

MINUTES OF A REGULAR COUNCIL MEETING
September 6, 2022 – 7:30p.m.

Council of the City of Berea, Ohio, met in regular session in the Council Chamber on September 6, 2022 and the meeting was called to order by President of Council Jim Maxwell at 7:30p.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. Skoczen, seconded by Mrs. Brown, that the minutes from the June 21, 2022 Public Hearing #1 be approved. Vote on the motion was all ayes and no nays. The motion carried.

Moved by Mr. Skoczen, seconded by Mrs. Brown, that the minutes from the June 21, 2022 Public Hearing #2 be approved. Vote on the motion was all ayes and no nays. The motion carried.

Moved by Mrs. Brown, seconded by Mr. Zacharyasz, that the minutes from the June 21, 2022 Regular Council meeting be approved. Vote on the motion was all ayes and no nays. The motion carried.

Moved by Mr. Skoczen, seconded by Mr. Dozier, that the minutes from the July 20, 2022 Special Council meeting be approved. Vote on the motion was all ayes and no nays. The motion carried.

Moved by Mr. Zacharyasz, seconded by Mr. Dozier, that the minutes from the August 15, 2022 Special 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:

Mrs. Jones announced that the annual September 11th commemoration ceremony will take place on Sunday at 9:00am at the gazebo.

Mrs. Jones expressed her gratitude to the Berea Chamber of Commerce for recognizing Fireman Allen Scott as one of this year's Courtesy Award Winners. Mrs. Jones continued by explaining that Mr. Scott is a great representative of the City and loves the community he serves, which he also calls home. She congratulated Mr. Scott, and Mr. Maxwell added that the award is well deserved.

Tony Armagno – Director of Public Service:

Mr. Armagno began by stating that the South Rocky River resurfacing project is moving along nicely and is ahead of schedule. Final resurfacing should occur in the next few weeks.

With regard to the Barberry project, sewer and water lines have been installed and they are moving in to the pavement portion. Notices will be going out to residents in the area outlining a schedule and expectations.

Mr. Armagno continued by stating that the Road Program is beginning this week, on Butternut Lane, and informed Council that the City received a \$250,000 County grant to resurface a portion of Front Street from Bagley Road south to Church Street. This portion of Front Street is a County Road, and the grant will cover 50% of the cost, with the City covering the other half. The project will take place in either 2023 or 2024, as the Route 237 resurfacing project, which is being funded by an ODOT grant, must be coordinated, as well.

Mr. Zacharyasz questioned why the laundromat on the North End has not yet been razed, and Mr. Armagno stated that he would speak with Mr. Madzy and get back to him with a response.

Mrs. Brown asked if the road condition survey was completed, and Mr. Armagno responded that it was completed last year and will be redone every 3-4 years. The City does, however, report improvements as they occur and has services ongoing with the company. In response to a follow-up from Mrs. Brown, Mr. Armagno stated that the video information is far too large to include on the City website, but perhaps some data could be posted.

Mrs. Coble asked if the County grant for Front Street could include sidewalk repairs, and Mr. Armagno stated that either the County grant or ODOT grant may be able to assist with sidewalk work.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS: NONE

PETITIONS: NONE

AUDIENCE PARTICIPATION:

Brad Bush, a resident on Eastland Road, stated that deer and turkeys frequently cross the street in front of his house, and while he did request a Deer Crossing sign, he was anxious to hear feedback from the City. Mr. Armagno stated that he understood the need and has reached out to

Middleburg Heights, since one side of Eastland is in Berea and one is in Middleburg. Their cooperation will be necessary, and he will follow-up with them. Mr. Bush suggested that a sign be placed on Berea's side of the street for now, and Mr. Armagno replied that the City can review and take care of that, and he will be in touch with both Mrs. Coble and Mr. Bush.

Nicole Cadiou, a resident on Wesley, inquired about the proposed North End townhouses, and asked if there is a plan for traffic congestion and if school bus routes will be disturbed. She also felt that townhouses were not a good fit for the area.

Mr. Maxwell stated that Ms. Cadiou should contact the Berea School District with regard to the bus issue, because this Council would have no insight in to their routes. As for the price point of the townhouses, \$300,000 to \$400,000 was thrown around, but that is now irrelevant since the project is being put on hold.

With regard to traffic studies, Mr. Armagno stated that there is a certain threshold that initiates a traffic study, and a certain threshold of additional trip generations that necessitates a more intensive study. The townhouse development did not meet this threshold, and it was determined that because the area has a State Route and a County Road, residential development would not be detrimental. Ms. Cadiou responded that the area is terrible around rush hour and the developers should know that it will be difficult for residents to get in and out. She asked that the message be relayed to them.

Tom Brazee, a resident on East Bridge, presented Council Members with information that detailed student rental properties in his neighborhood. He noted the dense student population on East Bridge and stated that Mrs. Coble has created a handbook for off-campus students, and he is hoping for full distribution to all those not living on campus. Mr. Brazee reiterated that the handbook was Mrs. Coble's idea and thanked her for it, because a change in the attitude of students is necessary.

Mr. Brazee informed Council that in the last 4 weeks, the Police have been out to his street 5 times, and recounted a couple of recent loud, rowdy, reckless and intolerable parties, before referencing a few long time Berea families who have decided to move out of Berea because they can no longer handle the noise created by off-campus students.

Mr. Brazee asked that Chief Clark advise his Officers to stop offering warnings and start citing properties. He next asked that the City lobby to have Julie Candela returned to her prior position with the University because she did a great job keeping students under control and worked with all sides successfully. He then asked Council to impress upon the University the need for the full handbook, not just the condensed version, to be distributed to all off-campus students.

Holly Porter, a resident on East Bridge, confirmed that she has been a witness to what Mr. Brazee explained. She then asked that the Administration begin this new season with an attitude of taking care of what the City has, before starting something new. Coe Lake needs signage, the turf at Mucklo needs repair, the posts by the pool are rotting, Coe lake is disgusting, and there are no lights on the trail behind the lake. The City could use a part time grant writer to help get money for these improvements, because oftentimes the Administration is reactive, not proactive, like in the matter of the house by the Fire Station, the DeGeronimo properties, and the fence

across from Café Ah Roma. She noted that she does not blame the Service Department employees, because they have so much on their plates, and the Mayor sets the priorities.

Mrs. Porter concluded by stating that a lot of people now watch these meetings, and it is important for the Mayor to keep his commitments, make decisions, get things done, and keep citizens informed along the way.

COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:

Shade Tree Commission – Gene Zacharyasz & Erika Coble

Mr. Zacharyasz stated that the Commission met and discussed treelawn plans for streets where new construction has occurred, but noted that there are some supply chain issues causing delays. In response to a question from Mr. Dozier, Mr. Zacharyasz said that they will soon be discussing a list of trees that are permitted or prohibited in the City, and would like to have the list complete by year's end.

Woodvale Union Cemetery Board of Trustees – Jim Maxwell

Mr. Maxwell stated that the annual Joint Council Meeting will likely occur on Wednesday, October 12, 2022 at 7:30pm in this Chamber. He asked Council Members to check their calendars and confirm that they can attend, because a quorum is necessary.

LEGISLATION – THIRD READING:

ORDINANCE NO. 6-5: AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE TO CERTIFY TO THE FISCAL OFFICER OF CUYAHOGA COUNTY UNPAID WATER AND/OR SEWER RENTAL CHARGES AND/OR OTHER MISCELLANEOUS CHARGES FOR LEVY AND COLLECTION ACCORDING TO LAW, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Maxwell explained that the exhibit is a list of properties that are delinquent on water and/or sewer bills, as well as nuisance abatement costs, and if left unpaid for a year, they are attached to the property tax bill, along with a penalty.

Mrs. Morris referenced the analysis she emailed to Council earlier this afternoon, noting that the dollar amount has increased by 2% and adding that nuisance abatement certifications are also included.

In response to a question from Mrs. Brown, Mrs. Morris stated that this is the best recourse for receiving payments, noting that 92% was collected in 2021. She added that, if residents are finding it hard to make quarterly payments, they can make monthly payments. Residents are also able to now pay online, or drop payment at the City Hall drop box.

Moved by Mrs. Brown, seconded by Mr. Skoczen, that Ordinance No. 6-5 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. 7-1: AN ORDINANCE APPROVING KNEZ HOMES', AUTHORIZED AGENT OF DMARK DEVELOPMENT, LLC, STAGE II PLANNED UNIT DEVELOPMENT PRELIMINARY DEVELOPMENT PLAN AND AMENDING THE ZONING MAP OF THE CITY OF BEREA BY REZONING THE AREA OF LAND KNOWN AS PERMANENT PARCEL NUMBERS 362-02-003, 362-02-009, 362-02-012, 362-02-011, 362-02-014, 362-03-002, 362-03-013 AND 362-03-014, FROM UPTOWN (UT) DISTRICT TO PLANNED UNIT DEVELOPMENT / MULTIPLE FAMILY RESIDENTIAL (MFR) DISTRICT.

The Clerk read the title of the Ordinance.

Moved by Mr. Skoczen, seconded by Mr. McManis, that Ordinance No. 7-1 be referred to the Building and Zoning Committee. Vote on the motion was all ayes and no nays. The motion carried.

LEGISLATION – FIRST READING:

ORDINANCE NO. 9-1: AN ORDINANCE AMENDING THE PURCHASE AGREEMENT WITH DMARK DEVELOPMENT, LLC, APPROVED IN ORDINANCE NO. 2021-62, FOR THE SALE OF PERMANENT PARCEL NUMBERS 362-02-003, 362-02-009, 362-02-011, 362-02-012, 362-02-014, 362-03-002, 362-03-013, and 362-03-014, WHICH ARE NO LONGER NEEDED FOR MUNICIPAL PURPOSES, FOR THE SUM OF THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO EFFECTUATE THE SAME, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Jones explained that this Ordinance does not affect the MOU, but simply extends the purchase agreement between the City, DMark and the end purchaser. If adopted, the agreement would be extended one year from the date it becomes effective, and allow Mayor Kleem and this Council the time to get the critical answers the Mayor feels are necessary before moving forward any further. She noted that the extension does require that the Planned Unit Development process be started anew.

General discussion commenced concerning the sale price of these parcels, and Mrs. Jones stated that there was an agreed upon minimum and maximum price amount that would be acceptable for the parcels, but stated that Mr. Madzy would have more information on how those numbers came to be.

Mr. McManis wondered why Council is being asked to extend the agreement now, when it does not expire for quite some time. He, further, expressed surprise at the amount the parcels were agreed to be sold for, and expressed skepticism that the proposed future North End project will be townhouses.

Mrs. Jones informed Council that there will be an in-depth presentation on this topic at the next Council meeting, and since suspension is not being requested, there will be plenty of time for Council Members to have their questions answered.

Mr. Skoczen asked if Mayor Kleem and Mr. Madzy would be available to provide some background on pricing, as well as the bridge project, and Mr. Maxwell stated that both will be asked to attend the next Regular meeting.

Mrs. Porter questioned if the builder remains on board, and Mrs. Jones noted that, in the amended agreement, the builder's name has been removed, which allows DMark, Knez and Triban Investments to select another builder, if necessary and appropriate, which is one of the reasons that the City is requiring the PUD process begin again.

Proposed Ordinance No. 9-1 stands on first reading.

RESOLUTION NO. 9-2: A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER.

The Clerk read the title of the Resolution.

Mrs. Morris stated that this is an annual Resolution, noting that Council will see an amended version of this Resolution after the November election, since the Water Plant Levy renewal is on the ballot.

Moved by Mrs. Brown, seconded by Mr. Dozier, that the three-reading rule be suspended for Resolution No. 9-2. 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. Dozier, that Resolution No. 9-2 be approved. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

ORDINANCE NO. 9-3: AN ORDINANCE AMENDING AND RECONSTITUTING SECTION 181.07, AUXILIARY SAFETY FORCES, OF CHAPTER 181, COMPENSATION AND CLASSIFICATION OF SPECIFIC POSITIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF BERA TO PROVIDE AN INCREASE IN WAGES FOR AUXILIARY SAFETY FORCES, EXPRESSLY REPEALING EXISTING SECTION 181.07, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Jones explained that the City has found it difficult to attract good candidates to serve in Auxiliary roles, and since people in this position are dressed in uniform, make weekend night patrols and present themselves in a position of authority, subject to the risk of physical harm, which is becoming increasingly more common, a more professional wage is required. The City is looking to hire Auxiliary Officers, as they are an important part of the Department. Save one, all Auxiliary Officers are part-time, and do a variety of tasks, including routine traffic patrols, and work special events. They serve under the Chief, reporting to the Sergeant on duty, and typically work weekends, when there is need for a presence in the community.

Mrs. Brown asked if there are any physical standards that must be met, and Mrs. Jones replied that they have to be able to run, chase and crouch, adding that they are put through a

rigorous training program. She noted that most Auxiliary Officers have full time jobs, and serve in this position because they want to help and be a part of the community.

In response to a question from Mr. Skoczen, Mrs. Jones confirmed that all current Officers would be subject to this amended wage scale.

Proposed Ordinance No. 9-3 stands on first reading.

ORDINANCE NO. 9-4: AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO MAKE APPLICATION FOR, AND, IF AWARDED, TO ENTER INTO A COOPERATION AGREEMENT WITH THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY AND THE FEDERAL TRANSIT ADMINISTRATION FOR ENHANCED MOBILITY FOR SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM FUNDS, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Maxwell noted that this grant was discussed at the Public Meeting prior to tonight's Council meeting, adding that, if received, grant funds would assist in purchasing a new light transit 12 passenger vehicle with 2 wheelchair spaces, in order to replace a 2007 van.

Mr. Skoczen, while not opposed to the potential for free money or even the purchase itself, questioned whether this was the right time to be buying a new vehicle, if prices are extremely elevated. Mr. McManis stated that, to the point, prices may only continue to increase.

Proposed Ordinance No. 9-4 stands on first reading.

ORDINANCE NO. 9-5: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO APPLY FOR AND, IF AWARDED, EXECUTE ALL NECESSARY CONTRACTS TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Armagno explained the need for a waterline replacement in the neighborhood around Adrian Drive. Four to five years ago, a consultant reported that these pipes are undersized and, due to their age, breaks are common, thus making replacement a top priority. The entire project will cost between \$4,000,000 and \$5,000,000, similar to the Barberrry project, and the City is finalizing its ask for both grant and loan funds. For reference, with regard to the Barberrry project, the City received a 50% grant and a 10% loan. Mr. Armagno noted that the City will continue to look for other funding sources, as well, and provide totals when they are available.

Mrs. Brown inquired about the start time of this project, should the grant be received, and Mr. Armagno said that applications will be reviewed through the end of the year, and grants will be awarded in early 2023. The work will likely be done in 2024 or 2025.

Mr. McManis asked how this project was identified, especially due to the fact that there are looming issues with infrastructure in Ward 1. Mr. Armagno stated that there are main

scoring categories, including the condition of infrastructure, type of improvement and amount of people impacted. This project would simply score higher on this grant application, while the North End sewer project worked better for the MCIP grant.

Mr. Maxwell attested to the fact that this improvement is necessary and long overdue. The condition beneath the road is as bad as the road itself, and this will be a good improvement for the neighborhood.

Moved by Mr. Skoczen, seconded by Mr. Zacharyasz, that the three-reading rule be suspended for Ordinance No. 9-5. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

Moved by Mr. Skoczen, seconded by Mr. McManis, that Ordinance No. 9-5 be adopted. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mr. Maxwell alerted Council to the fact that there will be an upcoming budget amendment that, if approved, will provide capital funds for an audio upgrade in the Chamber. While some critical elements are on backorder and may not arrive until the new year, a purchase order must be signed before the equipment can be ordered. Mr. Maxwell noted that he has been in discussions for quite some time with the sound company, and they have reached a tentative agreement.

Mr. Maxwell reminded Council that 10 years ago, the Council created a subcommittee to look at redistricting for the City, and while the proposed plan was approved, although not unanimously, the Board of Elections was alerted to a filing error and, subsequently, the new map was not accepted. The current Ward map is, therefore, extremely lacking when it comes to securing a similar number of residents in each Ward, and this must be corrected. Mr. Maxwell stated that he has engaged two companies to provide assistance on the matter, and also had conversations with Cuyahoga County Planners, who also provide this service. He will be reviewing proposals soon and make a decision on how best to proceed. While the amended Ward map must be completed by the end of the year, the Board of Elections is requesting it sooner rather than later so that they have time to do work on their end.

Mr. Skoczen inquired as to how candidates for Ward positions should gather signatures, and Mr. Maxwell stated that he will find out and follow-up with everyone.

Mr. Zacharyasz recommended that the Court be asked to contribute to this upgrade, and Mr. Maxwell noted that conversations are already underway and will, thanks to the help of Mr. McManis, continue and hopefully be successful.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Skoczen welcomed everyone back and thanked Linda Kramer for including information about his Ward 5 meeting in the City newsletter. The meeting will take place on Sunday, October 23, 2022 at Malone Park at 5:00pm.

Mrs. Weaver also welcomed everyone back, and then proceeded to inform Mr. Brazee of the new University requirement that students live on campus for 3 years, which may decrease some off-campus housing issues. While this does not mean there will be an immediate solution to the problems he referenced, hopefully he will see this news as a light and an acknowledgement that Baldwin Wallace is listening.

Mr. Zacharyasz welcomed everyone back, and referenced the fact that the Berea City Club paid for a portion of the last Jitney, and will hopefully be tapped again to chip in on this worthwhile purchase. He then stated that the City Club is hosting its annual clam bake on October 2, 2022, and tickets are now available.

Mrs. Brown congratulated Dennis Kushlak, the 2022 Grindstone Award Winner, noting that the banquet is next Thursday, September 15, 2022. She also acknowledged Berea Firefighter Allen Scott, who is receiving the Courtesy Award, Southwest General Health Center, the Legacy Award Winner, and Andy Scott and the Henry kids, who are receiving the new Future Leader award. She encouraged all of Council to attend the event and show their support for the best of Berea.

Mrs. Brown wished her son-in-law a Happy Birthday tomorrow, and wish Alma Harper a very Happy 90th Birthday, as well!

Mrs. Coble informed Council that she met with Baldwin Wallace University's Residence Life, noting that Chief Dan Clark, Jim Brown, and some residents were also in attendance. The group has been meeting over the summer in order to try and address off campus housing issues, which are a huge problem in her Ward. She thanked the members of the Law Department for the comprehensive document they put together, which can be referenced by Student Life, and noted that there is a new person working in Residence Life with the primary job of reaching out and keeping in contact with off-campus students. Mrs. Coble stated that students must now register their off-campus address with the University, and added that the group's next meeting is in October.

Mrs. Coble continued by explaining that she received some complaints about noise from the Summer Concert Series, but after assisting a resident in putting together a neighborhood survey, it was determined that of the 52 respondents, most loved the concerts, although a few other miscellaneous issues did emerge, and she has provided all the information to Mayor Kleem.

Mrs. Coble concluded her comments by reminding Council that Baldwin Wallace would like to come to next week's Work Session to present their Strategic Plan to Council and the Administration. The meeting will likely be about an hour, and she asked for confirmation that Council Members will be available to attend.

Mr. Dozier congratulated Mr. Kushlak on the Grindstone Award, adding that he is a Ward 1 resident, announced that the Mt. Zion "Pray for Berea" service will be held this Friday at 7:30pm, and encouraged all residents in his Ward to go to the Recreation Center to vote in the September 13, 2022 Special election.

Mr. McManis informed Council that the Court Committee met over the summer and their budget concerns were openly discussed. He also spoke with other Court Communities to see how

they run their operations and handle collections, and was presented with a few suggestions, one being the unpopular idea of traffic cameras. Mr. McManis said that the Committee did discuss the concept of being able to move money between accounts and while there are limitations, the Court may be able to assist the City with some capital expenses and projects, if they are deemed relevant to Court operations. The Committee Members were tasked with identifying a couple projects or proposals that may be appropriate, and he felt the meeting was, overall, successful and productive.

Mr. McManis concluded his report by welcoming everyone back.

CORRESPONDENCE

The June 15, 2022 – September 1, 2022 Correspondence is available in the Clerk's office.

OTHER BUSINESS:

Mrs. Esson congratulated Mr. Kushlak on the Grindstone Award, noting that he is a wonderful man with a truly beautiful family.

Mr. Maxwell reminded everyone of next week's Work Session.

There being no further business before Council, it was moved by Mrs. Brown, and seconded by Mr. Skoczen, 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 9:28p.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 6th day of September, 2022, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council