

**COUNCIL WORK SESSION**

**SEPTEMBER 4, 2018**

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

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- **DISCUSSION OF AGENDA**
  
- **DISCUSSION OF PLANNING COMMISSION APPOINTMENT**
  
- **DISCUSSION OF DEER MANAGEMENT REVIEW**
  
- **DISCUSSION OF STREET PARKING – Sidewalk Clearing**
  
- **EXECUTIVE SESSION – (Personnel / Economic Development)**

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

Bedford City Council met in a Work Session at Bedford City Hall on Tuesday, September 4, 2018 at 6:09 p.m.

Present: Council Members: Heather Rhoades, Victor Fluharty, Sandy Spinks, Walter Genutis, Paula Mizesak and Donald Saunders Absent: Mayor Stan Koci. Also Present: Clerk of Council Lorree Villers. Administration: City Manager Michael Mallis, Finance Director Frank Gambosi, Law Director John Montello, Building Commissioner Calvin Beverly and Assistant Finance Director Jennifer Howland.

Vice-Mayor Mizesak began discussion of the Regular Council Meeting agenda.

There were no changes to the Work Session and Regular Meeting minutes of August 6, 2018 or the Special Work Session minutes of August 13, 2018.

ORDINANCE NO. 9623-18 AN ORDINANCE AMENDING CHAPTER 351 ENTITLED "PARKING GENERALLY" OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD BY ENACTING NEW SECTION 351.21 ENTITLED "WAIVER OF PARKING VIOLATIONS" PLACED ON FIRST READING JULY 2, 2018 AND SECOND READING AUGUST 6, 2018 AND DECLARING AN EMERGENCY

Mr. Mallis previously explained this was for the increasing problem of illegal parking in the City. The actions were to amend the waiver amount for certain violations and the time from in which the waiver would be paid. The amendments were to read as follows: Any parking tickets issued under Chapter 351, including but not limited to night parking, parking in prohibited areas and parking on lawns, may be waived within seventy two (72) hours by paying a fine of Twenty Five Dollars (\$25.00). If not paid within seventy two (72) hours the waiver fine shall be increased to Fifty Dollars (\$50.00). Additional fines up to One Hundred and Fifty Dollars (\$150.00) and costs will be imposed if Court action is necessary. The waiver amount for handicapped parking violations is Two Hundred Fifty Dollars (\$250.00). Council had no concerns.

ORDINANCE NO. 9630-18 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL OF CUMMINS SALES AND SERVICE FOR THE SERVICE GARAGE GENERATOR AND DECLARING AN EMERGENCY

Mr. Mallis previously explained vents would be installed for better air flow in hopes the new generator would not overheat.

ORDINANCE NO. 9631-18 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL OF ALL PHASE FOR THE SERVICE GARAGE GENERATOR INSTALLATION AND DECLARING AN EMERGENCY

Mr. Mallis previously explained the expenditure would be paid using the NOPEC funds. He was expecting two additional quotes but had not received them for this evening; he suggested a second reading.

Mr. Gambosi requested Ordinances 9636-18, 9637-18 and 9638-18 be read as first readings.

ORDINANCE NO. 9636-18 AN ORDINANCE AMENDING ORDINANCE NO. 9546-17 CONCERNING SECTION 913.02 "SEWER RATES" OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD AS RELATED TO SEWER RATES AND DECLARING AN EMERGENCY

Mr. Gambosi explained the monthly minimum charge of twenty four dollars and forty-six cents (\$24.46) would start January 1, 2019. The charges were increased to two and sixty-seven one-hundredths cents (\$0.0267) and four and one one-hundredths cents (\$0.0401) starting January 1, 2019. The sewer fund was not doing well enough to support certain expensive projects. He talked about the various repairs/upgrades that needed to be done at the WWTP per the EPA. The City continued to work with the EPA on a plan

utilizing grant monies, Issue 2 money as well at the Port Authority and the County. Discussion was held how the loss of water had improved. It was determined the 9% increase would be enough but it was important for the City to score well to received grant monies.

ORDINANCE NO. 9637-18 AN ORDINANCE AMENDING ORDINANCE NO. 9547-17 CONCERNING SECTION 913.03 "RATE REDUCTION FOR SENIOR CITIZENS AND THE PERMANENTLY DISABLED" OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD AS RELATED TO SEWER RATES AND DECLARING AN EMERGENCY

Mr. Gambosi explained starting January 1<sup>st</sup> each eligible senior citizen and the permanently disabled persons would pay a monthly minimum sewer service charge of seventeen dollars and twelve cents (\$17.12). Water in excess of 300 cubic feet used each month for a senior citizen would pay: For the first 100 cubic feet of water in excess of such 300 cubic feet, a charge of one and seventy-sixth one-hundredths cents (\$0.0176) and for each cubic foot of water in excess of the first 100 cubic feet would be charged two and sixty-five one-hundredths cents (\$0.0265).

ORDINANCE NO. 9638-18 AN ORDINANCE REPLACING ORDINANCE NO. 7780-05 RELATING TO WATER RATES AND DECLARING AN EMERGENCY

Mr. Gambosi explained the changes were as follows: No later than December 15<sup>th</sup> of every year, starting in 2019, the water rates would become effective January 1<sup>st</sup> of the subsequent year. The City of Cleveland had passed a Master Meter Water Increase to \$35.05 for 2019 and \$36.69 from the current rate of \$33.35 a corresponding 5.0975% for 2019 and 4.6790% increase for 2020. His suggested an increase in the water rates in the amount of .0975% for the year 2019. Starting January 1, 2019, the base rate for a customer having meters of the following sizes were established as follows:

		<u>2019 Minimum Monthly Charge</u>	<u>2018 Current Charge</u>
5/8" or 3/4"	meter	\$28.47	\$28.44
1"	meter	39.06	39.02
1-1/4"	meter	45.35	45.31
1-1/2"	meter	57.81	57.75
2"	meter	70.31	70.24
3"	meter	132.82	132.69
4"	meter	195.28	195.09
6"	meter	429.61	429.19
8"	meter	570.25	569.69

ORDINANCE NO. 9639-18 AN ORDINANCE AMENDING ORDINANCE NO. 9498-17 CODIFIED ORDINANCE §911.03 "RATE REDUCTION FOR DISABLED PERSONS AND SENIOR CITIZENS" FOR WATER AND SEWER DISCOUNTS AND DECLARING AN EMERGENCY

Mr. Gambosi explained the applicant, their spouse and any other household members over the age of 18 residing in the premises must have a combined household income of less than \$33,224.00 for the year 2017 to receive the discount in the year 2019. The City determined that the household income threshold of \$33,224.00 would be increased annually in January of each and every year by the lower of three (3) percent or the change in the annual Midwest Urban Consumer Price Index measured for each fiscal year. The City determined that eligibility for the water/sewer discount in any year was based on income from two years earlier. To obtain water/sewer discounts commencing in 2019, all eligible applicants must file an annual application to receive the water/sewer discount prior to the last Friday in September in the previous calendar year, based upon income earned in calendar year 2017.

ORDINANCE NO. 9640-18 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER OF INTENT ("LOI") WITH GARDINER TO INITIATE AN INVESTMENT GRADE AUDIT AND DECLARING AN EMERGENCY

Mr. Mallis explained to retain Gardiner to conduct an Investment Grade Audit so as to create a proposal for an Energy Based Performance Solution ("EBPS") to calculate energy/operational savings for the City at a cost of \$17,127 per the August 6, 2018 Work Session presentation.

ORDINANCE NO. 9641-18 AN ORDINANCE DECLARING THE PROPERTY AND STRUCTURE LOCATED AT 43 FORBES ROAD (P.P. #814-10-032) A NUISANCE AND THEREFORE CONDEMNING THE PROPERTY ORDERING ACTION AND DECLARING AN EMERGENCY

Mr. Mallis explained this property was unsafe, insanitary and unfit for occupancy and he was requesting it be condemned. Council had no concerns.

ORDINANCE NO. 9642-18 AN ORDINANCE AMENDING ORDINANCE NO. 7819-06, SECTION 1913.07 (q) (1) (2) (A) (B) ENTITLED "MINIMUM DESIGN REQUIREMENTS FOR RESIDENTIAL OR COMMERCIAL BUILDINGS AND STRUCTURES AND RELATED PARKING LOTS, DRIVES, WALKS, EQUIPMENT AND APPURTENANCES" AND DECLARING AN EMERGENCY

Mr. Beverly explained after talking to City Engineer Joe Ciuni the changes for commercial drives and parking areas not subject to truck traffic and would be constructed pursuant to the current Ohio Department of Transportation (ODOT) guidelines and specifications. Residential driveway paving would be constructed per the following specification: Concrete and asphalt driveways and parking areas would be constructed pursuant to the current Ohio Department of Transportation (ODOT) guidelines and specifications. He suggested passage because the City was already following the ODOT guidelines.

ORDINANCE NO. 9643-18 AN ORDINANCE PROVIDING FOR THE ADOPTION OF NEW MATTER IN THE CODIFIED ORDINANCES OF BEDFORD TO APPROVE, ADOPT AND ENACT THE AUGUST 2018 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF BEDFORD, OHIO, HEREINAFTER "CODIFIED ORDINANCES", TO REPEAL CERTAIN ORDINANCES IN CONFLICT THEREWITH OR DEEMED OBSOLETE AND DECLARING AN EMERGENCY

Mr. Montello explained the updates were submitted in August to bring the Codified book replacement pages, CD's and website up to date at a cost of \$2,470.38.

ORDINANCE NO. 9644-18 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. Gambosi listed the changes were as follows: General Fund: The increases/decreases in appropriations for 2018 are as follows: The \$45,000 for economic development is the advance of funds for downtown improvements with Bedford Community Development Corporation to be returned after reimbursement from county. The \$5,569 are appropriations for the new website. The municipal complex needs \$15,504 for two air conditioning units at muni complex through Gardiner. The Bureau of Workers Compensation gave us a rebate of 85% of 2016 premiums only to charge us early in 2018 for 2019 premiums so we have to adjust accounts to allow for pre-payment. Fund 201 First Suburbs Consortium of NE Ohio Fund: The increase here is for workers compensation pre-payments now required by the BWC for 2019. Fund 202 State Highway Fund: To allow for street striping of state routes in 2018. Fund 205 SEALE Fund: This appropriation is to allow for the expenditure of confiscated funds and from the SEALE Unforfeited Agency funds in the amounts of \$10,007.77 and \$41,926 respectively. Fund 213 Grants Fund: The ODPS Grant received by the fire department needs appropriations in the amount of \$3,575 and \$1,006.91 for training. Fund 403 Capital Improvements Fund: This appropriation is to account for the recreation improvements by NextGen in the amount of \$47,525, the Sunoco station storm drain improvement was

approved at \$21,905 and engineering in addition in the total amount for both of \$23,568 to date. The Street Improvement program for 2018 will total \$400,800. Including \$35,000 of engineering and contract with Ronyak. \$25,000 of Crack sealing materials will be reimbursed by count in the near future. The fund needs \$25,800 more appropriated than original budget. Fund 404 Special Assessment Rockside Fund: This fund is to account for the project and engineering to date of \$3,943. Funds are advanced from the General Fund. Fund 500 Water Fund: The Water fund will not be performing construction on waterlines to the extent as expected in earlier this year so I am reducing expenses by \$3,250,000. Fund 501 Waste Water Fund: This fund requires on emergency basis the cost of sludge removal to allow plant to operate. Costs to date will be \$144,450. Fund 801 Law Enforcement Agency Fund: This fund will require allowance of refunds or forfeited Funds in the amount of \$24,645.85. Fund 805 SEALE Unforfeited Agency Fund: SEALE Unforfeited funds were released by court order and the expenditure of funds is being appropriated by year of funds deposited.

**ORDINANCE NO. 9645-18 AN ORDINANCE DECLARING THE PROPERTY AND STRUCTURE LOCATED AT 28 LEONARD STREET (P.P. #812-04-027) A NUISANCE AND THEREFORE CONDEMNING THE PROPERTY ORDERING ACTION AND DECLARING AN EMERGENCY**

Mr. Mallis explained this property was unsafe, insanitary and unfit for occupancy, the water had been turned off and he was requesting it be condemned. Discussion was held regarding the five animals that defecated on the floor and the home was incredibly filthy and without certain utilities. Council had no concerns.

**RESOLUTION NO. 2526-18 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY**

Mr. Gambosi explained the mill limit was the same as 2018 starting on January 1, 2019 as follows:

	AMOUNT TO BE DERIVED from levies outside 10 mill limitation	AMOUNT APPROVED by Budget Commission inside 10 mill limitation	County Auditor's estimate of tax rate to be levied	
			Inside 10 mill limit	Outside 10 mill limit
General Fund			3.28	6.12
G. O. Bond Retirement Fund			0.00	
Police Pension			.30	
Fire Pension			.30	
Fire Medic Levy	2.80 (Charter Millage) **			2.80
Safety Force Levy	8.90 (Charter Millage) **			8.90
<b>TOTALS</b>			<b>3.88</b>	<b>17.82</b>

**RESOLUTION NO. 2527-18 A RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE APPLICATION TO CUYAHOGA COUNTY FOR ISSUE 2 FUNDS FOR AN INFRASTRUCTURE PROJECT INCLUDING BROADWAY AVENUE AND UNION STREET AND DECLARING AN EMERGENCY**

Mr. Mallis explained this allowed the Administration to apply for funds for the Broadway and Union project which would include road resurfacing, waterline replacement, curbs and electrical upgrades and the City would contribute matching dollars not to exceed \$1,000,000.00 dollars. He thought the cost would be \$900,000 with a total project cost of \$1.8/\$1.9 million.

Motion to approve the Planning Commission recommendation of August 7, 2018 for Jessica Boyd, 113 Union Street, tenant of Barnes Rentals, LLC who is seeking Conditional Use approval for a Type "A" Day Care for children six weeks to twelve years of age, 7 days a week / 24 hours a day / 3 shifts (§1931.02 (k) R-4)

Mr. Mallis explained the Commission approved the request 4 to 1. The operation would be run by Mrs. Boyd and two other staff members which would need parking spaces. Mr. Beverly explained her request was permitted in a single family home. It was determined the concerns were as follows: 1) the City had too many, 2) parent drop off and pickup parking concerns, 3) 24 hour operation which might disturb the neighbors, 4) the home was a rental property; however, approved by the property owner Gary Barnes, and 5) safety of the children playing in the backyard near the creek. Mr. Beverly explained if this was approved she intended to have a fence installed which was approved by the property owner.

**DISCUSSION OF PLANNING COMMISSION APPOINTMENT**

Council and the Administration understood Art Dickard's term was expiring in September and Mr. Dickard had previously requested to be reappointed. It was determined Council would interview three new applicants at the September 17, 2018 Work Session.

**DISCUSSION OF DEER MANAGEMENT REVIEW**

Mr. Mallis passed out a report prepared by Sergeant Bergansky dated April 17, 2018 for the 2017/2018 winter season for Council review. (See attached). The management took place on six separate days culling 20 deer at a total cost of \$1,436. This issue would be placed on the September 17<sup>th</sup> Work Session for further discussion after Council had ample time to review the report.

**DISCUSSION OF STREET PARKING – Sidewalk Clearing**

Mr. Mallis stated both of these were ongoing issues; however, the problem was going to be how to manage and implement them. He knew 50% of the residents would be happy and 50% would be unhappy; however, it had to be all or none. How could the City enforce snow removal on the sidewalks? Mrs. Rhoades felt the Codified Ordinances needed to be reviewed and the snow removal could be enforced like the grass cutting and if the snow was not removed the City would contract with a company to remove the snow and the City would bill and assess the property owner. She felt this was a Quality of Life issue with more people walking places. Mr. Genutis did not feel snow removal devalued a property but neglected landscaping did. He felt hundreds of tickets/citations would be written every time it snowed. Another problem was the contractors who were plowing snow on neighbor's properties and/or into the street. This topic would be placed on the September 17<sup>th</sup> Work Session for further discussion.

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

At 7:43 p.m., Bedford City Council, City Manager Mike Mallis, Finance Director Frank Gambosi and Assistant Finance Director Jennifer Howland went into an executive session to discuss Personnel 121.22 (B) (1) / Economic Development / Litigation.

Executive Session adjourned at 8:00 p.m.

*Paula Muzjak - Vice Mayor*

Work Session adjourned at 8:01 p.m.

*[Signature]*

Clerk of Council

*[Signature]*

Vice-Mayor – President of Council

**REGULAR MEETING**

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

**DATE: SEPTEMBER 4, 2018**

**AGENDA**

**TIME: 8:00 P.M.**

- 
1. **CALL TO ORDER**
  2. **PLEDGE OF ALLEGIANCE**
  3. **ROLL CALL**
  4. **APPROVAL OF MINUTES**
    - a. Approval of Minutes of the Work Session of August 6, 2018
    - b. Approval of Minutes of the Regular Meeting of August 6, 2018
    - c. Approval of Minutes of the Special Work Session of August 13, 2018
  5. **PRESENTATIONS** –
  6. **OLD BUSINESS** – (9623 2<sup>nd</sup> Rdg: 8/6/18 - 9630/9631 1<sup>st</sup> Rdg: 8/6/18)
    - a. Ordinance No. 9623-18 amend Chapter 351 enacting Section 351.21 “Waiver of Parking Violations
    - b. Ordinance No. 9630-18 contract w/Cummins Sales and Service for the Service Garage generator (\$24,842)
    - c. Ordinance No. 9631-18 contract w/All Phase Service Co. for the Service Garage generator installation (\$4,900)
  7. **REPORTS**
    - a. City Manager
    - b. Law Director
    - c. Finance Director
    - d. Council Reports
  8. **NEW BUSINESS**
    - a. Ordinance No. 9636-18 amend #9546-17 §913.02 “Sewer Rates”
    - b. Ordinance No. 9637-18 amend #9547-17 §913.03 “Rate Reduction Senior Citizens & Permanently Disabled”
    - c. Ordinance No. 9638-18 amend #7780-05 Water Rates
    - d. Ordinance No. 9639-18 amend #9498-17 §911.03 “Rate Reduction for Disabled Persons & Senior Citizens”
    - e. Ordinance No. 9640-18 execute Letter of Intent w/Gardiner for the Investment Grade Audit (\$17,127)
    - f. Ordinance No. 9641-18 declare 43 Forbes Road a nuisance and therefore condemning (#814-10-032)
    - g. Ordinance No. 9642-18 amend #7819-06 §1913.07 (q) (1) (2) (A) (B) entitled “Minimum Design Requirements for Residential or Commercial Buildings and Structures and related Parking Lots, Drives, Walks, Equipment and Appurtenances” (Asphalt Surfaces)
      - h. Ordinance No. 9643-18 adopting the 2018 replacement pages of the Codified Ordinances (\$2,470.38)
      - i. Ordinance No. 9644-18 amend Ordinance No. 9538-17 making additional appropriations
      - j. Ordinance No. 9645-18 declare 28 Leonard Street a nuisance and therefore condemning (#812-04-027)
      - k. Resolution No. 2526-18 accept Amounts and Rates as determined by the Tax Budget
      - l. Resolution No. 2527-18 make application to Cuyahoga County for Issue 2 Funds for Broadway & Union
      - m. Motion to approve the Planning Commission recommendation of August 7, 2018 for Jessica Boyd, 113 Union Street, tenant of Barnes Rentals, LLC who is seeking Conditional Use approval for a Type “A” Day Care for children six weeks to twelve years of age, 7 days a week / 24 hours a day / 3 shifts (§1931.02 (k) R-4)
  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 Tuesday, September 4, 2018. Vice-Mayor Mizesak called the meeting to order at 8:04 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Mizesak, Genutis, Fluharty, Saunders, Rhoades, Spinks. Absent: Mayor Koci.

Motion made by Spinks seconded by Genutis to excuse Mayor Koci. Vote - Yeas: Mizesak, Genutis, Fluharty, Saunders, Rhoades, Spinks. Nays: None. Motion carried unanimously.

Motion made by Spinks seconded by Rhoades to approve the minutes of the Work Session Meeting of August 6, 2018. The roll was called. Vote – Yeas: Genutis, Fluharty, Saunders, Rhoades, Spinks. Abstain: Mizesak. Nays: None. Motion carried.

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

Motion made by Saunders seconded by Rhoades to approve the minutes of the Special Work Session Meeting of August 13, 2018. The roll was called. Vote – Yeas: Mizesak, Genutis, Fluharty, Saunders, Rhoades, Spinks. Nays: None. Motion carried unanimously.

ORDINANCE NO. 9623-18 AN ORDINANCE AMENDING CHAPTER 351 ENTITLED “PARKING GENERALLY” OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD BY ENACTING NEW SECTION 351.21 ENTITLED “WAIVER OF PARKING VIOLATIONS” PLACED ON FIRST READING JULY 2, 2018 AND SECOND READING AUGUST 6, 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: Mizesak, Genutis, Fluharty, Saunders, Rhoades, Spinks. Nays: None. Motion carried unanimously.

Motion made by Rhoades seconded by Saunders to place Ordinance No. **9623-18** on third and final reading and passed.

Mr. Mallis explained this was for the increasing problem of illegal parking in the City. The actions were to amend the waiver amount for certain violations and the time from in which the waiver would be paid. The amendments were to read as follows: Any parking tickets issued under Chapter 351, including but not limited to night parking, parking in prohibited areas and parking on lawns, may be waived within seventy two (72) hours by paying a fine of Twenty Five Dollars (\$25.00). If not paid within seventy two (72) hours the waiver fine shall be increased to Fifty Dollars (\$50.00). Additional fines up to One Hundred and Fifty Dollars (\$150.00) and costs will be imposed if Court action is necessary. The waiver amount for handicapped parking violations is Two Hundred Fifty Dollars (\$250.00).

The roll was called. Vote – Yeas: Mizesak, Fluharty, Saunders, Rhoades, Spinks. Nays: Genutis. Motion carried.



ORDINANCE NO. 9630-18 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL OF CUMMINS SALES AND SERVICE FOR THE SERVICE GARAGE GENERATOR PLACED ON FIRST READING AUGUST 6, 2018 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Saunders seconded by Rhoades to place Ordinance No. 9630-18 on third and final reading and passed.

Mr. Mallis explained the City received a \$49,000 grant from NOPEC which would help pay for the new generator. This generator would be used if there was an electrical outage for emergency support.

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

ORDINANCE NO. 9631-18 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL OF ALL PHASE SERVICE COMPANY FOR THE SERVICE GARAGE GENERATOR INSTALLATION PLACED ON FIRST READING AUGUST 6, 2018 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Rhoades seconded by Saunders to place Ordinance No. 9631-18 on second reading.

Mr. Montello and Mr. Mallis explained the Administration was waiting for two more quotes and this cost would be paid by the NOPEC grant.

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

A moment of silence and condolences were expressed in the recent passing of Mayor Koci's mother-in-law Vickie Marsolek who was 93 years old.

City Manager Michael Mallis explained Resolution No. 2527-18 which was allowing application for funds for the Broadway Avenue and Union Street project which would include road resurfacing, waterline replacement, curbs and electrical upgrades. The project was approximately \$1.8 million and City would contribute approximately \$900,000 in matching dollars. A pre-construction meeting was being scheduled with Dominion for the Lincoln project which would take approximately four weeks. The Administration continued to address the hacking of the trees done by First Energy. He explained the road salt doubled in price for this winter season. He commended the Bedford Community Development Council who awarded a second round of application for the store front grant. He continued to urge the downtown businesses to take advantage of the \$15,000 grant for the Broadway Corridor program. Shred Day was September 15<sup>th</sup> and a Composting Seminar on September 11<sup>th</sup> and a Deer Management presentation on September 20<sup>th</sup>. He told the residents the Board of Elections moved the City Hall and Southeast Cuyahoga County Public Library voting polls to the Ellenwood Center. The Ellenwood Center project was coming to an end and would be opening soon. He explained the report from First Energy claimed they had not removed any lights on First Avenue and Old Egbert in the last 7 to 10 years. The City could not force First Energy to install new lights but the City would supply them with information.

No report from Law Director John Montello and Councilman Genutis. Mr. Genutis reminded everyone that Council's Summer Session was over and Council would return to their normal meeting schedule. Finance Director Frank Gambosi referred to the recent Sunday Plain Dealer that reflected the 30% decrease in residential values starting in 2008. The 2018 revaluation was a tad less than a 10% increase but the values were behind 20%.

Councilman Fluharty thanked Mrs. Hollo for her assistance in following up on the grass cutting problems.

Councilman Saunders referred to the tree lawns in Oakwood Village where the contractor was using topsoil and over the years the tree lawns in Bedford were restored with clay. He suggested to Mr. Mallis that he call Mayor Gottschalk to see how he got Dominion to use topsoil. The grass was not going to grow in the poor soil that was being used in Bedford. He asked if Dominion was using the City's road contractor [Ronyak] for the Taylor, Broadway and Union intersection. Mr. Mallis explained Dominion was using the City's contractor Ronyak Paving in order to expedite the paving at Dominion's cost. Mr. Saunders hoped when the Broadway Avenue project was being done that the crosswalk lighting would be improved. He referred to the poor tree trimming which was done by First Energy who should follow the landscape design standards. Mr. Mallis said the City requested a copy but was told the plans were confidential. Mr. Saunders said the Logan Street residential values increased 20%+. He was against the Board of Elections decision to move the City Hall and Southeast Cuyahoga County Public Library voting polls to the Ellenwood Center. He felt the Board of Elections should have to pay the employee's overtime.

Councilwoman Rhoades explained the Bedford Downtown Alliance received its 501C3 status, the group continued to work on First Friday's and were planning a Chocolate Walk on Valentine's Day next year plus they still needed volunteers. The Garden Club was selling mums for \$5 and will be available September 8<sup>th</sup>. Plus the Garden Club would be selling bean soup at the Children's Fall Fest in October.

Councilwoman Spinks announced the Weekend of the Pooka A Celebration of the Arts was September 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> with several activities.

Vice-Mayor Mizsak was pleased with the resurfacing on Lee Road South. She talked about the meaning of Labor Day which was the first Monday of every September, a creation of labor movements and dedicated to the social and economic achievements of American workers and a Federal holiday in 1894. The United States of America was built on those who worked and she thanked them for their efforts. She felt the United States was a great place to live.

Mr. Gambosi combined an explanation for the following four (4) Ordinances. He explained the City of Cleveland had passed a Master Meter Water Increase to \$35.05 for 2019 and \$36.69 from the current rate of \$33.35 a corresponding 5.0975% for 2019 and 4.6790% increase for 2020. His suggested an increase in the water rates in the amount of .0975% for the year 2019. He said the monthly minimum charge of twenty four dollars and forty-six cents (\$24.46) would start January 1, 2019. The charges were increased to two and sixty-seven one-hundredths cents (\$0.0267) and four and one one-hundredths cents (\$0.0401) starting January 1, 2019. The sewer fund was not doing well enough to support certain expensive repairs/upgrades that needed to be done at the WWTP per the EPA.

ORDINANCE NO. 9636-18 AN ORDINANCE AMENDING ORDINANCE NO. 9546-17 CONCERNING SECTION 913.02 "SEWER RATES" OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD AS RELATED TO SEWER RATES AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Spinks seconded by Rhoades to place Ordinance No. **9636-18** on first reading

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

ORDINANCE NO. 9637-18 AN ORDINANCE AMENDING ORDINANCE NO. 9547-17 CONCERNING SECTION 913.03 “RATE REDUCTION FOR SENIOR CITIZENS AND THE PERMANENTLY DISABLED” OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD AS RELATED TO SEWER RATES AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Spinks seconded by Saunders to place Ordinance No. **9637-18** on first reading

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

ORDINANCE NO. 9638-18 AN ORDINANCE REPLACING ORDINANCE NO. 7780-05 RELATING TO WATER RATES AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Saunders seconded by Genutis to place Ordinance No. **9638-18** on first reading

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

ORDINANCE NO. 9639-18 AN ORDINANCE AMENDING ORDINANCE NO. 9498-17 CODIFIED ORDINANCE §911.03 “RATE REDUCTION FOR DISABLED PERSONS AND SENIOR CITIZENS” FOR WATER AND SEWER DISCOUNTS AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Spinks seconded by Saunders to place Ordinance No. **9639-18** on third and final reading and passed.

Mr. Gambosi explained the applicant, their spouse and any other household members over the age of 18 residing in the premises must have a combined household income of less than \$33,224.00 for the year 2017 to receive the discount in the year 2019. The City determined that the household income threshold of \$33,224.00 would be increased annually in January of each and every year by the lower of three (3) percent or the change in the annual Midwest Urban Consumer Price Index measured for each fiscal year. The City determined that eligibility for the water/sewer discount in any year was based on income from two years earlier. To obtain water/sewer discounts commencing in 2019, all eligible applicants must file an annual application to receive the water/sewer discount prior to the last Friday in September in the previous calendar year, based upon income earned in calendar year 2017.

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

ORDINANCE NO. 9640-18 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER OF INTENT ("LOI") WITH GARDINER TO INITIATE AN INVESTMENT GRADE AUDIT AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Saunders seconded by Rhoades to place Ordinance No. **9640-18** on first reading.

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

Mr. Mallis explained to retain Gardiner to conduct an Investment Grade Audit so as to create a proposal for an Energy Based Performance Solution ("EBPS") to calculate energy/operational savings for the City at a cost of \$17,127.

ORDINANCE NO. 9641-18 AN ORDINANCE DECLARING THE PROPERTY AND STRUCTURE LOCATED AT 43 FORBES ROAD (P.P. #814-10-032) A NUISANCE AND THEREFORE CONDEMNING THE PROPERTY ORDERING ACTION AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Saunders seconded by Fluharty to place Ordinance No. **9641-18** on third and final reading and passed.

Mr. Mallis explained this property was vacant and deplorable.

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

ORDINANCE NO. 9642-18 AN ORDINANCE AMENDING ORDINANCE NO. 7819-06, SECTION 1913.07 (q) (1) (2) (A) (B) ENTITLED "MINIMUM DESIGN REQUIREMENTS FOR RESIDENTIAL OR COMMERCIAL BUILDINGS AND STRUCTURES AND RELATED PARKING LOTS, DRIVES, WALKS, EQUIPMENT AND APPURTENANCES" 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: Mizensak, Genutis, Fluharty, Saunders, Rhoades, Spinks. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Rhoades to place Ordinance No. **9642-18** on third and final reading and passed.

Mr. Mallis explained the City's Codified Ordinance was outdated and it was important to be in line with ODOT's Standards. Mr. Saunders explained the City had to comply with ODOT's Standards in order to apply and receive Federal funding.

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

ORDINANCE NO. 9643-18 AN ORDINANCE PROVIDING FOR THE ADOPTION OF NEW MATTER IN THE CODIFIED ORDINANCES OF BEDFORD TO APPROVE, ADOPT AND ENACT THE AUGUST 2018 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF BEDFORD, OHIO, HEREINAFTER "CODIFIED ORDINANCES", TO REPEAL CERTAIN ORDINANCES IN CONFLICT THEREWITH OR DEEMED OBSOLETE AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Spinks seconded by Saunders to place Ordinance No. **9643-18** on third and final reading and passed.

Mr. Montello explained this expense was to update the City's Codified Books with replacement pages, CD's and the website.

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

ORDINANCE NO. 9644-18 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 Fluharty seconded by Rhoades to suspend the rule requiring the reading of said ordinance three different days.

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

Motion made by Rhoades seconded by Spinks to place Ordinance No. **9644-18** on third and final reading and passed.

Mr. Gambosi listed the changes were as follows: General Fund: The increases/decreases in appropriations for 2018 are as follows: The \$45,000 for economic development is the advance of funds for downtown improvements with Bedford Community Development Corporation to be returned after reimbursement from county. The \$5,569 are appropriations for the new website. The municipal complex needs \$15,504 for two air conditioning units at muni complex through Gardiner. The Bureau of Workers Compensation gave us a rebate of 85% of 2016 premiums only to charge us early in 2018 for 2019 premiums so we have to adjust accounts to allow for pre-payment. Fund 201 First Suburbs Consortium of NE Ohio Fund: The increase here is for workers compensation pre-payments now required by the BWC for 2019. Fund 202 State Highway Fund: To allow for street striping of state routes in 2018. Fund 205 SEALE Fund: This appropriation is to allow for the expenditure of confiscated funds and from the SEALE Unforfeited Agency funds in the amounts of \$10,007.77 and \$41,926 respectively. Fund 213 Grants Fund: The ODPS Grant received by the fire department needs appropriations in the amount of \$3,575 and \$1,006.91 for training. Fund 403 Capital Improvements Fund: This appropriation is to account for the recreation

improvements by NextGen in the amount of \$47,525, the Sunoco station storm drain improvement was approved at \$21,905 and engineering in addition in the total amount for both of \$23,568 to date. The Street Improvement program for 2018 will total \$400,800. Including \$35,000 of engineering and contract with Ronyak. \$25,000 of crack sealing materials will be reimbursed by count in the near future. The fund needs \$25,800 more appropriated than original budget. Fund 404 Special Assessment Rockside Fund: This fund is to account for the project and engineering to date of \$3,943. Funds are advanced from the General Fund. Fund 500 Water Fund: The Water fund will not be performing construction on waterlines to the extent as expected in earlier this year so I am reducing expenses by \$3,250,000. Fund 501 Waste Water Fund: This fund requires on emergency basis the cost of sludge removal to allow plant to operate. Costs to date will be \$144,450. Fund 801 Law Enforcement Agency Fund: This fund will require allowance of refunds or forfeited Funds in the amount of \$24,645.85. Fund 805 SEALE Unforfeited Agency Fund: SEALE Unforfeited funds were released by court order and the expenditure of funds is being appropriated by year of funds deposited.

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

ORDINANCE NO. 9645-18 AN ORDINANCE DECLARING THE PROPERTY AND STRUCTURE LOCATED AT 28 LEONARD STREET (P.P. #812-04-027) A NUISANCE AND THEREFORE CONDEMNING THE PROPERTY ORDERING ACTION AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Spinks seconded by Fluharty to place Ordinance No. **9645-18** on third and final reading and passed.

Mr. Mallis explained this property owner had a past history of hoarding animals and was in deplorable condition. The electric and water were already turned off but the City was not sure if the natural gas had been turned off. This was a tool for the City to force improvements and necessary steps to get the property cleanup.

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

RESOLUTION NO. 2526-18 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Spinks seconded by Rhoades to place Resolution No. **2526-18** on third and final reading and passed.

Mr. Gambosi explained the millage requirements were the same as 2018.

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

RESOLUTION NO. 2527-18 A RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE APPLICATION TO CUYAHOGA COUNTY FOR ISSUE 2 FUNDS FOR AN INFRASTRUCTURE PROJECT INCLUDING BROADWAY AVENUE AND UNION STREET AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Spinks seconded by Saunders to place Resolution No. 2527-18 on third and final reading and passed.

Mr. Mallis explained this allowed the City to apply for the Broadway and Union project.

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

Motion made by Genutis seconded by Rhoades to approve the Planning Commission recommendation of August 7, 2018 for Jessica Boyd, 113 Union Street, tenant of Barnes Rentals, LLC who is seeking Conditional Use approval for a Type “A” Day Care for children six weeks to twelve years of age, 7 days a week / 24 hours a day / 3 shifts (§1931.02 (k) R-4) The roll was called. Vote – Yeas: Genutis, Rhoades. Nays: Mizesak, Fluharty, Saunders, Spinks. Motion failed.

Per Law Director Montello those who were not in favor had to state their reason(s) why. Vice-Mayor Mizesak stated because the applicant was a renter, the hours and too much traffic. Mr. Fluharty stated parking issues and the safety of the children being Union was a busy street. Mr. Saunders stated it was on a bad section of Union and the children might get into the creek and the Type B Day Care was sufficient for the structure. Mrs. Spinks concurs with the previous Council reasons and the safety reasons for the children because it's a busy area and there was not a sufficient play area in the backyard which she felt was unsafe.

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

Sarah Gnoddie, 70 Columbus, Southeast Cuyahoga County Public Library listed several programs and showcases soon to be offered at the library.

Wayne Erben, 142 Logan, asked if First Energy was going to replace the damaged trees. Mr. Mallis replied First Energy already stated they would not pay to replace the trees. Mr. Erben referred to Ordinance No. 9642-18 and wanted to review the residential rules and regulations. Mr. Mallis said he would get the information for him. Mr. Erben asked if 112 Logan was zoned commercial. Mr. Mallis explained the property was residential and the property owner had been cited multiple times which some of the citations were currently in the Court process. There were concerns regarding the property owner's wellbeing which was handed over to a Social Worker. He explained the property owner was responsible for the condition of the home, the debris and the items that were being placed on the property. The City

exhausted its efforts and now it was in the hands of the Court. Mr. Erben asked if people could pick through residents trash at the curb. Mr. Gambosi said there were Ordinances on the books that were specific to rubbish. Mr. Erben said this was part of the contribution to the rubbish at the end of the street.

Joan Brunswick, 163 Columbus, explained her property abutted 112 Logan and since July 22<sup>nd</sup> the property owner has piled various different types of rubbish behind his garage which was infringing on her property. She wanted to know what could be done about it. Mr. Mallis explained if she gave the City authorization to access her property the City would send out an Inspector. He added the City also told the property owner he was not allowed to have any more yard sales this year. Ms. Brunswick also pointed out the property at 173 Columbus Road has had blue tarps on the roof since November 2017. After talking to Building Department Secretary Robin Imburgia she understood the City was handling the complaint. Mr. Mallis explained there was a process that needed to be followed but he would check into it. Ms. Brunswick noted if the outside of 112 Logan was any indication of the living situation she'd hate to see what the inside looked like. She was not sure of the property owner's health concerns but she was concerned about elder abuse and his health, safety and welfare.

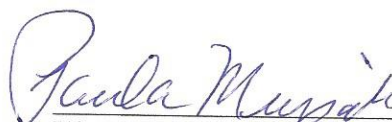
Kathy Williams, 491 Lamson, asked if the City had to receive a complaint before citing a resident or if an Inspector could cite a resident if he happened to see a violation while inspecting at a neighboring residence. She gave the City permission to enter her backyard. She understood the owner of Simon's Grocery Store applied for a grant in Euclid and the City of Euclid gave him money. She asked if Bedford was doing the same. Mr. Mallis explained the owner was told Euclid was a CDBG entitlement community and Bedford had to apply for CDBG money.


Eileen Barto, 155 W. Glendale, questioned why "street parking" was being discussed over and over. She strongly suggested the City hold a public meeting especially if the decision was going to be no street parking citywide. She felt the City should enforce what was already on the books with the repeat violators/problematic residents/visitors. She did not feel the entire City should be punished for the limited few who were repeat violators/problematic residents/visitors. She wanted to know what Council, Police and Fire thought about no street parking citywide. She suggested this topic be brought up at the Ward meetings so the residents could respond. Mr. Mallis explained this issue keeps being brought up time and time again so tonight was another discussion. Council and the Administration were aware there were several different scenarios throughout the City and tonight was to start an open dialog again. There was no decision made this evening either way.

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

Meeting adjourned at 9:30 P.M.

  
Clerk of Council

  
Vice-Mayor - President of Council

  
mayor