty-Seven LLC from Exhibit “A”.

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

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

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

Motion made by Spinks seconded by Zolata to place Ordinance No. **9400-16** on third and final reading and passed.

Mr. Mallis explained these assessments were because of Police/Fire calls to repeat offenders as stated in Codified Ordinance §747.01 at \$50.00 per call.

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

ORDINANCE NO. 9401-16 AN ORDINANCE AMENDING ORDINANCE NO. 9342-15 MAKING ADDITIONAL APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF BEDFORD, OHIO DURING THE YEAR 2016 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Zolata seconded by Genutis to place Ordinance No. **9401-16** on third and final reading and passed.

Mr. Gambosi explained the following reasons for the increase/decrease in appropriation requests: General Fund: The increases in appropriations for 2016 in the general fund was due mostly to Police employees paid to perform other duties charged to personnel accounts and the funds were available in the SECC other account in Police Department \$18,000 estimated for 2016. Municipal Court expenditures will need more appropriations due to a major claim in 2016. Fund 200 CDBG Fund: To allow expenditure of taxes on homes 775 Lincoln and demolishing 24 Oakwood. Fund 205 SEALE Narcotics Fund: To allow expenditure of LEF Grant and additional Funds in 2016/2017 per grant. Fund 210 Law Enforcement Trust Fund: To allow expenditure of confiscated funds over past years to be used by Police Department according to Ohio Revised Code in the amount of \$45,000. Fund 213 Grants Fund: Heightened Enforcement grants have been received and spent during 2016 and funds need appropriation to coincide with revenue received. Community Diversion received fees of \$300 for use by the department. The Recreation Department received donations of \$530 for soccer and baseball and football use. Fund 500 Water Fund: Increase in appropriation is to pay for water meter bonds issue costs in 2016 \$296,807.

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

ORDINANCE NO. 9402-16 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE A LEASE CONTRACT WITH SBA STRUCTURES, LLC FOR AN EASEMENT AGREEMENT OF A CELLULAR TOWER SITE AT BEDFORD MUNICIPAL CENTER IN THE CITY OF BEDFORD AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Saunders seconded by Mizensak to place Ordinance No. **9402-16** on third and final reading and passed.

Mr. Mallis explained the lease was a two year negotiation regarding a proposed acquisition of an easement from SBA Structures, LLC for an exclusive term communications easement and assignment of the existing ground lease located at the cellular tower site at Bedford Municipal Center. Per the agreement the City would receive \$950,000 as a buyout, any technology added to the tower the City would receive 50% of the revenue for the next 50 years and SBA Structures, LLC would have to maintain the tower for any repairs. This lease contract would also create better cell phone reception for the residents and the surrounding areas.

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

ORDINANCE NO. 9403-16 AN ORDINANCE ENACTING SECTION 549.20 ENTITLED “FLYING MODEL AIRCRAFT” OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Spinks seconded by Zolata to place Ordinance No. **9403-16** on first reading.

The roll was called. Vote – Yeas: Zolata, Spinks, Koci, Mizensak, Saunders. Nays: Genutis, Pozar. Motion carried.

ORDINANCE NO. 9404-16 AN ORDINANCE AMENDING ORDINANCE NO. 9286-15 CHAPTER 747.01 ENTITLED “FALSE ALARMS” OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Spinks seconded by Zolata to place Ordinance No. **9404-16** on third and final reading and passed.

Mr. Mallis explained the amendments were as follows:

(1) Residential users. A warning shall be issued and no charge shall be made for the first two false alarms annually. A charge of Fifty (\$50.00) Dollars shall be made for the third false alarm annually and all subsequent false alarms. All warnings will be mailed by regular mail and bills will be mailed by certified mail with a return receipt.

(2) Business users. A warning shall be issued and no charge shall be made for the first two false alarms annually. A charge of One Hundred (\$100.00) Dollars shall be made for the third false alarm annually and all subsequent false alarms. All warnings will be mailed by regular mail and bills will be mailed by certified mail with a return receipt.

Mr. Gambosi stated regular mail meant US Postal Service and/or personal delivery service.

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

ORDINANCE NO. 9405-16 AN ORDINANCE AMENDING ORDINANCE NO. 9358-16 PASSED JANUARY 19, 2016 ESTABLISHING PAY RANGES AS SUBSEQUENTLY AMENDED AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Mizensak seconded by Saunders to place Ordinance No. **9405-16** on first reading.

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

Motion made by Mizensak seconded by Pozar to accept the Planning Commission recommendation of June 7, 2016 Nick Badah Enterprise, Inc. of Gasway Service Station located at 1483 Broadway Avenue – BNEXT Signs & Awning's, 5109 Clark Avenue, Cleveland who is seeking relief from §1949.12 of the Codified Ordinances of the City of Bedford for approval to install a new pole sign, 22' high x 84" in width with a total of 86.33 sq. ft.

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

Motion made by Genutis seconded by Zolata to accept the Planning Commission recommendation of June 7, 2016 Joseph Greenler, 10801 Tittle Road, Defiance, OH – Central Congregation of Jehovah's Witnesses, 1406 Broadway Avenue who is proposing to update the building exterior – §1305.09 Building Plan Review (Applicant withdrew 6/27/16)

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

Motion made by Genutis seconded by Spinks to accept the Planning Commission recommendation of June 7, 2016 Safely Home, Inc., 121 Center Road, Bedford who seeking relief from §1929.02 of the Codified Ordinances of the City of Bedford for approval for additional office space and classroom expansion after the purchase of 111 Center Road which is an existing two family dwelling

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

Motion made by Saunders seconded by Pozar to accept the Planning Commission recommendation of June 7, 2016 Heather Rhoades, 241 Center Road, Bedford is seeking relief from §1927.02 of the Codified Ordinances of the City of Bedford for approval to convert the 2nd floor of the existing detached two car garage into a one bedroom apartment

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

Motion made by Mizensak seconded by Saunders to accept the Planning Commission recommendation of June 7, 2016 MRLM, LLC, 6011 Heisley Road, Mentor, OH – 600 Solon Road is seeking relief from §1305.09 of the Codified Ordinances of the City of Bedford for approval to construct a new 3,876 sq. ft. structure to be used as an Office/Warehouse for their landscaping business

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

Motion made by Saunders seconded by Mizensak to appoint Charles Mowery to the Board of Building Standards & Appeals (5 year term). The roll was called. Vote – Yeas: Zolata, Spinks, Koci, Mizensak, Genutis, Pozar, Saunders. Nays: None. Motion carried unanimously.

Motion made by Spinks seconded by Zolata to appoint James Chappelle to the Civil Service Commission (3 year term). The roll was called. Vote – Yeas: Zolata, Spinks, Koci, Mizensak, Genutis, Pozar, Saunders. Nays: None. Motion carried unanimously. Council welcomed the two new appointees.

Mayor Koci said that concluded the business portion of the meeting and asked if anyone in the audience had any comments.

Kathy Williams, 491 Lamson, asked the City to make sure any additions to the tower be checked for radiation. The three residential homes located nearest to the tower the residents have experienced six (6) different cancers and one blood disorders. She asked what a Flying Model Aircraft was. Mayor Koci replied, a drone type flying object. It was determined the Bedford Police Department was not in the market to purchase a drone.

Beth Housiaux-Stewart, 93 Avalon, thought Council should pass a Resolution urging Cuyahoga County to keep the Southgate Neighborhood Family Service Center in Maple Heights. She felt it was a needed service for the 75 families who utilize it. She didn't think the reasons stated at the Work Session was not good enough reasons to close the facility.

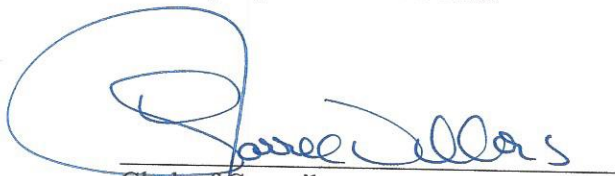
Joyce Daunch, 86 Harriman Street, announced the Plein Air Art and Classic Car Show on Saturday, July 16th 11:00 a.m. to 7:00 p.m. The artists would be painting outside and there would be plenty of food.

Nancy Lachowski, 197 Wandle Avenue, spoke about the local car dealership that continues to drive erratically up and down Wandle Avenue. She was concerned because of the small children in the area.

Mayor Koci announced the next Regular Council meeting would be August 1st at 8:00 p.m.

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

Meeting adjourned at 9:23 P.M.


Clerk of Council


Mayor - President of Council