

MINUTES OF A REGULAR COUNCIL MEETING
October 3, 2022 – 7:30p.m.

Council of the City of Berea, Ohio, met in regular session in the Council Chamber on October 3, 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: Mayor Cyril M. Kleem, Director of Public Works Tony Armagno 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. Skoczen, seconded by Mr. McManis, that the minutes from the September 19, 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 had no report.

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 informed Council that, similar to neighboring Cities, car thefts and break-ins are on the rise. She encouraged motorists to lock their car doors and refrain from storing valuables inside their vehicles.

Tony Armagno – Director of Public Service:

Mr. Armagno stated that Columbia Gas has begun a gas line replacement project in the Pearl Street neighborhood. The streets that will be affected are portions of Pearl, Beech Street, Third Avenue, Fifth Avenue and Front Street. There was a public meeting about the project this evening, and notice of that meeting was sent to residents. The duration of the project depends on whether or not underground concerns are identified. If so, the project will likely continue through to next Spring.

Mr. Armagno reminded Council about the signal timing study that was conducted along Bagley Road in both Berea and Middleburg Heights. NOACA is now ready to begin implementation, and some signal times will be changed all along Bagley Road. The changes are minimal and may not be noticeable, but once concluded, NOACA will re-evaluate and make any necessary adjustments.

In response to an inquiry from Mr. McManis, Mr. Armagno replied that the entire Bagley Road portion in the City is a coordinated system and changes can be done from the master control and not at individual intersections. Signals on Bagley will be altered, as will the signals at the approaches to Bagley, like at Nobottom/Barrett.

Mr. Skoczen inquired about the annual Road Program, and Mr. Armagno stated that the concrete repairs are ongoing, and final asphalt will be applied within a couple of weeks. The project should conclude by the end of October.

Mrs. Brown asked if the curb at North Rocky River Drive and Bagley Road could be smoothed out, and Mr. Armagno agreed to take a look at it before winter.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS: **NONE**

PETITIONS: **NONE**

AUDIENCE PARTICIPATION:

Bill Homan asked how much money is being spent on the treehouse by Coe Lake, and Mayor Kleem stated that the City received money from the County and added a handicapped lift, so while he does not know the exact cost, the grant will cover the entire project. No City funds are being expended.

Mr. Homan asked why the Dora Lee playground sits so close to where the school buses are parked, and wondered why the condition of that playground has not been addressed. Mayor Kleem replied that the playground is only 3 years ago and the basketball courts have been redone, as well. He noted that there are ball fields in the area too, so it did not make sense to flip the playground to the other side and separate it from the recreation area.

In response to a question from Mr. Homan, Mayor Kleem stated that he has many conversations with Senior Citizens, as he walks down to Coe Lake almost every day. He has spoken to people at Berea Lake Towers and the Baldwin House about Coe Lake development, and has even hosted Fireside Chats with Seniors at Coe Lake. A group of Seniors sit, on a daily basis, near where the treehouse will be, and they love the lake and the area. Many Seniors have informed him that they enjoy watching the kids play at the playground and splash pad because they enjoy intergenerational interaction. He has heard no complaints from Seniors with regard to the treehouse project.

Mr. Homan disagreed, stating that he has heard that Seniors do not want a treehouse and from the perspective of Law Enforcement, there are already too many issues with youth down at Coe Lake. Mayor Kleem responded that he never makes a decision without consulting the Safety Forces, and Officer Dave Kammerman was on the treehouse committee.

Mr. Homan concluded by saying that, on behalf of those with flooding issues on the North End, they do not appreciate the alleged degrading comments made by Councilman Dozier.

Paul Popovich, a resident on Stone Ridge Way, thanked Council for the annexation meeting last week, and asked if the land in question could be rezoned to make development not worthwhile. Mayor Kleem replied that the City has, previously, received a request for annexation, and must be careful not to do anything that could be misconstrued as retaliation. He noted that, because of the recent change in zoning for annexed property, the developer did have to take out about 100 houses from this proposal, which is progress.

Mr. Popovich asked if any timeline has been given for annexation, and whether or not Council was in favor of the proposal. Mr. Maxwell explained that no one is aware of their timetable, and no legislation is before Council this evening. He stated that, to be clear, the City of Berea has not petitioned development of the property and/or annexation. Any land owner can, however, make a petition for annexation and while the City can express its unhappiness, the County makes the final call.

Mayor Kleem added that Council Members must be careful about expressing an absolute opinion on an issue that is not yet before them. In his opinion, while he is not closing the door on development, what was presented was not acceptable. He did give the developer credit for actually pitching the idea this time around, rather than going through the expedited annexation process. There are simply too many unanswered questions, and while proposals will be given consideration, at this point he is not supportive of annexation.

COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:

Woodvale Union Cemetery Board of Trustees – Jim Maxwell

Mr. Maxwell reminded Council about the Joint Council Meeting on October 12, 2022 at 7:30pm in the Council Chamber

Berea Shade Tree Commission – Gene Zacharyasz & Erika Coble

Mr. Zacharyasz stated that their next meeting will be held soon.

Moved by Mr. Skoczen, seconded by Mrs. Brown, that the order of the agenda be amended to place legislation for first reading before legislation for third reading. Vote on the motion was all ayes and no nays. The motion carried.

LEGISLATION – FIRST READING:

ORDINANCE NO. 10-1: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE BEREA CITY SCHOOL DISTRICT AND THE LONGBROOKE HOMEOWNERS' ASSOCIATION TO ASSIST THE DISTRICT IN THE SOLICITATION OF REQUESTS FOR PROPOSALS FOR THE DEVELOPMENT AND SUBSEQUENT SALE OF THE PROPERTY LOCATED AT 535 WYLESWOOD DRIVE, PERMANENT PARCEL NO. 364-35-009, (SMITH SCHOOL) TO THE CITY OF BEREA FOR THE PURPOSE OF TRANSFERRING THE PROPERTY TO A DEVELOPER, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mike Draves, the Berea City School District's Assistant Superintendent, was present this evening. He explained that Smith School has served its purpose and is now a financial drain on the School District. They would now like to work in conjunction with the City and the Longbrooke Homeowners' Association to look for solutions regarding what to do with this property. While the property could go to auction, it would have to be sold to the highest bidder, thus removing all control from every party in question. No one wants that option. A second option would be to work together for solutions and try to come up with something positive for Berea.

Mayor Kleem agreed that there are concerns with the auction approach, and from the City's perspective, we have a lot more currently invested in the property than the School District, since many programs are run out of that building. He was supportive of the approach to collaborate with the District and the HOA and gather proposals from different developers and determine if they are beneficial to all parties. He noted that he hopes that whatever comes of the property, the City is still able to utilize parts of the building.

Mrs. Jones informed Council that this Ordinance would allow the City to lend its expertise on the Request For Proposals (RFP) process to the School District. Once proposals are acquired, all three interested parties will sit down to discuss them. She noted that the Ohio Revised Code allows the School District to dispose of unused property through public auction or sell it to a political subdivision. This Ordinance simply allows the City to enter in to a cooperative agreement and expends only time, not money, other than possible mailing costs.

Mr. Maxwell added that this Ordinance would allow three parties to work together, with the City acting as the agent, in compliance with the standards set for in the Ohio Revised Code.

In response to a question from Mrs. Brown, Mr. Maxwell stated that the property is zoned residential today, but State law allows a government entity to purchase and use any property, regardless of municipal zoning regulations. He added that the HOA Board has been discussing this and the Board will vote on the matter soon, on behalf of all HOA residents.

Mr. Draves stated that the School District has been in conversations with the HOA Board and while they are opposed to the auction sale, they feel that no one waves their rights in the MOU scenario. All proposals will be reviewed together.

Mrs. Weaver inquired about the acreage in question, and Mr. Draves stated that he is not sure.

Mr. Draves concluded by stating that the School Board will hold their vote on this matter until Council approves of the MOU. He thanked Mayor Kleem, Mrs. Jones and Mr. Madzy for working with the School District so well.

Proposed Ordinance No. 10-1 stands on first reading.

LEGISLATION – THIRD 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.

Moved by Mr. McManis, seconded by Mrs. Weaver, that Ordinance No. 9-1 be placed on the October 10, 2022 Work Session agenda and in the Coordinating Committee. Vote on the motion was all ayes and no nays. 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 BEREA 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.

Moved by Mr. Skoczen, seconded by Mr. Zacharyasz, that Ordinance No. 9-3 be adopted. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

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 AREA WIDE 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.

Moved by Mrs. Brown, seconded by Mr. McManis, that Ordinance No. 9-4 be adopted. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

LEGISLATION – SECOND READING:

RESOLUTION NO. 9-6: A RESOLUTION ADOPTING THE CUYAHOGA COUNTY 2022-2027 ALL-HAZARDS MITIGATION PLAN AS THE OFFICIAL HAZARD MITIGATION PLAN OF THE CITY OF BEREA, AND AUTHORIZING THE OFFICIALS AND AGENCIES IDENTIFIED IN THE IMPLEMENTATION STRATEGY TO IMPLEMENT THE RECOMMENDED ACTIVITIES ASSIGNED THERETO.

The Clerk read the title of the Resolution.

Proposed Resolution No. 9-6 stands on second reading.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mr. Maxwell had no report.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Zacharyasz offered his condolences to Jim Rump and his family on the loss of his lovely wife.

Mrs. Brown offered her condolences to the family of Joe Thompson, owner of Berea Bike Shop, adding that he was a staple in the community and will be sorely missed.

Mrs. Brown announced that October is National Disability Employment Awareness Month and the Chamber is offering a five-part series on disability, equity and inclusion, and one session will be with regard to physical and mental disabilities. Anyone interested can contact her or sign up on the Chamber's website.

Mrs. Coble had no report.

Mr. Dozier announced that he toured the Senior living community on the North End, noting that they have 83 preleased units and people are already moving in to this nice facility.

Mr. McManis thanked all who attended the meeting of the Coordinating Committee last week, adding that it is important that voices are heard on this matter and residents should stay tuned for further information.

Mr. Skoczen thanked Mr. Armagno for having the leaf collection schedule be published in the next edition of the Berean, and reminded everyone about his Ward 5 neighborhood meeting on October 23, 2022 at 5:00pm at Jason Malone Park, noting that if the weather is bad, an alternate location will be advertised.

Mrs. Weaver had no report.

CORRESPONDENCE

The September 16, 2022 – September 29, 2022 Correspondence is available in the Clerk's office.

OTHER BUSINESS:

Mrs. Esson stated that WBWC has been in the process of relocating their studio, and the Station was not sure if they would be able to broadcast the September 19, 2022 Council Meeting. Professor Joe Tarantowski, however, worked diligently to ensure that the meeting was, in fact, broadcast, which is so important for those who rely on the radio coverage. She thanked him for all of his efforts and hard work.

Mr. Maxwell announced that there will be a Work Session on October 10, 2022 at 7:30pm here in the Council Chamber.

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 8:26p.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 3rd day of October, 2022, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council