

MINUTES OF A REGULAR COUNCIL MEETING
February 3, 2020 – 7:30p.m.

Council of the City of Berea, Ohio, met in the Council Chamber on February 3, 2020 and was called to order by Council President Jeff Dettmer at 7:30p.m. Present: Bill DeVito, Leon Dozier, Jim Maxwell, Chris McManis, Rick Skoczen, Kim Smith and Gene Zacharyasz. 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. Dozier, that the minutes from the January 27, 2020 Special 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 turned his report over to Mrs. Jones, who provided Council with a brief overview of the City Charter.

Mrs. Jones noted that while the City Charter is, basically, the Constitution of the City, there are a lot of sources that convey duties and responsibilities that may supersede the Charter, beginning with the United States Constitution, and inclusive of federal law and regulations, the Ohio Constitution, and Ohio statues and regulations. The Charter would fall next on the list, followed by City Ordinances and regulations, so the Charter is not without limits, and the Ohio Constitution is, actually, what gives Berea the authority to be a Charter City.

As a Charter City, Berea follows the classic federal plan that includes a Mayor and a Council. Our system is set up as a strong Mayor system, which means that the Mayor has executive authority, the power of appointment and termination, veto power and administrative authority. In cases of strong Council systems, Council would exercise legislative and executive power. In our system, the powers of Council are restricted to legislative powers only.

Mrs. Jones highlighted the duties of the Mayor, Council Members and the Council President, as dictated by the Charter, and provided certain legislative, executive and administrative examples. She noted that while the Mayor may establish Boards and Commissions, Council can create other Commissions.

Mrs. Jones noted that the Charter also provides procedures for various things, including elections and tax levies.

Mrs. Jones concluded her presentation by stating that while the Charter is a good source document, there may be other laws and regulations that dictate certain things, and she advised Council Members to contact the Law Department with questions.

Mr. Zacharyasz asked if changes to State law are incorporated in to our Charter every 5 years as part of the Charter Review, and Mr. Dettmer inquired as to whether Charter Review Commissions should take changes in State law in to consideration and amend our Charter accordingly. Mrs. Jones stated that the Charter Review Commission is the place to address State law changes, but suggested that the City keep laws it supports, because Courts change and the Ohio Supreme Court may overturn something and thus realign with our City Charter at some point.

REPORT AND COMMENTS BY THE OFFICERS OF THE ADMINISTRATION:

Andrea Morris – Director of Finance:

Mrs. Morris informed Council that the annual audit begins on February 25, 2020, and Moody's has reviewed the City's financials, and Berea has maintained a Aa2 status, which means our credit remains in good standing. Mr. McManis asked what this rating says about our City, and Mrs. Morris explained that Moody's reviews our financial statements, considers assets, fund balances and what is occurring in the City, and provides a rating. The Aa2 rating is good and makes us competitive for Note and Bond interest rates.

Barb Jones – Director of Law & Public Safety:

Mrs. Jones had no report.

Paul Anzalone – Director of Public Service:

Mr. Anzalone advised Ward Council Members that he is putting together a list of streets for the 2020 Road Program, and asked for their suggestions.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS: **None**

PETITIONS: **None**

AUDIENCE PARTICIPATION:

Dennis Worthem thanked Council for reviewing the solar permitting fees, and requested that they lower the fee a bit more than what is proposed. He also hoped to see an amendment to the Zoning Code regarding solar energy in the near future.

Mr. DeVito stated that he did some research on this topic, and while he is appreciative of all of Mr. Worthem's knowledge and research, the proposed permit fees seem reasonable.

Michael Melampy thanked Council and the Administration for reviewing solar panel permit fees, as residents should be encouraged to add solar and not hindered by outrageous permit costs.

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.

Proposed Ordinance No. 1-4 stands on second 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.

Proposed Ordinance No. 1-5 stands on second reading.

LEGISLATION – FIRST READING:

ORDINANCE NO. 2-1: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACTS FOR THE PRIVATE CURBSIDE COLLECTION OF SOLID WASTE AND RECYCLABLE WASTE PRODUCTS, APPROPRIATING FUNDS THEREFOR, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mayor Kleem stated that our current waste and recycling collection contract ends on August 31, 2020, and this legislation authorizes the City to go out to bid and enter in to a new contract with either the same company, or a new company. The Trash and Recycling Committee met last week, and was informed that the City has been looking to join a consortium or piggy-back on to another City's contract, but both of those options fell through. Mr. Anzalone, therefore, put together a bid package that includes 16 different collection options, and a start date of September 2020.

Mr. Anzalone continued by stating that the current contract was signed in 2012, and provided 5 years of service with 3 optional years, at the discretion of the City. The City choose to exercise all 3 option years.

Mr. Maxwell stated that this legislation was discussed at great length at the committee meeting, adding that Mr. Anzalone has done a tremendous job of putting together a plethora of different options and packages quite rapidly, seeing as how the other options fell through. The City hopes that all local companies will provide a bid, thus ensuring we get the best price possible, and in order for this to happen, Mr. Maxwell said that he wants the bid to look as attractive as possible. If the Ordinance is allowed to go three-readings, it will be a disincentive to the companies we are not under contract with, because they will need quite a bit of start-up time, should they receive the City contract.

Mr. McManis noted that waste collection is a big part of the City's annual budget, and if the City has an opportunity to save money, he feels we should not let it go to waste.

Mr. Dettmer added that he was very impressed with Mr. Anzalone's presentation at the Committee meeting, and came to the realization that suspension is a good thing in this case because it makes for a more competitive bid process.

Mr. Skoczen thanked the Committee, reiterating that, with suspension, the City has an opportunity to save some hefty tax dollars for our residents. He thanked Mr. Anzalone for all of his hard work.

Mrs. Smith also extended her thanks to Mr. Anzalone, noting that the City did look at providing this service in-house, and made every effort to minimize costs. She added that residents in her Ward do want regular and reliable trash collection, and Mr. McManis asked that the colors of cans also be considered.

General discussion commenced concerning weigh stations, local landfills and transfer stations.

Moved by Mr. Maxwell, seconded by Mrs. Smith, that the three-reading rule be suspended for Ordinance No. 2-1. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

Moved by Mr. Maxwell, seconded by Mr. McManis, that Ordinance No. 2-1 be adopted. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mr. Dettmer, once again, expressed his thanks to Mr. Anzalone for all of his hard work and for the valuable information he provided at the Trash and Recycling Committee meeting.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Maxwell congratulated members of the Berea-Midpark Middle School Model UN team for their impressive showing at the recent Cleveland Council on World Affairs Conference at John Carrol University. There were 400 participants from local school districts, and 25 from Berea-Midpark. Out of those 25, 11 students won awards including the following:

Honorable Mention: *Hannah Elsehaly, Aubrey Trzebuckowski, Nathan Barrett, Henry Maxwell, Owen Dettmer, Quinn DiCillo*

Excellent Delegation: *Alexa Daulton and Christina Calvis*

Best Position Paper: *Sophia Savchenko and Elizabeth Chen*

Gavel Award: *Ellie Connor*

Mr. Maxwell congratulated all Berea-Midpark students for their impressive performance, noting that they were recognized at this evening's School Board meeting.

Mr. McManis thanked Mr. Anzalone for his hard work, and informed concerned residents that he did request blue recycling cans and green trash cans.

Mr. Skoczen asked if County roads in the City are maintained by ODOT or the City, and Mr. Anzalone explained that the City does its best to maintain roads in-house, but focuses on secondaries and secondary mains. Larger County roads provide opportunities for grant funding, and the City tries to save those bigger projects for when funding sources are available.

Mr. Skoczen stated that Ordinance No. 12-3 is being reviewed by the Planning Commission this Thursday, February 6, 2020, and he will report his observations to Council.

Mr. Skoczen offered his condolences to the family of James Plucinski, a long-time Ward 5 resident.

Mrs. Smith extended her thanks to Mr. Anzalone for his hard work on trash, and Mrs. Jones for her presentation this evening. She also announced that there will be a Ward 4 Community Forum on Monday, February 24, 2020 at 6:30p.m. President Helmer will be in attendance.

Mr. Zacharyasz had no report.

Mr. DeVito had no report.

Mr. Dozier thanked the Berea Police for the opportunity to do a ride-along, adding that they are an excellent Department and residents should feel confident in the ability of our Police to keep the City safe.

Mr. Dozier noted that he attended a fraud prevention seminar, hosted by the Berea Chamber of Commerce and former Council President Mary Brown, and it was extremely informative and a great learning experience.

CORRESPONDENCE

The January 23, 2020 – January 29, 2020 Correspondence is available in the Clerk’s office.

OTHER BUSINESS:

Mrs. Esson reminded Council Members to fill out their Financial Disclosure forms and thanked Dale Caldwell for taking Council photos this evening.

Moved by Mr. Maxwell, seconded by Mr. Skoczen, that the February 10, 2020 Work Session be rescheduled and a Special Work Session be held on February 11, 2020 at 7:30p.m. in the Council Chamber for the purpose of hearing a special presentation by the Finance Department. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

There being no further business before Council, it was moved by Mr. Maxwell and seconded by Mr. McManis, 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 8:38p.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 3rd day of February, 2020, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council