

Bedford City Council met virtually via Zoom for the Special Work Session on Monday, April 26, 2021 at 6:30 p.m.

Present: Council Members: Mayor Stan Koci, Sandy Spinks, Walter Genutis, Vic Fluharty, Paula Mizsak, Jeff Asbury, and Don Saunders. Absent: None. Also Present: Clerk of Council Tracy Simons. Administration: City Manager Michael Mallis, Law Director John Montello, and Finance Director Frank Gambosi. Absent: None.

Mayor Koci began the discussion of the Boards and Commissions Vacancies. Mayor Koci stated that there are a lot of vacancies to fill and a while back he put out a few points for discussion about the boards regarding the make-up and how they are set up. He stated that there are so many different starting and ending dates, nothing seems to be in line the way that it should be according to our Charter and Ordinances. He stated that before they discuss filling the vacancies they need to see if there is any way that they want to revamp the boards themselves. He stated that some of his thoughts were that each board shall start in successive months and everyone would have the same start date. He continued to state that if someone is appointed to fill in that they would only fill in for the rest of that term, just like we do for Council when someone fills in. He stated that is how we got so many ending dates for people because when they were appointed in the middle of a term they went three years from that point when they got appointed. He stated that as stated in the charter most of these boards are staggered, even though they will start on the same date they will have different ending dates so that the terms are staggered. He stated that some of the ideas for discussion were the possibility of having term limits and a person can not serve on two different boards. Councilman Genutis stated that it is a great idea to get the starting dates altogether. He stated that in looking at the dates they are all over the board and it is difficult to keep track of them. He wondered how easy it is to fill these boards and if there is a special reason 1.) as to why we would have term limits and 2.) why we wouldn't allow one person to serve on more than one board if they only meet a couple of times a year. Mr. Gambosi stated that there are a couple of boards that are hard to fill and the Tax Equalization is for special assessments and income tax hardly ever meets, maybe once every twenty years. He stated that for them to serve on more than one would make a lot of sense. He stated that for those that do meet consistently like the Planning Commission, Civil Service, and Board of Zoning and Appeals they are the ones where there is someone for continuity. Mr. Gambosi stated that for the boards such as the Local Board of Tax Review, Assessment Equalization Board, and Housing Council to have those members serve on more than one board because they meet so rarely. He stated that they are state-required boards, so they are something that the city controls. He stated that we have to appoint people to them. Councilman Saunders inquired if the Planning Commission and Civil Service Commission are 1099 employees or are they W-2 and Mr. Gambosi replied that they are W-2 and they are paid for one hour of work whenever there is a meeting, not per meeting. Councilman Saunders stated that most communities have kicked their board members that are paid to 1099 because they got hit by COVID for unemployment. He stated that the board member may have lost their full-time job and the community didn't want to have to pay their portion of unemployment, they have to split it if they are a W-2 employee as opposed to a 1099 employee. He also stated that it may be something that we want to look at. Mr. Gambosi stated that you can't put a person on 1099 if they are our employees, which they are. He stated that you could try and get away with a 1099 but it won't fly and you're just trying to skirt the issue with social security, so you do have some issue that when you do that.

Councilman Saunders stated that most cities in Northeast Ohio have gone to 1099 to keep from paying the unemployment. Mr. Gambosi stated that you can't do that under IRS regulations and you have to look at that too. Councilman Asbury inquired if they work an hour or two every couple of months are they eligible for unemployment and Mr. Gambosi stated that they are eligible for unemployment. He also stated that you have to look at how they are earning that money and what control we have over that person, look at all of those aspects if a person should be 1099 or not. Councilwoman Mizsak stated that we are looking for people for the boards and over the last few years she has kept up with contacts and told them to get on a board and a lot of them say it is interesting and when it comes time for the commitment they don't want to commit because they don't want to get involved. She continued to state that by getting involved that they will be ratting on their neighbors. She stated that it is difficult to find people right now that are interested in some of our boards. Mayor Koci inquired if there has been any contact with those who are on the boards if they are still interested and Mrs. Simons replied that she has not. Mayor Koci stated that it may be something that we might want to do and not that it is a guaranteed re-appointment, because it has to be voted on by Council. He stated that past clerks would send out a letter stating that your term is coming to an end or has expired and what is your interest level. Councilman Saunders stated that the Planning Commission is one of the more important boards and he also thinks that they should set some qualifications for it with some type of building background. Mayor Koci stated that the people who are on there are doing a pretty good job. Councilman Saunders stated we do have some qualified people on there too. Councilman Genutis stated there is a lot of support there is City Manager Mallis, Mr. Beverly, and Mr. Montello. He also stated that if the person is relatively intelligent it seems like they could understand the matter at hand. He stated that if it is something structural I don't think that they are going to make a ruling on something like that. Mayor Koci stated that they would get input on it. City Manager Mallis stated that it is a board that meets frequently. Mayor Koci stated that they all agreed about getting all of the dates squared away so they are easier and most of these boards are set up to be staggered terms. Mr. Gambosi stated that if we could get a notice in December to the new and old board members to remind them ahead of time to get candidates and/or ask for a renewal. He stated that it will give everyone plenty of time to get it on the agenda and it will help Mrs. Simons get them out, set up, and organized for that year so that we are ready to go when the renewals come up. Mayor Koci stated that in December we can send out the letters that we were just talking about to advise that their term is up and if they are interested in continuing if Council so chooses. He also stated that he has been wanting to get this organized for years. He also stated that we could eliminate the Elmer Flick Recognition Committee and he thanked everyone that was on it and that they did a great job. He also inquired if Council would have to vote it off and Mr. Montello replied that if it is in an ordinance format. Mr. Gambosi stated that BCDC holds funds and some of it is for the improvement of that statute, and that he doesn't know if we would need a committee or if we just want to rely on BCDC to do what's right towards any of those repairs in the future for that statute. Mayor Koci stated that would be easier because of some of the names on the committee. Mayor Koci inquired if we could put it under BCDC, we would probably have to vote on it. Mr. Gambosi stated that they have a good enough relationship with the city that you could tell them some suggestions and let them decide in that manner. Mayor Koci stated that they will set that committee aside and BCDC can look about taking over the upkeep and everything since they have the funds. Mr. Gambosi stated that the BCDC is the Bedford Community Development Corporation and they are a non-profit in town. Mr. Montello stated that if Mayor and Council

want to consider the elimination of other boards perhaps each Council Member can suggest which boards they feel are no longer necessary and he can research if we can simply remove them without legislation or if we need legislation. He stated that we will make sure that we follow the proper procedure. Mayor Koci stated that the other one that they might consider vacating is the Arts and Cultural Board. He stated that it seems that the Bedford Downtown Alliance is performing a lot of the stuff that the Arts and Culture Board did and with the more active Recreation Department, who will take over a lot of those things, it is probably one that we don't need at this time. Councilwoman Mizesak inquired as to when is Charter Review due and Mayor Koci replied that it is either this year or 2022. Mr. Montello stated that he isn't sure if some of these committees are dictated by charter, he would have to look at some of these. Councilwoman Mizesak stated that somewhere along the line we brought up Charter Review a couple of times because some of us knew it was up for them to be contacted to start working on a new review of the city. Mayor Koci stated that it started in 1982 and every ten years after that and we could do 2022. He stated that the Arts and Culture Board was created by Council in 2006. Mr. Gambosi stated that there is a certain makeup to the Local Board of Tax Review and the Assessment Equalization Board and he will let Council know the makeup of them.

Mayor Koci inquired if everyone on the Planning Commission Board has a professional background of some sort or at least one of the members and Councilman Saunders replied that half of the board should be. Councilman Saunders also stated that we can always have people who aren't but that there should be some on there that have a professional background. Mayor Koci stated that we have some good people on there that do a good job. Councilman Saunders stated that there is an engineer on there already and that is Mr. Mowery. Mayor Koci stated that Mr. Beverly gets them in contact if they need to know some specifics. City Manager Mallis stated that when there are questions we do a pretty good job as far as Mr. Montello, Mr. Beverly, the clerk, and myself. He stated that we prepare and get as much information as possible, especially if it is something that involves structural, in relation to ordinances, what is need for a variance, and what the current code says, and we discuss all of those items in the work sessions. He continued to state that if there is a question that comes up and we didn't have the answer to it we have no problem tabling the manner. He stated that we will table it until we get the proper information. He stated that we try and provide as much information upfront as possible, there is no harm in tabling a manner to make sure that everyone has accurate information. Mayor Koci stated to have regular citizens doing the things for the city. Councilman Genutis stated that Council votes and if the committee came up with something and if the City Manager, Mr. Montello or Mr. Beverly had a concern they would voice their concerns to Council about any decision that the Planning Commission would make, then Council would have the ultimate authority. Councilman Saunders stated that he brings it up because when Mr. Beverly retires and we might not get someone with the same qualifications. Councilman Genutis stated that might be an important aspect when we fill the boards. Mayor Koci stated that the Planning Commission and the Board of Zoning and Appeals are a part of the Charter so to change it would be a big process. Councilman Genutis inquired that when you alter the boards you are talking about a charter change conceivably and Mayor Koci replied that on some of them that are specifically mentioned in the charter. Mayor Koci asked for thoughts on the term limits and Councilwoman Mizesak responded that as long as there is someone in the position and they know what they are doing why put a deadline on their expertise. Councilwoman Spinks stated that it is already so hard to fill a lot of these boards. Mr. Gambosi stated that he is not for the term limits

but what he would recommend is to make it clear that you are up for renewal. He also stated that if you advertise it ahead of time Council has the right to renew you but not necessary if other great candidates are there too. Councilwoman Mizesak stated that our board representatives are greatly appreciated and they are good people. City Manager Mallis stated that if the decision by Council is to do away with term limits he thinks that it would be very important to look ahead at the next Council or Administration to have something with no term limit. He continued to state that it then puts a group of people in a tough spot and it creates an awkward situation if someone isn't working out. He also stated to have some form in there where there is a review. He stated that you are going to do away with term limits you need to have something in there that says eligible for a continuation following a review. Councilman Genutis inquired as to the type of term limits and Mayor Koci replied that you can be on for two terms then off for a year then go back on to the same board or go to another board. Mayor Koci stated that one of the thoughts behind it was to stimulate in getting more people interested in the board and that is why we are discussing it. Councilman Genutis suggest maybe three terms. Mr. Montello stated that for Council term limits it is a subject for another day, we are talking about boards and commissions. He continued to state that it would probably have to go to the vote of the people. Councilwoman Spinks stated that the people decide our term limits. Councilwoman Spinks stated that you choose not to run again and you give yourself your term limit. Councilman Genutis stated that if you want term limits for the boards does that apply for Council as the same type of thing and Councilwoman Spinks replied that it is different. Councilwoman Spinks stated that for Council you should be working every day to better your city and on boards and commissions you meet once a month or once a year. She stated that we as Council Members are constantly working. Mr. Montello stated that it is an issue that is not just in our community but throughout the country and it is something that Councilman Genutis thought should be discussed.

Mayor Koci started to talk about the Civil Service Commission and Mr. Gambosi replied that Mr. Judd and Mr. Palcisko should be renewed and if Council wants to start all new terms to start in April with Council permission to go forward. Mr. Gambosi inquired if Council wants them to go all at one time or to stagger them again and Mayor Koci replied to stagger them per the Charter. Councilman Genutis inquired that if we try and get these dates all at the same time would someone end up having a little bit less than or more than their term and Mayor Koci replied that we are only talking about a short matter of time. Mayor Koci stated that they say that they are interested and we can consider them for another term. Councilman Genutis stated that so there would be an ordinance that would spell it all out and Mayor Koci continued to stated that it would keep it in line with the Charter. Mayor Koci stated that if we reset the times based on where the Charter puts them, it specifies when the dates are and that they are staggered. He continued to state that if we take them back that and bring them up to the present time then we will see where people are at. Mr. Montello stated that we could say that they could fill the unexpired term, so whenever the original termed ended their term would end. Councilman Saunders inquired if some of these terms have until a suitable replacement is voted in and Mayor Koci replied that it doesn't specify that, but we can do that just like we do for Council. Mr. Montello stated that Mrs. Simons and I were looking at that and it's not clear in our ordinances what the term is, but common sense would dictate that it's until you're replaced. He also stated that it is because the ordinance is silent that it would be his call and he would probably make that call until someone is replaced. He also stated that it would be better to clarify it in an ordinance. Mayor Koci stated that one was appointed for one year, one was appointed for two years, one

was appointed for three years, and one was appointed for four years, then after that everybody was four terms and then they became staggered. He continued to state that is what he would like to get back to with these boards and commissions. Councilwoman Mizesak stated that Mr. Judd is on the Assessment Equalization Board and Civil Service Commission. Mr. Gambosi stated that the Assessment Equalization Board is the special assessment board. He stated that if someone has a way they calculated the taxes on that for the assessment they have a right to have an appeal to go to the board. He continued to state that the board has a special make-up and it is required by state law.

Mayor Koci stated that this is going to take a lot of work and we have to sit down and look at the staggered dates to make sense of them if that is what we want to do. He stated that if spell it all out on a piece of paper it will make more sense. He stated that he would be happy to work on it if someone would like to help out. He stated that we would not vote on it, but just work on it to make more sense. Councilman Saunders stated that having staggered terms is the way to get it back as well. Mrs. Simons inquired as to the last time there were vacancies for the boards and commissions if it was published at all and Mayor Koci stated he thought maybe but that it was brought up several times at Council Meetings and also during Ward Meetings that if anybody is interested to send in a letter of interest to the Clerk of Council. City Manager Mallis stated that once it's identified for the term limits and what spots are open, and putting things in order is to 1.) staggered, 2.) Mrs. Simons to communicate with those who are expired and find out if they are interested in continuing or not, and 3.) following that response Council would know of all the vacancies. He also stated that then we can collectively work on something for social media and the website up until the Ward Meetings, we did lay out a game plan for them and by then we should have the answers to the first two that he mentioned. He also stated that we can directly communicate with our residents at the Ward Meetings that these vacancies are available and if they are interested to contact Mrs. Simons. He stated that then we can have it up on a list as we speak to the residents to let them know which spots are open. Mayor Koci stated that if they see certain openings that might attract some attention instead of mentioning "if you want to be on a board". Mr. Gambosi stated that when we appoint these boards and commissions the people need to have the sections of the code that pertains to why they were created and what their purposes are so that they understand what they are doing. He stated that we will have to research that along with the makeup of the boards and commissions goes.

Discussion of the Boards and Commissions Vacancies was concluded.

Mayor Koci began the discussion of the Historical Preservation Board. Mayor Koci stated that the ten-page ordinance creating this board to pin it down to one or two pages, and to put in there that Council has final vote such as they do on all of the other boards. He stated that this board had a lot of autonomy to it and that they could do a lot of stuff. Councilman Saunders stated that every on that terms for every member on that board is up. Mr. Montello stated to give him a little bit more direction and Mayor Koci replied that the old ordinance from 1986 is a little too much and there is no Council oversight to it and no guidelines. Mayor Koci also stated that the Historical Preservation Board had jurisdiction anywhere in the city of any historical area not just to downtown. He stated that do we want to restrict them to just the downtown area. Councilman Genutis stated that the only reference to the historical significance was in the Planning Commission's ordinance, but even in that one, it did mention storefronts and exteriors of

buildings in the historical areas of the city, but not specific to the Historic District. He stated that it did say other than one, two, and three-family dwellings, so it did kind of cross out individual houses. Councilman Genutis stated that the long version of the ordinance from 1986 isn't in effect that it was to just get an idea of what it was about, because the one that is in effect 1917.13 to 1917.15 doesn't say what the purpose of Historical Preservation Board is. He continued to state that a lot of us are assuming what the Preservation Board does base on the name Historical Preservation Board. He stated that it doesn't state anywhere the purpose. He continued to state that first, we have to define what is the purpose of the Historical Preservation Board. He stated that the only purpose that it gives is to protect the value and appearance of the property and maintain the high character of community development, protect the public health and safety, and convenience, protect real estate from impairment. He continued to state that at no point does it say having to do with a safeguard of historical character or anything and that it doesn't say what that board does in relation to its name Historical Preservation Board. He stated that we need to define that and what is it that we want them to do. Mayor Koci stated that was one of those boards that had a life of its own after so many years, it just kind of evolved all on its own to what they were doing. Councilman Genutis stated that it seemed like something that needed to be done because we have the historical character of the town that we want to preserve that historical character and be cognizant of our history, and to not destroy something historical. Mayor Koci stated that is it just the downtown Historical District or does it pertain to other stuff. Mr. Gambosi stated that when they created the Historical Preservation Board he believes that it had some reference to the Historical Society in obtaining grants. He continued to state that part of it was the downtown area being historic and having an oversight of making sure projects in line with the Building Commissioner were prepared properly oversight and they didn't do whatever they wanted to, which some of the comments lately have been made towards that and maybe rightfully so. He stated this board's input in regards to grants getting achieved from the Historical Society and perhaps working with them, and if you look at some of those members they came from that area. He continued to state that it has a lot to do with keeping the downtown historic and having this board that required the Historical Society to look at grants for doing things in the town. Councilman Genutis stated that it makes sense why it's not well defined because what it did was it had to exist within the structure of the city government for the Historical Society to be able to get certain grants. He stated that they were the necessary oversight. Mr. Gambosi stated that he believes that it was intended that they would work with the Building Commissioner as a backup to making sure the structures were made historically and maybe even having that expertise of historic nature for different buildings, and perhaps having research in regards what things should have looked like when they do repair things. Mayor Koci stated that in some city's this would be called the Architectural Review Board. City Manager Mallis stated that in talking with Mrs. Briggs this could be something that if it falls under the Planning Commission with some type of understanding in place where something comes up with Historic District, that they are required to consult with some type of professional. Councilman Genutis stated that right now it is the responsibility of the Planning Commission and they are authorized to use a licensed architect where necessary to be selected by the City Manager. He also stated that it could be expanded to say to also include authorization to use recognized entities with knowledge of historical preservation along with their authorization for obtaining a licensed architect were necessary. He also stated that the Planning Commission does recognize the historical buildings. Mr. Gambosi stated that they did serve a good purpose in the sense of history to preserve the historic nature of a building. Councilman Genutis stated that what they

are meant to do is to take a look from a historical sensibility and be an extra step in the process to make a recommendation. Mr. Gambosi stated that they kind of supplement the process to make sure all of the information is brought forward. Councilman Genutis stated that Mr. Beverly has reached out to the board because he is aware if something is historical and runs it by the board. Mayor Koci stated that the big thing is that there is no Council oversight and no set guidelines. Councilman Genutis stated that if they make a recommendation they should have a rationale and then send it along to Council with their recommendation one way or the other. Mr. Gambosi stated that perhaps there should have minutes of these meetings of what they discussed and what they did and he isn't sure why it wasn't done. He stated that it seems that it would help in what they were looking into, what they were doing, and the functions that they were performing. City Manager Mallis stated that there is a record of when simple things come over and an email will go out to the board asking for their comments and it's saved for the file. He also stated that all of it is very important and it serves a purpose for that. Councilman Genutis stated that those steps could be spelled out in a little ordinance in re-doing this particular ordinance to spell it out in that regard. Mr. Montello stated that there was a proposal about ordinance 1943, but it kind of details the issues that you are discussing and it consolidates various boards. He stated that it is based on the State Historic Guidelines and it seems to address a lot of your concerns, so perhaps we can send this out. He stated that it has to do with creating a new board a Historic Preservation Commission of Bedford and that he doesn't think it limits it to just the downtown area. Councilman Genutis read Ordinance:

1943.07 HISTORIC SIGNIFICANCE.

In the administration of this chapter, the historic significance of a property shall be judged with respect to both the intrinsic significance of the subject property and its significance in contributing to the character of the district or area of the City. Specifically, a building, other structure or site may be deemed historically significant if it is at least fifty years (50 yrs.) in age and either:

- (a) Embodies the distinguishing characteristics of an architectural style associated with the history of the community or region; or
- (b) Is representative of the work of a notable architect or builder; or
- (c) Is identified with important persons or events in the history of the community or region.

(Ord. 7139-99. Passed 7-6-99.)

Councilman Genutis stated that this seems to be what we have some expectation of the board to do and be aware of. He stated that it does kind of tie in with the Historical Society, it at least recognizes that we have to pay attention to that and if we have a board that we can pass these things by. Mayor Koci stated an Advisory Board. Mr. Montello stated that it looks like it is based on the Mansfield model because it is mentioned in the ordinance. Councilman Saunders stated that a lot of this discussion came up after the Historic Preservation Board allowed those LED lights at the T-Mobile store on the corner of Columbus St. and Broadway Ave. He continued to state that they are illegal because according to the state ordinance it's a distracting sign on a state highway. He stated that it is time that we restructure those lights, but court decisions have made it pretty clear over the years that the only way we can enforce colors and whatnot is in the historic district, you can't just do it randomly through a community. He stated that we need to redefine the Historic District itself along with doing a board supplement to the

Planning Commission. City Manager Mallis stated that we're looking at getting the area from the Historic District down to the Auto Mile. He stated that we are going to get it studied and what would become and our best use is that would come out of that study doesn't necessarily mean that it will be an extension of the Historic District. He stated that maybe it's just business or maybe the Auto Mile is extended or whatever the best uses for that would be. Mayor Koci state that we were going to use the 1986 version to get some ideas. He also stated to come up with a much simpler and useable ordinance for that purpose. He also stated that we need to have some kind of oversight in our Historic District. Councilman Genutis stated that it seems like it could be spelled out in a few paragraphs on what the expectations are, the limitations, and how they are contacted, along with how their decision is recorded. Mayor Koci stated that we need to reach out to some of the long-term members of the board to see how they operated it. He stated that before Council finalizes anything he would like to have them talk with the board. Councilman Genutis stated that Council wants to help the board be more purposeful.

Discussion of the Historical Preservation Board was concluded.

Mayor Koci began the discussion of the Fence Ordinance. Mayor Koci stated that the last point that he remembers is that Council decided that it would be okay to put a 10-foot fence in the backyard to protect gardens from the deer. Councilman Genutis stated that a resident has a couple of small flower beds in their front yard and they have little fences around them to protect the plants from the animals. He stated that they would not be able to have the flowers in their yard without the fencing but that is against our ordinance. He continued to state that the problem with ordinances, in general, is that we say "we wouldn't do anything to them." He continued to state that we have to have our ordinances make sense and that this particular ordinance says that they have to get a permit to have a living fence. He stated that a living fence means any plant and technically the way that it is written and we can't have a fence which is defined by enclosing part of one's yard at all in the front yard. Mayor Koci stated that a lot of these ordinances go back to when somebody did something and someone got mad at them and pass a law and they didn't look at the total ramifications of what the ordinance entailed just for that. Councilman Saunders stated that in Cleveland they have front yards that go out to the sidewalk and they surround their yard with chain-link fences, but a decorative or ornamental fence set at a specific height so that it doesn't become an obstruction for sight distance shouldn't be a problem. Mayor Koci stated to add in an ornamental fence. Councilman Genutis stated that it says an open fence but that you have to have a functional fence and you have to have people protect their landscaping. Mayor Koci stated that for corner lots no fence living or structured is permitted inside yards abutting the intersecting side street unless approved in height and distance by the City Manager, with recommendations from the Building Commissioner and Police Chief. Mr. Montello stated that after six feet the Ohio Building Code applies and our local ordinances do not apply and we have to abide by the Ohio Building Code. He also stated that the setback requirement is an issue and the city's setback requirement says that it is the right-of-way, not the property line. He stated that there are some legal issues that we have to work through. He stated to express your concerns and that we will try and work through them. Councilman Genutis stated that he is curious about the six-foot fence from the Ohio Building Code, because how can the Division of Wildlife say that you need a seven-foot fence and it's not even allowed in the State of Ohio. Mr. Montello stated that he believes the issue is the structure because it is higher and with the wind, and the protocols are more stringent than a fence company or an individual would have to follow

and our local code can't vary from that. Councilman Genutis stated that there is something to it and if it's structurally not sound but then all of these deer fences that are eight-foot are just flimsy netting, and if you put a two-foot net fence about your solid fence one couldn't see it and it would serve the same purpose and say that they aren't permanent because they aren't affixed with concrete and poles. Mr. Montello stated that it's a little bit more complicated than everyone realizes and tell us what you wish to accomplish and we will tell you if it's possible.

Councilman Genutis stated that he would like to have some type of functional fence allowed in the front yard with a setback. Councilman Saunders stated that you would have to have a setback because the height of eye according to the Ohio Manual of Uniform Traffic Control Devices is three and a half feet. Councilwoman Spinks stated that she understands having one in the backyard and it would be nice to have a small picket fence in the front yard, which it won't keep the deer out, but is it going to create more work and more trouble for our already stressed out Building Department. She stated is everyone going to keep the picket fence maintained and when you start adding things like this it does add to the charm of our historic little town but make sure we word this to where it has to be kept up. Mr. Montello stated that we do have some control and if you don't want it to go in front of the building line and it is currently defined as the right-of-way so we do have local control over that definition. Councilwoman Spinks stated that when you're building a fence they have to the Building Department and get a permit, then the Building Department has to go out and inspect it. Mr. Montello stated that we would have to be clear that we don't want them to go by the front line of the house. He continued to state that right now we don't define what the front line is it defers to the right-of-way, but we can clarify that. Councilwoman Mizesak inquired that if the walls of the fence are ten feet is it just across the back of the backyard and it is usually lower on the sides than it is in the back and Councilman Genutis replied that the ten feet would be in the rear of the property. Councilwoman Mizesak inquired about the side yards for the easements and Mayor Koci replied that it would be the whole backyard and the sides as well. Mayor Koci stated that between residential and non-residential property fences may be permitted along the property line to the street line. He continued to state that such fences may exceed six feet measured above the natural grade and must be constituted so that at least 50% of each lineal foot of said fence is open for passage through of lighted air. Councilman Genutis stated that is between a residential and non-residential property an example would be if they are up against Wal-Mart. Councilman Saunders stated that extra bracing is needed when above six feet because the wind will take it down. Mayor Koci stated to get together with Mr. Beverly and Mr. Montello about looking into what we can and can't do with fences.

Mayor Koci stated that we have a lot of work to do but it's good work and then we will bring it back to all of Council and say here is what our vision is for it and take it from there. He continued to state as to whether we want to enact it or not and that is why we get together and why we get to vote.

Discussion of the Fence Ordinance was concluded.

Mayor Koci everyone for listening and if you have any comments to email or call me or any member of City Council, motion made by Spinks and seconded by Asbury to adjourn. The roll was called. Vote – Yeas: Koci, Spinks, Genutis, Fluharty, Mizesak, Asbury, and Saunders. Nays: None. Motion carried unanimously.

Special Work Session adjourned at 8:48 p.m.


Clerk of Council


Mayor-President of Council

DATE: July 6, 2021