

Bedford City Council met in a Work Session at Bedford City Hall on Monday, November 1, 2021, at 5:30 p.m.

Present: Council Members: Mayor Stan Koci, Walter Genutis, Victor Fluharty, Paula Mizsak, Jeff Asbury, and Donald Saunders. Absent: Walter Genutis. Also Present: Clerk of Council Tracy Simons. Administration: City Manager Michael Mallis, Law Director John Montello, Finance Director Frank Gambosi, Assistant Finance Director Jennifer Howland, and Clerk of Court Tom Day. Absent: Councilwoman Spinks.

### **Municipal Court**

Clerk of Court Thomas Day Jr. was present this evening representing the Municipal Court for their 2022 budget

City Manager Mallis stated that the City and the Municipal Court have a wonderful relationship and that Mr. Day is always there when they need him and that is very valuable.

Mr. Day stated that on behalf of the judges it is nice to work together with the City. He stated that the everyone works together as a team.

*At this time, they started going over the line items. (See attached for line items)*

Mayor Koci began the discussion of the Regular Council Meeting agenda.

Council had no changes to the minutes of the Work Session of October 18, 2021, Regular Meeting of October 18, 2021.

Ordinance No. 9908-21: amend Ord. #9657-18 contract w/GPD Group for Engineering services, City Manager Mallis stated that they went out for the rate schedule and to place this on Second Reading this evening.

Ordinance No. 9913-21: amending Ordinance No. 9827-20 making additional Appropriations, Mr. Gambosi stated this is for that appropriation of payroll increases in line with union contracts at 2% personal services all depts with payroll, police equipment purchases: for fingerprint machine and server equipment, transfer of budget from court payroll to equipment for car purchase, Municipal complex for security upgrades, Multiple verification processes including: flash drive like devices for dual authentication in vehicles with computers, and all computer access to comply with Travelers Insurance requirement for Cyber security insurance. Advances out to Grant Funds NOPEC, Cuyahoga County, Ohio EPA, awaiting reimbursement from expenditures. Transfers Out \$160,000 to the Health insurance Fund to pay for High claims that occurred in 2021. He stated that the appropriate is also for the Cuyahoga County Land Reutilization grant for study on single family homes \$35,000, fund for Union employees Contract raises 2% and Vehicle repairs of the Bucket Truck, to account for confiscated dollars and donated funds to expend Drug enforcement purposes in line with our City Policy, funds for Body Armor Grant Purchases \$7,084.70, as well as NOPEC expenses, for the Cuyahoga County CDSG Grant for downtown improvements, for Union employees Contract raises 2%, for the large increases in Refuse hauling contract for last quarter of 2021, for the improvement of Union

Street Engineering costs, Signage cost, City Hall Boiler repairs, for the Water employees contract raises and the costs of Refunding the City's 2013 issue of Water Bonds outstanding in the amount of \$1,120,000 and bond issuance costs of \$10,348.73 and the costs of accrued interest while refunding in the amount of \$851.56, for the Waste water employees contract raises and the costs of Refunding the City's 2013 issue of Waste water Bonds outstanding in the amount of \$2,235,000 and bond issuance costs of \$20,651.27 and the costs of accrued interest while refunding in the amount of \$1,574.38. Also cost of Pelton Environmental Products for Belt Filter Press system \$14,361, for Increased Major Claims from employees, dependents, Retirees as claims occur, and for union contract increases of 2% and the amount of pension costs matched.

Ordinance No. 9914-21: City of Bedford 2022 Appropriation Budget, Mrs. Howland stated that this is getting the ball rolling for next years budget and these are the numbers as they sit today. She stated that the Third and Final Reading for the budget will be at the December 7<sup>th</sup> Regular Council Meeting. She also stated that this will be on First Reading this evening.

Ordinance No. 9915-21: authorizing the purchase of a John Deere Bunker and Field Rake, City Manager Mallis stated that they received a couple of quotes for this piece of equipment and that it was put in the Parks and Recreations budget for the past three (3) years. He also stated that they are looking to purchase this piece of equipment and to sell the senior van. He stated that this piece of equipment is used on the of the playing fields.

Motion to accept the Planning Commission's decision to accept Domonique Nettles 5898 Sweet Birch Dr. Bedford Heights, OH 44146, request for a conditional use approval to allow the tenant space located at 401 Broadway Ave. Bedford, OH 44146 (former Dairy Queen Space) to be used as a Daycare Center. The center will be open 24 hours a day Monday thru Friday with 3 shifts per day.

Mayor Koci stated that this is a "Yes or No" vote, that "Yes" means you agree with the Plan Commission's decision and "No" means that you disagree with their decision.

Motion to accept the Planning Commission's decision to accept Power Home Solar, LLC 919 N. Main St., Mooresville, NC 28115 is representing Mr. Jason Reed owner of 38 John St., Bedford, OH 44146, who is requesting a zoning permit to install roof-mounted solar photovoltaic system on the front and rear of the dwelling unit and on the garage roof with the change to having the solar panels to the rear of the home.

Mayor Koci stated that this is a "Yes or No" vote, that "Yes" means you agree with the Plan Commission's decision and "No" means that you disagree with their decision.

Motion to accept the Board of Zoning and Appeals decision to accept Mr. Steven Balcer of 82 Pinecrest Dr., Bedford, OH 44146, a request for a variance from the requirements of ordinance 903.02(d) (4) A & B, Number of driveway aprons, which in part states "Each lot shall have only one driveway".



Mayor Koci stated that this is a "Yes or No" vote, that "Yes" means you agree with the Board of Zoning and Appeal's decision and "No" means that you disagree with their decision.

Motion to accept the Board of Zoning and Appeals decision to accept Diane Bija with New Creation Builders Amish Garages located at 5986 Stearns Rd. N. Olmsted, OH 44070, representing Latina Mills (homeowner) 55 Meadowgate Blvd. Bedford, OH 44146, a request for a 3-foot variance from the rear property line which requires a minimum of 6-foot and a 6-inch variance from the required side yard setback of 3foot from City of Bedford Codified Ordinance 1947.07 (a) in order to construct a new 20' X 25' (500 square foot) two car detached garage. Both the side and rear wall will be a 1-hour fire rated assembly.

Mayor Koci stated that this is a "Yes or No" vote, that "Yes" means you agree with the Board of Zoning and Appeal's decision and "No" means that you disagree with their decision.

Discussion of the Regular Meeting agenda was concluded.

Motion made by Asbury and seconded by Mizesak to go into an Executive Session to discuss Economic Development: Meadowbrook and Legal: Resident vs City of Bedford and UH. The roll was called. Vote – Yeas: Koci, Genutis, Fluharty, Mizesak, Asbury, and Saunders. Nays: None. Motion carried unanimously.

Adjourned into Executive Session at 7:35 p.m.

Motion made by Mizesak and seconded by Genutis to adjourn out of Executive Session. The roll was called. Vote – Yeas: Koci, Genutis, Fluharty, Mizesak, Asbury, and Saunders. Nays: None. Motion carried unanimously.

Adjourned out of Executive Session at 8:00 p.m.

Work Session adjourned at 8:01 p.m.

  
Clerk of Council

  
Mayor-President of Council

Date: November 15, 2021

Bedford City Council met in Regular Session at Bedford City Hall on Monday, November 1, 2021. Mayor Koci called the meeting to order at 8:03 P.M. The meeting was opened by pledging allegiance to the flag.

The roll was called. Present: Koci, Genutis, Fluharty, Mizzsak, Asbury, and Saunders. Absent: Spinks.

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

Motion made by Fluharty and seconded by Asbury to approve the minutes of the Work Session Meeting of October 18, 2021. The roll was called. Vote – Yeas: Koci, Fluharty, Mizzsak, Asbury, and Saunders. Nays: None. Abstain: Genutis. Motion carried with Five Yeas and One Abstain.

Motion made by Mizzsak and seconded by Asbury to approve the Regular Meeting of October 18, 2021. The roll was called. Vote – Yeas: Koci, Fluharty, Mizzsak, Asbury, and Saunders. Nays: None. Abstain: Genutis. Motion carried with Five Yeas and One Abstain.

**ORDINANCE NO. 9908-21:** AN ORDINANCE AMENDING ORDINANCE NO. 9657-18 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GPD GROUP FOR ENGINEERING SERVICES WITHIN THE CITY OF BEDFORD AND DECLARING AN EMERGENCY was read by title only. Motion made by Fluharty and seconded by Genutis to place Ordinance No. 9908-21 on Second Reading. The roll was called. Vote – Yeas: Koci, Genutis, Fluharty, Mizzsak, and Asbury. Nays: None. Abstain: Saunders. Motion carried with Five Yeas and One Abstain.

City Manager Mallis reminded everyone that the Service Department has begun collecting leaves and they will increase amount of crews that are out as the leaves continue to fall. He also reminded everyone to avoid getting the leaves in the streets do to the fact that they can clog the catch basins and cause further issues. He also stated that the Tree Lighting Ceremony will be on Wednesday, November 24<sup>th</sup> at 6:00 p.m. at the Commons. He stated that a couple of months ago the City applied for a grant and unfortunately the City was not awarded in the first round of projects, however the City is still on the list and optimistic that some will still be awarded. He stated that the City applied for a 50/50 Matching Grant through Cuyahoga County for Preventative Maintenance work, the City is looking at doing some catch basin repairs. He stated that the county funds all of the material and the match comes from the labor costs, the labor costs can get very expensive, so the City applied for a grant for continued improvements to Egbert Rd. and for some improvements to Solon Rd. He congratulated the Parks and Recreation Department for receiving a grant through Cuyahoga County for various senior programs. He stated that the City will be meeting with ODOT officials this week to discuss the Broadway Ave. Project for some improvements that the City will need to make and going out to bid for, they will also be discussing the resurfacing of Broadway Ave. that will begin next summer. He continued to state that they will also speak with them about Northfield Rd. and the Northfield Rd. bridge. He stated that as they learn more from ODOT he will prepare a memo to Council with those



updates. He stated that Halloween went very well. He stated that Mrs. Lloyd and other members of the staff worked throughout the week to fill bags with candy for the officers to hand out to the kids, it's a great way to interact with the youth. He stated that the City had the Halloween Event down at the Ellenwood Center and there were quite a bit of people who participated in that as well. Mayor Koci stated that it was a nice event that they put on down there for the kids.

That concluded the City Managers report.

Law Director John Montello had no report this evening.

That concluded the Law Director's report.

Finance Director Frank Gambosi stated that he and Mrs. Howland along with help from Stiffle, Nicolas the Public Funds Department, as well as Squires Sanders for Bond Council put together a refunding issue of the City's 2013 Bond Issue, and they came up with an amazing interest rate from JP Morgan Chase at 1.58%, an exceptional rate for the City. He stated that the City will save just under \$400,000.00 of interest costs on the debit issues for water and sewer fund. He stated that this bid made it possible to do the refunding of the issues and he appreciates everyones efforts from the companies so that the City could get to this nice rate and it will be finalized on November 10<sup>th</sup>.

That concluded the Finance Director's report.

Councilwoman Mizesak stated that at the last Council Meeting there was a resident that spoke about her concerns and Council asked her to state her name and address for the record and she refused to give her address, the people at this dias are here for the people. She stated that when Council takes that oath they commit themselves for doing the right thing for the best quality of life for others, and to follow all of the rules and regulations set by the City, State, and Federal Government. She also stated that the City follows Robert's Rule of Order for Parliamentary Procedure. She stated that if there is a question directed to Council, City Manager, Law Director, or the Finance Director to do it the right way by giving your name and address. She also stated to please cooperate with our requests. She stated that we do a lot of work not just for our Wards but for the City that they represent.

Councilman Asbury reminded everyone that tomorrow is Election Day and the polls open at 6:30 a.m. and close at 7:30 p.m. He stated that Wards 1, 3, 5, and 6 vote at the Ellenwood Center, Ward 2 votes at Bedford High School, and Ward 4 votes at Glendale Primary School. He stated that the Board of Education has announced that they will have a Parent Meeting on Wednesday evening at 6:30 p.m. at the Bedford High School Aditorium. He stated that the High School is shut down and they will introduce some new security measures and it will open back up on November 29<sup>th</sup>.

Councilman Saunders wants City Manager Mallis to look into the why the County skipped the intersection at Taylor Rd. He inquired as to when the new church will open up at Saint Eugenes and City Manager Mallis replied that he does not know and that they reached out to the church when they saw the sign last week. Councilman Saunders stated that it was nice to see all the



people that decorated this year for Halloween despite the pandemic this past few years. He stated that the Light Ceremony will be the next big event in town and hopes that everybody shows up for it.

Councilman Genutis inquired if during the hearing of citizens it is permissible that people outside of the City of Bedford come and address Council and Mayor Koci replied that as long as they stated their name, address, and comment. He stated that Council will vote on a couple of things this evening and regarding letter f on agenda to accept "Mr. Steven Balcer of 82 Pinecrest Dr., Bedford, OH 44146, a request for a variance" and as he is looking at the minutes from the BZA from Oct. 26<sup>th</sup> the Roll Call there were no Yeas and that they were all Nays, and wanted to know if Council was actually to accept the decision to deny Mr. Balcer's request and the same is for letter g as well so Council isn't confused on how to vote on those two items and City Manager Mallis stated that the legislation is correct and the minutes are an error. Councilman Genutis stated that in both cases the BZA accepted that requests for both of them. City Manager Mallis stated that the agenda is correct and that both of those items were passed by that Board.

Councilman Fluharty reminded everyone to vote tomorrow at the Ellenwood Center for Ward 3.

Mayor Koci reminded everyone turn their clocks back this Saturday evening and to check their smoke alarms and change the batteries.

That concluded Council's report.

**ORDINANCE NO 9913-21: AN ORDINANCE AMENDING ORDINANCE NO. 9827-20 MAKING ADDITIONAL APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF BEDFORD, OHIO DURING THE YEAR 2021 AND DECLARING AN EMERGENCY** was read by title only. Motion made by Mizesak and seconded by Asbury to suspend the rule requiring the reading of said ordinance on three different days. The roll was called. Vote – Yeas: Koci, Genutis, Fluharty, Mizesak, Asbury, and Saunders. Nays: None. Motion carried unanimously.

Motion made by Fluharty and seconded by Asbury to place Ordinance No 9913-21 on third and final reading and passed.

Mr. Gambosi stated that we are updating the ordinances and that our budget has many changes throughout the year. He stated that recently they finished some negotiations and in line with that he increased the payrolls accordingly in the City as the original budget had no increases, and the Personal Service lines will reflect that. He stated that they also had a couple of grants that are coming in from various sources and we will not be reimbursed by the end of the year so they are asking Council to appropriate or transfer out to the grants fund upto \$100,000.00 if need be to cover those costs until the City gets reimbursed for the grants. He stated that the health insurance funds needs an additional \$160,000.00, because the City's claims were very high this year. He stated that there were some other grants from First Suburbs that he is increasing the budget for along with the CDSG was increased to \$50,000.00. He stated that the refuse fees and the new contract costs that are coming the City is going to be looking at an increase this year of an extra \$35,000.00. He stated that for the Water and Sewer Funds the million dollars will be

refunded into escrow for the water bonds and the refunding for the sewer funds, along with some costs of issuance along with a couple of projects that need to be finished up in the Capital Projects Fund. He stated that there have been a couple of updates since this and they will update it as they go between now and the end of the year.

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

**ORDINANCE NO 9914-21: BEING AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND EXPENDITURES OF THE CITY OF BEDFORD, OHIO DURING THE YEAR 2022 AND DECLARING AN EMERGENCY** was read by title only. Motion made by Fluharty and seconded by Genutis to place Ordinance No. 9914-21 on First Reading. The roll was called. Vote – Yeas: Koci, Genutis, Fluharty, Mizesak, Asbury, and Saunders. Nays: None. Motion carried unanimously.

Mr. Gambosi stated that the process is that we go through this with the departments line by line with what their spending levels were and Council goes through the same process with the different departments. He continued to state that while this is on First Reading Council has already started to review with the other departments and by the time we get to the Third Reading the budget has already been reviewed along with any adjustments or amendments to it with the departments by the time we are finished.

**ORDINANCE NO 9915-21: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PURCHASE A JOHN DEERE 1200A BUNKER AND FIELD RAKE (JOHN DEERE) FOR THE PARKS AND RECREATION DEPARTMENT AND DECLARING AN EMERGENCY** was read by title only. Motion made by Mizesak and seconded by Saunders to place Ordinance No. 9915-21 on First Reading. The roll was called. Vote – Yeas: Koci, Fluharty, Mizesak, Asbury, and Saunders. Nays: Genutis. Motion carried with Five Yeas and One Nay.

Motion made by Fluharty and seconded by Genutis to accept the Planning Commission's decision to accept Domonique Nettles 5898 Sweet Birch Dr. Bedford Heights, OH 44146, request for a conditional use approval to allow the tenant space located at 401 Broadway Ave. Bedford, OH 44146 (former Dairy Queen Space) to be used as a Daycare Center. The center will be open 24 hours a day Monday thru Friday with 3 shifts per day

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

Motion made by Genutis and seconded by Fluharty to accept the Planning Commission's decision to accept Power Home Solar, LLC 919 N. Main St., Mooresville, NC 28115 is representing Mr. Jason Reed owner of 38 John St., Bedford, OH 44146, who is requesting a zoning permit to install roof-mounted solar photovoltaic system on the rear of the dwelling unit and on the garage roof with the change to having the solar panels to the rear of the home.

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



Motion made by Asbury and seconded by Genutis to accept the Board of Zoning and Appeals decision to accept Mr. Steven Balcer of 82 Pinecrest Dr., Bedford, OH 44146, a request for a variance from the requirements of ordinance 903.02(d) (4) A & B, Number of driveway aprons, which in part states "Each lot shall have only one driveway".

Mr. Saunders stated that he is not going to vote in favor of this because it is too close to the steep slope that is across the street that falls into a riparian zone. He stated that the house was built long before the storm regulations went through on the county. He stated that this zoned as a residential area and there is a reason why we have one driveway per residential home. He also stated that one driveway is more than sufficient.

The roll was called. Vote – Yeas: Genutis. Nays: Koci, Fluharty, Mizesak, Asbury, and Saunders. Motion carried with One Yeas and Five Nays.

Motion made by Saunders and seconded by Asbury to accept the Board of Zoning and Appeals decision to accept Diane Bija with New Creation Builders Amish Garages located at 5986 Stearns Rd. N. Olmsted, OH 44070, representing Latina Mills (homeowner) 55 Meadowgate Blvd. Bedford, OH 44146, a request for a 3-foot variance from the rear property line which requires a minimum of 6-foot and a 6-inch variance from the required side yard setback of 3 feet from City of Bedford Codified Ordinance 1947.07 (a) in order to construct a new 20' X 25' (500 square foot) two car detached garage. Both the side and rear wall will be a 1-hour fire rated assembly.

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

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

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

Meeting adjourned at 8:44 P.M.

  
Clerk of Council

  
Mayor-President of Council

Date: November 15, 2021