

COUNCIL WORK SESSION

MARCH 4, 2019

6:00 P.M. PROMPT

- **DISCUSSION OF AGENDA**

- **DISCUSSION OF CHAPTER 1949 “SIGNS”**
(§1949.136) (2/4/19-2/19/19) (Aurora / Village of Northfield)

- **EXECUTIVE SESSION** – (Personnel / Economic Development / Litigation) (45 mins)

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 Monday, March 4, 2019 at 6:04 p.m.

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

Mayor Koci began discussion of the Regular Council Meeting agenda.

There were no changes to the February 19, 2019 Regular Council Minutes and the Work Session Minutes.

ORDINANCE NO. 9676-19 AN ORDINANCE ADOPTING THE CITY OF BEDFORD CREDIT CARD USE POLICY TO CONTINUE TO ENSURE COMPLIANCE WITH STATE MANDATED POLICY PLACED ON FIRST READING FEBRUARY 19, 2019 AND DECLARING AN EMERGENCY

Mr. Gambosi previously 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. He requested a second 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 PLACED ON FIRST READING FEBRUARY 19, 2019 AND DECLARING AN EMERGENCY

Mr. Gambosi previously explained the Administrative Code needs 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. He requested a second reading this evening.

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)

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.

ORDINANCE NO. 9678-19 AN ORDINANCE AMENDING ORDINANCE NO. 9653-18 MAKING ADDITIONAL APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF BEDFORD, OHIO DURING THE YEAR 2019 AND DECLARING AN EMERGENCY

Mr. Gambosi explained the following changes: General Fund: The increases in appropriations for 2018 in the General Fund was due to the Reduction in income from ambulance runs (more Basic Life Support than advanced) due to state law changes in billings, and current level of spending, could cause funds to be totally depleted and thus need additional funds in 2019 in the amount of \$70,000. Fund 200 CDBG Fund: To allow expenditure of program income from sale of NSP homes for demos and the Broadway Park and future use in the amount of \$120,743.02. Fund 205 SEALE Fund: To account for grants, program income and additional funds as needed for the operation of the SEALE units in the amount of \$461,994.17 and current Grant for 2019. Fund 213 Grants Fund: After review of the grants that had unspent funds in 2018, the City needed to appropriate the amounts in 2019. Also new grants and donations needed to be appropriated for 2019. Fund 403 Capital Improvement Fund: This appropriation was to account for the following: Ellenwood repairs, Northfield /Sunoco, and City Signage. Fund 500 Water Fund: To account for the construction of Shut off Valves, GIS and other Water Improvements by staff employees. Fund 801 Law Enforcement Agency Fund: This appropriation was to allow transfer or refunding of local funds from confiscations. Mr. Gambosi asked for an amendment on the first line in Section 1 as follows: Department No. #6170 to #8184 and the Department Name be amended from Service Department to Transfer out – to Fire Equipment Fund. Clerk Villers was instructed to make the changes.

ORDINANCE NO. 9679-19 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO CONTRACT WITH LPV PRODUCTIONS, INC FOR VIDEO TAPING SERVICES FOR COUNCIL MEETINGS AND STATE OF THE CITY ADDRESS AND DECLARING AN EMERGENCY

Mr. Mallis explained the City wishes to record public meetings for dissemination to the public to be open and transparent. The contract was with LPV, Productions Inc. for three (3) years in the amount of \$9,435.00. He was seeking a second quote so suggested a first reading this evening.

RESOLUTION NO. 2532-19 A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT WITH OAK GROUP, INC. AND DECLARING AN EMERGENCY

Mr. Mallis explained Building Department was in need of an additional Master Plans Examiner Services. The Oak Group, Inc. was qualified to provide Master Plans Examiner & Building Official services through duly licensed and certified Master Plans Examiners and Building Official in compliance with the laws of the State of Ohio, and desired to render Master Plans Examiner services for the City. He suggested a first reading this evening

DISCUSSION OF CHAPTER 1949 "SIGNS" (§1949.136) (2/4/19-2/19/19)

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 Mrs. Rhoades submitted her suggestions and/or amended version of the City of Aurora's Sign Chapter for review. Also submitted was the Village of Northfield's recently passed sign ordinance for comparison and review; however, it had not been challenged in Court. Council agreed the Historical District and Automile would need special attention because the other cities did not have an Automile and limited Historical Districts.

Items discussed were: Political signs, real estate signs (push in ground lawn signs verses 4x4 post signs), flag signs, inflatable time limits, memorial sign time limits, vehicle for sale signs, scoreboards, video signs for example the City complex, Bedford Schools and LOHV and the need for possible variances. LED sign brightness, scrolling and flashing distracting signs. Council liked the City of Aurora's approach because it was specific and detailed; Bedford's was too vague and open to interpretation. Another concern was violating ones freedom of speech. It was determined since Mr. Beverly was not in attendance this evening to review the documents the topic would be forwarded to the March 18, 2019 Work Session for his suggestions and further discussion.

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

At 7:13 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) / Economic Development / Litigation.

Executive Session adjourned at 7:58 p.m.

Work Session adjourned at 8:00 p.m.


Clerk of Council


Mayor - President of Council

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES**
 - a. Approval of Minutes of the Work Session of February 19, 2019
 - b. Approval of Minutes of the Regular Meeting of February 19, 2019
5. **PRESENTATIONS** –
6. **OLD BUSINESS** – (1st Rdg: 2/19/19)
 - 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”
7. **REPORTS**
 - a. City Manager
 - b. Law Director
 - c. Finance Director
 - d. Council Reports
8. **NEW BUSINESS**
 - a. Ordinance No. 9678-19 amend Ordinance No. 9653-18 making additional appropriations
 - b. Ordinance No. 9679-19 contract with LPV Productions, Inc for Meeting Videography (\$9,435) (3 yr)
 - c. Resolution No. 2532-19 contract w/Oak Group, Inc. for additional master Plans Examiner Services
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 Monday, March 4, 2019. Mayor Koci called the meeting to order at 8:03 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Rhoades, Spinks, Koci, Genutis, Fluharty, Saunders. Absent: Mizsak.

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

Motion made by Genutis seconded by Spinks to approve the minutes of the Work Session Meeting of February 19, 2019. The roll was called. Vote – Yeas: Rhoades, Spinks, Koci, Genutis, Fluharty, Saunders. Nays: None. Motion carried unanimously.

Motion made by Rhoades seconded by Saunders to approve the minutes of the Regular Meeting of February 19, 2019. The roll was called. Vote – Yeas: Rhoades, Spinks, Koci, Genutis, Fluharty, Saunders. Nays: None. Motion carried unanimously.

ORDINANCE NO. 9676-19 AN ORDINANCE ADOPTING THE CITY OF BEDFORD CREDIT CARD USE POLICY TO CONTINUE TO ENSURE COMPLIANCE WITH STATE MANDATED POLICY PLACED ON FIRST READING FEBRUARY 19, 2019 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Fluharty seconded by Spinks to place Ordinance No. **9676-19** on second reading.

The roll was called. Vote – Yeas: Rhoades, Spinks, Koci, Genutis, Fluharty, Saunders. 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 PLACED ON FIRST READING FEBRUARY 19, 2019 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

The 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.

City Manager Michael Mallis listed several items of interest: First Energy was in the process of repairing the street lights. The CDSG \$50,000 grant was available for the Way Finding Signage project. The \$33,000 Cuyahoga County Preventative Maintenance street grant had been received. The BMV moving to Bedford was ahead of schedule. The Meadowbrook signal lights would be reactivated again. Xellia received FDA approval for a bag drug which brings \$60 million of construction to Bedford and jobs. He said the Ellenwood facility had reopened but there was minimal things that needed to be buttoned up. He gave kudos to the employees who worked at Ellenwood over the several months while it was closed.

No reports from Law Director John Montello and Councilman Genutis.

Finance Director Frank Gambosi explained 200+ 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 reminded everyone they still needed to submit their hard copy to the Tax Department.

Councilwoman Rhoades urged residents to participate in the events and to volunteer to cleanup Bedford Downtown area prior to the events. The First Friday "Environment" was April 5th. She urged residents to become members of the Bedford Downtown Alliance (BDA).

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 Service Department employees for the removal and cleanup of the extremely large tree that fell in one of the resident's front yard during the recent high wind storm. She was pleased with U-Haul storage and the Volvo and Hyundai dealership construction as well as the new signage at the IHop restaurant.

Councilman Fluharty asked when the chipper was going to be available to collect the limbs from the recent wind storm. Mr. Mallis assured everyone the Service Department employees were working on it. Mr. Fluharty said he was attending the School Board meetings and understood the School District did not have a levy for 2019 but in 2020 when more people were at the poles in hopes to have a bond issue in 2022.

Councilman Saunders announced the Historical Society's Reverse Raffle was March 16th. He pointed out the cement was deteriorating on several streets in the Elm and Jefferson area. He suggested Police presence at the intersection of Columbus and Northfield Roads because motorists were blatantly running the red light. He asked Mr. Mallis if a study was done to reactivate the traffic lights near the Meadowbrook area.

Mayor Koci extended thanks and appreciation from the HVYC students and the Village of Oakwood Clerk of Council Deb Hladky who appreciated Mr. Genutis' involvement in the HVYC program. Mr. Genutis was honored to be working with these smart students who were interested in government. He thought the students were outstanding.

ORDINANCE NO. 9678-19 AN ORDINANCE AMENDING ORDINANCE NO. 9653-18 MAKING ADDITIONAL APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF BEDFORD, OHIO DURING THE YEAR 2019 AND DECLARING AN EMERGENCY WAS READ BT 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: Rhoades, Spinks, Koci, Genutis, Fluharty, Saunders. Nays: None. Motion carried unanimously.

Motion made by Spinks seconded by Genutis to place Ordinance No. **9678-19** on third and final reading and passed.

Mr. Gambosi explained the following changes: General Fund: The increases in appropriations for 2018 in the General Fund was due to the Reduction in income from ambulance runs (more Basic Life Support than advanced) due to state law changes in billings, and current level of spending, could cause funds to be totally depleted and thus need additional funds in 2019 in the amount of \$70,000. Fund 200 CDBG Fund: To allow expenditure of program income from sale of NSP homes for demos and the Broadway Park and future use in the amount of \$120,743.02. Fund 205 SEALE Fund: To account for grants, program income and additional funds as needed for the operation of the SEALE units in the amount of \$461,994.17 and current Grant for 2019. Fund 213 Grants Fund: After review of the grants that had unspent funds in 2018, the City needed to appropriate the amounts in 2019. Also new grants and donations needed to be appropriated for 2019. Fund 403 Capital Improvement Fund: This appropriation was to account for the

following: Ellenwood repairs, Northfield /Sunoco, and City Signage. Fund 500 Water Fund: To account for the construction of Shut off Valves, GIS and other Water Improvements by staff employees. Fund 801 Law Enforcement Agency Fund: This appropriation was to allow transfer or refunding of local funds from confiscations.

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

ORDINANCE NO. 9679-19 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO CONTRACT WITH LPV PRODUCTIONS, INC FOR VIDEO TAPING SERVICES FOR COUNCIL MEETINGS AND STATE OF THE CITY ADDRESS AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Spinks seconded by Genutis to place Ordinance No. **9679-19** on first reading.

Mr. Mallis explained the City wishes to record public meetings for dissemination to the public to be open and transparent. The contract was with LPV, Productions Inc. for three (3) years in the amount of \$9,435.00.

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

RESOLUTION NO. 2532-19 A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT WITH OAK GROUP, INC. AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Saunders seconded by Rhoades to place Resolution No. **2532-19** on first reading.

Mayor Koci explained Building Department was in need of an additional Master Plans Examiner Services. The Oak Group, Inc. was qualified to provide Master Plans Examiner & Building Official services through duly licensed and certified Master Plans Examiners and Building Official in compliance with the laws of the State of Ohio, and desired to render Master Plans Examiner services for the City.

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

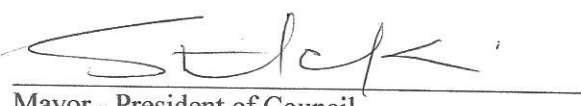
Mayor Koci said that concluded the business portion of the meeting and asked if anyone in the audience had any comments.

Debby Grubb, 260 Deborah Lane, invited everyone to attend the Historical Society dinner on March 16th the Reverse Raffle was scheduled; the theme is Fly Me to the Moon.

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

Meeting adjourned at 8:36 P.M.


Clerk of Council


Mayor - President of Council