

COUNCIL WORK SESSION

APRIL 15, 2019

6:00 P.M. PROMPT

- **DISCUSSION OF AGENDA**
- **DISCUSSION OF AMENDING §915.10 “GARBAGE AND REFUSE”**
(2/20/18-3/5/18-3/19/18-4/2/18-4/16/18 - #9574-18)
- **DISCUSSION OF CHAPTER 1949 “SIGNS”**
(§1949.136) (2/4/19-2/18/19-3/4/19-3/18/19-4/1/19)
- **EXECUTIVE SESSION** – (Personnel / Litigation) (1 hour)

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 15, 2019 at 6:07 p.m.

Present: Council Members: Mayor Stan Koci, Victor Fluharty, Walter Genutis, Heather Rhoades, Paula Mizesak and Donald Saunders. Absent: Sandy Spinks. 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 rearranged the agenda to accommodate the executive session personnel discussion with Mr. Fach.

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

At 6:08 p.m., Bedford City Council, City Manager Mike Mallis, Law Director John Montello, Finance Director Frank Gambosi and Parks & Recreation Director Erin Fach went into an executive session to discuss Personnel 121.22 (B) (1) / Litigation.

Executive Session adjourned at 6:47 p.m.

Mayor Koci began discussion of the Regular Council Meeting agenda.

There were no changes to the April 1, 2019 Regular Council and the Work Session Minutes and the April 8, 2019 Wards 3 & 5 Meeting Minutes.

ORDINANCE NO. 9683-19 AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED NEAR THE INTERSECTION OF NORTHFIELD & ROCKSIDE ROADS FROM THE "B-3 SHOPPING CENTER DISTRICT" TO THE "M-U MIXED-USE DISTRICT" CLASSIFICATION

The Ordinance was for the following: 1) A majority of the land area within the existing B-3 Shopping Center District ("B-3 District") near Northfield and Rockside Roads was not being used by commercial/retail tenants under the current zoning code. 2) The City has engaged Mr. George Smerigan as a Planning Consultant to advise the City on what steps could be taken to spur economic development within the City. 3) Mr. Smerigan has recommended rezoning certain property within the B-3 District to a Mixed-Use classification. 4) Council was separately repealing and replacing the B-3 District with a new "M-U Mixed Zoning District" ("M-U District"). 5) Council was considering rezoning property described herein from a B-3 District to an M-U Mixed-Use District, upon its own initiative and at the recommendation of Mr. Smerigan, the Building Commissioner and the Administration, to spur economic development within the City. 6) The rezoning from the B-3 District to the M-U Mixed-Use District of P.P. Nos. 811-23-001 / 811-23-002 / 811-24-001 / 811-24-002 / 811-24-003 / 811-26-001 / 811-27-001 / 811-27-002 / 811-27-004 / 813-01-001 / 813-01-002 / 813-02-002 / 813-02-003 / 813-02-004 / 813-03-006 / 813-03-007 / 813-04-061 / 813-04-062 / 813-04-063 was in the public interest and was consistent with the recommendation of Mr. Smerigan. 7) Council desired to rezone said parcels to promote public health, safety and convenience and to spur economic development within the City. 8) The Ordinance has been referred to Planning and Zoning Commission for report and recommendation. 9) A Public Hearing relating to this Ordinance would be held. This would be read as a first reading this evening and referred to Planning Commission for a Public Hearing on May 21st at 6:00 p.m.

As attached to the Ordinance Council hereby rezones the properties known as Permanent Parcel Nos. 811-23-001 / 811-23-002 / 811-24-001 / 811-24-002 / 811-24-003 / 811-26-001 / 811-27-001 / 811-27-002 / 811-27-004 / 813-01-001 / 813-01-002 / 813-02-002 / 813-02-003 / 813-02-004 / 813-03-006 / 813-03-007 / 813-04-061 / 813-04-062 / 813-04-063, as further depicted and described from the "B-3 Shopping Center District" to the "M-U Mixed-Use District" as follows:

CHAPTER 1939 M-U MIXED-USE DISTRICT

1939.01 PURPOSE

The purposes of the M-U Mixed-Use District is to:

- a) To provide for the integration of uses into a cohesive employment center.
- b) To provide for and encourage the reuse and redevelopment of properties within the District as high-density mixed-use developments with the potential to create jobs and housing opportunities to enhance the tax base.
- c) To recognize the unique nature of the areas zoned Mixed-Use District and to provide for the orderly development of those properties.
- d) To encourage creative, high quality site design practices in the development of higher density residential areas.
- e) To ensure that development occurs in a unified manner in accordance with a development plan.

1939.02 PERMITTED USES

The following principal uses are permitted in the M-U Mixed-Use District:

- a) Light assembly and production facilities, with accessory warehousing and storage.
- b) Scientific research development training & testing facilities.
- c) Offices
- d) Hotel and conference centers.
- e) Restaurants.
- f) Personal service facilities (including law, architecture, accounting, engineering consultants, insurance offices, banks, dry cleaners, and similar uses).
- g) Financial institutions.
- h) Retail stores.
- i) Educational and training facilities.
- j) Hospitals, clinics and medical facilities including dentistry.

1939.03 CONDITIONAL USES

The following uses may be permitted in the M-U Mixed-Use District subject to a conditional use permit approved by the Planning Commission pursuant to Section 1917.20:

- a) New car and light truck sales with a minimum of 100,000 square feet of total area located on contiguous parcels of land.
- b) Single-family dwellings.
- c) Medical marijuana cultivation and dispensary.
- d) Any other use that may be determined by the Planning Commission to be of the same general character as the foregoing permitted uses which are not noxious or offensive.

1939.04 ACCESSORY USES

The following uses may be permitted in the M-U Mixed-Use District as accessory uses to a principal permitted use:

- a) Off-street parking and loading facilities in accordance with the provisions of Chapter 1957, where no parking standard is provided, parking shall be as determined and established by the Planning Commission.

- b) Signs in accordance with the specific provisions of Section 1949.12 and the general provisions set forth in Chapter 1949 and any subsequent amendments thereto.
- c) Recreational facilities.

1939.05 RESIDENTIAL USES

The maximum density of areas devoted to residential uses shall not exceed six (6) dwelling units per acre for single-family attached dwellings. Lot area, frontage and yard requirements shall be set forth in Section 1927.05 of Chapter 1927.

1939.06 SETBACK REQUIREMENTS

The minimum perimeter building and parking setbacks shall be as follows;

- a) Front yards.
 - (1) The minimum front-yard building setback from the public right-of-way shall be fifty (50) feet.
 - (2) The minimum parking setback from a public right-of-way shall be five (5) feet.
 - (3) The first five (5) feet of setback adjacent to the right-of-way shall be considered as green space containing landscaped contours, mounds, trees and shrubs per a plan approved by the Planning Commission.
- b) Side yards.
 - (1) Where adjoining another M-U District property, the minimum side yard setback for buildings and parking shall be ten (10) feet.
 - (2) Where adjoining a residentially zoned district, the minimum side yard building setback shall be thirty (30) feet, which shall be buffered in conformance with Section 1939.12.
 - (3) Where adjoining a residentially zoned district, the minimum side yard setback for parking shall be twenty (20) feet, which shall be buffered in conformance with Section 1939.12.
- c) Rear yards.
 - (1) Where adjoining another M-U District property, each building or structure shall have a minimum rear yard setback of ten (10) feet.
 - (2) Where adjoining a residentially zoned district, the minimum rear yard setback shall be thirty (30) feet, which shall be buffered in conformance with Section 1939.12.
 - (3) Where adjoining a residentially zoned district, the minimum rear yard setback for parking shall be twenty (20) feet, which shall be buffered in conformance with Section 1939.12.

1939.07 HEIGHT REGULATIONS

Buildings and structures shall comply with the height regulations set forth below:

- a) Principal buildings shall not exceed a height of forty-five (45) feet.
- b) Accessory buildings shall not exceed twenty-five (25) feet.
- c) Architectural or decorative features, mechanical rooms, mechanical equipment, chimneys, flagpoles, water tanks and other appurtenances may be erected above the maximum building height as permitted by the Planning Commission

1939.08 ARCHITECTURAL DESIGN REQUIREMENTS

Visual continuity among major building components is a requirement of the M-U Mixed-Use District. The major building components shall be constructed as follows:

- a) Walls.
 - (1) Basic wall materials shall be limited to clay brick masonry or modular stone on a minimum of 3 sides of every building. Where the fourth side of the structure is exposed to public view, then that side shall also be constructed of clay brick masonry. Otherwise, the fourth side may be constructed of concrete masonry units in a size and color approved by the Planning Commission. The Planning Commission, at its discretion and on a special case basis, may also consider other materials of equal or similar quality and longevity.

- (2) Matte texture and earth tone colors of building materials are required.
- (3) Wood shall not be permitted as a wall finish except as a trim material used on a very limited basis.
- (4) The use of EIFS and similar materials or systems shall be limited to a maximum of 20% of the façade of the building, shall be installed no lower than 12 feet from the finished grade, and shall be used as a trim or accent material only.
- (5) The use of mirror or reflective glass in the front wall of a building is prohibited.
- b) Roofing.
 - (1) Approved roofing materials shall be limited to concrete tile, standing seam metal and traditional, fiberglass, architectural grade shingles, as well as various types of built-up or rubber flat-roofing systems.
 - (2) Flat or lower roofs that can be viewed from above from adjacent, taller structures shall be treated with architectural screens placed in an orderly fashion.
 - (3) All rooftop heating and ventilating equipment, as well as miscellaneous communications equipment and similar appurtenances shall be located within a penthouse or otherwise screened from public view.
 - (4) All downspouts and rooftop utilities shall be concealed, or to the extent that such cannot be concealed, placed in an orderly fashion and architecturally harmonious with the building and area. Storm run-off shall be handled per civil engineering standards for storm water management.
 - (5) Sound levels of all roof-mounted equipment shall not exceed 55 dBA at the property line.
 - (6) Utilities on the site shall be placed underground, and transformers and other units shall be screened from view.
- c) Accessories.
 - (1) Transformers shall be screened from public view by means of plantings, walls, or fences. Transformers shall be located as to not be nuisances to the neighbors due to noise or location. Sound levels from transformers shall not exceed sixty (60) dBA at the property line.
 - (2) All dumpsters shall be screened from public view using materials that match or complement the building materials.

1939.09 DEVELOPMENT PLANS

Development plans for uses in the M-U Mixed-Use District shall comply with the provisions of Section 1917.30 and shall be approved by the Planning Commission prior to the establishment of any use or occupancy.

1939.10 SITE LIGHTING

Sources of light for illumination of buildings and grounds shall be shielded using full cut-off fixtures so that the light source is not directly visible from adjacent residentially zoned property and light spillage at the property line shall not be noxious or offensive. Site lighting shall be installed in conformance with a lighting plan approved by the Building Commissioner.

1939.11 SERVICE AND DELIVERY AREAS

- a) All loading dock areas shall be screened from the public view by the use of walls, fences or other approved means with a minimum screening height of six (6) feet.
- b) The use of mobile trailers for building storage shall not be permitted. The overnight parking of trailers or delivery trucks for any purpose other than the loading or unloading of said trailer is prohibited. Truck engines shall be shut off while parked on the site for loading or unloading.

1939.12 LANDSCAPING AND SCREENING

Whenever a side or rear yard is contiguous to residentially zoned land, said yard shall be screened and landscaped in accordance with a plan approved by the Planning Commission utilizing one or a combination of the following methods:

- a) Wall. A solid wall of masonry or other durable material not less than five (5) feet or more than six (6) feet in height. Such wall shall be located not closer than five (5) feet to the residential

property line and shall be landscaped with grass, shrubbery or trees on the residential side of the wall as a buffer and screening. The wall and landscape planting shall be repaired, replaced and permanently maintained as necessary to provide a permanent, attractive and effective screen between the residential and the commercial use. Such wall shall be designed to conform and be compatible with the main structure in design and character.

- b) Planting. A strip of land not less than ten feet (10 ft.) in width shall be planted in a well-designed manner with trees, shrubs, evergreen hedges and evergreens to form a dense compact screening. The plantings shall provide a visual screen of at least sixty percent (60%) during all seasons at a minimum height of six feet (6 ft.) above grade. All deciduous trees shall be a minimum three (3.0) inch caliper and evergreen trees shall be a minimum of ten (10) feet in height.
- c) Mound. A strip of land not less than fifteen (15) feet in width with earthen, rock or similar material or combinations shall be mounded and sculptured to a height of not less than five (5) feet above grade utilizing side slopes no greater than a 3:1 ratio. The entire fifteen feet shall be landscaped with trees, shrubs, hedges and grass to form a screen which shall be maintained and necessary to provide a permanent, attractive and effective compatible separation of land use.
- d) Fencing. Screen fencing shall be board-on-board and shall be six (6) feet in height.

ORDINANCE NO. 9684-19 AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT BARTLETT & ROCKSIDE ROADS FROM THE "B-3 SHOPPING CENTER DISTRICT TO R-4" CLASSIFICATION

The Ordinance was for the following: 1) The City has engaged Mr. George Smerigan as a Planning Consultant to advise the City on what steps could be taken to spur economic development within the City. 2) Mr. Smerigan has recommended rezoning certain property within the B-3 Shopping Center District ("B-3 District") to a mixed-use classification. 3) As part of the rezoning process, the City would repeal Chapter of the Bedford Zoning Code that established the B-3 District, which would necessitate the rezoning of certain property that was used for multi-family residential use to a classification other than the B-3 District. 4) Council was considering rezoning property described herein from the B-3 District, upon its own initiative and upon the recommendation of Mr. Smerigan, the Building Commissioner and Administration, to the R-4 Multi-family Residence District ("R-4 District"), to align the zoning of the property with its current, appropriate use. 5) Rezoning from Permanent Parcel Nos. 813-02-001 / 813-03-002 / 813-03-004 / 813-03-005 from B-3 District to the R-4 District was in the public interest and was consistent with the recommendation of Mr. Smerigan. 6) Council desired to rezone said parcels to promote public health, safety and convenience of the City and to zone the property in a manner that was consistent with its current use. 7) This ordinance has been referred to the Planning and Zoning Commission for report and recommendation. 8) A Public Hearing related to the proposed rezoning was held. This would be read as a first reading this evening and referred to Planning Commission for a Public Hearing on May 21st at 6:00 p.m.

ORDINANCE NO. 9685-19 AN ORDINANCE REPEALING AND REPLACING EXISTING CHAPTER 1939, ENTITLED "B-3 SHOPPING CENTER DISTRICTS" WITH A NEW CHAPTER 1939 ENTITLED "M-U MIXED-USE DISTRICT" OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD

The Ordinance was for the following: 1) The City engaged a Planning Consultant, George Smerigan, to study land use within the City. 2) Mr. Smerigan has determined that the existing B-3 Shopping Center District ("B-3 District") may not permit uses that are sufficiently diverse to allow property owners within the District to utilize their properties in a manner consistent with evolving market conditions. 3) Ownership of properties within the B-3 District has become more diversified, which also supports a more flexible zoning district. 4) According to Mr. Smerigan, conditions have changed in the retail shopping market, which further supports the enactment of a more flexible zoning district. 5) Council does not want the City's zoning code to stand in the way of economic development opportunities for the City. 6) Mr. Smerigan has recommended that City Council repeal existing Chapter 1939, B-3 Shopping Center

District, with replace it with a new Chapter 1939, M-U Mixed-Use District, in conjunction with rezoning certain properties from the B-3 District to either the M-U District or to the R-4 District. 7) Council, upon its own initiative and upon the recommendation of Mr. Smerigan and the City Administration, had determined that existing Chapter 1939, entitled "B-3 Shopping Center Districts" of the Codified Ordinances of the City of Bedford was to be repealed and replaced with new Chapter 1939 entitled "M-U Mixed-Use Districts," to promote public health, safety and convenience, and to advance economic development within the City. 8) Council intends by the enactment of new Chapter 1939 "M-U Mixed-Use Districts" to permit existing uses under the B-3 Shopping Center to continue and to provide property owners further flexibility in uses that were permitted under the City's Zoning Code so that property may be developed for productive use. 9) This ordinance has been referred to the Planning and Zoning Commission for report and recommendation. 10) A Public Hearing was advertised and held for the proposed code amendments. This would be read as a first reading this evening and referred to Planning Commission for a Public Hearing on May 21st at 6:00 p.m.

ORDINANCE NO. 9686-19 AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RKS MANAGEMENT COMPANY ("RKS") TO CLEAN THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY

Mr. Mallis explained he and the Police Chief recommend that the City contract with RKS Management Company for cleaning services for the Police Department in the amount of \$1,600.00 per month.

ORDINANCE NO. 9687-19 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE ODOT WINTER CONTRACT (019-20) FOR ROAD SALT AND DECLARING AN EMERGENCY

Mr. Mallis explained this was the annual rock salt contract. The amount/tonnage would be determined at a later date.

DISCUSSION OF AMENDING §915.10 "GARBAGE AND REFUSE"

(2/20/18-3/5/18-3/19/18-4/2/18-4/16/18 - #9574-18)

This was placed on the agenda to discuss possibly assessing those who did not pay the Penalty of \$150 or amending the amount of the Penalty. Mr. Mallis felt it was best to address this issue in the same manner/process as the grass cutting. The Police Chief researched this topic further with other cities and found it was more bother than what it was worth for Auxiliaries and Administrative staff because of the collection of documentation and pictures. It was agreed the penalty of \$150 was sufficient for dumpsters but not rubbish containers. The assessment or penalty would be for containers placed at the curb too early or left after the collection day. Discussion was held regarding a penalty graduation of \$50, \$100 and \$150 and court costs if these violators went to court. Over the past several weeks there had been approximately 140 residents who left their cans at the curb who received a warning notice; however, nobody was a repeat violator. Mr. Montello pointed out the City was already being sued for Criminal Activity Nuisances and this could become additional negative press. It was determined Mr. Mallis would contact the City of Parma to see how they handle this situation. This would be discussed at the May Work Session.

DISCUSSION OF CHAPTER 1949 "SIGNS" (§1949.136) (2/4/19-2/18/19-3/4/19-3/18/19-4/1/19)

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 Automobile would need special attention because the other cities did not have an Automobile 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.

Work Session adjourned at 7:48 p.m.


Clerk of Council


Mayor - President of Council

REGULAR MEETING

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

DATE: APRIL 15, 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 April 1, 2019
 - b. Approval of Minutes of the Regular Meeting of April 1, 2019
 - c. Approval of Minutes of the Wards 3 & 5 Meeting of April 8, 2019
5. **PRESENTATIONS** – University Hospital Bedford Medical Center / Bedford Garden Club
6. **OLD BUSINESS** –
7. **REPORTS**
 - a. City Manager
 - b. Law Director
 - c. Finance Director
 - d. Council Reports
8. **NEW BUSINESS**
 - a. Ordinance No. 9683-19 rezoning property described herein from “B-3” to “M-U” classification located at Northfield & Rockside Roads
(811-23-001 / 811-23-002 / 811-24-001 / 811-24-002 / 811-24-003 / 811-26-001 / 811-27-001 / 811-27-002 / 811-27-004 / 813-01-001 / 813-01-002 / 813-02-002 / 813-02-003 / 813-02-004 / 813-03-006 / 813-03-007 / 813-04-061 / 813-04-062 / 813-04-063)
 - b. Ordinance No. 9684-19 rezoning property described herein from “B-3” to “R-4” classification located at 22800 Rockside / 22737-69 Rockside / 22850 Rockside / 300 Bartlett
(813-02-001 / 813-03-002 / 813-03-004 / 813-03-005)
 - c. Ordinance No. 9685-19 repeal Ord. #7914-07 Chapter 1939 “B-3” replacing with Chapter 1939 entitled “M-U”
 - d. Motion to refer Ordinance Nos. #9683-19, #9684-19 and #9685-19 to Planning Commission for approval, disapproval and suggestions and a Planning Commission Public Hearing pursuant to Chapter 1921 of the Bedford Codified Ordinances
 - e. Ordinance No. 9686-19 contract w/RKS Management Company to clean Police Department (\$1,600 month)
 - f. Ordinance No. 9687-19 authorize purchase of sodium chloride (rock salt)
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, April 15, 2019. Mayor Koci called the meeting to order at 8:01 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Mizesak, Genutis, Fluharty, Saunders, Rhoades, Koci. Absent: Spinks.

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

Motion made by Genutis seconded by Fluharty to approve the minutes of the Work Session Meeting of April 1, 2019. The roll was called. Vote – Yeas: Mizesak, Genutis, Fluharty, Rhoades, Koci. Nays: None. Abstain: Saunders. Motion carried.

Motion made by Mizesak seconded by Rhoades to approve the minutes of the Regular Meeting of April 1, 2019. The roll was called. Vote – Yeas: Mizesak, Genutis, Fluharty, Rhoades, Koci. Nays: None. Abstain: Saunders. Motion carried.

Motion made by Fluharty seconded by Genutis to approve the minutes of Wards 3 & 5 Meeting of April 8, 2019. The roll was called. Vote – Yeas: Mizesak, Genutis, Fluharty, Saunders, Rhoades, Koci. Nays: None. Motion carried unanimously.

Mayor Koci presented a proclamation to the University Medical Bedford Medical Center for their generous \$30,000 Life Pak donation to the Fire Department. He also received two checks from the Garden Club to buy flowers for the Union Street Bridge and the tree for Arbor Day.

Council and the Administration thanked both University Hospital and the Garden Club for their donations. It was announced the next Ward Meeting date was for Wards 2 & 6 on April 22nd at 7:00 p.m.

City Manager Michael Mallis explained the substantial extensive damage to the Rockside Road Bridge because of Cleveland's recent waterline breaks. The City did not know a completion date. The City posted a detour to eliminate heavy truck traffic on Turney Road. He explained the Center Road County resurfacing project would extend from Bedford's five points across Rockside Road into Maple Heights. This was a largescale project that scored better for the grant because it combined two cities. The projected date for Bedford was July. The City held a pre-construction meeting for the Dominion gas line project in the Grand Boulevard area. The CDSG \$50,000 grant was available for the Way Finding Signage various projects and would be replaced over the next two years. He announced the Hazard Waste and Computer roundup was in April, Arbor Day was April 26th at 10:00 a.m. and Shred Day was May 18th.

No reports from Law Director John Montello and Mayor Koci.

Finance Director Frank Gambosi felt this year's tax season went relatively smooth and there was great participation from the residents. He announced the Fun Run was April 28th from 9:00 a.m. to 1:00 p.m.

Councilwoman Mizesak continued to be very pleased with the City's safety forces professionalism and training. She felt there was a good turnout at the previous Ward meeting. She asked if residents could drop off hazard wastes at the Hazardous Waste collection. Mr. Mallis replied, yes.

Councilman Genutis invited everyone to join the Pollinators presentation Thursday, April 18th at Ellenwood.

Councilman Fluharty was pleased with the attendance at the recent Ward meeting. He strongly suggested the residents be given a time limit. Allowing a resident to talk for an extended time was not considerate to other residents who had questions. Some residents actually got up and left the meeting because of the continued dialog.

Councilman Saunders wished everyone a Happy Easter. He expressed his concerns regarding the Rockside Road Bridge repairs and how it could affect the roadway in the future if it wasn't properly compacted. He assured Mr. Mallis that Turney Road could handle up to 80,000 lbs. concerning heavy truck traffic. He had concerns of the Union Road waterline project going through the earth and fill Union Road Bridge.

Councilwoman Rhoades announced the Bedford Garden Club plant sale was May 10th and 11th. She announced the Bedford Boy tomatoes would be available. There was a group going to clean up the Historical Gardens on April 27th.

ORDINANCE NO. 9683-19 AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED NEAR THE INTERSECTION OF NORTHFIELD & ROCKSIDE ROADS FROM THE "B-3 SHOPPING CENTER DISTRICT" TO THE "M-U MIXED-USE DISTRICT" CLASSIFICATION WAS READ BY TITLE ONLY

Motion made by Fluharty seconded by Genutis to place Ordinance No. **9683-19** on first reading.

Mr. Montello noted the changes were per the WHEREAS's in the Ordinance: 1) A majority of the land area within the existing B-3 Shopping Center District ("B-3 District") near Northfield and Rockside Roads was not being used by commercial/retail tenants under the current zoning code. 2) The City has engaged Mr. George Smerigan as a Planning Consultant to advise the City on what steps could be taken to spur economic development within the City. 3) Mr. Smerigan has recommended rezoning certain property within the B-3 District to a Mixed-Use classification. 4) Council was separately repealing and replacing the B-3 District with a new "M-U Mixed Zoning District" ("M-U District"). 5) Council was considering rezoning property described herein from a B-3 District to an M-U Mixed-Use District, upon its own initiative and at the recommendation of Mr. Smerigan, the Building Commissioner and the Administration, to spur economic development within the City. 6) The rezoning from the B-3 District to the M-U Mixed-Use District of P.P. Nos. 811-23-001 / 811-23-002 / 811-24-001 / 811-24-002 / 811-24-003 / 811-26-001 / 811-27-001 / 811-27-002 / 811-27-004 / 813-01-001 / 813-01-002 / 813-02-002 / 813-02-003 / 813-02-004 / 813-03-006 / 813-03-007 / 813-04-061 / 813-04-062 / 813-04-063 was in the public interest and was consistent with the recommendation of Mr. Smerigan. 7) Council desired to rezone said parcels to promote public health, safety and convenience and to spur economic development within the City. 8) The Ordinance has been referred to Planning and Zoning Commission for report and recommendation. 9) A Public Hearing relating to this Ordinance would be held. This would be read as a first reading this evening and referred to Planning Commission for a Public Hearing on May 21st at 6:00 p.m.

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

ORDINANCE NO. 9684-19 AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT BARTLETT & ROCKSIDE ROADS FROM THE "B-3 SHOPPING CENTER DISTRICT TO R-4" CLASSIFICATION WAS READ BY TITLE ONLY

Motion made by Rhoades seconded by Mizesak to place Ordinance No. **9684-19** on first reading.

Mr. Montello noted the changes were per the WHEREAS's in the Ordinance: 1) The City has engaged Mr. George Smerigan as a Planning Consultant to advise the City on what steps could be taken to spur economic development within the City. 2) Mr. Smerigan has recommended rezoning certain property within the B-3 Shopping Center District ("B-3 District") to a mixed-use classification. 3) As part of the rezoning process, the City would repeal Chapter of the Bedford Zoning Code that established the B-3 District, which would necessitate the rezoning of certain property that was used for multi-family residential use to a classification other than the B-3 District. 4) Council was considering rezoning property described herein from the B-3 District, upon its own initiative and upon the recommendation of Mr. Smerigan, the Building Commissioner and Administration, to the R-4 Multi-family Residence District ("R-4 District"), to align the zoning of the property with its current, appropriate use. 5) Rezoning from Permanent Parcel Nos. 813-02-001 / 813-03-002 / 813-03-004 / 813-03-005 from B-3 District to the R-4 District was in the public interest and was consistent with the recommendation of Mr. Smerigan. 6) Council desired to rezone said parcels to promote public health, safety and convenience of the City and to zone the property in a manner that was consistent with its current use. 7) This ordinance has been referred to the Planning and Zoning Commission for report and recommendation. 8) A Public Hearing related to the proposed rezoning was held. This would be read as a first reading this evening and referred to Planning Commission for a Public Hearing on May 21st at 6:00 p.m.

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

ORDINANCE NO. 9685-19 AN ORDINANCE REPEALING AND REPLACING EXISTING CHAPTER 1939, ENTITLED "B-3 SHOPPING CENTER DISTRICTS" WITH A NEW CHAPTER 1939 ENTITLED "M-U MIXED-USE DISTRICT" OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD WAS READ BY TITLE ONLY

Motion made by Fluharty seconded by Genutis to place Ordinance No. **9685-19** on first reading.

Mr. Montello noted the changes were per the WHEREAS's in the Ordinance: 1) The City engaged a Planning Consultant, George Smerigan, to study land use within the City. 2) Mr. Smerigan has determined that the existing B-3 Shopping Center District ("B-3 District") may not permit uses that are sufficiently diverse to allow property owners within the District to utilize their properties in a manner consistent with evolving market conditions. 3) Ownership of properties within the B-3 District has become more diversified, which also supports a more flexible zoning district. 4) According to Mr. Smerigan, conditions have changed in the retail shopping market, which further supports the enactment of a more flexible zoning district. 5) Council does not want the City's zoning code to stand in the way of economic development opportunities for the City. 6) Mr. Smerigan has recommended that City Council repeal existing Chapter 1939, B-3 Shopping Center District, and replace it with a new Chapter 1939, M-U Mixed-Use District, in conjunction with rezoning certain properties from the B-3 District to either the M-U District or to the R-4 District. 7) Council, upon its own initiative and upon the recommendation of Mr. Smerigan and the City Administration, had determined that existing Chapter 1939, entitled "B-3 Shopping Center Districts" of the Codified Ordinances of the City of Bedford was to be repealed and replaced with new Chapter 1939 entitled "M-U Mixed-Use Districts," to promote public health, safety and convenience, and to advance economic development within the City. 8) Council intends by the enactment of new Chapter 1939 "M-U Mixed-Use Districts" to permit existing uses under the B-3 Shopping Center to continue and to provide property owners further flexibility in uses that were permitted under the City's Zoning Code so that property may be developed for productive use. 9) This ordinance has been referred to the Planning and Zoning Commission for report and recommendation. 10) A Public Hearing was advertised and held for the proposed code amendments. This would be read as a first reading this evening and referred to Planning Commission for a Public Hearing on May 21st at 6:00 p.m.

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

Motion made by Saunders seconded by Rhoades to refer Ordinance Nos. #9683-19, #9684-19 and #9685-19 to Planning Commission for approval, disapproval and suggestions and a Planning Commission Public Hearing pursuant to Chapter 1921 of the Bedford Codified Ordinances.

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

ORDINANCE NO. 9686-19 AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RKS MANAGEMENT COMPANY (“RKS”) TO CLEAN THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Mizesak seconded by Saunders to place Ordinance No. **9686-19** on first reading.

The Police Chief recommends that the City contract with RKS Management Company for cleaning services for the Police Department in the amount of \$1,600.00 per month.

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

ORDINANCE NO. 9687-19 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE ODOT WINTER CONTRACT (019-20) FOR ROAD SALT AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Fluharty seconded by Genutis to place Ordinance No. **9687-19** on third and final reading and passed.

Mr. Mallis explained this was the annual rock salt contract with ODOT.

The roll was called. Vote – Yeas: Mizesak, Genutis, Fluharty, Saunders, Rhoades, Koci. 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.

Jeff Duber, 134 Harriman, had a procedural question how Council could read the rezoning ordinances and then make a motion to refer Ordinance Nos. #9683-19, #9684-19 and #9685-19 to Planning Commission for approval, disapproval and suggestions and a Planning Commission Public Hearing on May 21st. Mr. Montello explained once the matter was referred to the Planning Commission it would be off the Council agenda until a recommendation was submitted from the Planning Commission. Mr. Duber figured the second reading would be in June.

Kathy Williams, 491 Lamson, questioned the rezoning designations. Her concern was that someone approached the City as far as building another apartment building. Mr. Montello explained this was a first reading and the same concern was already brought up. Council and the Administration would revisit the Ordinances prior to the second reading. Mrs. Williams remembered how the School Board was against apartments. Mayor Koci said he had already questioned the "R-4". He was against high rises in town and the "R-4" might be changed to an "R-3". Mrs. Williams asked what "M-U" was and what Mr. Montello meant by the changes were per the WHEREAS's in the Ordinance. Mr. Montello said he would provide her a copy of the ordinances.

Mayor Koci read as follows: 1939.02 "Permitted Uses"


The following principal uses are permitted in the M-U Mixed-Use District:

- Light assembly and production facilities, with accessory warehousing and storage.
- Scientific research development training & testing facilities.
- Offices.
- Hotel and conference centers.
- Restaurants.
- Personal service facilities (including law, architecture, accounting, engineering consultants, insurance offices, banks, dry cleaners, and similar uses).
- Financial institutions.
- Retail stores.
- Educational and training facilities.
- Hospitals, clinics and medical facilities including dentistry.

Bill Astalos, 685 Archer, reported the several car tires that were along Solon Road under I-271.

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

Meeting adjourned at 8:46 P.M.


Clerk of Council
Mayor - President of Council