

MINUTES OF A REGULAR COUNCIL MEETING
February 22, 2022 - 7:30p.m.

Council of the City of Berea, Ohio, met in regular session in the Council Chamber on February 22, 2022 and the meeting was called to order by President of Council Jim Maxwell at 7:33p.m. Present: Mary K. Brown, Erika Coble, Leon Dozier, Chris McManis, Rick Skoczen, Lisa Weaver and Gene Zacharyasz. Also present via Zoom: Director of Public Works Tony Armagno, 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. McManis, seconded by Mr. Zacharyasz, that the minutes from the February 7, 2022 Regular Council Meeting be approved. Vote on the motion was all ayes and no nays. The motion carried.

MAYOR'S ADMINISTRATIVE REPORT AND COMMENTS

Mayor Kleem was not present.

REPORT AND COMMENTS BY THE OFFICERS OF THE ADMINISTRATION:

Andrea Morris - Director of Finance:

Mrs. Morris had no report.

Barb Jones - Director of Law & Public Safety:

On behalf of the Administration, and particularly Director of Recreation Marty Compton, Mrs. Jones extended her condolences to the family of Dave Tressel, adding that his loss is a tremendous one for the community and stating that he was one of the kindest and most honorable men that she has ever met. Mr. Maxwell agreed wholeheartedly.

Tony Armagno - Director of Public Service:

Mr. Armagno stated that the Norfolk Southern bridge project is nearing its completion, although restoration work will not take place until Spring. There will be some temporary lane closures, weather permitting, for painting and beam touch-ups.

Mr. Armagno announced that the low bidder for the Barberrry project is Tri Mor Corp, adding that they recently worked in the City on the first phase of the Bluegrass project and did a nice job. A public meeting with the neighborhood will be scheduled once the project start date is decided but, for now, residents will receive their first round of notifications this week as preliminary work is commencing.

In response to questions from Mr. Skoczen, Mr. Armagno stated that he feels comfortable with the amount of salt the City has access to for the rest of the winter season, and potholes are being patched this week.

Mrs. Coble asked to be included in communication regarding the road work behind the high school, and Mr. Armagno stated that he will include all of Council on these notices.

Mrs. Brown stated that Park Street is in horrendous condition, and Mr. Armagno responded that while the state of the street is known, resurfacing will not occur until after the bridge demo project.

General discussion commenced concerning salt limits, pricing, and overage costs.

Mr. Armagno then provided Council with a pavement management study presentation, noting that the City hired a pavement management group to analyze the condition of every street in the City. The U.S. Army Corps of Engineers defines different street distresses, both for asphalt and concrete, and the company used the Pavement Condition Index which ranks streets from 0 to 100, with 100 being a recently paved road. The company also provided guidelines on how and when to conduct certain repairs on each individual street.

Mr. Armagno provided some examples, and stated that the City has 78 center lane miles and 9,000,000 square feet of pavement. Each road was broken down in to one block, from one intersection to the next, and a separate video was done for each section for a total of 764 videos. The average PCI in the City was 69, with 10% of the roads being in excellent condition, 14% in very good condition and 34% in good condition.

General discussion commenced concerning the amount of money the City spends on road repairs, and how grant funds are utilized most effectively. Mr. McManis asked how much the City spends on the road program each year and Mrs. Morris responded that it is typically around \$500,000, and may be more if the City has to match grant funding. Mr. Armagno noted that grant funds will be used for work on South Rocky River Drive, and State money will be used in 2024 for a section of Route 237.

Mr. Dozier asked if curbs were studied, and Mr. Armagno stated that while sidewalks and aprons were not a part of the analysis, curbs were indeed.

Mrs. Brown asked if the matrix could be posted somewhere and thanked Mr. Armagno for the work he did to save money on this study. She wondered if having this information may be an incentive for the County to award grant funding in the future. Mr. Armagno did not think it would be an incentive, but noted that this analysis is required as a part of grant application, so the City will not have to do the research on an individual basis.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS: NONE

PETITIONS: NONE**AUDIENCE PARTICIPATION:**

Ho Davidson asked for it to go on the record that, as was offered to Mr. and Mrs. Lott, he would like his property, as well as a certain area of North Rocky River Drive, to be looked at by either City Engineers or an outside firm, so that the issues can be appropriately handled by the Mayor’s Sewer Committee.

Dennis Knowles inquired about the meaning behind “capacity for development”, and Mr. Armagno replied that capacity for development is studied during dry weather, and means that there is room for development or expansion. Mr. Knowles asked if there is any data to support such a claim, and Mr. Armagno responded that NEORSO did a dry weather analysis, as did the City, regarding the area of potential North End development and the tie in location on Sheldon Road where water discharges in to the regional shed.

Mr. Knowles asked how many businesses tie in to the North End sewer system, and Mr. Armagno stated that there are three North End sewer systems and the report shows 2 systems have commercial tie-ins, but he will have to do some research to fully respond to Mr. Knowles question.

Tom Brazee inquired as to why the information that is required to be listed on the rental permit application is no longer being mandated. Mrs. Jones responded that the recent change in the leasing ordinance may be the reason, but she would have to consult the Building Department. Mr. Maxwell referenced recent Court cases and decisions that called some common practices in to question, but Mr. Brazee responded that Lakewood still conducts a safety inspection of rental properties during transitions, when no tenants are affected.

COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:**Woodvale Union Cemetery Board of Trustees – Jim Maxwell**

Mr. Maxwell announced that a long time Groundskeeper is resigning and they are accepting applications. Mr. Skoczen suggested adding this job posting to the City websites in both Berea and Middleburg Heights.

LEGISLATION – THIRD READING:

ORDINANCE NO. 1-2: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$7,260,000 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.

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

LEGISLATION – SECOND READING:

ORDINANCE NO. 2-1: AN ORDINANCE APPROVING AND RATIFYING A THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BEREA AND THE LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 860, PURSUANT TO CHAPTER 4117 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Jones stated that the contract includes a 3% wage increase, as well as a bonus payment for obtaining certain EPA licenses, which encourages employees to get professional certifications. Mrs. Jones continued by explaining that the reason for a 20 cent per hour increase across the board is in lieu of skilled trades being paid out on an individual basis, when and where necessary. This created a payroll nightmare, and the across the board increase is a compromise beneficial to all.

Mr. Skoczen inquired as to whether or not the City reimburses employees who receive professional certifications. Mrs. Jones responded that the City pays for the license and reimburses for the test, if it is passed. Most of the work is self-study or conducted through in-house training.

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

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

LEGISLATION – FIRST READING:

ORDINANCE NO. 2-2: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA (“CRA”) AGREEMENT WITH JOYCE MANUFACTURING CO. AND RAM REAL ESTATE, LLC., AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Jones stated that Joyce Manufacturing is proposing a new \$2.2 million, 25,000 square foot, building in order to manufacture sunrooms. This would be their third building in the City, and they are asking for a 49% abatement for 10 years and will add 8 full time employees within the first 12 months after completion, with an estimated payroll of \$353,000.

Ordinance No. 2-2 stands on first reading.

ORDINANCE NO. 2-3: AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2022 ENERGIZED COMMUNITY GRANT(S), AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Armagno stated that this is a renewal for the grant program and will fund a new boiler in the Police Station. Mrs. Morris added that the City is expecting to receive approximately \$44,000.

Ordinance No. 2-3 stands on first reading.

ORDINANCE NO. 2-4: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO AMEND A CONTRACT WITH THE CUYAHOGA COUNTY DEPARTMENT OF PUBLIC WORKS TO EXTEND THE TERM OF THE CONTRACT TO PROVIDE CERTAIN SERVICES RELATIVE TO THE CITY SEWERS, AS DETERMINED FROM TIME-TO-TIME, TO FURTHER ADVANCE THE CITY’S SANITARY AND STORM SEWER MAINTENANCE PROGRAM, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Armagno explained that this Ordinance would extend the contract with the County, continuing the preventative maintenance and other sewer services that have been provided and used successfully. The County is able to garner competitive prices on general service contracts and the City can then use their volume discount to get major construction done at a better rate. The City is looking to extend the contract by \$500,000 for additional 2022 services.

Mrs. Coble asked if some of the funding will be used for the Barberry project, and Mr. Armagno replied that that project was included as part of last year’s funding, and has already been approved.

Gail Grizzell asked for examples of things the City would use the money for, and Mr. Armagno said preventive maintenance, emergency situations and other projects. The \$500,000 amount is simply an estimate. General discussion commenced concerning carry-over projects

and amounts left in past contracts. Mr. Armagno noted that the County provides annual reports on their website that detail the work done in each City, and he offered to provide that to Mrs. Grizzell and anyone else with interest.

In response to a question from Mr. McManis, Mr. Armagno confirmed that this funding is a supplementary tool in Berea, noting that Middleburg Heights uses the County exclusively for sewer services, but also charges residents through the tax duplicate for those services. Berea neither solely uses the County nor charges its residents.

In response to a clarifying question from Mrs. Grizzell, Mr. Armagno stated that Berea residents do have a sewer fee as part of their water bill, and while a portion is kept by the City to help support our sewer services, most of it goes to NEORS, who then gives 25% of it back as part of the cost share to use for stormwater improvements, like the Barberry project. Some Cities charge an additional fee to residents.

Ordinance No. 2-4 stands on first reading.

ORDINANCE NO. 2-5: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR THE SALE OF REAL PROPERTY, LOCATED AT 106 JACOB STREET, PERMANENT PARCEL NO. 364-06-022, A SINGLE-FAMILY HOME, WHICH IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE PERSON OR PERSONS OR ENTITY SUBMITTING THE HIGHEST AND BEST OFFER, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Jones explained that this City-owned house, acquired as part of the DeGeronimo deal, was remodeled and is now ready to be put up for sale. The purchase agreement outlines how the sale will be done, and that the sale will go to the highest and best offer.

Mrs. Jones noted that proposed Ordinance No. 2-6 also deals with 106 Jacob Street. Twenty-eight properties in the College District have formed an HOA and, if adopted, 106 Jacob Street will be included. Mrs. Coble, one of the HOA Board Members, elected to recuse herself, at the suggestion of the Administration, but stated that there are other members of the Board in the audience who can answer questions.

Marlene Shurell, the co-President of the Century Home Garden District Homeowners' Association, was present, along with Bob Cromwell. Mrs. Shurell stated that she is grateful for all the work the City has done to make their neighborhood beautiful, adding that the HOA Board will also vote to add 106 Jacob Street to the HOA, to show support.

Mr. Maxwell asked if a copy of the deed restriction and bylaws could be provided to Council, and Mrs. Shurell responded in the affirmative.

Mrs. Brown thanked both Mrs. Shurell and Mr. Cromwell for the work they have done to strengthen their neighborhood, and asked if the deed restriction and HOA declaration will be written in to the purchase agreement. Mrs. Jones responded that the deed restriction will be recorded on the deed itself, adding that the HOA is simply an added layer of protection and both are a part of the purchase agreement.

Ordinance No. 2-5 stands on first reading.

ORDINANCE NO. 2-6: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CENTURY HOME GARDEN DISTRICT HOMEOWNERS' ASSOCIATION FOR THE PURPOSE OF INCLUDING 106 JACOB STREET (PERMANENT PARCEL NO. 364-06-022), IN THE CENTURY HOME GARDEN DISTRICT, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. McManis asked if the City will be joining this HOA, and Mr. Maxwell responded in the negative. Mr. McManis wondered if inclusion in this HOA will provide challenges similar to private streets in other areas of the City, specifically the lighting issue in Sandstone Ridge, and Mrs. Jones replied that all the streets in this HOA are public.

Ordinance No. 2-6 stands on first reading.

ORDINANCE NO. 2-7: AN ORDINANCE APPROPRIATING FROM THE VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENDITURES AND OTHER EXPENSES OF THE CITY OF BEREA FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022, AND EXPRESSLY REPEALING ORDINANCE NO. 2021-77.

The Clerk read the title of the Ordinance.

Mrs. Morris stated that the budget exhibit will be ready by March 9, 2022, and noted that she was open to a Finance Committee meeting prior to third reading. There was consensus that the meeting should be held on March 16, 2022 at 7:00p.m., and Mr. Maxwell encouraged all Council Members to attend, even those not a part of the Finance Committee, because of the importance of this responsibility of Council.

Ordinance No. 2-7 stands on first reading.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mr. Maxwell had no report.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Dozier offered his congratulations to Mayor Kleem on the newest addition to his family!

Mr. McManis had no report.

Mr. Skoczen echoed the condolences offered to the family of Dave Tressel, acknowledging all the work and service he did for the City of Berea.

Mrs. Weaver informed Mr. Armagno of loose pavement on the decorative brick crosswalks on Bagley Road, noting that they pose a danger. Mr. Armagno stated that the Department will look at it immediately.

Mr. Zacharyasz had no report.

Mrs. Brown congratulated her daughter, Megan Baechle, the Executive Director of the Berea Chamber of Commerce, on being a recipient of the Northeast Ohio Movers and Shakers 25 under 35 award, adding that it is truly an honor and expressing her tremendous pride.

Mrs. Coble explained that, on behalf of concerned residents in Ward 4, she will be meeting with the Baldwin Wallace employee that assumed the role that Julie Candela used to play with regard to off campus housing. There is going to be a bit of a different approach, as the University is looking to mandate three years of residence hall living, rather than the required two, and adding that there will also be a Res Life registry that will show where students are living off-campus, which could be a beneficial way to support them.

Mrs. Coble stated that the Office of Residence Life will meet with the community three times a year, and the community is working with Residence Life to help provide educational opportunities so that students learn how to read a lease agreement.

CORRESPONDENCE

The February 3, 2022 – February 16, 2022 Correspondence is available in the Clerk's office.

OTHER BUSINESS:

Mr. Maxwell reminded Council of the virtual attendance guidelines he emailed them, noting that he heard back from everyone and there was only one suggestion which dealt with a limit on how many times a member could appear virtually. Mr. Maxwell was hesitant to do this because virtual attendance should be limited to only extremely necessary times, but if there is a prolonged illness or the like, he did not want to set a limit.

Mr. Maxwell stated that while Council will not vote on the guidelines, he would like the record to show that Council collectively supports this policy and will move forward accordingly. If it is determined that something is not working, the policy can be re-evaluated. He added that this policy will be posted on Council's webpage.

Mrs. Esson reminded Council Members to file their Financial Disclosures on or before Monday, May 16, 2022, and offered her condolences to the Tressel Family, adding that Dave Tressel was a giant in the community and a truly wonderful man.

Mrs. Ported asked if Mr. Tressel could be honored with a plaque or something at the outdoor pool, since he did so much for the aquatic programs in the City. Mr. Maxwell replied that discussions are already underway.

There being no further business before Council, it was moved by Mrs. Brown and seconded by Mr. Zacharyasz, that the Regular Council Meeting be adjourned. Vote on the motion was all ayes and no nays. The motion passed and President Maxwell declared the meeting adjourned at 9:34p.m.

Jim Maxwell
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 22nd day of February, 2022, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council