

MINUTES OF A REGULAR COUNCIL MEETING
February 1, 2021 – 7:30p.m.

Council of the City of Berea, Ohio, met in regular session via Zoom in the Council Chamber on February 1, 2021 and the meeting was called to order by Council President Jeff Dettmer at 7:30p.m. Present: Leon Dozier, Jim Maxwell, Chris McManis, Rick Skoczen, Kim Smith and Gene Zacharyasz. Absent: Bill DeVito, who was having technological difficulties, **but did join the meeting before adjournment**. Also present: Mayor Cyril M. Kleem, Director of Public Service Paul Anzalone, Director of Law and Public Safety Barb Jones and Director of Finance Andrea Morris.

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. Skoczen, seconded by Mr. Maxwell, that the minutes from the January 19, 2021 Regular 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 recognized Mike Anderson, a member of the City's Service Department, who performed recent heroic acts that saved the life of a Middleburg Heights' resident whose inflatable raft was punctured on Coe Lake, 30' from the pier. Mr. Anderson, upon hearing the cries for help, did not hesitate, but rather dove in to the lake and pulled the desperate man to safety. His response, following the incident, was, "It's just what we do", and Mr. Anderson proceeded to return to work immediately, even though he was soaking wet. For showing courage, humility and grace while performing acts that saved a life, Mayor Kleem recognized Mr. Anderson with a Mayoral Proclamation.

Mr. Dettmer noted that the type of integrity showed by Mr. Anderson is amazing.

Continuing on, Mr. Skoczen stated that he saw an expenditure for the City-owned house on Jacob Street on the Board of Control list, and inquired about the plan moving forward. Mayor Kleem explained that the expense was for maintenance, as the garage is in terrible condition, adding that a long-term solution will be discussed collectively at budget time.

General discussion commenced concerning resident involvement in the decision moving forward, and Mayor Kleem stated that the Administration has met with the residents several times, is clear of their desires, and assumes they will be a part of all future discussions.

Mr. Dettmer asked when these discussions will occur, since the final budget must be approved soon, and Mayor Kleem responded within the next few weeks, adding that the houses will either be rehabilitated and sold, or sold as they are, but he feels the City is in the best position to rehab them and then sell them. Regardless what is decided, deed restrictions can still be included, but if the City does not do the work, there is no guarantee that the purchasers will make the necessary improvements.

Mr. McManis asked if there has been any movement on the proposed senior living facility in the City, and Mayor Kleem responded that Mr. Madzy spoke with the company, and they are still weighing options. No additional details are available at this time.

Mr. Dettmer inquired about the West Center Street bridge, and the plan for it moving forward. Mayor Kleem stated that he thinks the bridge should be removed and not replaced, due to the extreme cost of such a project. Mr. Anzalone and Mr. Armagno will be working out some cost estimates soon, but the problematic beams have been removed so the bridge, as it stands, poses no hazard or danger to residents.

Mr. Skoczen asked if the Metroparks would have any interest in partnering with the City on a project such as this, and Mayor Kleem responded that they were asked and declined, as they receive no direct benefit from a repair.

Mr. Dettmer wondered if there might be grant opportunities for a pedestrian bridge, and Mayor Kleem explained that a CDBG grant was attained for the Coe Lake pedestrian bridge, but at that time the area was deemed an improvement target area, and he does not know if the area by the bridge would be considered as such. In addition, the Coe Lake pedestrian bridge served a need for handicapped accessibility and impacted a large number of people. The same can not be said for the West Center Street bridge.

Mr. Dettmer stated that he has had a number of conversations with residents of Quarrytown who used the bridge as their main route to Giant Eagle and the Parkway Shoppes. A pedestrian bridge would greatly benefit them. Mayor Kleem noted that he met with the Quarrytown residents in 2019, and proposed adding a couple more Senior bus runs, at certain hours, which would be a cost-effective solution that helps the residents.

Mr. McManis asked about the new position created by the Mayor that will be filled by Guy Turner, a long time City employee and great guy, stating that the job description sounds similar to that of a Council Member. Mayor Kleem clarified that the position will be similar to the role he filled before being elected, and will work with community groups. Council Members are part-time employees, and thus have more limited schedules, but the new position will entail work in community affairs and communication, as well as assist the Mayor in day-to-day operations. Mayor Kleem stated that his job has changed a lot due to social media, and Mr. Turner will be able to assist him with this aspect of public communications. Mr. Turner has been with the City a very long time. He knows everyone and knows how to get things done.

REPORT AND COMMENTS BY THE OFFICERS OF THE ADMINISTRATION:

Andrea Morris – Director of Finance:

Mrs. Morris stated that the City has received a lot of calls from residents who have not received their property tax bills from the County. The County has posted on their Facebook page that residents are able to file a “Remission of Late Penalty” form in order to be re-compensated, and if residents are not able to access the County Facebook page, they can call the Cuyahoga County Treasurer’s Office at (216)443-7420.

Barb Jones – Director of Law & Public Safety:

Mrs. Jones announced that a new Firefighter was sworn in last week, and one more promotion and one more new hire are forthcoming before the Department is at full strength.

Paul Anzalone – Director of Public Service:

Mr. Anzalone acknowledged the Mayoral Proclamation given to Mr. Anderson, adding that his staff goes above and beyond and he is so proud!

Mr. Anzalone referenced some path rehabilitation and drainage work around Coe Lake, noting that the fiber optic cables have been installed.

Mr. Dettmer thanked Mr. Anzalone, Mrs. Jones and the Engineering Department for assisting in having two speed limit signs installed in Ward 1. Both will go toward making the area a lot safer.

Mr. McManis wondered if a flashing or blinking sign could be installed to alert motorists of the stop sign at Abbyshire, Crescent and Lindberg, as motorists tend to blow through that area. Mr. Anzalone responded that remedies could be discussed.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS: NONE

PETITIONS: NONE

AUDIENCE PARTICIPATION: NONE

COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS: NONE

LEGISLATION – THIRD READING: NONE

LEGISLATION – SECOND READING:

ORDINANCE NO. 1-2: AN ORDINANCE AMENDING ORDINANCE NO. 2001-78 TO PERMIT THE CITY OF BEREA TO EXPEND PUBLIC FUNDS IN THE SANDSTONE RIDGE DEVELOPMENT FOR THE LIMITED AND EXCLUSIVE PURPOSE OF PROVIDING STREET LIGHTING IN THE AREA DESIGNATED AS SANDSTONE RIDGE SOUTH PHASE 3B.

The Clerk read the title of the Ordinance.

Mr. McManis read a letter from the President of the Sandstone Ridge Homeowners Association in to the record, and this letter is attached at the conclusion of these minutes. Mr. McManis asked for some clarification with regard to requested approvals and who should pay for the installation.

Mayor Kleem stated that this whole debate is garbage as the Homeowners Association needed to receive CEI approval, which they finally did last week, after this Ordinance was introduced. CEI approval is what they have needed all along. A resident in Sandstone asked the Administration to send the HOA a letter saying the City will not prevent the installation of lighting, and the Administration complied, but nothing happened. No progress toward install was made until this Ordinance was introduced. The same thing happened a couple years ago when the Administration drafted a similar amendment. At that time, the HOA said they were committed to the installation, and so the City backed off, preferring that the HOA foot the bill for the project. Still, nothing happened. There are emails going back to 2009 that document the HOA's refusal to pay for the lights, and the City's inability to pay for them because of restrictions enacted by a prior Council. This stop and go has to come to an end, and thus Mayor Kleem suggested that the process of adoption continue forward. If the HOA moves on the install, the City does not have to enact the Ordinance.

In response to a question from Mr. Maxwell, Mayor Kleem stated that he thinks that the HOA's intent is to turn Sandstone residents against him.

Mr. McManis stated his appreciation for the backstory, and wondered if he could review the emails mentioned by the Mayor. He wondered what could be done between now and the next meeting to ensure that the project is handled by the HOA, thus taking some pressure off the City's budget.

Mayor Kleem agreed that this has been going on for so long and the lights simply need to be installed. He referenced another email that claimed he was stopping the HOA from putting in a pool, when no request had ever been made. No light request has been made either, even though other lights have been added in the development since the phase in question. He was not sure what could be done, but said the City has a street lighting fund and could use those funds, if necessary.

In response to questions from Mr. Maxwell, Mr. Anzalone stated that the total cost of the project is about \$16,000 and Mrs. Jones confirmed that this Ordinance, if adopted, shall allow an expenditure for a limited purpose, but does not require the expenditure. Mr. Maxwell asked if adoption would open the door to the expectation that further money could be spent in the development, and Mrs. Jones responded that such an expenditure would require an act of Council.

Mr. Skoczen stated his agreement that the project must simply be completed.

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

ORDINANCE NO. 1-3: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$7,760,000 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.

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

LEGISLATION – FIRST READING:

ORDINANCE NO. 2-1: AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2021 ENERGIZED COMMUNITY GRANT(S) FUNDS, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Morris explained that NOPEC is a gas and electric aggregate and purchases gas and electric in bulk. The savings is passed on to the City in the form of these grants, and this year the City has rolled over \$62,954 to finish some projects and has begun a new application for the HVAC system at the Water Plant. This Ordinance is required to be adopted every year so that the money can be allocated to the City.

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

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mr. Dettmer referenced recent social media posts from community leaders that attacked other community leaders, noting that he finds this particularly disheartening because, as a leader, all words and insinuations matter, and leaders bare some the responsibility for how others respond. He encouraged leaders to pick up the phone and simply have conversations, rather than projecting disagreements across social media platforms, as the latter is truly unbecoming. The root word of community is "unity" and while disagreements will occur, no one has the right to attack another. He reminded everyone that BErea KIND signs exist all over the town, and he asked everyone to be kind.

Mayor Kleem stated that the social media posts being referenced were made by him and he wondered why the Council President did not call him directly, rather than bring the issue up this evening. Mr. Dettmer stated that while he probably should have called the Mayor, the issue is bigger than any one person, and words are being weaponized around the Country. Productive conversations are necessary, but it is not productive to attack other community leaders.

Mayor Kleem responded that without knowing the background, it is difficult to understand the issue, but as a Father, taxpayer and the Mayor, he felt it was important to show

his public support for the teachers in our community. While he rarely posts controversial or emotional things on Facebook, he did not weaponize his words, but rather showed support for students and teachers who were disappointed by decisions made by the administration. Mayor Kleem stated that the President of Council's job is to run the meeting, and he finds this, as well as previous comments and statements made by the Chair, inappropriate.

Mr. Dettmer responded by stating that the Mayor is entitled to his opinion, but he has been in his seat for a year and is only now hearing the Mayor has found past comments inappropriate. He stated his agreement that teachers are unsung heroes who have been dealing with a great number of challenges this past year. The Administration has also done fantastic things and demonstrated wonderful leadership throughout this difficult time, and has certainly improved communication since taking over.

Mayor Kleem stated that this issue is not relevant for a Council meeting, and noted that he has expressed prior disagreement with President Dettmer's running of the meetings, particularly his first meeting. He said that he prefers discussion happen behind closed doors, but often finds that people spring things on him on the floor that could certainly be discussed through email or conversation. Tonight is no exception and was but a thinly veiled attack.

Mr. Dettmer concluded by stating that no attack was intended, and everyone simply needs to be reminded to be kind to others.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Maxwell had no report.

Mr. McManis had no report.

Mr. Skoczen thanked Mr. Anzalone and his crew for keeping the roads clear and safe and for filling potholes. He inquired about the 2021 Road Program, stating that there are some things the City has come to realize we can do without, but infrastructure is not something in which we should get behind. Mayor Kleem suggested a street list be submitted now, adding that while the City does, strategically, repair streets based on a particular plan, if there is extra money this year, the Administration will try to add a couple extra streets to make up for last year. He asked that street lists be submitted to Mr. Anzalone, Mr. Armagno and himself.

Mr. Skoczen concluded his report by stating that he was able to see the new high school and it is second to none. Due to the building's size, students were able to return for in-person learning, and he congratulated the students, teachers and administrators alike!

Mrs. Smith had no report.

Mr. Zacharyasz had no report.

Mr. DeVito was not present.

Mr. Dozier asked if Council or the general public would be able to tour the new high school, and Mr. Skoczen stated that the School Administration said that any Council Member

interested could contact them directly. Mr. Dettmer noted that leaders in the District would be reaching out to him to try and coordinate a tour for all of Council, although certain safety requirements would likely need to be followed due to the pandemic.

Mayor Kleem stated that, as of last week, the school is not allowing visitors, or group tours.

CORRESPONDENCE

The January 14, 2020 – January 27, 2021 Correspondence is available in the Clerk's office.

OTHER BUSINESS:

Mrs. Esson issued a reminder about financial disclosures.

Moved by Mr. Dozier, seconded by Mr. Maxwell, that the February 8, 2021 Work Session be cancelled. Vote on the motion was ayes: Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

Moved by Mr. Maxwell, seconded by Mr. Skoczen, that Council move in to Executive Session in accordance with Section 121.22 of the Ohio Revised Code in order to discuss preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment, pursuant to O.R.C. Section 121.22(G) (4) and Codified Ordinance Chapter 109. Vote on the motion was ayes: Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried and Mr. Dettmer advised Council that the Facebook Live stream, as well as the meeting recording, were being turned off. Council entered Executive Session at 8:48p.m.

Council resumed regular session at 9:13p.m., at which time Mr. DeVito was present after having problems with his internet provider, as have others in his neighborhood.

There being no further business before Council, it was moved by Mr. Skoczen and seconded by Mr. Maxwell, that the Regular 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 9:15p.m.

Jeff Dettmer
President of Council

Alycia Esson
Clerk of Council

CERTIFICATE OF COMPLIANCE

The regular meeting of Council of the City of Berea, Ohio, held on the 1st day of February, 2021, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council