

**COUNCIL WORK SESSION**

**FEBRUARY 4, 2019**

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

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- **DISCUSSION OF AGENDA**
  
- **DISCUSSION OF “CRIMINAL ACTIVITY NUISANCES, COSTS OF ENFORCEMENT”**  
(§511.12 (B) (2)) – (Ord. #9523-17) – (12/17/18-1/7/19-1/22/19)
  
- **DISCUSSION OF SECTIONS 915.07 “MANNER OF COLLECTION; PLACEMENT AT CURB” & 915.99 “PENALTY”** – (Ord. #8059-08 / #7761-05) (1/7/19-1/22/19)
  
- **DISCUSSION OF BOARD OF ZONING APPOINTMENT**  
(Hulett term expires 2/2019 / Bowles) (3 yr) (1/22/19)
  
- **DISCUSSION OF CHAPTER 1949 “SIGNS”**  
(§1949.136)
  
- **DISCUSSION OF VIDEOGRAPHY**
  
- **EXECUTIVE SESSION** – (Personnel / Economic Development / Litigation)

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

Bedford City Council met in a Work Session at Bedford City Hall on Monday, February 4, 2019 at 6:06 p.m.

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

Mayor Koci began discussion of the Regular Council Meeting agenda.

There were no changes to the January 22, 2019 Regular Council Minutes and the Work Session Minutes.

ORDINANCE NO. 9666-19 AN ORDINANCE AMENDING ORDINANCE NO. 7139-99 SECTION 1949.13 ENTITLED "H-D HISTORIC DOWNTOWN BUSINESS DISTRICT" OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD AND DECLARING AN EMERGENCY

Ordinance No. 7139-99 currently read:

1949.13 H-D HISTORIC DOWNTOWN BUSINESS DISTRICT.

Accessory signs in the H-D Historic Downtown Business District shall be designed, erected, altered, moved and maintained, in whole or in part, in accordance with these regulations. All signs in the HD district, including window signs, shall be reviewed by the Historical Preservation Board. The Historical Preservation Board shall consider whether:

- (a) The proposed sign will be harmonious with and in accordance with the general character of the district;
- (b) The proposed sign will be compatible with the design and materials of the building on which the sign is to be located;
- (c) The proposed sign will not be detrimental to adjacent property or property in the immediate vicinity. (Ord. 7139-99. Passed 7-6-99.)

Per Building Commissioner Beverly the amendment was:

1949.13 H-D HISTORIC DOWNTOWN BUSINESS DISTRICT.

Accessory signs in the H-D Historic Downtown Business District shall be designed, erected, altered, moved and maintained, in whole or in part, in accordance with these regulations. All signs in the HD district, including window signs, shall be reviewed by the Historical Preservation Board. The Historical Preservation Board shall consider whether:

- (a) The proposed sign will be harmonious with and in accordance with the general character of the district;
- (b) The proposed sign will be compatible with the design and materials of the building on which the sign is to be located;
- (c) The proposed sign will not be detrimental to adjacent property or property in the immediate vicinity.
- (d) The use of window frame lighting, whether by a continuous light strip or other similar product, illuminating the perimeter of one (1) or more individual window panes or a group of window panes, is prohibited.

The previous discussion was held of the three businesses downtown that had extreme bright LED lights around each window; one was approved by the HPB and the other two were not. It was determined per Blair Melling "lighting" and "signs" were the same per the wording in the ordinance. It was determined the LED lighting could become brighter with new technology. Mr. Montello did not report to Council

whether this issue could be written as retroactive. Council decided to review the entire Chapter and place this on second reading.

ORDINANCE NO. 9670-19 AN ORDINANCE AMENDING ORDINANCE NO. 8044-08 AUTHORIZING THE BEDFORD FINANCE DIRECTOR TO CONTINUE A REBATE PROGRAM FOR BEDFORD RESIDENTS REGISTERING TO BECOME MEMBERS OF THE BEDFORD HEIGHTS COMMUNITY CENTER IN THE CITY OF BEDFORD HEIGHTS AND DECLARING AN EMERGENCY

Mr. Gambosi previously explained the City had been actively seeking to increase the recreational opportunities for its residents. Bedford and the City of Bedford Heights had reached an agreement to permit Bedford residents the opportunity to become members of the Bedford Heights Community Center. Bedford residents were required to pay the applicable yearly membership fees for using the Bedford Heights Community Center and would be entitled to complete use of the facility. It was the intention of the City to provide a yearly rebate of \$50.00 to any Bedford resident or Bedford family that were members of the Bedford Heights Community Center. The rebate would be provided to Bedford residents providing proof that they paid the applicable membership fees of the Bedford Heights Community Center. All Bedford residents seeking to obtain the \$50.00 rebate would have to follow all procedures.

ORDINANCE NO. 9672-19 AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2019 ENERGIZED COMMUNITY GRANT(S) FUNDS AND DECLARING AN EMERGENCY

Mr. Mallis listed several items this grant was utilized for over the years.

ORDINANCE NO. 9673-19 AN ORDINANCE TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE CUYAHOGA COUNTY SOLID WASTE MANAGEMENT DISTRICT AND DECLARING AN EMERGENCY

Mr. Mallis explained the Cuyahoga County Solid Waste Management District Policy Committee prepared and adopted a final draft of the Solid Waste Management Plan in accordance with Ohio Revised Code Sections 3734.53, 3734.54 and 3734.55. The updates were for the years 2019 to 2033 with a deadline date of April 11, 2019.

ORDINANCE NO. 9674-19 AN ORDINANCE AMENDING ORDINANCE NO. 9662-19 REZONING 17800 BROADWAY, LLC. KNOWN AS P.P. NOS. 812-01-015, 812-01-016 & 812-01-017 PROPERTY LOCATED AT SECTOR DRIVE DESCRIBED HEREIN FROM "R-2" TO "B-2A" CLASSIFICATION AND DECLARING AN EMERGENCY

The amendment was to clarify that the zoning intent of the property used as "B-2A" for over ten (10) years while Qua Inc. owned the property. 17800 Broadway, LLC purchased the property on October 19, 2017 and the rezoning pertains to property now owned by 17800 Broadway, LLC, and not Qua, Inc. The rezoning from "R-2" to "B-2A" was in the public interest and is consistent with the overall zoning map and established uses of the properties affected of the City.

ORDINANCE NO. 9675-19 AN ORDINANCE REZONING P.P. NO. 811-01-086 OWNED BY QUA, INC. LOCATED AT 11 BROADWAY DESCRIBED HEREIN FROM "R-2" TO "B-2A" CLASSIFICATION AND APPROVING THE CONSOLIDATION OF THE PARCELS STATED BELOW AND DECLARING AN EMERGENCY

For clarification purposes: Council considered rezoning property described herein from "R-2" to "B-2A" upon application of the Building Commissioner to clarify the zoning intent of the property which has been used as "B-2A" for over ten (10) years. The property was designated with a dual zoning designation to accommodate Qua, Inc. and Council now desires to clarify and confirm the original intent of the City that the property be zoned "B-2A". Parcels numbers 811-01-002, 003, 004, 005, 006, 007, 008, 009, 010, 044 and 046 were consolidated into one parcel P.P. No. 811-01-086 on December 2, 2018. Pursuant to the terms of a purchase agreement for the sale of said parcels from Qua, Inc. to 11 Broadway, LLC. Parcel

number 811-01-044 zoned "R-2" originally. The rezoning from "R-2" to "B-2A" of parcel number 811-01-044 and the consolidation of the parcels are both consistent with the overall zoning map and established uses of the properties affected of the City.

#### **DISCUSSION OF "CRIMINAL ACTIVITY NUISANCES, COSTS OF ENFORCEMENT"**

(§511.12 (B) (2)) – (Ord. #9523-17) – (12/17/18-1/7/19)

Ordinance No. 9523-17 currently read:

(a) The following activities occurring on properties in the City of Bedford or involving an offender residing at a property within the City of Bedford are hereby declared to be a public nuisance:

(1) Any violation of a City of Bedford ordinance or the Ohio Revised Code excluding traffic violations.

(b) The City Manager and Director of Law shall have full authority to abate such nuisances specified in subsection (a) hereinabove in accordance with law, and law enforcement costs incurred by the City. The property owners shall be charged \$250.00 for the first offense following a warning, \$500.00 for a second offense, \$750.00 for a third offense and \$1,000.00 for any subsequent offenses. An additional \$100.00 administrative costs will be charged if not paid within the time prescribed in (b) (2) in abating any such nuisance. Any charges not paid as prescribed shall be certified to the County Fiscal Officer in accordance with law to be assessed as a lien on the real estate from which the nuisance originated or of which the same offender resides in provided however, that such costs shall not be certified unless the following conditions have been met:

(1) Two or more nuisance activities have occurred on or with relation to the same premises within a one year period or one felony drug activity in violation of Chapter 2925 of the Ohio Revised Code or equivalent federal laws has occurred on the premises, and

(2) Prior to the actual certification of any administrative and law enforcement costs pursuant to this section, the City Manager or his designee shall give at least thirty (30) days advance written notice of intent to certify such costs to the owner of the real estate against which the costs are to be certified. The owner of said real estate may appeal such intended certification to the Board of Building Standards and Appeals [§1307.06 "Powers"], which may affirm, reverse, or modify the proposed certification. All appeals must be filed within ten (10) days of the mailing/posting of the notice of intended certification.

(3) Administrative and law enforcement costs shall not be charged against an owner who establishes:

A. He had no knowledge of the nuisance activities on the premises and could not, with reasonable care and diligence, have known of the nuisance activities occurring on the premises; and

B. Upon receipt of notice of the occurrence of nuisance activities on the premises, he promptly took all actions necessary to abate the nuisance including, without limitation, compliance with the requirements of Ohio R.C. 5321.17(C) and 5321.04(A)(9).

Per Codified Section 1307.06 "Powers" of the Board of Building Standards & Appeals were as follows:

The Board of Building Standards and Appeals shall have the power, subject to the limitations and in the manner set forth in this Building Code, to:

(a) Affirm or reverse, in whole or in part, or modify, any decision of the Building Commissioner interpreting the provisions of this Building Code;

(b) Vary the application of any provision of this Building Code to any particular case when, in its opinion, enforcement thereof would do manifest injustice, would be contrary to the spirit and the purpose of this Building Code or the public interest;

(c) Determine if any material or method of construction may be used, even though not specifically authorized by this Building Code, and specify the manner in which such materials and methods shall be used;

(d) Determine any requirement for the strength or stability of an existing or proposed building or structure, or for the safety or health of the occupants thereof, not specifically covered by this Building Code, or not readily interpretable from the provisions of this Building Code;

(e) Determine whether any proposed rule of the Building Commissioner supplements or aids in the interpretation of the requirements of this Building Code and is consistent therewith, and affirm, amend, modify or nullify any such proposed rule;

(f) Establish rules and regulations, conditions and qualifications for the registration, licensing or certification of qualification of any person performing work or providing services under this Building Code;

(g) Report and Recommend to Council any amendment, deletion or addition to this Building Code.

(h) The Board is not authorized to substantially alter or modify the mandatory provisions of this Building Code. (Ord. 7215-00. Passed 3-6-00.)

At the December 2018 Work Session Council and the Administration reviewed several codified samples from other cities. The information was to determine a more appropriate Board for Criminal Nuisance calls. Since 2005 the issues had been placed on the Board of Building Standards & Appeals which per Section 1307.06 "Powers" did not apply. The discussion topics to be considered for January were: 1) peers should handle the appeal, 2) possibly creation of a new Board, 3) the need to appoint qualified people who understand criminal nuisances, 4) exclude Council members on the Board, 5) exclude the Police Department designee from having voting powers, 6) residents may feel a moral obligation to volunteer for this type of Board, 7) it was difficult to find volunteers to serve on some of the Boards, 8) realizing society was changing, 9) domestic violence needed to be addressed in the section, 10) list the various reasons for criminal nuisances, 11) create an assistance type program for criminal nuisances similar to the Safe Passage Program, and 12) consider a Police Department designee, the City Manager and the Law Director be present for the meetings.

At January 7, 2019 Work Session the discussion was held regarding the delicate topic of "domestic violence" and how it was handled differently per community and Court systems. It was determined Bedford Officers were trained professionally on this specific topic and handled them accordingly. The Administration was also understanding and worked with the residents when there were difficult situations. Mr. Mallis said Bedford was not one of those communities that had numerous domestic violence problems so it wasn't a real problem. He explained a few different situations the Police Department and Administration had experienced over the 13 years of dealing with criminal nuisances and how they were handled. Some of Council was familiar with domestic violence situations and the sensitivity of dealing with autistic children. Mr. Mallis assured Council the Police Department understood these situations and were willing to work with the families. It was mentioned maybe criminal nuisances should stay the same and be addressed as it had been under Building Codes. Clerk Villers replied per Codified Section 1307.06 "Powers" of the Board of Building Standards & Appeals the criminal nuisances were on the wrong Board. Powers listed were as follows:

The Board of Building Standards and Appeals shall have the power, subject to the limitations and in the manner set forth in this Building Code, to:

(a) Affirm or reverse, in whole or in part, or modify, any decision of the Building Commissioner interpreting the provisions of this Building Code;

(b) Vary the application of any provision of this Building Code to any particular case when, in its opinion, enforcement thereof would do manifest injustice, would be contrary to the spirit and the purpose of this Building Code or the public interest;

(c) Determine if any material or method of construction may be used, even though not specifically authorized by this Building Code, and specify the manner in which such materials and methods shall be used;

(d) Determine any requirement for the strength or stability of an existing or proposed building or structure, or for the safety or health of the occupants thereof, not specifically covered by this Building Code, or not readily interpretable from the provisions of this Building Code;

- (e) Determine whether any proposed rule of the Building Commissioner supplements or aids in the interpretation of the requirements of this Building Code and is consistent therewith, and affirm, amend, modify or nullify any such proposed rule;
- (f) Establish rules and regulations, conditions and qualifications for the registration, licensing or certification of qualification of any person performing work or providing services under this Building Code;
- (g) Report and Recommend to Council any amendment, deletion or addition to this Building Code.
- (h) The Board is not authorized to substantially alter or modify the mandatory provisions of this Building Code. (Ord. 7215-00. Passed 3-6-00.)

The focus was whether Council wanted to consider a different Board for these types of issues. Additional new discussion topics to be considered were: 1) decide who was to be present at the meetings; the consensus was a Police Department representative and the Law Director, 2) possible Court employee volunteers for a new Board since they were familiar with these types of situations, 3) appoint qualified residents to a new Board, and 4) to exclude Council and Administration from being Board members.

At the last meeting in Executive Session Chief Stemple explained the Criminal Nuisance procedure and felt the Board of Building Standards & Appeals was the appropriate board. Clerk Villers explained to Council the Board of Building Standards & Appeals dealt with "Building Standards" not Police Criminal Nuisance calls. She referred to Section 1307.06 that stated: "The Board of Building Standards and Appeals shall have the power, subject to the limitations and in the manner set forth in this Building Code, to:

- (a) Affirm or reverse, in whole or in part, or modify, any decision of the Building Commissioner interpreting the provisions of this Building Code;
- (b) Vary the application of any provision of this Building Code to any particular case when, in its opinion, enforcement thereof would do manifest injustice, would be contrary to the spirit and the purpose of this Building Code or the public interest;
- (c) Determine if any material or method of construction may be used, even though not specifically authorized by this Building Code, and specify the manner in which such materials and methods shall be used;
- (d) Determine any requirement for the strength or stability of an existing or proposed building or structure, or for the safety or health of the occupants thereof, not specifically covered by this Building Code, or not readily interpretable from the provisions of this Building Code;
- (e) Determine whether any proposed rule of the Building Commissioner supplements or aids in the interpretation of the requirements of this Building Code and is consistent therewith, and affirm, amend, modify or nullify any such proposed rule;
- (f) Establish rules and regulations, conditions and qualifications for the registration, licensing or certification of qualification of any person performing work or providing services under this Building Code;
- (g) Report and Recommend to Council any amendment, deletion or addition to this Building Code.
- (h) The Board is not authorized to substantially alter or modify the mandatory provisions of this Building Code."

Mr. Montello was instructed to work on this issue for the next meeting.

**DISCUSSION OF SECTIONS 915.07 "MANNER OF COLLECTION; PLACEMENT AT CURB"  
& 915.99 "PENALTY"** – (Ord. #8059-08 / #7761-05) (1/7/19)

Sections 915.07 and 915.99 currently read as follows:

**915.07 MANNER OF COLLECTION; PLACEMENT AT CURB.**

All refuse garbage shall be placed in suitable containers and placed at the curb no earlier than 6:00 p.m. the evening before, or by 7:00 a.m. of the day for regular pickup. All empty containers shall be removed from the curb within twelve hours after pickup. No garbage or refuse containers shall be stored or placed

in front of the building line of any property at any other time. No garbage or trash shall be placed in front of any building or property other than that where the waste material originates. Garbage or trash that is placed at the curb or otherwise left forward of the front building line of the building at any other time of the week than that permitted shall be cleaned up at the earliest possible time by agents of the City of Bedford and the cost of said cleanup and resultant disposal shall be charged to the owner and/or persons in control of the property. (Ord. 8059-08. Passed 4-7-08.)

#### **915.99 PENALTY.**

Any violation of any of the provisions of this chapter shall be considered a minor misdemeanor, punishable by a fine up to one hundred fifty dollars (\$150.00). Each day's continued violations shall constitute a separate offense. (Ord. 7761-05. Passed 9-19-05.)

It was determined the Garfield Heights Codified Ordinance section was exactly like Bedford's. Previously discussion was held whether to treat the citation/fee similar to a parking ticket and if the violator didn't want to pay the fee they could address the matter through the Court system with the addition of Court costs. Currently the Police Department could fine up to \$150.00 but this penalty hadn't been enforced. A thought was to have either the Building Department, Service Department or Auxiliary issue the citations, ticket or fees after the second warning. This issue was not resolved and would be discussed again.

#### **DISCUSSION OF BOARD OF ZONING APPOINTMENT**

(Hulett term expires 2/2019 / Bowles) (3 yr)

Clerk Villers contacted Mrs. Hulett who was willing to serve another term. Council did not discuss the new applicant.

#### **DISCUSSION OF CHAPTER 1949 "SIGNS" (§1949.136)**

Submitted for Council review was the entire Chapter pertaining to signs. Mrs. Rhoades explained the businesses that brought this discussion to the City's attention were Metro PCS and Broadway Auto. Just by coincidence, Accurate Tax Services also asked about adding window lights. In Metro PCS' case, they did technically do the proper thing initially. Per ordinance, the lights were considered signs and needed to be approved by the Historic Preservation Board (HPB). The HPB approved Metro PCS' window lights but it now appears that Metro PCS replaced the original lights with much brighter lights. She knew Accurate Tax Services and Broadway Auto never applied for a proper permit. In all three cases, the lights were very bright and with the advancement of LED technology lights they would only get brighter. She believed the HPB requested the ordinances be reviewed because they regretted giving permission to Metro PCS. Many other business owners in Downtown find them obnoxious, annoying and a direct quote from two different shop owners was it made the Downtown area feel like the "Vegas strip." She agreed that business owners have the right to advertise their businesses, business owners also have the right to have the look and feel of neighborhood that they originally opened their business and for it to remain as the same as when they signed the lease. She felt Sections 1949.133 and 1949.136 kind of already bans the lights as one bans "Internally illuminated sign panels" and the other bans "Flashing signs or signs illuminated in such a way as to be distracting to motorists." Three business owners say they want their lighted signs because it will attract the attention of passing motor vehicles, which means that they have to be distracting in order to do that. Section 1949.135 also put limits on how large a sign can be in the Downtown area as the lights were considered part of signage, it essentially turns the whole window into a sign, which also was not compliant with this ordinance. She felt Metro PCS never should have been approved in the first place. This was not really a matter of whether the City should ban window lights but rather clarifying that they were already banned. She was open to making rules about how bright the lights could be or some other compromise except that after reading the sign ordinances she realized that probably half the signs in Downtown were not in compliance. Some signs were blatantly not in compliance and had been this way for several years. The City's Building Department was not able to keep up with enforcing the current signage ordinances and adding another ambiguous, "left up to the discretion of someone" ordinance would likely not be enforced either. She would prefer an out-and-out ban on window lights in the Historic District.

**DISCUSSION OF VIDEOGRAPHY**

Mr. Mallis submitted a quote for videotaping the following City Council meetings and the State of the City. It was determined the City would sign a (3) three year contract for the following video tapings per year: 21 Council meetings at \$340 per meeting a total of \$7,140, 3 Ward meetings at \$340 per meeting a total of \$1,020 and \$1,275 for the State of the City Address; a grand total of \$9,435 per year for 24 Council meetings and the State of the City Address. All of Council was in agreement to tape the meetings.

It was determined the Ward meeting dates would be: Wards 1 & 4 on March 25th, Wards 3 & 5 on April 8<sup>th</sup> and Wards 2 & 6 on April 22<sup>nd</sup>.

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

At 7:38 p.m., Bedford City Council, City Manager Mike Mallis, Law Director John Montello went into an executive session to discuss Personnel 121.22 (B) (1).

Executive Session adjourned at 7:58 p.m.

Work Session adjourned at 7:59 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 January 22, 2019
  - b. Approval of Minutes of the Regular Meeting of January 22, 2019
  
5. **PRESENTATIONS –**
  
6. **OLD BUSINESS** – (1<sup>st</sup> Rdg: 1/22/19)
  - a. Ordinance No. 9670-19 amend #8044-08 rebate for resident membership (Bedford Heights Community Center)
  - b. Ordinance No. 9666-19 amend #7139-99 §1949.13 H-D Historic Downtown Business District
  
7. **REPORTS**
  - a. City Manager
  - b. Law Director
  - c. Finance Director
  - d. Council Reports
  
8. **NEW BUSINESS**
  - a. Ordinance No. 9672-19 accept Northeast Ohio Public Energy Council Energized Community Grant Funds
  - b. Ordinance No. 9673-19 adopt Solid Waste Management Plan – Cuyahoga County Solid Waste District
  - c. Ordinance No. 9674-19 amend #9662-19 rezoning 17800 Broadway, LLC located on Sector Drive (#812-01-015, #812-01-016, #812-01-017)
  - d. Ordinance No. 9675-19 rezone Qua, Inc. 11 Broadway consolidation of P.P. #811-01-086 “R-2” to B-2A” (#811-01-002, 003, 004, 005, 006, 007, 008, 009, 010, 044, 046)
  
9. **HEARING OF CITIZENS**
  
10. **ADJOURNMENT**

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

Bedford, Ohio

February 4, 2019

Bedford City Council met in Regular Session at Bedford City Hall on Monday, February 4, 2019. Mayor Koci called the meeting to order at 8:01 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Fluharty, Saunders, Rhoades, Spinks, Koci, Mizesak, Genutis. Absent: None.

Motion made by Mizesak seconded by Rhoades to approve the minutes of the Work Session Meeting of January 22, 2019. The roll was called. Vote – Yeas: Fluharty, Saunders, Rhoades, Spinks, Koci, Mizesak, Genutis. Nays: None. Motion carried unanimously.

Motion made by Genutis seconded by Spinks to approve the minutes of the Regular Meeting of January 22, 2019. The roll was called. Vote – Yeas: Fluharty, Saunders, Rhoades, Spinks, Koci, Mizesak, Genutis. Nays: None. Motion carried unanimously.

ORDINANCE NO. 9666-19 AN ORDINANCE AMENDING ORDINANCE NO. 7139-99 SECTION 1949.13 ENTITLED “H-D HISTORIC DOWNTOWN BUSINESS DISTRICT” OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD PLACED ON FIRST READING JANUARY 22, 2019 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Spinks seconded by Genutis to place Ordinance No. **9666-19** on second reading.

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

ORDINANCE NO. 9670-19 AN ORDINANCE AMENDING ORDINANCE NO. 8044-08 AUTHORIZING THE BEDFORD FINANCE DIRECTOR TO CONTINUE A REBATE PROGRAM FOR BEDFORD RESIDENTS REGISTERING TO BECOME MEMBERS OF THE BEDFORD HEIGHTS COMMUNITY CENTER IN THE CITY OF BEDFORD HEIGHTS PLACED ON FIRST READING JANUARY 22, 2019 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Spinks seconded by Fluharty to place Ordinance No. **9670-19** on third and final reading and passed.

Mr. Gambosi explained the City had been actively seeking to increase the recreational opportunities for its residents. Bedford and the City of Bedford Heights had reached an agreement to permit Bedford residents the opportunity to become members of the Bedford Heights Community Center. Bedford residents were required to pay the applicable yearly membership fees for using the Bedford Heights Community Center and would be entitled to complete use of the facility. It was the intention of the City to provide a yearly rebate of \$50.00 to any Bedford resident or Bedford family that were members of the Bedford Heights Community Center. The rebate would be provided to Bedford residents providing proof that they paid the applicable membership fees of the Bedford Heights Community Center. All Bedford residents seeking to obtain the \$50.00 rebate would have to follow all procedures.

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

Council extended their thoughts and prayers to the families for the four people who recently passed away.

City Manager Michael Mallis announced the State of the City Address was posted on the City's website, the Administration was working with Guide Studio for various signage and the City was working with Oakwood Village and Cuyahoga County concerning the resurfacing of Forbes Road; Bedford's portion was 60% and Oakwood's was 40%.

No reports from Law Director John Montello.

Finance Director Frank Gambosi urged residents to use the new Tax Department electronic filing program. He said it was self-explanatory and to follow the instructions.

Councilman Fluharty asked to have the debris picked up on the Northfield Bridge.

Councilman Saunders announced the Historical Society's Reverse Raffle was March 16<sup>th</sup>. He hoped high density asphalt was being used for the resurfacing of Forbes Road because of the heavy truck traffic. He suggested a concrete intersection at Northfield Road and Forbes Road. He assumed the road repair at Johnson and Woodrow was for the catch basin repair. Mr. Mallis replied that was a catch basin repair. He listed the recent Regional Sewer percentage increases and felt the Bedford residents were lucky that theirs increased 4%.

Councilwoman Rhoades reminded everyone to purchase tickets for the Valentine Day Chocolate Walk; there were 30 businesses participating and two had chocolate alcoholic drinks. She announced on February 15<sup>th</sup> at 5:00 p.m. there was another Bedford Downtown cleanup day.

Councilwoman Spinks listed several exciting things that were happening at the Historical Society.

Councilwoman Mizesak thanked those who attended the State of the City Address and appreciated LOHV for providing the room. She gave kudos to the Automile and was grateful for all the nice things they do for the City.

Councilman Genutis referred to the State of the City Address and was impressed by all the positive accomplishments over the last five years he's been on Council. He felt Mr. Mallis and Mayor Koci did a good job.

Mayor Koci appreciated everyone who attended the State of the City Address. He listed several upcoming positive things that were in the works for Bedford: the new Simons Super Market, Dakar Movie Studio, Xellia prescription production and the great corporate partnership with the dealerships.

ORDINANCE NO. 9672-19 AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2019 ENERGIZED COMMUNITY GRANT(S) FUNDS AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Saunders seconded by Rhoades to place Ordinance No. **9672-19** on third and final reading and passed.

Mr. Mallis explained this was a \$45,000 grant and was not earmarked for a specific project.

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

ORDINANCE NO. 9673-19 AN ORDINANCE TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE CUYAHOGA COUNTY SOLID WASTE MANAGEMENT DISTRICT AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Spinks seconded by Genutis to place Ordinance No. **9673-19** on third and final reading and passed.

Mr. Mallis explained the Cuyahoga County Solid Waste Management District Policy Committee was required to prepare the Solid Waste Management Plan. The updates were for the years 2019 to 2033 with a deadline date of April 11, 2019.

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

ORDINANCE NO. 9674-19 AN ORDINANCE AMENDING ORDINANCE NO. 9662-19 REZONING 17800 BROADWAY, LLC. KNOWN AS P.P. NOS. 812-01-015, 812-01-016 & 812-01-017 PROPERTY LOCATED AT SECTOR DRIVE DESCRIBED HEREIN FROM "R-2" TO "B-2A" CLASSIFICATION AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Rhoades seconded by Saunders to place Ordinance No. **9674-19** on third and final reading and passed.

Mr. Mallis explained the zoning intent of the property used as "B-2A" for over ten (10) years while Qua Inc. aka Mazda owned the property. 17800 Broadway, LLC purchased the property on October 19, 2017 and the rezoning pertains to property now owned by 17800 Broadway, LLC, and not Qua, Inc. The rezoning from "R-2" to "B-2A" was in the public interest and is consistent with the overall zoning map and established uses of the properties affected of the City.

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

ORDINANCE NO. 9675-19 AN ORDINANCE REZONING P.P. NO. 811-01-086 OWNED BY QUA, INC. LOCATED AT 11 BROADWAY DESCRIBED HEREIN FROM "R-2" TO "B-2A" CLASSIFICATION AND APPROVING THE CONSOLIDATION OF THE PARCELS STATED BELOW 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: Fluharty, Saunders, Rhoades, Spinks, Koci, Mizensak, Genutis. Nays: None. Motion carried unanimously.

Motion made by Spinks seconded by Fluharty to place Ordinance No. **9675-19** on third and final reading and passed.

Mr. Mallis clarified Council considered rezoning property described herein from "R-2" to "B-2A" upon application of the Building Commissioner to clarify the zoning intent of the property which has been used as "B-2A" for over ten (10) years. The property was designated with a dual zoning designation to accommodate Qua, Inc. and Council now desires to clarify and confirm the original intent of the City that the property be zoned "B-2A". Parcels numbers 811-01-002, 003, 004, 005, 006, 007, 008, 009, 010, 044 and 046 were consolidated into one parcel P.P. No. 811-01-086 on December 2, 2018. Pursuant to the terms of a purchase agreement for the sale of said parcels from Qua, Inc. to 11 Broadway, LLC. Parcel number 811-01-044 zoned "R-2" originally. The rezoning from "R-2" to "B-2A" of parcel number 811-01-044 and the consolidation of the parcels are both consistent with the overall zoning map and established uses of the properties affected of the City.

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

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

Debby Grubb, 260 Deborah Lane, listed several events, tours and the hours for the Historical Society. On March 16<sup>th</sup> the Reverse Raffle was scheduled; the theme is Fly Me to the Moon.

Terry Svagerko, 96 Tudor, gave kudos to the Fire Department for their professional efforts. He noticed some of the sidewalks were blocked with snow so the pedestrians were walking in the streets. Mr. Mallis clarified it was the property owner's responsibility to clear their sidewalks.

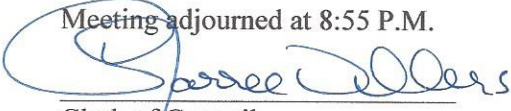
Chris Sweet, 97 Thames, asked if there was something the City could do to keep Pat Catan's in Bedford. Mayor Koci and Mr. Mallis said the City had already addressed the issue and this was a corporate decision to close the stores.

Jeff Duber, 134 Harriman, pointed out the sidewalks in front of the cemetery were not clear of snow. He asked how the recycling was billed/paid for. Mr. Mallis explained it was weighed by tonnage and figured accordingly and would give Mr. Duber the list of recyclables.

Bill Astalos, 685 Archer, reported four tires were in the tree lawn north of the Tot Lot. He pointed out some of the residents/neighbors were leaving their rubbish and recycling cans at the street after collection.

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

Meeting adjourned at 8:55 P.M.

  
Clerk of Council

  
Mayor - President of Council