

MINUTES OF A REGULAR COUNCIL MEETING
April 15, 2019 – 7:30p.m.

Council of the City of Berea, Ohio, met in the Council Chamber on April 15, 2019 and was called to order by Council President Mary K. Brown at 7:30p.m. Present: Bill DeVito, Nick Haschka, Margarette S. Key, Jim Maxwell, Rick Skoczen and Gene Zacharyasz. Absent: Cheryl A. Banaszak. 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. Haschka, seconded by Mrs. Key, that the minutes from the April 1, 2019 Public Hearing be approved. Vote on the motion was all ayes and no nays. The motion carried and the minutes were approved.

Moved by Mr. Haschka, seconded by Mrs. Key, that the minutes from the April 1, 2019 Regular 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 had no report.

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 had no report.

Paul Anzalone – Director of Public Service:

Mr. Anzalone announced that this Friday is bulk trash collection, and yard waste collection is also beginning for the year.

Mr. Anzalone added that this Spring's ongoing road projects, as well as the Dora Lee project, are both going well and running on schedule.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS:

RESOLUTION NO. 4-6: A RESOLUTION HONORING, COMMENDING AND CELEBRATING GEORGIANNA (GEORGIE) ROHDE ON BEING NAMED THE 2019 RECIPIENT OF THE BEREA CHAMBER OF COMMERCE GRINDSTONE AWARD.

The Clerk read the title of the Resolution.

Moved by Mr. Haschka, seconded by Mrs. Key, that Resolution No. 4-6 be approved. Vote on the motion was ayes: DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

RESOLUTION NO. 4-7: A RESOLUTION HONORING, COMMENDING AND CELEBRATING PAUL ANZALONE ON BEING NAMED A 2019 RECIPIENT OF THE BEREA CHAMBER OF COMMERCE COURTESY AWARD.

The Clerk read the title of the Resolution.

Moved by Mr. Maxwell, seconded by Mr. Zacharyasz, that Resolution No. 4-7 be approved. Vote on the motion was ayes: DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

RESOLUTION NO. 4-8: A RESOLUTION HONORING, COMMENDING AND CELEBRATING JOHNNY BOLLIN ON BEING NAMED A 2019 RECIPIENT OF THE BEREA CHAMBER OF COMMERCE COURTESY AWARD.

The Clerk read the title of the Resolution.

Moved by Mr. Haschka, seconded by Mrs. Key, that Resolution No. 4-8 be approved. Vote on the motion was ayes: DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

RESOLUTION NO. 4-9: A RESOLUTION HONORING, COMMENDING AND CELEBRATING EMILY MOES ON BEING NAMED A 2019 RECIPIENT OF THE BEREA CHAMBER OF COMMERCE COURTESY AWARD.

The Clerk read the title of the Resolution.

Moved by Mr. Haschka, seconded by Mr. Skoczen, that Resolution No. 4-9 be approved. Vote on the motion was ayes: DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

RESOLUTION NO. 4-10: A RESOLUTION HONORING, COMMENDING AND CELEBRATING TOM MONHOLLEN ON BEING NAMED A 2019 RECIPIENT OF THE BEREA CHAMBER OF COMMERCE COURTESY AWARD.

The Clerk read the Resolution in full, as Mr. Monhollen was present this evening.

General discussion commenced concerning where the Consortium purchases their salt, and in response to an inquiry from Mrs. Brown, Mr. Anzalone stated that the City currently has approximately 1,400 tons in stock. In a good winter, the City will use about 3000-3500 tons of salt. The request will, therefore, be for 2500 tons.

Mrs. Brown asked about the use of ash and cinders instead of road salt, and Mr. Anzalone stated that both are bad for storm sewers, but are frequently utilized in rural areas.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that the three-reading rule be suspended for Resolution No. 4-2. Vote on the motion was ayes: DeVito, Haschka, Key Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

Moved by Mr. Maxwell, seconded by Mr. Skoczen, that Resolution No. 4-2 be approved. Vote on the motion was ayes: DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

RESOLUTION NO. 4-3: A RESOLUTION DECLARING IT NECESSARY TO IMPROVE THE STREETS AND OTHER PUBLIC PLACES IN THE CITY OF BEREA BY SUPPLYING THE SAME WITH ELECTRIC LIGHTING, INCLUDING TRAFFIC CONTROL LIGHTING, BY FIXING THE VALUE OF INTERSECTIONS NOT ASSESSED FOR TAXATION, AND AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE AND FILE TENTATIVE ASSESSMENTS TO EFFECT THE SAME, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Resolution.

Proposed Resolution No. 4-3 stands on second reading.

ORDINANCE NO. 4-4: AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF THE STREETS AND OTHER PUBLIC PLACES IN THE CITY OF BEREA BY SUPPLYING THE SAME WITH ELECTRIC LIGHTING, INCLUDING TRAFFIC CONTROL LIGHTING, AND TO LEVY ASSESSMENTS THEREFOR, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 4-4 stands on second reading.

ORDINANCE NO. 4-5: AN ORDINANCE AMENDING AND RECONSTITUTING SECTION 175.10, COMPENSATION CLASSIFICATION AND COMPENSATION SCHEDULES, OF CHAPTER 175, CLASSIFICATION AND COMPENSATION, OF TITLE VIII, PERSONNEL PLAN, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA TO PROVIDE AN UPDATED COMPENSATION SCHEDULE FOR CURRENT AND FUTURE CITY EMPLOYEES, EXPRESSLY REPEALING EXISTING SECTION 175.10 OF THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 4-5 stands on second reading.

LEGISLATION – FIRST READING:**RESOLUTION NO. 4-14: A RESOLUTION ACKNOWLEDGING APRIL 22, 2019 AS EARTH DAY, AND APRIL 26, 2019 AS ARBOR DAY, AND PROMOTING AND ENCOURAGING ALL RESIDENTS OF THE CITY OF BEREA TO CULTIVATE AND APPRECIATE TREES AND ALL ARBOREAL GIFTS OF NATURE.**

The Clerk read the title of the Resolution.

Moved by Mr. Haschka, seconded by Mrs. Key, that Resolution No. 4-14 be approved. Vote on the motion was ayes: DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

RESOLUTION NO. 4-15: A RESOLUTION REQUESTING THAT THE COUNTY FISCAL OFFICER CERTIFY CERTAIN INFORMATION TO THE CITY OF BEREA, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Resolution.

Moved by Mr. Haschka, seconded by Mr. Skoczen, that Resolution No. 4-15 be approved. Vote on the motion was ayes: DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

ORDINANCE NO. 4-16: AN ORDINANCE ESTABLISHING THE CITY OF BEREA RENTAL REHABILITATION FUND, TO BE KNOWN AS FUND NO. ____ , FOR THE PURPOSE OF FUNDING NECESSARY RENOVATIONS AND TRACKING REHABILITATION COSTS ASSOCIATED WITH THE FIVE FORMER COLLEGE RENTAL PROPERTIES THAT ARE NOW OWNED BY THE CITY, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Morris referenced information that she had distributed to Council this evening, which demonstrated that, in her opinion, a new fund is not necessary as everything is already accounted for in Fund #400. She, in addition, highlighted the State Auditor's memo which adds credence to her claim that this new fund would be considered unnecessary because the City can already track expenditures through existing City funds. The addition of this new fund would generate additional audit costs and cause revenue matching concerns.

In response to a comment from Mr. Maxwell, Mrs. Morris stated that the funds she has outlined for Council are already existing and because money is designated in Fund #400, the City can complete renovations on several properties without having to wait for sales profits to come in to this new account.

Mr. Maxwell referenced Fund #100 and Fund #400, and Mrs. Morris stated that the City is, currently, paying property taxes on these properties out of the General Fund #100, but it is the intent of the Administration to utilize only the General Capital Fund #400 from here on out. Property taxes will be paid out of this account, and a Cost Center be created for each address.

Mr. Maxwell summarized that Mrs. Morris thinks this Ordinance is unnecessary because the City already accounts for these rental properties in the same manner the proposed new fund would account for these properties and, thus, the new fund is redundant.

Mrs. Brown explained that her reason for introducing this legislation was to get a better grasp of where the City stands with regard to these five properties. She referenced the money the City lost on the Longfellow property a few years ago, and insisted on more accountability. She noted that she wants an easier tracking method so the public can see what the City is spending to renovate these properties, and how much money the City is generating.

Mayor Kleem, again referencing the Longfellow property, stated that neighborhood stabilization fund grant money was lost, not taxpayer dollars, and it was due to fraud. The person who committed that fraud did so against dozens of others, and committed a felony. That situation does not relate to these rental properties in any way. The State Auditor has suggested that the City not create an unnecessary fund, but if anyone wants a detailed breakdown of what money is being expended, and how much is being generated, those reports are readily available. Mrs. Morris concurred, stating that monthly budget reports are generated that showcase detailed expenditures and these reports are available on the City's All Access drive.

Mr. Zacharyasz questioned why the City is involved in the landlord business at all, as he thought it was the intention of the Administration to acquire these five properties and immediately sell them with a deed restriction that they must remain owner-occupied. Mayor Kleem clarified that the City acquired the properties, but also respected the lease agreements, all of which concluded last summer. Since that time, the houses have been vacant. The City made a request for qualifications and then a request for proposals, and received one response last August. By October, the contractor determined he did not want to be involved with the rehabilitation, and thus the City made a few changes and again advertised for qualifications and proposals. This time, there were 8 contractors interested, and the City would like to move forward and begin work on the first of the five houses. Once that house is renovated and sold, the revenue will be used to offset the rehabilitation of the next house. It is the goal of the Administration to create a homeownership zone within the college neighborhood, and thus use sales money as seed money for other houses in the area, even once the 5 rentals have been sold.

Mayor Kleem continued by stating that the house on Eastland might not be worth renovating, as it is extremely small and it might be more advantageous to raze the structure and sell the lot, keeping the deed restriction in place. The goal for this year, however, is to get 115 Seminary Street renovated.

Mr. Zacharyasz was concerned about the amount of money the City was utilizing for renovations on 115 Seminary Street, especially if the City will end up selling the house at a loss. Mayor Kleem reminded Council that the City received these houses for free, and assured the neighbors we would make necessary repairs and improve their quality, as a benefit to the neighborhood. Generating a profit would be nice, but the goal is to improve the neighborhood.

Mr. Zacharyasz asked if there is grant money available for renovations, and Mayor Kleem was unsure that these properties would qualify for specific grants.

General discussion commenced concerning the fact that, as it stands, the General Capital Fund #400 will track all revenues and expenses generated by the five rental properties. This will happen even if a new fund is not created, and this Ordinance not adopted.

Mr. Maxwell asked a question on behalf of Councilwoman Banaszak, who was unable to attend this evening. She was concerned that the \$100,000 was for repairs on all five houses, and Mayor Kleem clarified that the \$100,000 is dedicated to the repairs of 115 Seminary Street.

Mr. DeVito stated that he used to live next to a college rental property and was forced to move. Any homeowner in the college district will be in favor of deed restrictions and owner-occupied houses.

Mrs. Brown asked if the rental properties owned by the University are in any better condition, and Mayor Kleem responded in the affirmative, noting that the University has more authority over the behavior of its tenants.

Mrs. Key agreed that the new fund is unnecessary, as everything is already being properly accounted for in the General Capital Fund.

Mrs. Brown asked if 115 Seminary Street will require the full \$100,000 that has been set aside for repairs, and Mayor Kleem stated that the City is going above and beyond merely meeting building code requirements. The City is not flipping the house, but improving the house and the neighborhood, as the neighbors were promised. The renovations are very detailed and while the foundation is good, waterproofing may be required.

General discussion commenced concerning when 115 Seminary Street will go on the market and whether or not the City would entertain potential buyers before the renovations are completed. Mrs. Jones stated that these details are still being decided.

Mrs. Brown was encouraged by the evening's discussion, stating that Council has now been provided with a good explanation of the accounting procedures being conducted with regard to these rental properties.

Proposed Ordinance No. 4-16 stands on first reading.

ORDINANCE NO. 4-17: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH R.A. KALFAS HOME IMPROVEMENT, INC. TO PROVIDE DESIGN-BUILD SERVICES FOR THE IMPROVEMENT AND RENOVATION OF THE RESIDENTIAL STRUCTURE LOCATED AT 115 SEMINARY STREET, PERMANENT PARCEL NO. 364-11-038, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Skoczen inquired as to how long the renovations are likely to take, and Mrs. Jones stated that they should take approximately four months to complete, and thus 115 Seminary Street could potentially be owner-occupied by the end of the year.

In response to a question from Mr. Maxwell, Mayor Kleem stated that Jim Brown will act as Project Manager and R. A. Kalfas will report to him.

Mr. Maxwell stated that he does have some concerns with the other 4 houses remaining vacant, and wondered how long the City anticipates it will take to renovate and sell all 5 properties. Mayor Kleem responded that State law does not make the process easy, and thus for the benefit of the contractor and City, this first house will be fully renovated before any renovations on the other houses begin. Hopefully, once the process is better understood, the other 4 properties can be simultaneously renovated, in order to drive down costs.

Proposed Ordinance No. 4-17 stands on first reading.

ORDINANCE NO. 4-18: AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE CHAPTER 957, ILLEGAL DISTRIBUTION, USE OR PERMITTING USE OF CIGARETTES, ALTERNATIVE NICOTINE PRODUCTS, ELECTRONIC SMOKING DEVICES OR OTHER TOBACCO PRODUCTS, OF PART NINE, GENERAL OFFENSES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA, AND EXPRESSLY REPEALING SECTION 937.16, ILLEGAL DISTRIBUTION OF CIGARETTES, OTHER TOBACCO PRODUCTS, OR ALTERNATE NICOTINE PRODUCTS.

The Clerk read the title of the Ordinance.

Mr. Skoczen thanked the Administration for their support of this Ordinance, adding that the crisis is real and needs to be addressed for the health and safety of kids, young adults and community members.

Proposed Ordinance No. 4-18 stands on first reading.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mrs. Brown inquired about damage on the Front Street overpass bridge, and asked how often those bridges are inspected. Mr. Anzalone stated that ODOT conducts an annual inspection on the structure and sends a report to the City, but maintenance of the concrete and paving is the City's responsibility. Mrs. Brown requested a copy of ODOT's latest report, and informed Mr. Anzalone where the potholes have been reported.

Mrs. Brown reminded everyone about the upcoming Grindstone Award Banquet, thanked Chris Scott and Boys 2 Men for the opportunity to conduct a financial literacy seminar with a great young ground of men, and asked if asphalt repairs will begin soon. Mr. Anzalone responded that asphalt plants opened today.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Maxwell had no report.

Mr. Skoczen encouraged City Inspectors to be pro-active with regard to exterior maintenance issues and asked all motorists to be careful now that weather is improving and kids are out and about.

Mr. Zacharyasz had no report.

Mrs. Banaszak was not present.

Mr. DeVito offered his condolences to the family of Richard Folkman, a young City resident who lost his life in a motorcycle accident. He encouraged all drivers to look out for motorcycles.

Mr. Haschka had no report.

Mrs. Key echoed Mr. Skoczen’s request, asking all drivers to be careful.

CORRESPONDENCE

The March 29, 2019 – April 12, 2019 Correspondence is available in the Clerk’s office.

OTHER BUSINESS

Mrs. Esson reminded Council to submit their financial disclosure forms.

Moved by Mr. Haschka, seconded by Mr. Skoczen, that Council move into Executive Session in accordance with Section 121.22 of the Ohio Revised Code in order to discuss the purchase and/or sale of public property, pursuant to O.R.C. 121.22(G)(2) and Codified Ordinance Chapter 109. Vote on the motion was ayes: DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried and Mrs. Brown declared a short recess at 8:48p.m. to allow members of the audience and press time to exit the Chamber.

Council resumed Regular Session at 9:21p.m.

There being no further business before Council, it was moved by Mr. Haschka and seconded by Mrs. Key, that the Regular Council Meeting be adjourned. Vote on the motion was all ayes and no nays. The motion passed and Council President Brown declared the meeting adjourned at 9:22p.m.

Mary K. Brown
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 15th day of April, 2019, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson, Clerk of Council