

MINUTES OF A REGULAR COUNCIL MEETING
October 17, 2022 – 7:30p.m.

Council of the City of Berea, Ohio, met in regular session in the Council Chamber on October 17, 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: Mayor Cyril M. Kleem. Present via Zoom: Director of Public Works Tony Armagno, Director of Law and Public Safety Barb Jones and Director of Economic Development Matt Madzy.

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. Zacharyasz, that the minutes from the October 3, 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 thanked all who made Berea shine during last weekend's Harvest Festival, especially Megan Pochatek and her team, as well as the members of the Service Department.

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 acknowledged members from both the Police and Fire Departments who risked their own lives in a heroic attempt to save someone in trouble.

Tony Armagno – Director of Public Service:

Mr. Armagno stated that the annual Road Program will be wrapped up by the end of October, noting that leaf collection will begin on October 31st. In response to an inquiry from Mr. Skoczen, Mr. Armagno replied that the contractor is responsible for clearing leaves off the curb edges before applying the final coat to the roads.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS:

RESOLUTION NO. 10-2: A RESOLUTION HONORING, COMMENDING AND CELEBRATING DENNIS KUSHLAK ON BEING NAMED THE 2022 RECIPIENT OF THE BERIA CHAMBER OF COMMERCE GRINDSTONE AWARD.

The Clerk read the title of the Resolution.

Mrs. Brown stated that the Grindstone Banquet was a wonderful event and thanked Mr. Kushlak for all he has done in service to the City of Berea.

Mr. Kushlak said that it was great to be recognized in such a way by this beautiful City that he loves, adding that over the years, the City has gotten even better. He thanked all the elected officials for their service.

Moved by Mrs. Brown, seconded by Mr. Zacharyasz, that Resolution No. 10-2 be approved. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

RESOLUTION NO. 10-3: A RESOLUTION HONORING AND CELEBRATING THE 2022 RECIPIENTS OF THE CHAMBER OF COMMERCE COURTESY AWARD.

The Clerk read the title of the Resolution.

Mrs. Brown stated that this award is given to those who go above and beyond in their line of work, and encouraged people to watch for worthy recipients during the year.

Moved by Mrs. Brown, seconded by Mr. Skoczen, that Resolution No. 10-3 be approved. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

RESOLUTION NO. 10-4: A RESOLUTION HONORING AND CELEBRATING SOUTHWEST GENERAL HEALTH CENTER ON BEING NAMED THE 2022 RECIPIENT OF THE BERIA CHAMBER OF COMMERCE LEGACY AWARD.

The Clerk read the title of the Resolution.

Moved by Mrs. Brown, seconded by Mr. McManis, that Resolution No. 10-4 be approved. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

RESOLUTION NO. 10-5: A RESOLUTION HONORING AND CELEBRATING PALM WELLNESS LLC ON BEING NAMED THE 2022 RECIPIENT OF THE BERIA CHAMBER OF COMMERCE RISING STAR AWARD.

The Clerk read the title of the Resolution.

Moved by Mrs. Brown, seconded by Mr. McManis, that Resolution No. 10-5 be approved. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

RESOLUTION NO. 10-6: A RESOLUTION HONORING AND CELEBRATING THE 2022 RECIPIENTS OF THE BEREA CHAMBER OF COMMERCE FUTURE LEADER AWARD.

The Clerk read the title of the Resolution.

Mrs. Brown acknowledged two of the recipients who were present this evening, stating that she can't say enough about them or all the events they have been a part of, but offered her thanks and congratulations.

Moved by Mrs. Brown, seconded by Mr. McManis, that Resolution No. 10-6 be approved. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

PETITIONS: NONE

AUDIENCE PARTICIPATION:

Gail Grizzell inquired about her request for the installation of speed limit signs throughout the North End in order to keep kids safe. Mr. Armagno informed her that he spoke with Police Chief Dan Clark and Mrs. Jones, and the law states that because the area has a known speed limit, a sign is not required on every street because that would constitute a lot of signage. He offered to reassess the issue and get back to her.

COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:

Southwest Health Care System Board of Directors – Chris McManis

Mr. McManis stated that the Board met to discuss shifting financial challenges, including the improvement and reassessment of current programs and the turnover rate with regard to Nurses. The Board felt it was time to strategize about what the health care system wants to be best at and focus attention on those efforts.

Mr. Skoczen asked why the hospital was losing Nurses, and Mr. McManis responded that competitors are offering signing bonuses and premium pay, but there are others issues that revolve around schools attempting to feed the Nursing shortage. There are issues with readiness, as well as interest, as some students are intrigued by the incentives, but once they get in, realize nursing is not what they expected. The hospital is trying to identify promising students earlier and be creative in their attempts to incentivize them to follow-through.

Berea Shade Tree Commission – Gene Zacharyasz & Erika Coble

Mrs. Coble stated that the Shade Tree Commission will meet at 3:30p.m. on October 20, 2022.

Woodvale Union Cemetery Board of Trustees – Jim Maxwell

Mr. Maxwell thanked everyone who attended the Joint Council meeting, adding that there was excellent discussion and good ideas offered. On behalf of the Board, he thanked both Mayors, Councils and Administrations for their support.

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.

Mr. Maxwell offered his thoughts, explaining that this Ordinance only extends the Purchase Agreement, not the MOU, and is important for development in Berea, and not just the North End. This sends a message that the City is interested in development, and he hopes this particular project will spur further development. He then acknowledged the importance of acting on this legislation this evening.

Mrs. Coble inquired about the difference between the Purchase Agreement and the MOU. Mr. Maxwell said that MOU is between the City and DMark and engaged DMark to act as an agent for the City and find development opportunities for specified parcels. The Purchase Agreement refers to a subset of these parcels that will be developed as part of the Townhouse proposal. The MOU is in effect until June, during which time DMark will continue marketing the other remaining parcels.

Mrs. Coble confirmed that the City will sell the parcels contained in the Purchase Agreement to DMark, who will then sell them to the developer. She then asked if the TIF is based on the City's sale price. Mayor Kleem replied that, if adopted soon, the City would make the argument that it should be based on this sale price, should the County value it differently.

Mrs. Coble inquired about the working committees that will be formed in order to address some of the outstanding issues with regard to this proposal, and Mayor Kleem stated that he would like to get these committees going by the end of the month. She noted that there will be forthcoming legislation regarding the TIF, and asked if she understood correctly that the Mayor was encouraging Council to get their own engineering study done regarding stormwater management on the North End with regard to this property. This way, there will be an assessment from the City, the Northeast Ohio Regional Sewer District, and Council.

Mrs. Brown inquired about the sale price, and Mayor Kleem stated that it is within the approved amount. She asked when the City would see the TIF income. Mr. Madzy explained that the TIF is based on the valuation of what is to be built. Therefore, the townhouses must be built, assessed, and tax bills need to go out. After that, the money will start coming in. Mayor Kleem

noted that the City can borrow money that will then be paid back with TIF funds, should a project need to begin sooner.

Mrs. Brown asked when assessment can begin, and Mr. Madzy stated that the project calls for the land to be split in to individual lots. Each lot/parcel will be added to the tax duplicate as they are completed, until the entire project is done, at which time the County will do a final inspection.

Holly Porter, a member of the audience, inquired about the working committees. Mr. Maxwell stated that one reason the project was delayed was so specific issues could be further ironed out at a committee level. These committees will be comprised of members of the administration, Council and community.

Mrs. Grizzell asked if Council would like to see this development in their neighborhoods. Mr. Dozier stated that he looks forward to the development because the area is so desolate. The City has so much to offer, but those unfamiliar with Berea who are coming off of 237 would never know it from their surroundings. He stated that he resides 2 blocks from where development will occur and feels it will be a big improvement for the North End, as will projects able to completed with use of the TIF funds.

Mr. McManis stated that the Work Session presentation made him feel more comfortable about the extension of the Purchase Agreement. He stated that, by pausing the project, he feels like the voices of the North End were heard, and the list of outstanding issues drafted by Mayor Kleem shows he was listening to residents' concerns. Mr. McManis further stated that he likes the idea of using TIF funds to reinvest in North End neighborhoods. While there is still work to be done, many of his hang-ups have been addressed.

Moved by Mr. Dozier, seconded by Mr. Skoczen, that Ordinance No. 9-1 be adopted. Vote on the motion was ayes: Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: Brown. The motion carried.

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.

Moved by Mr. Zacharyasz, seconded by Mrs. Brown, that Resolution No. 9-6 be approved. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

LEGISLATION – SECOND 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.

Mr. Maxwell clarified that all three parties will have a seat at the table when determining what will become of this parcel.

Mrs. Brown asked if this has to be approved by the HOA, and Mr. Maxwell responded that the HOA's Board of Trustees will need to approve it, and they are waiting until the School District approves it, and the School District is awaiting Council's approval, thus that will be the order of approvals received.

Mrs. Brown asked how deep the City is getting involved with this, and Mr. Maxwell explained that the School District does not want this property as it is a financial drain. The Ohio Revised Code cites specific ways in which this property can be disposed of, and the District, City and HOA all agree that it is in the benefit of all parties to work together on a solution. The School District has asked the City to coordinate the Request for Proposals (RFP) process in order to identify options, after which all three parties will review them together and find the best fit, at which time a developer will be selected. The City will act as a pass-through, meaning the School District will sell the property to the City who will sell it to the developer.

Mayor Kleem noted that the alternative option for this property is for it to be sold at auction. In that scenario, the School District, the City and the HOA will have little to no say in what becomes of the property.

Mrs. Brown confirmed that the property is zoned residential, and asked what will happen to the City offices in the building. Mayor Kleem said that, hopefully, the new owner will allow the City to remain, but if that is not possible, some renovations may need to occur at City Hall.

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

LEGISLATION – FIRST READING:

ORDINANCE NO. 10-7: AN ORDINANCE AUTHORIZING THE CITY ENGINEER TO ENTER INTO A CONTRACT WITH THE NORTHEAST OHIO SEWER DISTRICT FOR THE NORTH END SEWER NEW FLOW CONNECTION, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Armagno stated that in this agreement with the Sewer District, the City will use grant funds for the new flow connection in the North End, as well as the rehabilitation of some sewer laterals in the surrounding area. The City did apply for and receive the highest amount of funding, adding that grant funds will cover 75% of the project, and noting that there are pre and post monitoring requirements. He stated that the agreement becomes effective on January 1, 2023.

In response to a question from Mrs. Brown, Mr. Armagno stated that the project will total about \$825,000, and the City will be reimbursed \$618,000.

Mrs. Grizzell clarified that the sewer shed in question is the area around The Mall, Emerson and Shelly Parkway, and Mr. Armagno responded in the affirmative, adding that the area of discussion has not changed.

Mrs. Grizzell asked for clarification regarding the flow collected from Brook Park, and Mr. Armagno replied that the Sheldon interceptor is a Sewer District collector, and collects from both Brook Park and Berea, and has been doing so for 40 years. The City of Berea's sewer only collects from a couple Brook Park properties, but the regional sewer collects from many.

Mayor Kleem noted that no additional Brook Park properties will be collected by the new flow connection and Mr. Armagno confirmed that, adding that the only reason those numbers were included was to present the whole scope of the neighborhood and the interceptors impact.

Ordinance No. 10-7 stands on first reading.

ORDINANCE NO. 10-8: AN ORDINANCE FOR BRIDGE INSPECTION SERVICES ENACTED BY THE COUNCIL OF THE CITY OF BERA, CUYAHOGA COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Armagno explained that ODOT uses federal funds to conduct inspections of all municipal bridges, and as the City has an obligation to make sure bridges are inspected and maintained, we are a part of this program. Both the West Bridge Street Bridge over Valley Parkway and the Center Street Bridge over the Rocky River will be inspected by consultants hired and paid for by ODOT. He noted that suspension will be requested on second reading.

Ordinance No. 10-8 stands on first reading.

ORDINANCE NO. 10-9: AN ORDINANCE APPROVING, RATIFYING AND AFFIRMING THE 2022 ANNUAL FINDINGS, MINUTES AND ACTIONS OF THE TAX INCENTIVE REVIEW COMMITTEE FOR COMMERCIAL COMMUNITY REINVESTMENT AREA REAL ESTATE TAX ABATEMENTS ENTERED INTO UNDER POST-1994 RULES IN THE CITY OF BERA.

The Clerk read the title of the Ordinance.

Mr. Madzy explained that every year the TIRC meets to review the job creation numbers and payroll for those business receiving a real estate tax abatement.

Ordinance No. 10-9 stands on first reading.

ORDINANCE NO. 10-10: AN ORDINANCE APPROVING, RATIFYING AND AFFIRMING THE 2020 ANNUAL REPORT, MINUTES AND ACTIONS OF THE CITY OF BEREA HOUSING REVIEW COUNCIL FOR ALL RESIDENTIAL COMMUNITY REINVESTMENT AREA REAL ESTATE TAX ABATEMENTS AND COMMERCIAL COMMUNITY REINVESTMENT AREA REAL ESTATE TAX ABATEMENTS ENTERED INTO UNDER THE PRE-1994 COMMUNITY REINVESTMENT AREA REGULATIONS IN THE CITY OF BEREA.

The Clerk read the title of the Ordinance.

Mr. Madzy noted that this piece refers to all residential tax abatements, as well as commercial abatements entered in to before 1994.

Ordinance No. 10-10 stands on first reading.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mr. Maxwell announced that he is selling tickets for the 67th annual Kiwanis Pancake Festival which will be held at Baldwin Wallace on Sunday, December 11, 2022 from 8:00am to 1:00pm.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mrs. Brown thanked Mr. Armagno for patching the curb lanes from North Rocky River Drive to Bagley Road. She then, in light of the resurgence of drone attacks over Ukraine, encouraged everyone to set an example of peace.

Mrs. Coble thanked her neighbors for organizing and attending 3 neighborhood meetings in October, as it takes a community to address certain issues.

Mr. Dozier stated that a resident on Beech Street was concerned about two trees infected with Dutch Elm disease, and Mrs. Jones responded that the City's Codified Ordinances outline the procedures for dealing with trees that are suspected of having Dutch Elm. Concerned residents should contact the City.

Mr. Dozier then referenced some comments he made to the news during the recall process, stating that he did see it as a spiritual attack and will not apologize for his words because he was asked for his opinion and gave his thoughts.

Mr. McManis had no report.

Mr. Skoczen stated that pool renovations are underway in the Bluegrass Development, and reminded all Ward 5 residents of his neighborhood meeting on Sunday, October 23, 2022 at 5:00pm at Jason Malone Park.

Mrs. Weaver had no report.

Gene Zacharyasz had no report.

CORRESPONDENCE

The September 30, 2022 – October 13, 2022 Correspondence is available in the Clerk's office.

OTHER BUSINESS:

Mrs. Esson thank Megan Pochatek and everyone who made the Harvest Fest so delightful. She also acknowledged Mr. Kushlak and his wonderful family, congratulating him on his well deserved recognition and honor.

Mr. Maxwell announced that there will be a Coordinating Committee meeting on October 24, 2022 at 7:00pm here in the Council Chamber for the purpose of hearing a presentation from Baldwin Wallace President Bob Helmer regarding the University's Master Capital Plan. This plan was delivered to the Board of Trustees of the University a few weeks ago, and while the meeting is open to the public, as there is no legislation before Council, this will solely be an informational meeting with no public forum. If a resident would like to react, they may do so at any future Regular Council meeting.

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 9:01p.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 17th 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