

COUNCIL WORK SESSION

FEBRUARY 19, 2019

6:00 P.M. PROMPT

- **DISCUSSION OF AGENDA**
- **DISCUSSION OF “CRIMINAL ACTIVITY NUISANCES, COSTS OF ENFORCEMENT”**
(§511.12 (B) (2)) – (Ord. #9523-17) – (12/17/18-1/7/19-1/22/19-2/4/19)
- **DISCUSSION OF SECTIONS 915.07 “MANNER OF COLLECTION; PLACEMENT AT CURB” & 915.99 “PENALTY”** – (Ord. #8059-08 / #7761-05) (1/7/19-1/22/19-2/4/19)
- **DISCUSSION OF CHAPTER 1949 “SIGNS”**
(§1949.136) (2/4/19)
- **EXECUTIVE SESSION** – (Personnel / Economic Development / Litigation)

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

Bedford City Council met in a Work Session at Bedford City Hall on Tuesday, February 19, 2019 at 6:06 p.m.

Present: Council Members: Mayor Stan Koci, Victor Fluharty, Walter Genutis, Donald Saunders, Sandy Spinks and Heather Rhoades. Absent: Paula Mizesak. 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 February 4, 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 Historic 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 Historic 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. Discussion was had that LED lighting could become brighter with new technology. Mr. Beverly explained Guys Pizza and the

Bedford Auto dealership were no longer using the lighting since he sent them a letter. Council had no changes to this Ordinance.

ORDINANCE NO. 9676-19 AN ORDINANCE ADOPTING THE CITY OF BEDFORD CREDIT CARD USE POLICY TO CONTINUE TO ENSURE COMPLIANCE WITH STATE MANDATED POLICY AND DECLARING AN EMERGENCY

Mr. Gambosi explained this was for the Mayor, Administrative employees and the employees authorized at the discretion of the Finance Director and City Manager who used credit cards who needed to comply with the policy for proper public purpose expenditures and recordkeeping as mandated by House Bill 312. This policy was not necessary but it was better to be proactive instead of reactive. Mr. Gambosi assured Council there were no issues with charge card usage. This would be read as a first reading this evening.

ORDINANCE NO. 9677-19 AN ORDINANCE AMENDING SECTION 151.08 (a) (c) OF THE ADMINISTRATIVE CODE ENTITLED "COMPENSATION FOR OVERTIME WORK" OF THE CITY OF BEDFORD, OHIO AND DECLARING AN EMERGENCY

Mr. Gambosi explained the Administrative Code need to be updated. The Administrative Personnel for purposes of compensatory time was defined as follows: City Manager, Police Chief, Deputy Police Chief, Fire Chief, Assistant Fire Chief, Business Development Liaison, Finance Director, Assistant Finance Director, Recreation Director, Assistant Recreation Director, Building Commissioner, Service Director and Superintendent of Public Works.

Compensation for Overtime Work" which formerly read:

151.08 COMPENSATION FOR OVERTIME WORK.

(a) Employees may be granted compensatory time off by the City Manager. Effective September 27, 1990, administrative personnel shall no longer accumulate compensatory time for the purpose of accruing cash value payable at the time of retirement or other separation of service from the City of Bedford.

(1) All documented compensatory time accrued prior to September 17, 1990, shall remain on the books to be used by the individual within one year from the date hereof, unless said time period is extended by the City Manager.

(2) The administrative staff, with the approval of the City Manager, may earn compensatory time off for work beyond the normal work week. All compensatory time must be approved by the Manager. (Ord. 6136-90. Passed 10-1-90)

(b) For regular hourly rated employees, overtime shall be compensated by payment in cash at one and one-half times the regular straight time rate.

(c) Any regular employee, whose compensation is on an hourly basis and who is performing work in excess of the regular work week as hereinbefore defined on a Sunday or any of the regular holidays, shall receive compensation for such work at the rate of one and one-half times the rate established for regular time. Should any of the aforesaid holidays fall on Sunday, the following Monday shall be observed; if work is performed on Monday, the overtime schedule shall be used in arriving at the compensation to be paid.

(d) Overtime shall be paid to regular full-time employees of the Bedford Municipal Court for time worked in excess of the hours established by the Judge of the Court as a regular work week for such employee. (Ord. 5641-86. Passed 5-19-86)

Per Mr. Mallis and Mr. Gambosi the amendments were:

(a) Employees may be granted compensatory time off by the City Manager. Effective September 27, 1990, administrative personnel shall no longer accumulate compensatory time for the purpose of accruing cash value payable at the time of retirement or other separation of service from the City of Bedford.

(1) All documented compensatory time accrued prior to September 17, 1990, shall remain on the books to be used by the individual within one year from the date hereof, unless said time period is extended by the City Manager.

(2) The administrative staff, with the approval of the City Manager, may earn compensatory time off for work beyond the normal work week. All compensatory time must be approved by the Manager. **Administrative Personnel for purposes of this section regarding compensatory time are defined as follows:**

City Manager, Police Chief, Deputy Police Chief, Fire Chief, Assistant Fire Chief, Business Development Liaison, Finance Director, Assistant Finance Director, Recreation Director, Assistant Recreation Director, Building Commissioner, Service Director, and Superintendent of Public Works.

(3) **Non-Administrative (regular employees) personnel employees, will continue to provide and file for review, compensatory time records (earnings and usage) to the City Manager as stated herein. These records will include reporting compensatory time usage, earnings and balances on a quarterly basis.**

Non-Administrative employees who accumulates compensatory time, accumulated time, holiday time, etc. on the books at the time of appointment prior to an administrative position, must report the hours on the books at the time of the administrative appointment, to the City Manager. These reports documenting compensatory hours earned in a non-administrative position, will be placed in the employee's personnel file for review. These hours on the books at time of appointment, will be paid before taking the administrative position, at the current pay rate of the Union or non-administrative position. Therefore, at the time of appointment to the administrative position no compensatory time will be on the books for that employee.

Current employees in the positions of Fire Chief, Assistant Fire Chief, Police Chief and Deputy Police Chief will be paid their compensatory time hours upon separation, on the books accrued by them from the union position at the time of administrative appointment. The rate of pay for these hours earned in the past, will be at the union rate, for their prior respective service position, (ex. Lieutenant, Sergeant) at their separation date.

(4) **No Administrative personnel may accumulate more than 240 (two-hundred and forty hours) of administrative compensatory time at the time of separation of service.**

(5) **All Administrative personnel will earn compensatory time one hour for one hour worked (excluding Law Director, Assistant Law Director and City Engineer who are hired on a contractual basis). The Law Director, Assistant Law Director and City Engineer all hired on a contractual basis, do not earn or accrue any sick leave or vacation time hours.**

(6) **Administrative personnel employees (excluding Clerk of Council, Finance Director and City Manager) as identified above, must file their compensatory time earnings and usage reports with the City Manager.**

(7) **The Clerk of Council, City Manager, and Finance Director will file compensatory time reports with usage, earnings and balances on a quarterly basis with the Mayor and a copy with the Finance Director to be included in their personnel files for review.**

(b) **For regular hourly rated employees, overtime shall be compensated by payment in cash at one and one-half times the regular straight time rate.**

(c) **Any regular (Non-Administrative) employee, whose compensation is on an hourly basis and who is performing work in excess of the regular work week as hereinbefore defined on a Sunday or any of the regular holidays, shall receive compensation for such work at the rate of one and one-half times the rate established for regular time. Should any of the aforesaid holidays fall on Sunday, the following Monday shall be observed; if work is performed on Monday, the overtime schedule shall be used in arriving at the compensation to be paid.**

(d) **Overtime shall be paid to regular full-time employees of the Bedford Municipal Court for time worked in excess of the hours established by the Judge of the Court as a regular work week for such employee.**

Mr. Gambosi was open to suggestions. This would be read as a first reading.

DISCUSSION OF "CRIMINAL ACTIVITY NUISANCES, COSTS OF ENFORCEMENT"

(§511.12 (B) (2)) – (Ord. #9523-17) – (12/17/18-1/7/19-2/4/49)

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 7th 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."

At the February 4th Work Session, Mayor Koci said Police Chief Stemple talked to Council in Executive Session and it was determined there was no need to change anything regarding the way Criminal Nuisances were handled. Mr. Montello was instructed to amend Chapter 1307 entitled Board of Building Standards & Appeals to include Criminal Nuisance for the next meeting.

DISCUSSION OF SECTIONS 915.07 "MANNER OF COLLECTION; PLACEMENT AT CURB" & 915.99 "PENALTY" – (Ord. #8059-08 / #7761-05) (1/7/19-2/4/19)

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.)

Previously, 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.

At the February 4th Work Session, Mayor Koci said Police Chief Stemple talked to Council in Executive Session and it was determined the average Auxiliary could not use LEADS to issue citations; the Auxiliary needed to be LEADS certified. Discussion was held regarding the negative impact this could have on seniors. It was determined the seniors were not the problem it was those who were inconsiderate to collect their container after it was emptied. A thought was to hang a tag on the rubbish container with the information as an educational piece and warning so the repeat offenders knew the laws.

DISCUSSION OF CHAPTER 1949 "SIGNS" (§1949.136) (2/4/49)

Previously submitted for Council review was the entire Chapter. Mrs. Rhoades previously 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.

This evening Mr. Montello and Mrs. Rhoades submitted the City of Aurora's Sign Chapter for review. Mr. Saunders felt it would be wise to review the Supreme Court Ruling for compliance. Mr. Montello suggested Mr. Saunders get a copy of Northfield Villages recent sign ordinance for comparison and review. Mr. Beverly agreed the Chapter did need amended but it was going to take a lot of work. It was determined this issue should be addressed before Mr. Mallis moved forward with Guide Studios regarding Citywide signage. Discussion was held of Sections that could benefit Bedford but no final decision was made this evening and would be discussed further.

Motion to re-appoint Laura Hulett to the Board of Zoning Appeals. Council approved this reappointment at the February 4th Work Session.

Motion to accept the Planning Commission's recommendation of February 5, 2019 to approve/accept the application of Sam Sparks, owner, P.O. Box 46616 Bedford / Harlan Eberhardt, Architect who is proposing to open a restaurant located at 339 Columbus Road - Blue Water Seafood Restaurant 7 days a week.

Mr. Beverly said the Commission recommended approval concerning the exterior alterations; the restaurant was already a Permitted Use. Council had no issues with the exterior alterations or the fact there was going to be a seafood restaurant.

Motion to deny the tabled application of the Planning Commission of February 5, 2019 for failure to submit the requested documentation from Tiffany Johnson, 172 John Street / owner Jamil Zayed 6529 Waxberry Drive, Seven Hills, who is seeking to open a Residential Care Facility (Group Home) 24 hours 5-6 residents. (2/5/19 PC Tabled)

(§1927.02 / §1915.24) – (Adm. Code 5122-30-01 / 5122-30-03 / 5122-30-11 / 5122-30-14)

At the February 5th Planning Commission meeting Ms. Johnson was instructed to bring proof ASAP that she and her four children were going to live elsewhere and not live with the residents at the Group Home located at 172 John Street. The Commission wanted to be sure there was not going to be 10 people living in a three bedroom home full time. As of Friday, February 15th Ms. Johnson had failed to submit the required documentation that she and her four children were living elsewhere. Mr. Montello requested a motion be placed on the Tuesday, February 19th Council agenda denying her request since she failed to produce proof. It was understood Ms. Johnson would have to reapply if she brought the additional rental information and/or living arrangement information.

[Clerk Villers would mark the February 5, 2019 Planning Commission Meeting Minutes accordingly.]

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: Genutis, Fluharty, Saunders, Rhoades, Spinks, Koci. Nays: None. Motion carried unanimously.

At 7:30 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 7:54 p.m.

Work Session adjourned at 7:55 p.m.


Clerk of Council


Mayor - President of Council

REGULAR MEETING

BEDFORD CITY COUNCIL
STATE OF OHIO
COUNTY OF CUYAHOGA

DATE: FEBRUARY 19, 2019

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 February 4, 2019
 - b. Approval of Minutes of the Regular Meeting of February 4, 2019
5. PRESENTATIONS –
6. OLD BUSINESS – (1st Rdg: 1/22/19 - 2nd Rdg: 2/4/19)
 - a. 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. 9676-19 adopt Credit Card Use Policy
 - b. Ordinance No. 9677-19 amend Ord. #6136-90 Section 151.08 (a) (c) - “Compensation for Overtime Work”
 - c. Motion to re-appoint Laura Hulett to the Board of Zoning Appeals (3 yrs)
 - d. Motion to accept the Planning Commission’s recommendation of February 5, 2019 to approve/accept the application of Sam Sparks, owner, P.O. Box 46616 Bedford / Harlan Eberhardt, Architect who is proposing to open a restaurant located at 339 Columbus Road - Blue Water Seafood Restaurant 7 days a week
 - e. Motion to deny the tabled application of the Planning Commission of February 5, 2019 for failure to submit the requested documentation from Tiffany Johnson, 172 John Street / owner Jamil Zayed 6529 Waxberry Drive, Seven Hills, who is seeking to open a Residential Care Facility (Group Home) 24 hours 5-6 residents (2/5/19 PC Tabled) (§1927.02 / §1915.24) – (Adm. Code 5122-30-01 / 5122-30-03 / 5122-30-11 / 5122-30-14)
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, February 19, 2019. Mayor Koci called the meeting to order at 8:00 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Saunders, Rhoades, Spinks, Koci, Genutis, Fluharty. Absent: Mizzsak.

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

Motion made by Rhoades seconded by Saunders to approve the minutes of the Work Session Meeting of February 4, 2019. The roll was called. Vote – Yeas: Saunders, Rhoades, Spinks, Koci, Genutis, Fluharty. Nays: None. Motion carried unanimously.

Motion made by Spinks seconded by Genutis to approve the minutes of the Regular Meeting of February 4, 2019. The roll was called. Vote – Yeas: Saunders, Rhoades, Spinks, Koci, Genutis, Fluharty. 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 SECOND READING ON FEBRUARY 4, 2019 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Spinks seconded by Fluharty to place Ordinance No. **9666-19** on third and final reading and passed.

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

City Manager Michael Mallis explained the City’s K9 Mike passed away unexpectedly. He said the Cuyahoga County BMV was relocating to Meadowbrook, Xellia was approved by the USDA for an injection drug, and the Landbank was evaluating the asbestos situation at the former Moonglow property for demolition. He listed the following Ward Meeting dates: Wards 1 & 4 on March 25th, Wards 3 & 5 on April 8th and Wards 2 & 6 on April 22nd at 7:00 p.m.

The Administration and Council expressed their respect, kind words and support to K9 Mike’s handler Sergeant Futo and his family. These K9’s were considered partners; not just pets.

No reports from Law Director John Montello.

Finance Director Frank Gambosi explained the four years of hard work at Xellia has now come to fruition. He said 82 filers/residents had used the new Tax Department electronic filing program. He said the system was self-explanatory and to follow the instructions closely. He said the Budget was holding steady.

Councilman Saunders announced the Historical Society's Reverse Raffle was March 16th. He thanked UH for keeping up on their snow removal this winter season; they had more sidewalks to shovel than any other business in the area. He noticed the private account snow plow operators were shoveling the plowed snow placed on the sidewalks after they were done with snow removal from the drives.

Councilwoman Rhoades was pleased with the turnout for the Valentine's Chocolate walk. She thanked those who participated in the event and those who volunteered to cleanup Bedford Downtown prior to the event. She announced the next stake holders meeting was February 20th at 7:00 p.m., First Fridays "March for Art" was March 1st. She urged residents to become members of the Bedford Downtown Alliance (BDA). She asked residents to join the Bedford Garden Club and stop by to see what was happening this spring.

Councilwoman Spinks invited residents to join others at the Dr. Seuss event at the Historical Society on March 2nd starting at 10:00 a.m. to 2:00 p.m. and the Historical Society's Reverse Raffle was March 16th. She gave kudos to the BDA for putting together a successful Chocolate Walk where 36 businesses participated. She was not able to participate because she attended the annual Senior Valentine's Dance with an attendance of 300.

Councilman Genutis was pleased with the Chocolate Walk and felt the person who made the peanut brittle should make more.

Councilman Fluharty attended the Senior Valentine's Dance and was very proud of the students who helped the elderly enjoy their evening.

Mayor Koci, too, was very pleased with the Chocolate Walk this past weekend; he said it was fun and everyone was in happy spirits.

ORDINANCE NO. 9676-19 AN ORDINANCE ADOPTING THE CITY OF BEDFORD CREDIT CARD USE POLICY TO CONTINUE TO ENSURE COMPLIANCE WITH STATE MANDATED POLICY AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Saunders seconded by Rhoades to place Ordinance No. **9676-19** on first reading.

Mayor Koci explained the City was being proactive and currently had no issues with credit card abuse. He explained this was for the Mayor, Administrative employees and the employees authorized at the discretion of the Finance Director and City Manager who used credit cards who needed to comply with the policy for proper public purpose expenditures and recordkeeping as mandated by House Bill 312.

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

ORDINANCE NO. 9677-19 AN ORDINANCE AMENDING SECTION 151.08 (a) (c) OF THE ADMINISTRATIVE CODE ENTITLED COMPENSATION FOR OVERTIME WORK OF THE CITY OF BEDFORD, OHIO AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Spinks seconded by Genutis to place Ordinance No. **9677-19** on first reading.

Mayor Koci explained the Administrative Code was being updated for the Administrative Personnel for purposes of compensatory time. The Administrative Personnel were the City Manager, Police Chief, Deputy Police Chief, Fire Chief, Assistant Fire Chief, Business Development Liaison, Finance Director, Assistant Finance Director, Recreation Director, Assistant Recreation Director, Building Commissioner, Service Director and Superintendent of Public Works.

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

Motion made by Rhoades seconded by Saunders to re-appoint Laura Hulett to the Board of Zoning Appeals. The roll was called. Vote – Yeas: Fluharty, Saunders, Rhoades, Spinks, Koci, Genutis. Nays: None. Motion carried unanimously. Mayor Koci thanked those who serve on the Boards & Commissions.

Motion made by Rhoades seconded by Saunders to accept the Planning Commission's recommendation of February 5, 2019 to approve/accept the application of Sam Sparks, owner, P.O. Box 46616 Bedford / Harlan Eberhardt, Architect who is proposing to open a restaurant located at 339 Columbus Road - Blue Water Seafood Restaurant 7 days a week.

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

Motion made by Spinks seconded by Fluharty to deny the tabled application of the Planning Commission of February 5, 2019 for failure to submit the requested documentation from Tiffany Johnson, 172 John Street / owner Jamil Zayed 6529 Waxberry Drive, Seven Hills, who is seeking to open a Residential Care Facility (Group Home) 24 hours 5-6 residents.
(2/5/19 PC Tabled) (§1927.02 / §1915.24) – (Adm. Code 5122-30-01 / 5122-30-03 / 5122-30-11 / 5122-30-14)

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

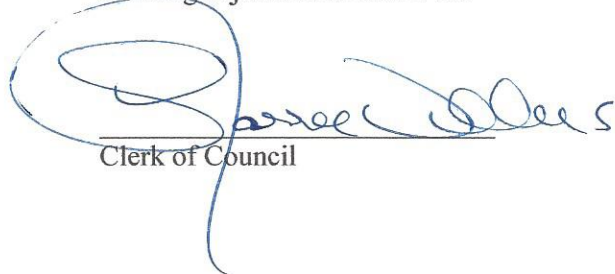
[Clerk Villers would mark the February 5, 2019 Planning Commission Meeting Minutes accordingly.]

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

There were no comments from the audience.

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

Meeting adjourned at 8:29 P.M.



Clerk of Council



Mayor - President of Council