

**COUNCIL WORK SESSION**

**JUNE 3, 2019**

**6:00 P.M. PROMPT**

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- **DISCUSSION OF AGENDA**
- **DISCUSSION OF CHAPTER 1949 “SIGNS”**  
(§1949.136) (2/4/19-2/18/19-3/4/19-3/18/19-4/1/19-4/15/19-5/6/19-5/20/19)
- **EXECUTIVE SESSION – (Personnel / Economic Development) (1 hour)**

**PLEASE TURN OFF ALL CELL PHONES BEFORE MEETING**  
(Council Minutes and Agendas posted at [www.bedfordoh.gov](http://www.bedfordoh.gov))

Bedford City Council met in a Work Session at Bedford City Hall on Monday, June 3, 2019 at 6:04 p.m.

Present: Council Members: Mayor Stan Koci, Victor Fluharty, Heather Rhoades, Walter Genutis, Don Saunders and Sandy Spinks. Absent: Vice-Mayor Paula Mizesak. Also Present: Clerk of Council Lorree Villers. Administration: City Manager Mike Mallis, Law Director John Montello, Finance Director Frank Gambosi and Parks & Recreation Director Erin Fach.

Also present: Planning Consultant George Smerigan and Attorney Stephen Byron for the rezoning Ordinances and Janice Dzigiel, Senior Transportation Service representative.

Residents: Mark Sellards, The Bedford Tribune and another resident.

Mayor Koci began discussion of the Regular Council Meeting agenda.

There were no changes to the May 20, 2019 Regular Council and the Work Session Minutes.

Planning Consultant George Smerigan and Attorney Stephen Byron were present this evening to discuss the three rezoning ordinances.

Planning Consultant George Smerigan explained he was a professional City Planner, held a Master's Degree in City and Regional Planning, taught City Planning at the University level, 40 years' experience as a Public Official and a private consultant in the field of City and Regional Planning. He listed several other cities in which he had represented and worked as a City Planner. He was retained by the City to perform a Land Use Analysis of Meadowbrook Square which he submitted to the City Administration in November 2017. He referred to the attached Land Use Analysis of the Meadowbrook Square which consisted of 130 acres centered on the intersection of Rockside and Northfield Roads that extended to Bartlett Road. This area had arterial highways that link multiple communities in the region and serve as daily commuter routes. The entire property was zoned "B-3" Shopping Center District and defined as a commercial district that permits retail development of a large area of land and involves uses which generate high volumes of traffic and serve the retail needs of the regional area. He explained the B-3 District permitted uses and unfortunately the "B-3" classification was no longer viable by the lack of retail stores and in this case the distressed condition of the property. There were no logical or reasonable major tenants available to anchor the area because there were several brick and mortar stores nearby.

He explained in today's economy, weaker sites, such as Meadowbrook Square, were at an even greater disadvantage because of the changing nature of retailing. Online shopping has significantly and permanently changed the commercial retail market. There were going to continue to be fewer major retail outlets. The only logical conclusion of the land use analysis was that the existing B-3 District zoning was no longer viable and should be modified to permit reasonable re-use and development of the property with uses that have an opportunity to be successful and that can provide a net positive economic benefit to the City. In order to accomplish that transition, several changes or adjustments would be necessary. From a physical standpoint, the current arrangement of frontage and roadways anticipated a shared access and parking arrangement typical of regional or community shopping centers. The current arrangement of public street frontage reduces the desirability and marketability of large portions of the site for uses other than a shopping center. Alternative uses of the property would require street frontage and direct access to public rights-of-way that was conducive to their functionality, and that would make them desirable and competitive as development site. As presently configured, the private shared street arrangement will limit the redevelopment potential of the subject property. He recommended that the City convert the existing shared private streets within Meadowbrook to public rights-of-way in order to encourage and enable redevelopment in a mixed-use fashion. The Zoning Code must be modified to change the "B-3" District from a shopping center-based district to one that provides for more of a mixed-use approach to land development. The subject site had the potential to provide development opportunities for a mixture of

uses that would be more viable at that location and that would better benefit the City. Communities should always build on their strengths. The City of Bedford was famous for its concentration of automobile dealerships. Extending the auto dealer corridor east along Rockside Road toward I-271 would be a natural reuse of a portion of the subject property. Bedford had limited opportunities for new residential development. New residents were essential to maintain the vitality of a community. The opportunity to build new housing on a portion of the subject property could provide a positive boost for the City's residential base. Regional context was also important. Looking beyond the boundaries of the subject site, there was the former Chanel property. An appropriate Mixed-Use development of the subject property could coordinate and assist with appropriate redevelopment on the Chanel property where some residential redevelopment was already occurring.

Council agreed that they weren't interested in apartment buildings and moving forward with the rezoning was a benefit for the community. Discussion was held regarding the many day care type businesses throughout the City and Mr. Genutis felt a day care within or around this area could be beneficial to those who worked in the area. Mr. Mallis requested clarification whether STC had used subcontractors. Ms. Dzigiel

It was determined the next and final reading would be July 1, 2019 and would go in effect in 30 days.

**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.
- k) New car and light truck sales with a minimum of 100,000 square feet of total area located on contiguous parcels of land.

#### **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-3" 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 / 813-03-005 from B-3 District to the R-3 District and Nos. 813-03-002 / 813-03-004 from B-3 District to "M-U Mixed-Use District" is in the public interest and is consistent with the recommendation of Mr. Smerigan and the Planning Commission. 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. At the previous Work Session 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.

Mr. Gambosi reiterated 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. He requested these three pieces of legislation needed to be passed 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 reiterated 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 held May 6, 2019. He requested this be passed 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. He requested this be passed this evening.



**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 reiterated 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. He requested this be passed this evening.

**ORDINANCE NO. 9696-19 AN ORDINANCE AMENDING ORDINANCE NO. 9653-18 MAKING ADDITIONAL APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF BEDFORD, OHIO DURING THE YEAR 2019 AND DECLARING AN EMERGENCY**

Per Mr. Gambosi's memo and the amendments were as follows: General Fund: The increases in appropriations for 2019 in the General Fund were due to the following: Economic Development needs payroll updating at year end to account for wages paid to Director and benefits \$575. The Law Department needed an increase to account for longevity for the Law Director in the amount of \$1,435, and the Special Projects Fund needed appropriations for the online recording contract of \$9,435.00. Fund 201 First Suburbs Consortium Fund: To allow more funding of Economic Director's salary from this consortium for 2019 in the amount of \$1,185. Also, Marketing/Contracts Funds were allowed to be paid per the consortium up to \$4,000. Fund 210 Law Enforcement Trust Fund: To account for program income and additional funds from Automile as needed for the purchase of another canine and other program related expenditures in the amount of \$54,680.00. These funds were derived from the Automile and confiscated drug dollars. Fund 212 Fire Equipment Fund: This fund needed to account for the Stryker Loader Costs in the amount of \$47,995.20 of which \$35,981.40 was reimbursed from grant funds. Fund 213 Grants Fund: New grants including Bullet Proof Vests, US & R Task Force reimbursement, First Suburbs Community Development Corporation Grants, Recycle Grant, and VAWA Grant need appropriations for 2019. Fund 403 Capital Improvement Fund: This appropriation was to account for outside inspections by the Engineer and billed to the final users. In 2019, the City received an inspection payment in 2018 and paid the Engineer back in 2019, therefore, funds were needed to pay for this service in the amount of \$1,543.00. Fund 801 Law Enforcement Agency Fund: This appropriation was to allow transfer or refunding of local funds from confiscations collected in 2019 in the amount of \$22,182.14. He requested this be passed this evening.

**ORDINANCE NO. 9697-19 AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PVS TECHNOLOGIES, INC. BEING THE LOWEST, RESPONSIVE AND RESPONSIBLE BIDDER, AND DECLARING AN EMERGENCY**

Mr. Mallis explained per the bids PVS Technologies was the best bid for the purchase of Liquid Ferric Chloride. Mr. Mallis requested this be passed this evening.

**ORDINANCE NO. 9698-19 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SENIOR TRANSPORTATION CONNECTION AND DECLARING AN EMERGENCY**

Mr. Mallis previously explained the Parks & Recreation Director recommended Senior Transportation Connection (STC) to provide additional transportation services to residents. The City desired to retain the services of competent and qualified Contractor to provide certain transportation services. STC's employees were trained on the AED machine, CPR Certified, educated on sensitivity training, offered elbow to elbow assistance, were tested for drugs and alcohol and provide longer hours of service during the day and weekends utilizing numerous vans; the focus was to be more efficient. The cost for the remainder of 2019 was going to be approximately \$40,000 but would increase to approximately \$70,000 in the upcoming years. Discussion was held comparing the costs associated with paying an employee with medical costs at a cost of \$55,000 and the additional van maintenance/insurance/gas versus paying STC. It was determined the cost would be about the same; however, the City could provide more hours of

service, additional days per week with evening and weekend hours. Mr. Mallis said this was not being a cut of an employee but rather a way to expand senior services.

Janice Dzigiel, Senior Transportation Service representative, explained she had 14 years' experience. She explained the attached Senior Transportation Connection Service area 2019 (blue map), the Senior Transportation Connection Options Usage 2018 (orange map) and the Mission, Who We Serve, Passenger Profile, Leading trip Purposes, Agency Capacity and STC Significance. Mr. Mallis said the Administration had been in discussions since 2018 in house and with Ms. Dzigiel. STC had various service packages and was working the Administration to see what best fit Bedford's needs. STC Plus was an avenue for weekend needs at a cost of \$5 fee at \$2.25 per mile. Mr. Mallis explained the \$1 rate was going to be the same for four one-way trips or two round trips but depending on future needs the rates and services could be adjusted. Mrs. Rhoades asked for specific costs to review and Mr. Mallis provided her the figures. Council wanted to make sure the seniors were going to have the services they needed. Ms. Dzigiel explained there were 60 vehicles available and would work with the City to provide the desired requested services. She talked about a different service called "Options" in which Mr. Genutis was very interested in the details. Mr. Gambosi asked how the cost was determined. Ms. Dzigiel said they went by what was budgeted by the City and worked off that figure. Mrs. Spinks was pleased with the services and van availability because she felt it would make it easier for the seniors. It was determined Ms. Dzigiel would attend the Senior Meeting and explain the services. Mr. Genutis wondered if it was possible to keep the City's current van for certain trips and contract with STC. He thought keeping the City's van would allow continued employment. Mr. Fach said STC has been known to hire employees that were let go from contracting cities. Mr. Mallis felt it could be somewhat "tricky" if both City and STC services were available. Ms. Dzigiel felt contracting with STC only would be less confusing and they could provide professional services. Discussion was held regarding the costs as follows: An employee's rate and benefits = \$60,000, fuel \$7,200, maintenance \$1,500 and not including clerical help; STC was prorated at \$70,000 per year and contracting with STC would free up Mr. Fach and Mr. Callahan from answering phones. Mr. Fach assured everyone the City would set the service limits and expand as needed per the additional costs.

#### **DISCUSSION OF CHAPTER 1949 "SIGNS" (§1949.136) (2/4/19-2/18/19-3/4/19-3/18/19-4/1/19-5/6/19)**

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 versus 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 of 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.

Mr. Mallis explained Mr. Montello, Mr. Beverly and himself 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 Automile would be addressed separately because of their uniqueness. Plus, there was discussion about the new trend of Wrapped Vehicles and extended parking for advertisement. This issue was forwarded to the next Work Session.

**Motion to accept the Planning Commission recommendation of May 21, 2019 regarding Dawn Smith, 20 West Grace Street, who is seeking a Conditional Use approval to allow the structure located at 348 Broadway Avenue to be used as a Day Care & Learning Center (§1938.03)(B-2A)**

Mr. Mallis explained Mr. Beverly and the Commission's recommendation was to allow the Day Care. Mrs. Rhoades explained a few of the Leonard Road residents were concerned about the additional traffic. It was determined the traffic was not going to increase much. Council was in favor of the Commission's recommendation.

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

Clerk Villers asked to speak to City Council and Law Director John Montello for a few minutes in executive session to discuss Personnel 121.22 (B) (1). Mayor Koci granted Clerk Villers' request.

At 7:32 p.m., Bedford City Council, City Manager Michael Mallis, Finance Director Frank Gambosi and Law Director John Montello went into executive session to discuss Personnel 121.22 (B) (1) / Economic Development.

Executive Session recessed at 7:59 p.m.

At 9:22 p.m., Bedford City Council, Law Director John Montello and Clerk Villers reconvened executive session to discuss Personnel 121.22 (B) (1).

Work Session adjourned at 9:36 p.m.

  
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Clerk of Council  
\_\_\_\_\_  
Mayor - President of Council

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1. **CALL TO ORDER**
  2. **PLEDGE OF ALLEGIANCE**
  3. **ROLL CALL**
  4. **APPROVAL OF MINUTES**
    - a. Approval of Minutes of the Work Session of May 20, 2019
    - b. Approval of Minutes of the Regular Meeting of May 20, 2019
  5. **PRESENTATIONS** – Fire Department ISO
  6. **OLD BUSINESS** – (Reg C 1<sup>st</sup> Rdg – 4/15/19, Newspaper Ad – 4/17/19, PC Public Hearing – 5/21/19, Reg C 2<sup>nd</sup> Rdg – 6/3/19 – 3<sup>rd</sup> 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: 5/6/19-5/20/19 – Amended: 5/21/19 PC PH) (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-3” classification located at 22800 Rockside / 22737-69 Rockside / 22850 Rockside / 300 Bartlett (Reg C Tabled: 5/6/19-5/20/19 – Amended: 5/21/19 PC PH) (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: 5/6/19-5/20/19 – Amended: 5/21/19 PC PH) (Rdgs: 1<sup>st</sup> 5/6/19 – 2<sup>nd</sup> 5/20/19);
    - d. Resolution No. 2533-19 declaring the necessity to improve certain streets by lighting same
    - e. Ordinance No. 9689-19 to proceed with the improvement of certain streets by lighting same
    - f. Ordinance No. 9690-19 levying special assessments for the improvement of the street and public places
    - g. 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)
    - h. Resolution No. 2535-19 request County Auditor to advance taxes from tax levy proceeds for 2019 collected in 2020
    - i. Ordinance No. 9692-19 levying assessments for garbage/refuse collection, recycling and disposal (1<sup>st</sup> Rdg: 5/20/19)
    - j. Ordinance No. 9696-19 amend Ordinance No. 9653-18 making additional appropriations
    - k. Ordinance No. 9697-19 contract w/ PVS Technologies, Inc
    - l. Ordinance No. 9698-19 contract w/Senior Transportation Connection (\$40,000)
  7. **REPORTS**
    - a. City Manager
    - b. Law Director
    - c. Finance Director
    - d. Council Reports
  8. **NEW BUSINESS**
    - a. Motion to accept the Planning Commission recommendation of May 21, 2019 regarding Dawn Smith, 20 West Grace Street, who is seeking a Conditional Use approval to allow the structure located at 348 Broadway Avenue to be used as a Day Care & Learning Center (§1938.03) (B-2A)

9. HEARING OF CITIZENS

10. ADJOURNMENT

PLEASE TURN OFF ALL CELL PHONES BEFORE COUNCIL MEETING  
(Council Minutes and Agendas posted at [www.bedfordoh.gov](http://www.bedfordoh.gov))

Bedford City Council met in Regular Session at Bedford City Hall on Monday, June 3, 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: Saunders, Rhoades, Spinks, Koci, Genutis, Fluharty. Absent: Vice-Mayor Mizesak.

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

Motion made by Spinks seconded by Genutis to approve the minutes of the Work Session Meeting of May 20, 2019. The roll was called. Vote – Yeas: Saunders, Rhoades, Spinks, Koci, Genutis, Fluharty. Nays: None. Motion carried unanimously.

Motion made by Saunders seconded by Rhoades to approve the minutes of the Regular Meeting of May 20, 2019. The roll was called. Vote – Yeas: Saunders, Rhoades, Spinks, Koci, Genutis, Fluharty. Nays: None. Motion carried unanimously.

Motion made by Genutis seconded by Spinks to remove Ordinance Nos. 9683-19, 9684-19 and 9685-19 from the “table”. The roll was called. Vote – Yeas: Saunders, Rhoades, Spinks, Koci, Genutis, Fluharty. Nays: None. Motion carried unanimously.

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, TABLED MAY 6, 2019 AND MAY 20, 2019 WAS READ BY TITLE ONLY

Motion made by Saunders seconded by Rhoades to place Ordinance No. 9683-19 on second reading.

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

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, TABLED MAY 6, 2019 AND MAY 20, 2019 WAS READ BY TITLE ONLY

Motion made by Saunders seconded by Rhoades to place Ordinance No. 9684-19 on second reading.

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

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 / 813-03-005 from B-3 District to the R-3 District and Nos. 813-03-002 / 813-03-004 from B-3 District to "M-U Mixed-Use District" is in the public interest and is consistent with the recommendation of Mr. Smerigan and the Planning Commission. 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, TABLED MAY 6, 2019 AND MAY 20, 2019 WAS READ BY TITLE ONLY

Motion made by Spinks seconded by Fluharty to place Ordinance No. 9685-19 on second reading.

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

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.

Mr. Gambosi previously 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.

RESOLUTION NO. 2533-19 A RESOLUTION DECLARING THE NECESSITY TO IMPROVE CERTAIN STREETS IN THE CITY OF BEDFORD, OHIO BY LIGHTING THE SAME PLACED ON FIRST READING MAY 6, 2019 AND SECOND READING MAY 20, 2019 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 resolution three different days.

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

Motion made by Spinks seconded by Genutis to place Resolution No. 2533-19 on third and final reading and passed.

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

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 PLACED ON FIRST READING MAY 6, 2019 AND SECOND READING MAY 20, 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: Saunders, Rhoades, Spinks, Koci, Genutis, Fluharty. Nays: None. Motion carried unanimously.

Motion made by Rhoades seconded by Saunders to place Ordinance No. 9689-19 on third and final reading and passed.

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

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 PLACED ON FIRST READING MAY 6, 2019 AND SECOND READING MAY 20, 2019 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Spinks seconded by Genutis to place Ordinance No. 9690-19 on third and final reading and passed.

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

RESOLUTION NO. 2534-19 A RESOLUTION APPROVING AND ACCEPTING THE PROPOSED 2019 TAX BUDGET FOR THE YEAR JANUARY 1, 2020 TO DECEMBER 31, 2020 PLACED ON FIRST READING MAY 6, 2019 AND SECOND READING MAY 20, 2019 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Saunders seconded by Rhoades to place Resolution No. 2534-19 on third and final reading and passed.

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. on May 6, 2019.

The roll was called. Vote – Yeas: Saunders, Rhoades, Spinks, Koci, Genutis, Fluharty. 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, PLACED ON FIRST READING MAY 6, 2019 AND SECOND READING MAY 20, 2019 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 resolution three different days.

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

Motion made by Spinks seconded by Genutis to place Resolution No. 2535-19 on third and final reading and passed.

Mr. Gambosi explained 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: Saunders, Rhoades, Spinks, Koci, Genutis, Fluharty. 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 COLLECTED IN 2020 PLACED ON FIRST READING MAY 6, 2019 AND SECOND READING MAY 20, 2019 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

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

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

Motion made by Saunders seconded by Rhoades to place Ordinance No. 9692-19 on third and final reading and passed.

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

ORDINANCE NO. 9696-19 AN ORDINANCE AMENDING ORDINANCE NO. 9653-18 MAKING ADDITIONAL APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF BEDFORD, OHIO DURING THE YEAR 2019 PLACED ON FIRST READING MAY 20, 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: Saunders, Rhoades, Spinks, Koci, Genutis, Fluharty. Nays: None. Motion carried unanimously.

Motion made by Rhoades seconded by Saunders to place Ordinance No. 9696-19 on third and final reading and passed.

Mr. Gambosi's memo on the amendments were as follows: General Fund: The increases in appropriations for 2019 in the General Fund were due to the following: Economic Development needs payroll updating at year end to account for wages paid to Director and benefits \$575. The Law Department needed an increase to account for longevity for the Law Director in the amount of \$1,435, and the Special Projects Fund needed appropriations for the online recording contract of \$9,435.00. Fund 201 First Suburbs Consortium Fund: To allow more funding of Economic Director's salary from this consortium for 2019 in the amount of \$1,185. Also, Marketing/Contracts Funds were allowed to be paid per the consortium up to

\$4,000. Fund 210 Law Enforcement Trust Fund: To account for program income and additional funds from Automile as needed for the purchase of another canine and other program related expenditures in the amount of \$54,680.00. These funds were derived from the Automile and confiscated drug dollars. Fund 212 Fire Equipment Fund: This fund needed to account for the Stryker Loader Costs in the amount of \$47,995.20 of which \$35,981.40 was reimbursed from grant funds. Fund 213 Grants Fund: New grants including Bullet Proof Vests, US & R Task Force reimbursement, First Suburbs Community Development Corporation Grants, Recycle Grant, and VAWA Grant need appropriations for 2019. Fund 403 Capital Improvement Fund: This appropriation was to account for outside inspections by the Engineer and billed to the final users. In 2019, the City received an inspection payment in 2018 and paid the Engineer back in 2019, therefore, funds were needed to pay for this service in the amount of \$1,543.00. Fund 801 Law Enforcement Agency Fund: This appropriation was to allow transfer or refunding of local funds from confiscations collected in 2019 in the amount of \$22,182.14.

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

ORDINANCE NO. 9697-19 AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PVS TECHNOLOGIES, INC. BEING THE LOWEST, RESPONSIVE AND RESPONSIBLE BIDDER PLACED ON FIRST READING MAY 20, 2019 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: Saunders, Rhoades, Spinks, Koci, Genutis, Fluharty. Nays: None. Motion carried unanimously.

Motion made by Spinks seconded by Genutis to place Ordinance No. 9697-19 on third and final reading and passed.

Mr. Mallis explained the lowest bid was PVS Technologies for the purchase of Liquid Ferric Chloride.

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

ORDINANCE NO. 9698-19 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SENIOR TRANSPORTATION CONNECTION PLACED ON FIRST READING MAY 20, 2019 AND DECLARING AN EMERGENCY WAS READ BY TITLE ONLY

Motion made by Spinks seconded by Fluharty to place Ordinance No. 9698-19 on second reading.

Mr. Mallis explained the Parks & Recreation Director recommended Senior Transportation Connection to provide additional transportation services to residents. The Administration desired to retain the services of competent and qualified Contractor to provide certain transportation services.

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

Council and the Administration was pleased with the recent Memorial Day service and gave kudos to the Service Department for a job well done in preparation of the Square. The Rib Burn Off was another

success and the Strawberry Festival was the next upcoming event on the Square. Happy Father's Day wishes were announced. Condolences were expressed for the Dickard and Dickson families.

City Manager Michael Mallis felt the Service Department did a tremendous job preparing the City Square for the parade and services. He forwarded complements to the Service Department on their professionalism, friendliness and quality of work performed. The road program was scheduled to start this week and the sidewalk program was currently being discussed. He said there were a lot of different programs at Ellenwood Center. He said the sinkhole at Northfield and Charles Street would be addressed by Cuyahoga County because the City did not have the appropriate equipment. He gave kudos to the Police Department for the great ratings concerning the jail. He was in discussions coordinating the railroad closures at West Grace and West Glendale with Norfolk and Cleveland Commercial.

Law Director John Montello thanked the property owners and the Planning Commission for working together on the three rezoning on the agenda this evening.

Finance Director Frank Gambosi was pleased with the recent Rotary event success. He talked about the recent 150 business net profit filings were filed properly but the reports were not informative to the Tax Department.

Mayor Koci gave condolences to former City Manager Arthur Dickard. He talked about when Mr. Dickard at the age of 19 served at the Chosin Reservoir battle. He thanked Mr. Mallis for mentioning him at the cemetery on Memorial Day. He thanked Mr. Saunders for presiding over the May 20, 2019 Council Meeting.

Councilman Saunders gave his condolences to the Constance Dickson family. He pointed out some of the potholes on Nordham were larger than the size of a small car tire. He complained about the residents who were placing garbage out too early in cans and bags and the animals were tearing the bags open. He was pleased to see the arson house on Northfield Road had been razed. He voted against Ordinance No. 9692-19 because he felt some residents had too much rubbish and the Seniors were supplementing those residents therefore he felt there should be a senior discount. He wondered if Mr. Mallis knew there was a Day Care located at 111 Logan Street. Mr. Mallis will look into it.

Councilwoman Rhoades announced the Bedford Garden Club would be starting the Bedford Beauties on June 11<sup>th</sup>. The Downtown Bedford Alliance's next First Friday was a bike parade. The participants would decorate their bike on the Square and parade around the downtown area. The interactive theater experience was "Wanderlust" show dates of July 25<sup>th</sup> – 28<sup>th</sup> and August 1<sup>st</sup> – 4<sup>th</sup>. She was very pleased of how nice the City Square looked for the Memorial Day event.

Councilwoman Spinks listed several bands that would be at the Strawberry Festival. She spoke highly of Constance Dickson. She asked when 188 Greencroft was going to be torn down because of its deplorable condition and it was a safety concern. She reported continued speeders on Grand Boulevard even with the Dominion project.

Councilman Genutis spoke about the upcoming events and urged people to volunteer. He talked about how nice the Square looked for Memorial Day. He congratulated Mr. Fluharty on all his hard work regarding the recent Robert Loeffler recognition.

Councilman Fluharty thanked everyone who helped with the Robert Loeffler Baseball Complex Unveiling Saturday, June 1<sup>st</sup>. He explained the City was in the process of addressing the lawns that needed to be cut. Caryl Drive was on the list to be paved soon. He explained there was a sink hole near the Sunoco on Northfield Road.

**Motion to accept the Planning Commission recommendation of May 21, 2019 regarding Dawn Smith, 20 West Grace Street, who is seeking a Conditional Use approval to allow the structure located at 348 Broadway Avenue to be used as a Day Care & Learning Center (§1938.03) (B-2A)**

Motion made by Genutis seconded by Fluharty to accept the Planning Commission recommendation of May 21, 2019 regarding Dawn Smith, 20 West Grace Street, who is seeking a Conditional Use approval to allow the structure located at 348 Broadway Avenue to be used as a Day Care & Learning Center.

Mrs. Rhoades asked if this was a second location or relocating. Mr. Mallis explained it was a second location. The West Grace was for younger children and the other 5 -12 years old. Mrs. Rhoades wondered if it was a good idea to open a second location if Ms. Smith could not maintain the first location.

The roll was called. Vote – Yeas: Saunders, Koci, Genutis, Fluharty. Nays: Rhoades, Spinks. Motion carried. Mr. Montello said the recommendation passed.

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

Melvin Cook, 678 Turney Road, Apt #4, Colony Club, pointed out the new owners of Colony Club did not have a swimming instructor at the pool. Mr. Mallis asked if it was posted to swim at your own risk. He was not familiar of the laws regarding swimming pools plus the pool was at a private apartment. He reported Mrs. Mizzak was still in pain.

Wendell Collins, 668 Turney Road, Colony Club, stated there was a lot of crime at the apartments and the streets were in bad shape. It was pointed out the street in question was in Maple Heights. The new owners were making changes that he felt the City needed to address.

Kathy Williams, 491 Lamson Avenue, understood the railroad tracks would be closed during the day but wondered if they were going to open during the night hours. Mr. Mallis said the City was not given the actual plans so he was not sure exactly what the repair plans were. Mrs. Williams felt if the railroad was closed during the day then there could be an increase in trains. Mrs. Williams asked if the City's Senior van was still going to be active if STC was hired. Mayor Koci replied, no. She had concerns with the holiday closures at STC. Mayor Koci and Mr. Mallis pointed out the City's Senior van did not run on the holidays and the residents could make different arrangements plus the City was closed for certain holidays.

Anthony Miller, 114 Wandle, asked if the City offered programs for disabled people. Mr. Mallis would give him contact information after the meeting.

Nancy Lachowski, 197 Wandle, was concerned about the number and location of Day Cares within the City. Mayor Koci explained to her the Historical District had different restrictions than other areas of the City.

Diane Astalos, 685 Archer Road, gave kudos to Mike Garvin who organizes the Memorial Day decorations at the cemetery for the last 30 years.

Kathleen Boley, 32 Leonard, explained there were three disabled residents on Leonard and had issues with the Day Care bussing and blocking of their driveways. Mayor Koci said the City would observe the area to see if there were the same issues.

Barbara McDaniel, 186 Center Road, noted the grass wasn't being cut behind the apartment near the former Big and Little. Mr. Mallis said the City was aware.

Tina Stradiot, 51 Elm Street, was pleased with the Ellenwood staff and the rezoning of the former Meadowbrook area. She asked if there was something that could be done to instill pride in the community.

Mayor Koci announced the Work Session executive session would reconvene shortly.

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

Meeting adjourned at 9:09 P.M.

  
Clerk of Council  
Mayor - President of Council