

COUNCIL WORK SESSION

MAY 6, 2019

6:00 P.M. PROMPT

MAY 6, 2019 PUBLIC HEARING – TAX BUDGET 7:00 P.M.

(Rdgs: 5/6/19, 5/20/19, PH 5/6/19)

- **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) (4/15/19)
- **DISCUSSION OF CHAPTER 1949 “SIGNS”**
(§1949.136) (2/4/19-2/18/19-3/4/19-3/18/19-4/1/19-4/15/19)
- **DISCUSSION OF CITY-WIDE SIGN INITIATIVE**
- **EXECUTIVE SESSION** – (Personnel / Litigation / Economic Development)

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, May 6, 2019 at 6:09 p.m.

Present: Council Members: Mayor Stan Koci, Victor Fluharty, Walter Genutis, Heather Rhoades, Paula Mizsak, Sandy Spinks and Donald Saunders. Absent: None. 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 major changes to the April 15, 2019 Regular Council and the Work Session Minutes and the April 22, 2019 Wards 2 & 6 Meeting Minutes.

Mayor Koci explained the following Ordinance Nos. 9683-19, 9684-19 and 9685-19 would remain "tabled" until after the May 21, 2019 Planning Commission Public Hearing. The Planning Commission Public Hearing was scheduled for May 21, 2019 and second reading was June 3, 2019.

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-Use 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.

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. It was determined Mr. Beverly, Mr. Montello and Mr. Mallis would research amendments that could be considered in an R-4 District limiting non-conforming uses specifically for apartment buildings.

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, 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 maybe 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.

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 Police Chief Stemple 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. An additional savings to the City was that RKS Management was responsible for the purchase of the cleaning supplies and not by the City.

ORDINANCE NO. 9688-19 AN ORDINANCE REPEALING ORDINANCE NO. 9670-19 AUTHORIZING THE BEDFORD FINANCE DIRECTOR TO CONTINUE A REBATE PROGRAM FOR BEDFORD RESIDENTS REGISTERING TO BECOME MEMBERS OF THE BEDFORD HEIGHTS COMMUNITY CENTER IN THE CITY OF BEDFORD HEIGHTS AMENDING CHAPTER 133 ENACTING §133.23 ENTITLED "RECREATION REBATE PROGRAM" AND DECLARING AN EMERGENCY

Mr. Gambosi explained it was essential that this section be enacted in the Codified Ordinances as authorized previously passed in Ordinance No. 9670-19. The City had been actively seeking to increase the recreational opportunities for its residents. Bedford and the City of Bedford Heights have reached an agreement to permit Bedford residents the opportunity to become members of the Bedford Heights Community Center. Bedford residents were required to pay the applicable yearly membership fees for using the Bedford Heights Community Center and would be entitled to complete use of the facility. The intention of the City was to provide a yearly rebate of fifty dollars (\$50.00) to any Bedford resident or Bedford family that were members of the Bedford Heights Community Center. The rebate would be provided to Bedford residents providing proof that they paid the applicable membership fees of the Bedford Heights Community Center.

Mr. Gambosi explained Resolution No. 2533-19 and Ordinance Nos. 9689-19 and 9690-19 worked in conjunction annually for the street light assessment. The adoption of Resolution No. 2533-19 declaring it necessary to improve certain streets and public places in the City of Bedford by lighting of same and to assess the costs thereof against the lots and lands bounding and abutting upon the improvement. A legal notice of the proposed improvement and the estimated assessments against the various properties, the Council passed Ordinance No. 9689-19 on May 20, 2019, determining to proceed with said lighting improvement. The City Manager has certified to this Council that the amount properly assessable against the benefiting property for lighting same with electricity in accordance with Resolution No. 2533-19 and Ordinance No. 9689-19 by the method provided for therein is at the rate of 1.60 mills per each dollar of tax value per year, or 1.60 cents per each one hundred dollars of such tax value per year for the tax year of 2019 to be collected in the year 2020. These three pieces of legislation would be placed on first reading this evening.

RESOLUTION NO. 2533-19 A RESOLUTION DECLARING THE NECESSITY TO IMPROVE CERTAIN STREETS IN THE CITY OF BEDFORD, OHIO BY LIGHTING THE SAME AND DECLARING AN EMERGENCY

ORDINANCE NO. 9689-19 AN ORDINANCE DETERMINED TO PROCEED WITH THE IMPROVEMENT OF CERTAIN STREETS IN THE CITY OF BEDFORD, OHIO BY LIGHTING THE SAME AND DECLARING AN EMERGENCY

ORDINANCE NO. 9690-19 AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF THE STREET AND PUBLIC PLACES OF THE CITY OF BEDFORD,

OHIO BY LIGHTING OF THE SAME IN ACCORDANCE WITH RESOLUTION NO. 2533-19 AND ORDINANCE NO. 9689-19 AND DECLARING AN EMERGENCY

RESOLUTION NO. 2534-19 A RESOLUTION APPROVING AND ACCEPTING THE PROPOSED 2019 TAX BUDGET FOR THE YEAR JANUARY 1, 2020 TO DECEMBER 31, 2020 AND DECLARING AN EMERGENCY

Mr. Gambosi explained the State laws required municipalities as well as other government subdivisions submit to the County Commission approximately six (6) months prior to the beginning of each calendar year, an estimated budget for the next calendar year so that the tax rate for such year may be determined by said Budget Commission. The Public Hearing had been advertised and would be held this evening.

RESOLUTION NO. 2535-19 A RESOLUTION REQUESTING THE COUNTY AUDITOR TO ADVANCE TAXES FROM THE PROCEEDS OF TAX LEVIES FOR THE YEAR 2019 COLLECTED IN 2020 PURSUANT TO SECTION NO. 321.34 OF THE REVISED CODE OF THE STATE OF OHIO, AND DECLARING AN EMERGENCY

Per Section No. 321.34 of the Revised Code of the State of Ohio provides that any money in the County Treasury, to the account of the City and lawfully applicable to the purpose of the current fiscal year be drawn upon by request.

ORDINANCE NO. 9691-19 AN ORDINANCE PROVIDING FOR THE ADOPTION OF NEW MATTER IN THE CODIFIED ORDINANCES OF BEDFORD TO APPROVE, ADOPT AND ENACT THE APRIL 2019 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF BEDFORD, OHIO, HEREINAFTER "CODIFIED ORDINANCES", TO REPEAL CERTAIN ORDINANCES IN CONFLICT THEREWITH OR DEEMED OBSOLETE AND DECLARING AN EMERGENCY

Mr. Montello explained various ordinances of a general and permanent nature have been passed by Council since the last updating and revision of the Codified Ordinances in 2019. Certain provisions within the Codified Ordinances needed amended to conform with current State law. Various ordinances of a general and permanent nature had been passed by Council which needed to be included in the Codified Ordinances and the updates placed on the website at a cost of \$4,433.05. Clerk Villers mentioned the City had already received the replacement pages and the website had been updated.

ORDINANCE NO. 9692-19 AN ORDINANCE TO LEVY ASSESSMENTS FOR THE EXPENSE OF GARBAGE/REFUSE COLLECTION, RECYCLING AND DISPOSAL WITHIN THE CITY OF BEDFORD, OHIO DURING THE TAX YEAR 2019 AND COLLECTED IN 2020 AND DECLARING AN EMERGENCY

Mr. Gambosi explained this Ordinance constituted an emergency measure providing for the daily operation of a Municipal Department. The cost of garbage/refuse collection, recycling and disposal, in the City was approved for the tax year 2019 collected in 2020 per the ORC Section 701.10.

ORDINANCE NO. 9693-19 AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO CONTRACT WITH BARBICAS CONSTRUCTION, INC. BEING THE LOWEST, RESPONSIVE AND RESPONSIBLE BIDDER, AND DECLARING AN EMERGENCY

Mr. Mallis and Mr. Gambosi explained the City advertised for the 2019 Street Improvement Program the lowest, responsive and responsible bidder was Barbicis. The Department of Public Works of the County of Cuyahoga would reimburse the City up to \$33,000.00 for the material cost of the project for the crack sealing program.

ORDINANCE NO. 9694-19 AN ORDINANCE PROVIDING FOR PAYMENT TO GPD GROUP FOR ENGINEERING SERVICES AND CONSTRUCTION ADMINISTRATIVE / INSPECTION WITHIN THE CITY OF BEDFORD FOR THE 2019 STREET IMPROVEMENT PROGRAM ("PROGRAM") AND DECLARING AN EMERGENCY

Mr. Mallis and Mr. Gambosi explained the design Engineering Fee was \$7,400.00 and the Construction Administrative / Inspection Fee was \$18,000.00 for the street improvement program.

Mr. Mallis clarified the sidewalk program was not included in this bid and would be addressed at a later date. Mr. Saunders talked about the delamination of Rockside Road and wondered if it could be addressed.

ORDINANCE NO. 9695-19 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PURCHASE A POWER LOAD COT FROM STRYKER EMS AND DECLARING AN EMERGENCY
Mr. Mallis explained the Fire Chief recommended the City purchase a power cot to assist in lifting patients. The total cost is \$47,975.20 for one (1) Stryker EMS Power-LOAD Cot from the sole proprietor manufacturer Stryker EMS. The City successfully received a grant from the Bureau of Workers Compensation for \$35,981.40 to be applied to the cost of the equipment. The remaining balance that the City was obligated to pay was \$11,993.80. It was determined this was an opportunity that was available every three (3) years that the Fire Department took advantage of.

Motion to accept the Planning Commission's recommendation of April 16, 2019 regarding Damon Maddox Construction Manager for Wide Open West Cleveland, LLC (WOW), 105 Blaze Industrial Parkway, Berea is proposing to set a Telecommunications Utility Cabinet at 15 Henry Street.

Mr. Mallis explained the Commission approved the installation of a Telecommunications Utility Cabinet located at 15 Henry Street. He said WOW agreed to install a fence surrounding the cabinet with adequate landscaping. Mr. Beverly explained this was considered a public utility which had its own rules and regulations.

Motion to re-appoint Helen Briggs to the Planning Commission. (4 yr)

Clerk Villers said Mrs. Briggs requested to be re-appointed to the Planning Commission and she did an excellent job. Mr. Beverly highly recommended the reappointment.

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 previously 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 previously pointed out the City was already being sued for Criminal Activity Nuisances and this could become additional negative press.

Mr. Mallis explained per Lieutenant Stask the Auxiliaries performed another sweep of the City and found four repeat offenders. He talked about Section 915.07 which stated the following:

915.07 MANNER OF COLLECTION; PLACEMENT AT CURB.

All refuse garbage shall be placed in suitable containers and placed at the curb no earlier than 6:00 p.m. the evening before, or by 7:00 a.m. of the day for regular pickup. All empty containers shall be removed from the curb within twelve hours after pickup. No garbage or refuse containers shall be stored or placed in front of the building line of any property at any other time. No garbage or trash shall be placed in front of any building or property other than that where the waste material originates. Garbage or trash that is placed at the curb or otherwise left forward of the front building line of the building at any other time of

the week than that permitted shall be cleaned up at the earliest possible time by agents of the City of Bedford and the cost of said cleanup and resultant disposal shall be charged to the owner and/or persons in control of the property per Ordinance No. 8059-08.

Mr. Mallis felt with such a low number of repeat offenders this could be handled. It was determined rubbish containers, furniture, mattresses and any household items placed at the curb too soon or not picked up by Kimble and left at the curb past the collection date and time would be considered under this section and would be addressed accordingly.

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 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 one's freedom of speech.

Mr. Beverly previously 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 versus 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.

Mr. Mallis, Mr. Montello and Mr. Beverly reviewed the entire Chapter and were about 90% done; however, the Administration and Council would have to compare the previous information gathered and insert bits and pieces into the current Chapter. The Historical District and Automobile would be addressed separately because of their uniqueness. There was discussion about the new trend of Wrapped Vehicles and extended parking for advertisement.

At 6:58 p.m., Bedford City Council, City Manager Mike Mallis, Law Director John Montello, Finance Director Frank Gambosi and Assistant Finance Director Jennifer Howland recessed the Work Session to conduct the Public Hearing for the Tax Budget.

At 7:11 p.m., Bedford City Council, City Manager Mike Mallis, Law Director John Montello and Finance Director Frank Gambosi reconvened the Work Session. Assistant Finance Director Jennifer Howland was excused for the remainder of the evening.

DISCUSSION OF CITY-WIDE SIGN INITIATIVE

Mr. Mallis presented Council with some illustrations and explained the three-member committee continued to work on the project. This project was something that was going to take a couple years to accomplish. Mr. Mallis briefly touched on each type of sign and its effectiveness for directing visitors. The signs were made of a solid material; not fabric. The thought was to repair and utilize the current brick bases for the new signs. Discussion was held that some of the signs would have to be double sided in certain locations but most were going to be one sided. Signage for some locations would be located to direct visitors not necessarily directly in front of the building or location. It was mentioned there was a need for a digital sign at Northfield and Columbus Roads and Union Street and Broadway Avenue. Mr. Mallis said he would keep Council informed of any decisions or ideas the committee had. Mr. Saunders talked about the size requirements for certain signs and whether they had to be upper and lower case. Overall, Council was pleased with the materials and colors selected by the committee.

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

At 7:25 p.m., Bedford City Council, City Manager Mike Mallis, Law Director John Montello and Finance Director Frank Gambosi went into an executive session to discuss Personnel 121.22 (B) (1) / Litigation / Economic Development.

Executive Session adjourned at 8:00 p.m.


Clerk of Council

Work Session adjourned at 8:02 p.m.


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 April 15, 2019
 - b. Approval of Minutes of the Regular Meeting of April 15, 2019
 - c. Approval of Minutes of the Wards 2 & 6 Meeting of April 22, 2019
 5. **PRESENTATIONS –**
 6. **OLD BUSINESS** – (Reg C 1st Rdg – 4/15/19, Newspaper Ad – 4/17/19, PC Public Hearing – 5/21/19, Reg C 2nd Rdg – 6/3/19 – 3rd Rdg 7/1/19)
 - a. Ordinance No. 9683-19 rezoning property described herein from “B-3” to “M-U” classification located at Northfield & Rockside Roads (Reg C Tabled: 5/6/19)
(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 (Reg C Tabled: 5/6/19)
(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” (Reg C Tabled: 5/6/19)
 - d. Ordinance No. 9686-19 contract w/RKS Management Company to clean the Police Department (\$1,600 month)
 7. **REPORTS**
 - a. City Manager
 - b. Law Director
 - c. Finance Director
 - d. Council Reports
 8. **NEW BUSINESS**
 - a. Ordinance No. 9688-19 amend Chapter 133 enacting §133.23 entitled “Recreation Rebate Program”
 - b. Resolution No. 2533-19 declaring the necessity to improve certain streets by lighting same
 - c. Ordinance No. 9689-19 to proceed with the improvement of certain streets by lighting same
 - d. Ordinance No. 9690-19 levying special assessments for the improvement of the street and public places
 - e. Resolution No. 2534-19 approving and accepting the proposed 2019 Tax Budget for the year January 1, 2020 to December 31, 2020 (Rdgs: 5/6/19, 5/20/19, PH 5/6/19)
 - f. Resolution No. 2535-19 request County Auditor to advance taxes from tax levy proceeds for 2019 collected in 2020
 - g. Ordinance No. 9691-19 adopting the 2019 replacement pages of the Codified Ordinances (\$4,433.05)
 - h. Ordinance No. 9692-19 levying assessments for garbage/refuse collection, recycling and disposal
 - i. Ordinance No. 9693-19 2019 Street Improvement Program (\$377,127.25)
 - j. Ordinance No. 9694-19 GPD Engineering Services and Construction Inspection (\$7,400 / \$18,000)
 - k. Ordinance No. 9695-19 purchase w/Stryker Medical (\$47,975.20)

- l. Motion to accept the Planning Commission's recommendation of April 16, 2019 regarding Damon Maddox Construction Manager for Wide Open West Cleveland, LLC (WOW), 105 Blaze Industrial Parkway, Berea is proposing to set a Telecommunications Utility Cabinet at 15 Henry Street
- m. Motion to re-appoint Helen Briggs to the Planning Commission (4 yr)

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, May 6, 2019. Mayor Koci called the meeting to order at 8:04 P.M. The meeting was opened by pledging allegiance to the flag. The roll was called. Present: Genutis, Fluharty, Saunders, Rhoades, Spinks, Koci, Mizensak. Absent: None.

Motion made by Mizensak seconded by Saunders to approve the minutes of the Work Session Meeting of April 15, 2019. The roll was called. Vote – Yeas: Genutis, Fluharty, Saunders, Rhoades, Koci, Mizensak. Nays: None. Abstain: Spinks. Motion carried.

Motion made by Fluharty seconded by Genutis to approve the minutes of the Regular Meeting of April 15, 2019. The roll was called. Vote – Yeas: Genutis, Fluharty, Saunders, Rhoades, Koci, Mizensak. Nays: None. Abstain: Spinks. Motion carried.

Motion made by Rhoades seconded by Mizensak to approve the minutes of Wards 2 & 6 Meeting of April 22, 2019. The roll was called. Vote – Yeas: Genutis, Fluharty, Saunders, Koci, Mizensak. Nays: None. Abstain: Spinks, Rhoades, Mizensak. Motion carried.

Council and the Administration gave kudos to the Fire Department for their excellent ISO rating and the many hours of volunteer efforts of Bill and Diane Astalos. The recent Fun Run Pancake Breakfast event was a success and they wished everyone a Happy Mother's Day.

City Manager Michael Mallis expressed his appreciation of the BMV and Title Bureau who recently relocated to Bedford. He announced St. Eugene's was up for sale and the City would be having conversations with the property owner to convey the City's wishes for the property. He announced the salt prices had increased from \$64 to \$73 per ton for 2020. He praised the professionalism of the Fire Department for its excellent ISO rating of 2; this was an extremely important rating for operations, staffing, training that reduced insurance costs for the community. Cleveland Commercial Rail requested to close the West Grace railroad crossing; however, he wasn't going to allow the closure until the Rockside Road Bridge project was fully operational. He said the Dominion project started today in the Grand Boulevard area and he urged the residents to contact City Hall if there were any concerns during or after they were done with the project. He listed a few programs at the Parks & Recreation Department. He explained the Administration continued to work on ways to inform the public by placing a "button" on the website so residents could select it for boil alerts and/or other important information. He announced Shred Day was May 18th.

Mayor Koci was very pleased with the outstanding ISO rating at the Fire Department. The Water Department and Dispatch Center also played a part in the rating. The Fire Department would be at the June 3rd Council Meeting. He gave a special shout out for Mother's Day to his 91-year-old mother who also took him to breakfast every Friday and his wife and daughter.

Law Director John Montello welcomed former Bedford Graduate David Lasky who was the Deputy Registrar at the State of Ohio Bedford License Bureau. He thanked Bill Astalos and the Lions Club for the wheelchair donation for the gentleman who had his stolen. Mayor Koci asked Mr. Astalos to explain what transpired. Mr. Astalos explained the Lions Club had a wheelchair for four years trying to find someone to donate it to and when this gentleman had his \$27,000 specialty equipped wheelchair stolen the Lions Club donated the chair to him. It was then outfitted accordingly for his special needs by another company. The gentleman was very much appreciative of the donation.

Finance Director Frank Gambosi said the Civil Service was currently working a Police Sergeant promotional exam and a Fire Department Lieutenant exam in the Fall. He announced the Rib Festival was May 31st to June 2nd.

Councilman Genutis explained he had previously been on a tour at the Fire Department and was very impressed with the operation and equipment. He enjoyed the Fun Run Pancake Breakfast festivities; especially the children's art show. He appreciated all the efforts of the volunteers who assisted with several events. He gave Mayor Koci kudos for his donation to the Meals on Wheels.

Councilman Fluharty said he volunteered for the Meals on Wheels deliveries. He reminded everyone to try to cut their grass even with the recent rainfall. He was pleased the Council meetings were being videoed for public view.

Councilman Saunders informed Mr. Mallis the railroad had already delivered the materials for the West Grace repairs. He continued to point out the excessive speeding and running red lights on Northfield and Columbus Roads. He wished Bedford had the same reputation as Northfield Village regarding speeding. He said some of the Talbot residents were worried with the recent decision of St. Eugene's being sold. Years ago, residents filled in the open creek with pipes, hollow barrels and 55-gallon drums which now have collapsed and was causing flooding problems. He hoped if there was any type of development on the St. Eugene Church property that the filled in creek would be addressed properly. He invited everyone to attend the upcoming Strawberry Festival. He reminded the residents to inform their insurance companies of the recent ISO rating for a slight insurance reduction. He stated he would be voting "no" on Ordinance No. 9692-19; not because the City didn't need the rubbish assessment but because he felt the seniors shouldn't be subsidizing those residents who have excessive amounts of weekly rubbish. He also said he would abstain on the Planning Commission recommendation regarding WOW because he was dealing with this company in another community. He didn't want to show any signs of impropriety.

Councilwoman Rhoades thanked the Bedford Garden Club for their recent cleanup efforts. She urged everyone to visit the Art Fence with the stunning flowers this time of year. She welcomed those getting married on the City Square to take pictures in the Art Fence area. The Bedford Garden Club plant sale was May 10th and 11th with a 10% discount if you became a member. She thanked everyone who participated in the First Fridays Pet Night. The next theme was a bike parade which was not part of the Strawberry Festival. First Fridays was seeking talented performers who sing, dance, play musical instruments, mimes, buskers, DJ's or other talents and product vendors selling products. The chess and checkers project had been completed; the pieces and tables were available for enjoyment.

Councilwoman Spinks said she missed the last meeting because her husband had heart surgery; she thanked Stan and Marilyn Koci and Helen Briggs for their support. She explained the Dominion project had helped with the speeders and stop sign violations on Grand Boulevard. She talked about the ongoing problem of residents feeding the deer; she counted 27 deer on Grand Boulevard near Woodside Village. The Meals on Wheels needed drivers because the deliveries had increased 86 to 106. She was pleased to see the Central School Principal and teachers who took the time to read books online every day after school to entertain children/students whose parents didn't have the time to do so.

Councilwoman Mizsak was pleased to see Charlie Lawrence took 1st place in the recent two-mile Fun Run. She thanked Jim Wagner for filming the Council meetings. She asked if residents needed to call the Service Department if they had limbs for the Chipper Service and pot holes that needed filled. Mr. Mallis replied, yes. Mrs. Mizsak urged the residents to keep their grass clippings in their own yard and be mindful of their neighbors. Mrs. Mizsak reminded Mr. Bender it was deer baby month. Mr. Bender replied, ok.

Ordinances Nos. 9683-19, 9684-19 and 9685-19 were combined in one motion to "table". These three ordinances would remain tabled until after the May 21, 2019 Planning Commission Public Hearing. The next reading would be June 3, 2019.

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 PLACED ON FIRST READING APRIL 15, 2019 WAS READ BY TITLE ONLY

Previously, 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.

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 PLACED ON FIRST READING APRIL 15, 2019 WAS READ BY TITLE ONLY

Previously, 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.

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 PLACED ON FIRST READING APRIL 15, 2019 WAS READ BY TITLE ONLY

Previously, 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.

Motion made by Rhoades seconded by Mizesak to place Ordinance Nos. **9683-19, 9684-19 and 9685-19** on the "table" until after the May 21, 2019 Planning Commission Public Hearing.

The roll was called. Vote – Yeas: Genutis, Fluharty, Saunders, Rhoades, Spinks, Koci, Mizesak. 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 PLACED ON FIRST READING APRIL 15, 2019 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Saunders seconded by Rhoades to place Ordinance No. **9686-19** on third and final reading and passed.

Mr. Mallis explained Police Chief Stemple recommended that the City contract with RKS Management Company for cleaning services for the Police Department in the amount of \$1,600.00 per month. Plus, RKS Management paid for the cleaning supplies.

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

ORDINANCE NO. 9688-19 AN ORDINANCE REPEALING ORDINANCE NO. 9670-19 AUTHORIZING THE BEDFORD FINANCE DIRECTOR TO CONTINUE A REBATE PROGRAM FOR BEDFORD RESIDENTS REGISTERING TO BECOME MEMBERS OF THE BEDFORD HEIGHTS COMMUNITY CENTER IN THE CITY OF BEDFORD HEIGHTS AMENDING CHAPTER 133 ENACTING §133.23 ENTITLED "RECREATION REBATE PROGRAM" 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: Genutis, Fluharty, Saunders, Rhoades, Spinks, Koci, Mizsak. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Mizsak to place Ordinance No. **9688-19** on third and final reading and passed.

Mr. Gambosi explained it was essential that this section be enacted in the Codified Ordinances as authorized previously passed in Ordinance No. 9670-19. The City had been actively seeking to increase the recreational opportunities for its residents. Bedford and the City of Bedford Heights have reached an agreement to permit Bedford residents the opportunity to become members of the Bedford Heights Community Center. Bedford residents were required to pay the applicable yearly membership fees for using the Bedford Heights Community Center and would be entitled to complete use of the facility. The intention of the City was to provide a yearly rebate of fifty dollars (\$50.00) to any Bedford resident or Bedford family that were members of the Bedford Heights Community Center. The rebate would be provided to Bedford residents providing proof that they paid the applicable membership fees of the Bedford Heights Community Center.

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

Mr. Gambosi explained Resolution No. 2533-19 and Ordinance Nos. 9689-19 and 9690-19 worked in conjunction annually for the street light assessment. The adoption of Resolution No. 2533-19 declaring it necessary to improve certain streets and public places in the City of Bedford by lighting of same and to assess the costs thereof against the lots and lands bounding and abutting upon the improvement. A legal notice of the proposed improvement and the estimated assessments against the various properties determining to proceed with said lighting improvement. The City Manager has certified to this Council that the amount properly assessable against the benefiting property for lighting same with electricity in accordance with Resolution No. 2533-19 and Ordinance No. 9689-19 by the method provided for therein is at the rate of 1.60 mills per each dollar of tax value per year, or 1.60 cents per each one hundred dollars of such tax value per year for the tax year of 2019 to be collected in the year 2020. These three pieces of legislation would be placed on first reading this evening.

RESOLUTION NO. 2533-19 A RESOLUTION DECLARING THE NECESSITY TO IMPROVE CERTAIN STREETS IN THE CITY OF BEDFORD, OHIO BY LIGHTING THE SAME AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Spinks seconded by Fluharty to place Resolution No. **2533-19** on first reading.

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

ORDINANCE NO. 9689-19 AN ORDINANCE DETERMINED TO PROCEED WITH THE IMPROVEMENT OF CERTAIN STREETS IN THE CITY OF BEDFORD, OHIO BY LIGHTING THE SAME AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Saunders seconded by Mizsak to place Ordinance No. **9689-19** on first reading.

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

ORDINANCE NO. 9690-19 AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF THE STREET AND PUBLIC PLACES OF THE CITY OF BEDFORD, OHIO BY LIGHTING OF THE SAME IN ACCORDANCE WITH RESOLUTION NO. 2533-19 AND ORDINANCE NO. 9689-19 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Genutis seconded by Fluharty to place Ordinance No. **9690-19** on first reading.

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

RESOLUTION NO. 2534-19 A RESOLUTION APPROVING AND ACCEPTING THE PROPOSED 2019 TAX BUDGET FOR THE YEAR JANUARY 1, 2020 TO DECEMBER 31, 2020 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Mizzsak seconded by Rhoades to place Resolution No. **2534-19** on first reading.

Mr. Gambosi explained the State laws required municipalities as well as other government subdivisions submit to the County Commission approximately six (6) months prior to the beginning of each calendar year, an estimated budget for the next calendar year so that the tax rate for such year may be determined by said Budget Commission. The Public Hearing was previously held at 7:00 p.m. this evening.

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

RESOLUTION NO. 2535-19 A RESOLUTION REQUESTING THE COUNTY AUDITOR TO ADVANCE TAXES FROM THE PROCEEDS OF TAX LEVIES FOR THE YEAR 2019 COLLECTED IN 2020 PURSUANT TO SECTION NO. 321.34 OF THE REVISED CODE OF THE STATE OF OHIO, AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Rhoades seconded by Saunders to place Resolution No. **2535-19** on first reading.

Per Section No. 321.34 of the Revised Code of the State of Ohio provides that any money in the County Treasury, to the account of the City and lawfully applicable to the purpose of the current fiscal year be drawn upon by request.

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

ORDINANCE NO. 9691-19 AN ORDINANCE PROVIDING FOR THE ADOPTION OF NEW MATTER IN THE CODIFIED ORDINANCES OF BEDFORD TO APPROVE, ADOPT AND ENACT THE APRIL 2019 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF BEDFORD, OHIO, HEREINAFTER "CODIFIED ORDINANCES", TO REPEAL CERTAIN ORDINANCES IN CONFLICT THEREWITH OR DEEMED OBSOLETE AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Spinks seconded by Fluharty to place Ordinance No. **9691-19** on third and final reading and passed.

Mr. Montello explained various ordinances of a general and permanent nature have been passed by Council since the last updating and revision of the Codified Ordinances in 2019. Certain provisions within the Codified Ordinances needed amended to conform with current State law. Various ordinances of a general and permanent nature had been passed by Council which needed to be included in the Codified Ordinances at a cost of \$4,433.05.

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

ORDINANCE NO. 9692-19 AN ORDINANCE TO LEVY ASSESSMENTS FOR THE EXPENSE OF GARBAGE/REFUSE COLLECTION, RECYCLING AND DISPOSAL WITHIN THE CITY OF BEDFORD, OHIO DURING THE TAX YEAR 2019 AND COLLECTD IN 2020 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Genutis seconded by Spinks to place Ordinance No. **9692-19** on first reading.

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

ORDINANCE NO. 9693-19 AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO CONTRACT WITH BARBICAS CONSTRUCTION, INC. BEING THE LOWEST, RESPONSIVE AND RESPONSIBLE BIDDER, AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Saunders seconded by Mizesak to place Ordinance No. **9693-19** on third and final reading and passed.

Mr. Mallis explained the City advertised for the 2019 Street Improvement Program the lowest, responsive and responsible bidder was Barbacis at \$377,127.25 for the following: Caryl, Mitchell to Melba, Melba Kenyon, Noran Circle to Grand, Noran Circle Wheelock, Powers Road, Broadway to the railroad tracks and crack sealing of Columbus and Rockside. The Department of Public Works of County of Cuyahoga would reimburse the City up to \$33,000.00 for the material cost of the project for the crack sealing program.

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

ORDINANCE NO. 9694-19 AN ORDINANCE PROVIDING FOR PAYMENT TO GPD GROUP FOR ENGINEERING SERVICES AND CONSTRUCTION ADMINISTRATIVE /

INSPECTION WITHIN THE CITY OF BEDFORD FOR THE 2019 STREET IMPROVEMENT PROGRAM ("PROGRAM") AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Spinks seconded by Fluharty to place Ordinance No. **9694-19** on third and final reading and passed.

Mr. Mallis explained the design Engineering Fee was \$7,400.00 and the Construction Administrative / Inspection Fee was \$18,000.00 for the street improvement program.

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

ORDINANCE NO. 9695-19 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PURCHASE A POWER LOAD COT FROM STRYKER EMS AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Mizesak seconded by Rhoades to place Ordinance No. **9695-19** on third and final reading and passed.

Mr. Mallis explained the Fire Chief recommended the City purchase a power cot to assist in lifting patients. The total cost is \$47,975.20 for one (1) Stryker EMS Power-LOAD Cot from the sole proprietor manufacturer Stryker EMS. The City successfully received a grant from the Bureau of Workers Compensation for \$35,981.40 to be applied to the cost of the equipment. The remaining balance that the City was obligated to pay was \$11,993.80. This would eliminate physical stress and strain on EMT's in lifting patients.

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

Motion made by Fluharty seconded by Genutis to accept the Planning Commission's recommendation of April 16, 2019 regarding Damon Maddox Construction Manager for Wide Open West Cleveland, LLC (WOW), 105 Blaze Industrial Parkway, Berea is proposing to set a Telecommunications Utility Cabinet at 15 Henry Street.

Mayor Koci thought this would give the residents another option for cable.

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

Motion made by Mizesak seconded by Rhoades to re-appoint Helen Briggs to the Planning Commission. (4 yr) The roll was called. Vote – Yeas: Genutis, Fluharty, Saunders, Rhoades, Spinks Koci, Mizesak. Nays: None. Motion carried unanimously.

Council and the Administration thanked Mrs. Briggs for serving on the Planning Commission and appreciated her efforts.

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

Nancy Lachowski, 197 Wandle Avenue, asked for clarification regarding Ordinance No. 9692-19. Mayor Koci explained this was the annual rubbish assessment with no increase to residential or commercial rubbish services. Mrs. Lachowski was pleased the sidewalk program would be reinstated. She said a man had already fallen in front/near her house. She said her daughter lived at 21 Henry and had not heard from her Ward 3 Council representative or a notification from the Planning Commission. Mayor Koci explained it was similar to other telecommunication cabinets. David Rinaldi, WOW representative said he had already spoken to the resident at 21 Henry and explained a telecommunication cabinet would be installed and the lot would be maintained/cut. A concrete pad would be poured with a 9-foot-long by 3-foot-wide by 4 ½ in height cabinet installed on top with fencing installed around the cabinet. The fiber optic would allow for future services to surrounding communities. Mrs. Lachowski appreciated the clarification. She also thanked Firefighter Harding for his hurricane efforts in Florida.

Ann McPherson, 22 Creswell, explained on Saturday morning at 4:00 a.m. there were three cars that pulled into the drive and a car that parked on the street at 21 Creswell. The last car in the drive had a couple who got out fighting and the other older man who was “higher than a Georgia pine” pulled off his pants and was running around in the yard in his boxer shorts. The lady who lived in the house was attempting to break up the couple who was fighting who then got back in the car drove across the front yard and speed down Creswell toward Greencroft. The lady who lived in the house managed to get the man running around the front yard in his boxer shorts into the house. She said the renters at 21 Creswell continued to have a lot of rubbish. She said last Wednesday they brought their rubbish out after Kimble had already picked up. She explained she was still having problems maneuvering her car around the visitors/renter’s cars who continued to park in the street.

Leonette and Gary Johnson, 28 Creswell, stressed they still had the same complaints as before when they spoke at the March 25, 2019 Ward Meeting: parking issues, numerous different models of cars with temporary tags visiting, four to six juveniles per car, loud cars, loud music all hours of the day and night. She explained she called the police and all of a sudden, they come running out of the house and move their cars. She questioned where all these people were living/sleeping because it was a single-family home occupied by a family already. She talked about the continued parking on the street and how it was hard for them and Ms. McPherson to maneuver their cars the street was narrow and there was a drainage ditch near their home. One Saturday she called the Police because she could not get out of her driveway. When the Officer arrived the renter in the home lied to the Officer claiming they knew nothing about the car. The Officer ran the plate and drove to Maple Heights to locate the owner. She said a man moved the car and apologized for parking on Creswell. She and the Officer were confused as to why someone from Maple Heights was parking on Creswell all evening into Saturday morning across from her home. Leonette and Gary Johnson and Ms. McPherson wanted to know if the City could post No Parking signs on Creswell. Mayor Koci said Mr. Mallis would follow-up. Leonette and Gary Johnson and Ms. McPherson thanked the City for repairing the street. Mrs. McPherson suggested the City provide all the residents cell phones so they could be informed if there was a boil alert. Mayor Koci explained the residents had the option to sign up for Code Red and be informed all numerous alerts.

Frank Spiker, 21 William Street, gave kudos to Brett Hollycross and his staff at Sirna's Café for the wonderful Kentucky Derby Party event. They had a breakfast buffet and raised money for the local hunger center and food donations, the afternoon event involved people mingling and the evening event was watching the Kentucky Derby. Several hundred people attended throughout the day.

Vicki Adams-Scott, 70 Columbus, Manager of Southeast Cuyahoga County Public Library thanked the City and safety forces for their support. The library would serve lunches during the summer months for the children under the age of 18. She urged residents to sign up for the upcoming summer reading programs. The Library and Parks and Recreation Department would have numerous camps and programs available this summer.

James Slifka, 130 Grand Boulevard, reported pot holes and the many patches on Southwick.

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

Meeting adjourned at 9:23 P.M.


Clerk of Council
Mayor - President of Council