

MINUTES OF A SPECIAL COUNCIL MEETING
January 27, 2020 - 7:30p.m.

Council of the City of Berea, Ohio, met in the Council Chamber on January 27, 2020 and was called to order by Council President Jeff Dettmer at 7:30p.m. Present: Bill DeVito, Leon Dozier, Jim Maxwell, Chris McManis and Rick Skoczen. Absent: Kim Smith and Gene Zacharyasz. Also present: Mayor Cyril M. Kleem and Director of Law and Public Safety Barb Jones.

The Pledge of Allegiance followed.

This meeting was held in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and Chapter 109 of the Codified Ordinances of the City of Berea. The certificate of compliance is on file in the Clerk's office.

Moved by Mr. McManis, seconded by Mr. Skoczen, that the minutes from the January 6, 2020 Organizational Meeting be approved. Vote on the motion was all ayes and no nays. The motion carried and the minutes were approved.

Moved by Mr. Dozier, seconded by Mr. McManis, that the minutes from the January 6, 2020 Regular Council Meeting be approved. Vote on the motion was all ayes and no nays. The motion carried and the minutes were approved.

MAYOR'S ADMINISTRATIVE REPORT AND COMMENTS

Mayor Kleem stated that a presentation regarding the City Charter and accompanying Ordinances that pertain to the activities of Council will be administered at next Monday's meeting.

Mayor Kleem noted that, as Council meetings are meant for legislative purposes, the last Council meeting had drifted in directions it should not have gone. He did not feel it was an appropriate venue to criticize the job performance of particular employees or departments, especially when those being criticized do not have the opportunity to respond, and he may not have all the necessary information in front of him. He requested that he be notified of issues so that he can gather the appropriate information and address the complaints directly. Mayor Kleem added that he will no longer entertain such questions on the floor of Council meetings.

Mayor Kleem continued by stating that the accusations made against the Police Department at the last Council meeting were inappropriate and also incorrect. Four cars on Mr. Dettmer's street were ticketed, although the claim was made that they were not. Unless specific information is at hand, accusations should not be made against Police Officers or City Inspectors.

Mayor Kleem next addressed the public, stating that anyone has the right to speak before Council, but if their issues are not legislative in nature, perhaps there exists a more effective forum for resolving the complaints. If issues involve enforcement or administrative policy, he asks that people shoot an email to himself or one of the Directors, referencing the fact that Councilwoman Smith and he are putting together a meeting at the end of February with Baldwin Wallace University. Neighbors are invited to attend.

Mr. Dettmer asked Mayor Kleem to explain his methodology for selecting appointees to the Municipal Planning Commission. Mayor Kleem stated that he reaches out to those who have expressed an interest, noting that these are difficult positions to fill because they require a lot of time and yet go unpaid. Occasionally, however, people do come to him with interest. In this case, two people had expressed interest. The first person declined the position. Nick Haschka, however, accepted the appointment.

REPORT AND COMMENTS BY THE OFFICERS OF THE ADMINISTRATION:

Andrea Morris – Director of Finance:

Mrs. Morris was not present.

Barb Jones – Director of Law & Public Safety:

Mrs. Jones had no report.

Paul Anzalone – Director of Public Service:

Mr. Anzalone was not present, although Mr. Skoczen inquired about the recent e. coli issue in the downtown area. Mayor Kleem responded that a building near the river had a discharge of waste that exceeded the legal limit. The City is working with the property owner to resolve the issue. While it does not present a serious health issue, it does constitute an EPA violation.

Mr. Maxwell noted that it is important to convey the fact that it is safe to eat at downtown establishments.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS: **None**

PETITIONS: **None**

AUDIENCE PARTICIPATION:

Dennis Worthem thanked Council and the Administration for the legislation that amends solar permitting fees. He expressed his opinion that the fees are a lot closer to the average of Cities around Berea, but felt they could be lowered even more. Mayor Kleem stated that Council has the right to make those changes and amend the legislation that he has proposed.

Mr. Worthem suggested a few other changes, adding that he appreciated the opportunity to address some zoning issues with Mr. Madzy, and asked when that legislation will be ready. Mayor Kleem stated that Mr. Madzy is putting together some information and will contact him before the legislation is prepared.

Christine McPhee stated that she, too, is supportive of lower solar panel installation fees because too high a fee may present a barrier for those interested in employing solar energy. She understood that the fees must cover expenses, but hoped they were low enough to not deter interested parties.

Erika Coble thanked Mayor Kleem for helping to facilitate a meeting between Councilwoman Smith, Baldwin Wallace University and residents in her neighborhood.

Julie Candela stated that she has been employed by Baldwin Wallace University for 22 years and, though not representing them here today, wanted to let residents know that the City has been attempting to educate off campus students about not making life hard for residents in the community. The Police Department has been marvelous to work with, and a true partnership has formed. She is delighted to be in a community where there is support from the Law Department and the Safety Services.

Ms. Candela declared that she has contacted Coaches of off-campus students to inform them of poor student behavior, and has approached students who live in both 205 E. Bridge Street and 205 Front Street, inquiring as to whether or not they know how much trouble they can get in to by not following City Ordinances. She stated that the Police do follow through, but she also is cognizant of the fact that students who live off campus do so for financial reasons, and thus she doesn't want to see them with a large number of fines.

Mr. Dettmer offered his appreciation for her efforts, and Mayor Kleem said that members of the Law Department and Safety Forces always have a lot of nice things to say about her. He noted that residents have real concerns and she has been instrumental and effective in her efforts, and brings both knowledge and a helpful perspective.

General discussion commenced concerning cooperative and uncooperative property owners, as well as whether videotapes can be utilized as evidence of a particular Ordinance being violated.

COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:

Woodvale Union Cemetery Board of Trustees – Jim Maxwell

Mr. Maxwell informed Council that, financially, Woodvale finished the year strong, adding that the final payment on the backhoe will be made this year. He stated that the cemetery is preparing for the audit, of which all of Council will receive a copy.

In response to a question from Mr. Skoczen, Mr. Maxwell explained that it is projected that the cemetery will run out of sellable space in less than 10 years, and thus the Board has put together a 5-year plan to expand Woodvale. Both Berea and Middleburg Heights are financially responsible for the cemetery, and do make yearly contributions, but this plan would make the cemetery self-sustainable for the next 30 years.

Mr. Maxwell stated that requests for quotes have gone out to three engineering firms, and there are both land ownership issues as well as wetlands obstacles to consider, but the goal is to keep the cemetery self-sustaining and turn it over to the next Board members on solid footing.

Mr. Maxwell added that anyone interested in a tour of the cemetery can contact the cemetery office, and noted that while Woodvale is open to all faiths and residents, those who reside in Berea and Middleburg Heights receive residential discounts.

LEGISLATION – THIRD READING: **None**

LEGISLATION – SECOND READING: **None**

LEGISLATION – FIRST READING:

ORDINANCE NO. 1-2: AN ORDINANCE DESIGNATING CERTAIN FINANCIAL INSTITUTIONS AS DEPOSITORIES FOR ACTIVE, INTERIM AND INACTIVE FUNDS OF THE CITY OF BERA FOR THE FIVE (5) YEAR PERIOD COMMENCING MARCH 15, 2020, AUTHORIZING DEPOSITORY AGREEMENTS WITH SAID INSTITUTIONS, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Jones explained that, every 5 years, the City must declare who is eligible to receive City funds, and all eligible banks in Berea are included, as well as Star Bank, the bank for Ohio.

Proposed Ordinance No. 1-2 stands on first reading.

ORDINANCE NO. 1-3: AN ORDINANCE REPEALING AND REPLACING SECTION 1311.07, NON-RESIDENTIAL MISCELLANEOUS ELECTRICAL PERMIT FEES, AND SECTION 1312.06, RESIDENTIAL ELECTRICAL PERMITS, OF THE CODIFIED ORDINANCES OF THE CITY OF BERA FOR THE PURPOSE OF AMENDING SOLAR AND WIND ENERGY FEES.

The Clerk read the title of the Ordinance.

Mr. DeVito suggested that Council speak with Mr. Anzalone, as well as Mike Foley who has put on a few County seminars regarding sustainable energy, before altering the Ordinance.

Proposed Ordinance No. 1-3 stands on first reading.

ORDINANCE NO. 1-4: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO ANY AND ALL AGREEMENTS WITH CUYAHOGA COUNTY, OHIO, FOR THE PURPOSE OF GRANTING A TEMPORARY CONSTRUCTION EASEMENT TO FACILITATE THE REPLACEMENT OF LINDBERGH BOULEVARD CULVERT NO. 09.33, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mayor Kleem explained that the County would like to replace the culvert at Lindbergh and Wyleswood, and since the City owns land there, this Ordinance would give them permission to utilize our property. Mrs. Jones added that the County is replacing culverts all along Lindbergh, and thus all effected property owners are being asked to provide the County with temporary easements.

General discussion commenced concerning whether or not this project will interfere with the West Street resurfacing, and Mayor Kleem responded in the negative, but stated that a detour will be necessary while work is being done.

Proposed Ordinance No. 1-4 stands on first reading.

ORDINANCE NO. 1-5: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$8,035,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF (i) ACQUIRING REAL ESTATE FOR MUNICIPAL FACILITIES, (ii) ACQUIRING PROPERTY TO BE USED FOR VEHICLE MAINTENANCE AND STORAGE FOR THE SERVICE DEPARTMENT, THE FRONT STREET RAILGRADE SEPARATION PROJECT AND OTHER MUNICIPAL PROJECTS, (iii) RESURFACING CERTAIN CITY STREETS TO BE APPROVED BY COUNCIL, (iv) CONSTRUCTING IMPROVEMENTS AT COE LAKE, INCLUDING AN AMPHITHEATER AND POOL SHELTER, (v) RESURFACING CERTAIN CITY STREETS TO BE APPROVED BY COUNCIL (THE 2016 STREET PROGRAM) AND TO PAY COSTS OF RECONSTRUCTING STREETS, INCLUDING IN THE BLUEGRASS DEVELOPMENT AREA, (vi) RESURFACING CERTAIN CITY STREETS TO BE APPROVED BY COUNCIL (THE 2017 STREET PROGRAM) AND TO PAY COSTS OF RECONSTRUCTING A PORTION OF NORTH ROCKY RIVER DRIVE AND JANANNA, VIVIAN AND KAYE DRIVES AND (vii) MAKING IMPROVEMENTS TO THE CITY'S WATER PLANT, INCLUDING REPLACING A PORTION OF THE FILTRATION SYSTEM, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance. The Fiscal Officer's Certificate is on file in the Clerk's Office.

Mayor Kleem reminded Council that this is old debt, generated by the projects listed, and this debt is placed in short term notes which must be rolled over annually, or put in to bonds. The City's Bond Council advised that it is more beneficial to keep this debt in notes for at least one more year. The City's Bond Council, as well as Mrs. Morris and Andy Palcheff, will present before Council prior to this year's budget discussions, and these notes can be addressed in a bit more detail at that time.

In response to an inquiry from Mr. Dettmer, Mayor Kleem responded that notes are more beneficial than bonds because interest rates for notes have been more competitive and it does not make sense to tie up debt in fixed payments. When the debt is in notes, the City can adjust how much is paid down. Bond payments are fixed payments.

Mr. McManis asked if the City has ever made a larger payment, and Mayor Kleem stated that, with the potential sale of North End property, he hopes to this year.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mr. Dettmer stated that he thought the Mayor mischaracterized his comments and intentions at the last meeting, but as they have not met to discuss this, he hoped things would be better understood after their meeting later this week.

Mr. Dettmer declared that he attended a few events this past week, including the Chamber of Commerce's State of the Schools address and the Spirit of the Community banquet. He also

referenced something he read in the Police log that involved a Police chase that began in Berea and ended, peacefully and without injury, in Independence. He felt the tale, and accompanying heroic actions, was quite noteworthy.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Dozier stated that he had attended the County's training session for new Council Members, along with Councilwoman Smith, as well as the MLK Prayer Breakfast at Mt. Zion Church. He was happy to see the City's Police and Fire Departments well represented at the latter, noting that the entire program was outstanding.

Mr. Dozier commented on his attendance at the Volunteer Banquet, congratulating the award winners who were all very deserving.

Mr. Dozier informed Council that he had met with the Superintendent of the Berea City School District and her staff regarding issues relating to collaboration with Baldwin Wallace and local industries to retain graduates here in the area.

Mr. Maxwell congratulated his niece, Abby Calaway, a sophomore at Berea Midpark High School, for her 2nd place finish in the 100-yard backstroke at the Conference meet, with a time that broke the school's record by over a second!

Mr. McManis announced that the Facebook recordings of Council meetings are available to be downloaded, and can thus be provided as a public record, so while there were some concerns about whether or not the meetings could be streamed on this platform, there is no longer an issue.

Mr. Skoczen reminded everyone to remain mindful of the fact that we have brave men and women serving our Nation around the world, and families back at home who are missing them and worrying about them, adding that they are all in our thoughts and prayers.

Mrs. Smith was not present.

Mr. Zacharyasz was not present.

Mr. DeVito congratulated the incredible people honored at the Volunteer Banquet, adding that the food was excellent.

CORRESPONDENCE

The January 1, 2020 – January 22, 2020 Correspondence is available in the Clerk's office.

OTHER BUSINESS:

Mrs. Esson reminded Council Members to fill out their Financial Disclosure and Conflict of Interest forms.

Moved by Mr. Dozier, seconded by Mr. Maxwell, that Council confirm the Mayor's appointment of Nick Haschka to a 5-year term on the Municipal Planning Commission. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis and Skoczen. Nays: None. The motion carried.

Mr. Dettmer offered Mr. Haschka his congratulations.

There being no further business before Council, it was moved by Mr. Maxwell and seconded by Mr. Skoczen, that the Special Council Meeting be adjourned. Vote on the motion was all ayes and no nays. The motion passed and President Dettmer declared the meeting adjourned at 8:29p.m.

Jeff Dettmer
President of Council

Alycia Esson
Clerk of Council

CERTIFICATE OF COMPLIANCE

The special meeting of Council of the City of Berea, Ohio, held on the 27th day of January, 2020, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council