

COUNCIL WORK SESSION

APRIL 1, 2019

6:30 P.M. PROMPT

- **DISCUSSION OF AGENDA**

- **DISCUSSION OF CHAPTER 1949 “SIGNS”**
(§1949.136) (2/4/19-2/18/19-3/4/19-3/18/19)

- **EXECUTIVE SESSION** – (Personnel / 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 Monday, April 1, 2019 at 6:30 p.m.

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

Resident: Jeff Ashbury.

Mayor Koci began discussion of the Regular Council Meeting agenda.

There were no changes to the March 18, 2019 Regular Council and the Work Session Minutes and the March 25, 2019 Wards 1 & 4 Meeting Minutes.

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 PLACED ON FIRST READING MARCH 4, 2019 AND SECOND READING MARCH 18, 2019 AND DECLARING AN EMERGENCY
Previously it was explained by Mr. Mallis the City wished to record public meetings for dissemination to the public to be open and transparent. The contract/quote was with LPV, Productions Inc. for three (3) years in the amount of \$9,435.00. Mr. Mallis previously had a verbal on a second quote of \$1,200 - \$1,300 per meeting. Council had no questions or concerns.

RESOLUTION NO. 2532-19 A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT WITH OAK GROUP, INC. PLACED ON FIRST READING MARCH 4, 2019 AND SECOND READING MARCH 18, 2019 AND DECLARING AN EMERGENCY
Previously it was explained by Mr. Mallis the Building Department was in need of 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 State laws. Mr. Beverly explained CT Consultants had grown in size and Bedford was not a priority on their list. CT also increased their Examiner Service rates from \$90 to \$180 per hour with Fire Suppression rates at \$125 per hour. Oak Group was at \$90 per hour across the board plus they microfilmed the project for ease of their own reference and stored the information in the Cloud at no extra cost. Mayor Koci felt turnaround time was very important since the Building Department was very busy. Council had no questions or concerns.

ORDINANCE NO. 9680-19 AN ORDINANCE TO LEVY ASSESSMENTS FOR DELINQUENT WATER BILLS IN THE CITY OF BEDFORD, OHIO PLACED ON FIRST READING MARCH 18, 2019 AND DECLARING AN EMERGENCY
Mr. Gambosi previously explained the persons and/or entities on the list failed to pay for delinquent water bills. As usual these assessments were done twice a year. Council had no questions or concerns.

ORDINANCE NO. 9681-19 AN ORDINANCE AMENDING ORDINANCE NO. 9617-18 CHAPTER 906 ENTITLED "USE OF PUBLIC WAYS FOR SMALL CELL WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES" OF THE CITY OF BEDFORD CODE PLACED ON FIRST READING MARCH 18, 2019 AND DECLARING AN EMERGENCY
Mr. Montello previously explained this was to keep the entire Chapter up to date involving several amendments. Mr. Genutis thanked Mr. Montello for the requested guidelines and had no further questions. Council had no questions or concerns.

ORDINANCE NO. 9682-19 AN ORDINANCE AMENDING ORDINANCE NO. 9576-18 AUTHORIZING THE CITY MANAGER AND THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH VILLAGE OF ORANGE FOR USE OF THE BEDFORD CITY JAIL FACILITIES ("JAIL") PLACED ON FIRST READING MARCH 18, 2019 AND DECLARING AN EMERGENCY

Mr. Montello explained Mr. Mallis and the Chief of Police negotiated another contract for the use of Bedford's Jail by the Village of Orange. The renewal was at the same rate of \$75 with no medical services for those who were being held in Bedford's Jail. Council had no questions or concerns.

There was no new business before Council this evening for consideration.

DISCUSSION OF CHAPTER 1949 "SIGNS" (§1949.136) (2/4/19-2/19/19-3/4/19)

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.

Previously 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.

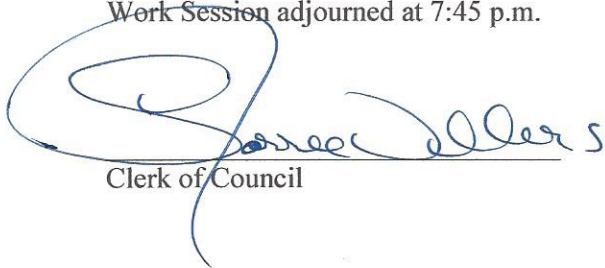
Previously the items discussed were: Political signs, real estate signs (push in ground lawn signs verses 4x4 post signs), flag signs, inflatable time limits, memorial sign time limits, vehicle for sale signs, scoreboards, video signs for example the City complex, Bedford Schools and LOHV and the need 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.

Mr. Beverly brought an additional piece to the Work Session that referred to the Gilbert, Arizona Supreme Court case He liked some of the description/wording that was throughout the document. He pointed out good information/key points to amend portions Bedford's current Codified Ordinances. It was determined the entire Chapter did not need to be amended/updated just certain sections. Mrs. Rhoades reiterated other business owners in Downtown found the lights obnoxious and annoying. 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 but 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. Discussion was held regarding: 1) murals being considered a piece of art as long as they didn't have written words, 2) graffiti art verses graffiti, 3) distracting signs as LED bulbs were increasing in brightness, 4) ghost signs, and 5) banner signs being a distraction to traffic. Mr. Beverly explained the foot candle meter he had in his office and how it worked. It was determined Mr. Beverly would continue to work on the Sign Chapter and have a draft before Council in the next 30 days for another Work Session discussion.

Mayor Koci said the Executive Session placed on the agenda for this evening was not necessary so he opened the floor for comments, concerns and open discussion.

Work Session adjourned at 7:45 p.m.



Sharon Sellers
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 March 18, 2019
 - b. Approval of Minutes of the Regular Meeting of March 18, 2019
 - c. Approval of Minutes of the Wards 1 & 4 Meeting of March 25, 2019

5. **PRESENTATIONS –**

6. **OLD BUSINESS** – (1st Rdg: 3/4/19 – 2nd Rdg: 3/18/19)
 - a. Ordinance No. 9679-19 contract with LPV Productions, Inc. for Meeting Videography (\$9,435) (3 yr)
 - b. Resolution No. 2532-19 contract w/Oak Group, Inc. for additional master Plans Examiner Services
 - c. Ordinance No. 9680-19 levy assessments for delinquent water bills (1) (1st Rdg: 3/18/19)
 - d. Ordinance No. 9681-19 amend Ord #9617-18 Chapter 906 Small Cell Wireless Facilities (1st Rdg: 3/18/19)
 - e. Ordinance No. 9682-19 amend #9576-18 contract w/Village of Orange (1st Rdg: 3/18/19)

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

8. **NEW BUSINESS**

None.

9. **HEARING OF CITIZENS**

10. **ADJOURNMENT**

Bedford City Council met in Regular Session at Bedford City Hall on Monday, April 1, 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: Koci, Mizesak, Genutis, Fluharty, Rhoades, Spinks. Absent: Saunders.

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

Motion made by Rhoades seconded by Mizesak to approve the minutes of the Work Session Meeting of March 18, 2019. The roll was called. Vote – Yeas: Koci, Genutis, Fluharty, Rhoades. Nays: None. Abstain: Mizesak, Spinks. Motion carried.

Motion made by Genutis seconded by Spinks to approve the minutes of the Regular Meeting of March 18, 2019. The roll was called. Vote – Yeas: Koci, Genutis, Fluharty, Rhoades. Nays: None. Abstain: Mizesak, Spinks. Motion carried.

Motion made by Mizesak seconded by Rhoades to approve the minutes of Wards 1 & 4 Meeting of March 25, 2019. The roll was called. Vote – Yeas: Koci, Mizesak, Genutis, Fluharty, Rhoades, Spinks. 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 PLACED ON FIRST READING MARCH 4, 2019 AND SECOND READING MARCH 18, 2019 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Mizesak seconded by Rhoades to place Ordinance No. **9679-19** on third and final reading and passed.

Mr. Montello explained Council and the Administration desired to hire a company to videotape the Council meetings. LPV Productions, Inc. was the lowest quote for this service.

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

RESOLUTION NO. 2532-19 A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT WITH OAK GROUP, INC. PLACED ON FIRST READING MARCH 4, 2019 AND SECOND READING MARCH 18, 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 resolution three different days.

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

Motion made by Fluharty seconded by Spinks to place Resolution No. **2532-19** on third and final reading and passed.

Mr. Montello explained this allowed the Building Commissioner to hire a Plans Examiner to expedite some services for projects throughout the City.

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

ORDINANCE NO. 9680-19 AN ORDINANCE TO LEVY ASSESSMENTS FOR DELINQUENT WATER BILLS IN THE CITY OF BEDFORD, OHIO PLACED ON FIRST READING MARCH 18, 2019 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Spinks seconded by Genutis to place Ordinance No. **9680-19** on third and final reading and passed.

Mr. Gambosi explained this process was done twice a year for those who had delinquent water bills.

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

ORDINANCE NO. 9681-19 AN ORDINANCE AMENDING ORDINANCE NO. 9617-18 CHAPTER 906 ENTITLED “USE OF PUBLIC WAYS FOR SMALL CELL WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES” OF THE CITY OF BEDFORD CODE PLACED ON FIRST READING MARCH 18, 2019 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Mizensak seconded by Rhoades to place Ordinance No. **9681-19** on third and final reading and passed.

Mr. Montello explained the previous House Bill 478 took effect in 2018 for municipalities permit wireless service providers, cable providers, video service providers, and their designated agents to attach small cell wireless facilities to municipally owned support structures located in the right-of-way, including on utility poles, traffic signals, and street lights and to construct, maintain, modify, operate, or replace a wireless support structure in the right-of-way. Local governments could charge to Facilities Operators for applications to install Small Cell Facilities in the public right-of-way and for attachment of Small Cell Facilities to municipally-owned wireless support structures, which fee amounts resulted from extensive discussions involving municipalities, the Ohio Municipal League, and wireless service providers including AT&T, Verizon Wireless and Sprint, and many comments and suggestions from

electric utilities, cable television providers, and additional small cell facility owners and operators who supported the fee provisions as reasonable and acceptable.

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

ORDINANCE NO. 9682-19 AN ORDINANCE AMENDING ORDINANCE NO. 9576-18 AUTHORIZING THE CITY MANAGER AND THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH VILLAGE OF ORANGE FOR USE OF THE BEDFORD CITY JAIL FACILITIES (“JAIL”) PLACED ON FIRST READING MARCH 18, 2019 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Mizensak seconded by Rhoades to place Ordinance No. **9682-19** on third and final reading and passed.

Mr. Montello explained this allowed the City to renew the current contract with the Village of Orange for the jail facilities. Mr. Gambosi clarified the City was not responsible for any medical costs/services and it allowed the City to be reimbursed for the involved costs.

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

The Ward Meeting dates: Wards 3 & 5 on April 8th and Wards 2 & 6 on April 22nd at 7:00 p.m. and there was no new business this evening.

No report from City Manager Michael Mallis. Mayor Koci announced he was on vacation.

No reports from Law Director John Montello and Councilman Genutis.

Finance Director Frank Gambosi urged the residents to file their tax returns by April 15th and everyone still needed to submit their hard copy to the Tax Department. He hoped the residents would not wait until the very last minute.

Councilwoman Mizensak thanked everyone for their understanding of her missing three meetings in a row because of her husband’s illness who was recovering. She was pleased with the Wards 1 & 4 meeting on March 25th. She noted there was graffiti on the electrical box near the railroad tracks and the curb located at Lee Road South and Turney Road.

Councilman Fluharty announced the Wards 3 & 5 meeting would be on April 8th at 7:00 p.m. He reminded the residents to place and remove their rubbish and recycling containers per stated in the Codified otherwise they would receive a warning notice and would be cited accordingly.

Councilwoman Rhoades announced the next First Friday’s was April 5th with the theme of “environmental” by Mark Beltavski and she invited everyone to visit his display at Nature Stone. Also there would be a rain barrel give-a-way and free hot dogs and chips. On Saturday, April 6th there was

another Pooka pickup to clean the downtown area and checkers and chess games would be available on the tables at the City Square.

Councilwoman Spinks said the chipper service would start this week and if residents had limbs that needed picked up they needed to call the Service Department to let them know. She explained if a resident had a neighbor who had a dead or rotted tree they needed to make a paper trail by sending a Certified Letter to the landowner of the neighboring property to make them responsible for their defective tree. She explained Meals on Wheel volunteers were needed for meal deliveries.

Mayor Koci felt State Representative Juanita Brent was doing a good job. She was working on a school funding program so the school district could receive \$2,000 per student. He also explained Ms. Brent wanted to make sure people knew the Ohio Bureau of Motor Vehicles was offering a driver's license reinstatement reduction and waiver program for offenders of specific violations. Mr. Montello clarified the fees were related to BMV not Court costs. He explained he was in support of the 18 cent gasoline tax increase to fix/repair the Ohio roads and bridges. He said some of the people voting on the gasoline tax were against it because they were afraid it would cost them re-election votes. It was important to support the gasoline tax. He explained the 2020 Census was very important to all the Cities, Villages and Townships. The results affected the number of Senators, Representatives, grant money, Federal projects to name a few. The Census was also looking for 450,000 people to help with the Census. The information was confidential for the next 72 years and was very important.

The Mayor announced there was no new business before Council for consideration this evening and asked if anyone in the audience had any comments.

Jim Slifka, 130 Grand Boulevard, noticed there were 38 semi-trucks over the weekend parked at Northfield and Rockside Roads and his wife wanted to know where the drivers went to the bathroom. Mayor Koci said the City had been in contact with the property owner regarding the trucks parking in the area. He assured him the City was aware of the situation and was trying to catch the drivers in the act and asking them not to park there. Mr. Slifka also noticed the damaged fencing located on Rockside Road and wanted to know who was responsible for the fence. Mayor Koci explained the City Manager was waiting for a reply from the insurance company. Mr. Slifka said this specific area always appeared to be a trashy area. Mr. Montello added because of the age of the fence the insurance companies don't want to pay too much money. The responsibility might fall on the property owner's insurance company. The City was exploring fence repair costs and who was responsible.

Vicki Adams-Cook, 70 Columbus, Southeast Cuyahoga County Public Library Manager, said she would be attending the meetings since Ms. Gnoddie had turned in her notice to work for the City. The library was in the process of replacing Sarah Gnoddie and the adult services assistances position was replaced recently.

Dave Przybys, 43 First Street, asked if there was an update whether the three streetlights were going to be replaced on First Street. He stated the only thing he's been hearing was the runaround of little stories. Mayor Koci thought Mr. Mallis had already addressed this issue. Mr. Przybys said he had heard nothing from Mr. Mallis of what was his reason or anything. Mr. Przybys said the City removed the lights and when he contacted CEI he was told it was up to the City and CEI was only the supplier. Mayor Koci said the City can recommend but couldn't touch them. CEI has the ultimate decision.

Lillian Elmore, 33 Flora Drive, asked if the street sign on Flora and Broadway Avenue that was damaged by a car was going to be replaced. Mrs. Spinks said she had already notified the City Manager's Office and they were aware of it. Mr. Gambosi said he would follow up on the situation.

Ms. Elmore asked for an explanation of the Nuisance Law she saw in the paper. She heard that the Officers were not dispatched for "single women" and she wanted clarification. Mr. Montello explained if the Police Department tried to mediate situations and the problem continued the City would notify the owner to see if they could rectify the problem and if it can't be rectified the City may assess a fee for repeat offences. Mr. Montello and Mayor Koci clarified if Dispatch was called for a single woman an Officer would appear regardless. Mr. Montello said the Police should be called if they were needed.

Ms. Elmore asked what she could do regarding her neighbors allowing their dogs to defecate in her yard. Mayor Koci advised her to call the Police and he thought there were signs available if she chose to post one in her yard. Mr. Montello suggested the Animal Warden get involved.

Connie Wagner-Francus, 194 Woodrow Avenue, purchased the home October 31st and she recently discovered she had an illegal sanitary and storm sewer under the front porch. She has had water back up three times in the basement since she purchased the home. The cost to fix the issue was \$13,000 because it was under the porch. She was frustrated because the previous owners do not want to take responsibilities. She asked what her legal rights were or how should it be handled. She couldn't understand how the home could be sold because of the illegal sanitary and storm sewer issue. Mr. Montello wasn't aware of the issue but he would check into it. He asked if she contacted her insurance company. Ms. Wagner-Francis replied yes, the insurance gave her \$5,000 for the damage that occurred because of the interior damage not the exterior problem. Mayor Koci explained the City dye tested these systems and generally it was the homeowner's responsibility. She was instructed to contact Mr. Montello after the meeting so he can collect her contact information.

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

Meeting adjourned at 8:46 P.M.


Clerk of Council


Mayor - President of Council