

MINUTES OF A REGULAR COUNCIL MEETING
January 18, 2022 – 7:30p.m.

Council of the City of Berea, Ohio, met in regular session in the Council Chamber on January 18, 2022 and the meeting was called to order by President of Council Jim Maxwell at 7:30p.m. Present: Mary K. Brown, Erika Coble, Chris McManis, Rick Skoczen, Lisa Weaver and Gene Zacharyasz. Leon Dozier joined the meeting at 7:34p.m. 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 Mr. McManis, that the minutes from the December 13, 2021 Work Session be approved. Vote on the motion was all ayes and no nays. The motion carried.

Moved by Mr. McManis, seconded by Mr. Zacharyasz, that the minutes from the December 20, 2021 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. McManis, that the minutes from the January 2, 2022 Organizational 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 wished everyone a Happy New Year!

Mrs. Brown inquired about the workings of the Board of Control, and Mrs. Morris stated that she is holding a training session with new Council Members on January 21, 2022, and Mrs. Brown is invited to attend.

Barb Jones – Director of Law & Public Safety:

Mrs. Jones reminded Council that the Code Red system merged with ReadyNotify, and a campaign to engage residents with this real time alert system will begin shortly.

In response to a question from Mr. Maxwell, Mrs. Jones stated that if a resident has already registered for ReadyNotify, no action needs to be taken. If a resident signed up for Code

Red, but never created a password for ReadyNotify when the change occurred, he or she should consult the provided informational material regarding how to register.

Mr. McManis thanked Mrs. Jones for addressing the speeding issue on Barrett Road so quickly.

Tony Armagno – Director of Public Service:

Mr. Armagno acknowledged that the intense winter weather brought challenges over the holiday weekend, but the staff was prepared and began salting roads at 3:00p.m. on Sunday. All service crews and equipment were out through Monday and Tuesday, and while the roads are in good shape, there is additional clean-up needed on sidewalks and bridges over the next few days.

Mrs. Brown asked Mr. Armagno to pay special attention to handicapped spots, as some get overlooked after heavy snowfalls, adding that proper clearance for wheelchairs has to be created. Mr. Armagno said that he would give special attention to those spaces.

Mr. Armagno announced that trash collection will be delayed one day due to the snow, and if trash is not collected, he encouraged residents to leave it out and contact either the Service Department or Kimble directly.

Mr. Armagno next addressed the Barberry Reconstruction Project, noting that the bid opening for the project is Friday, February 11, 2022 and the Administration is hoping for a good turnout and results. Mr. Maxwell inquired about a start date for the project, and Mr. Armagno replied that work should begin by April 1, 2022, but some gas line relocation may start before then.

With regard to the Norfolk Southern Bridge repair, Mr. Armagno stated that the project is coming to an end, but welding work needs to occur, thus there will be a couple overnight closures of North Rocky River Drive.

Mr. Skoczen inquired about the road inspection report that was conducted by an outside source, and Mr. Armagno stated that the information will be presented to Council in February.

Mr. McManis addressed a resident concern, and then inquired about railroad contact information.

Mrs. Coble stated that she heard from a lot of residents with regard to snow issues, and she offered to share some information and pictures with the Service Department. She noted that the alleys in her Ward did not seem to be plowed, and the ones along Beech and Seminary are used as egresses for residents in that area.

Mr. Armagno explained that alleys, cul-de-sacs and dead-end streets are not main priorities during a heavy snowfall. The first priority is main road clearance to ensure that emergency vehicles can travel safely. The main roads, which include State and County roads, as well as Bagley, are attacked with big plow trucks first, secondaries like Fair, West, Grayton, Nobottom and Lindberg are tackled next, and then trucks head in to the neighborhoods. Smaller trucks address dead-end streets, cul-de-sacs and alleyways, and there is, typically, a bit of a delay

in reaching these areas. Mr. Armagno noted that his Department received calls from residents on those alleys, and crews did get out there as soon as possible, even opening some driveways. He encouraged Council Members to reach out to him if there is a specific issue or concern, especially those that may involve an elderly member of the community.

Mr. Armagno noted that when it comes to dead-end streets, cul-de-sacs and alleys, the routes are rotated so that an alley that may have been last during one snowfall, is hit earlier during the next. It is a systematic but fair approach.

Mrs. Coble inquired about the high school road project and Mrs. Armagno stated that a letter will be going out to residents soon, and a public meeting will also be held to inform the neighborhood about the project. There is a lot of information forthcoming.

General discussion commenced concerning utility contact information, and Mr. Armagno stated that he will get a list to the Clerk.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS: NONE

PETITIONS: NONE

AUDIENCE PARTICIPATION:

Daune Jaynes inquired about the Front Street Railroad Bridge Separation Project referenced in Ordinance No. 1-2, and Mr. Maxwell explained that it refers to the Front Street overpass and is included in the Ordinance because the money owed on the project has been rolled in to the Note, and each year the City refinances money owed on the referenced projects with the hopes of receiving a savings. Mrs. Jaynes asked about City bonds, and Mrs. Morris stated that there are 3 sets, one of which was just reviewed in October of last year.

Michael Melampy congratulated the new Council Members, wishing them much luck, thanked Council for approving the Ordinance regarding electric charging stations in the City and addressed issues with snow removal, the first being sidewalks. Mr. Melampy confirmed that residents are responsible for shoveling the sidewalks in front of their houses. He explained that some residents do not shovel, and the problem has increased in intensity during the pandemic as more people are prone to walking. The sidewalks along Prospect are rarely cleared, the north sidewalk over the bridge on Bridge Street is never cleared, and the sidewalk in front of Fifth Third Bank is not shoveled, to name a few. He wondered if fines could be imposed.

Mr. Armagno stated that the City attempts to clear sidewalks along bridges and in front of businesses, even if they are not City property, but these actions are not always timely. One side of the bridge is, typically, addressed, and the Bridge Street concern can be looked at further. Mr. Melampy stated that if only one side on Bridge Street is shoveled, it should be the north side.

Mrs. Jones noted that people have the responsibility to maintain their sidewalks, but this is difficult to enforce because of health concerns and the fact that it can be safer to walk on snow

than a cleared surface that ices over. She encouraged neighbors to help neighbors to make neighborhoods safe.

General discussion commenced concerning legal liabilities relating to sidewalks and shoveling.

Dennis Knowles referenced the memo that was sent to Northend Committee Members, noting that it would be a good idea to invite a representative from NEORS to be a part of the committee, as they are an independent voice that can help correct the problem. He asked if all members of the committee, except Council Members, live in Ward 1? Do they all have basements that flood? Do they have skin in the game? Mr. Knowles did not understand why Councilman Dozier was on the Committee, because last year he refused to sponsor legislation that could have, potentially, benefitted him, stating that he would recuse himself of matters concerning the issue of flooding. Mr. Knowles explained that the committee's work could, potentially, benefit Mr. Dozier directly, thus, according to his own rationale, he should not be on the Committee. Mr. Knowles asked if Mr. Dozier represented the Mayor or the residents in his Ward, because the media is watching.

Mr. Dozier responded by stating that his recusal involved the setting aside of CARES Act funds specifically, because he was not going to write legislation that he would financially benefit from directly. He found that to be an ethical violation and refused to put himself in such a position.

Tom Brazee explained that traffic is a mess at Eastland and Bagley at 2:15p.m., as school lets out. He wondered if there was a better way to direct traffic at that time, in order to keep things flowing. Mrs. Jones responded that an Officer is, usually, running the lights, but it is a bad situation that has been discussed with the School District, and is, at present, being studied.

Honestor Davidson stated that he had questions for the Mayor. Mr. Maxwell recommended that specific questions be emailed to the Mayor, and offered to be copied on those emails, as well, in order to keep the conversations moving. He then stated that this is not the forum to have such conversations, especially since a committee has been established and will convene in short order.

Mrs. Coble disagreed, stating that she appreciated the comments from the Northend residents, and Mr. Maxwell clarified that while the public has the opportunity to address Council each meeting, not all subjects belong in this session. He can appreciate the frustration of the Northend residents because they are not getting the answers they want, but if the Mayor is not here to answer their questions, the questions should be emailed to him.

Mrs. Coble noted that she is not on the committee, but, inevitably, legislation to address the issue will come before Council and it is important that all Members have access to the full gamut of information. Mr. Maxwell agreed, but reiterated that this is still not the forum in which that information should be exchanged. Mr. Maxwell explained that Council is a part time body that votes on legislation and no member of Council should vote on a piece until all of their questions are answered. Mayor Kleem may not be present at every Council meeting, but he responds to emails and calls, and Directors do, as well. He hoped his responsibility of facilitating a smooth and productive meeting was not being misconstrued as a way to shut people down. Mr.

Davidson stated that he feels shut down because he is not on the Committee and thus has no way to communicate with them.

Mr. Davidson welcomed the new Members and concluded by stating “Happy MLK Birthday Day!”

Mr. Maxwell stated that if information about the Northend Committee is requested, it will be given, but Mrs. Jaynes said that she never received responses to questions she posed weeks ago. Mrs. Esson stated that she will get the answers to her.

Mrs. Jaynes asked if the Northend meetings will be conducted through Zoom and if the public will have access. Gail Grizzell, a member of the committee and the audience, responded that the meetings will be open to the public.

Mrs. Grizzell asked why Council was here if not to help residents, and Mr. Maxwell clarified that Council does want to help, but the Council floor is simply not the place to discuss every specific issue. Mrs. Grizzell responded that her and her neighbors have been dealing with flooding for a long time, and Council should listen to their complaints and pleas for help.

Marty Lott understood that it is the Council President’s job to facilitate movement through the agenda, but he has been dealing with the flooding issue for 20 years, and sometimes has information he wants to convey. While he fully admits he may stumble over some words, he simply asked for a bit of time to be heard. Mr. Maxwell stated that he would take those comments to heart, look at the way he runs meetings and, hopefully, continue to improve. He noted that he does understand the problem and wants to be helpful, and as a member of the committee he will be as helpful as is possible. He shares in their frustration that it has taken so long to put a meeting together, but he can not make that meeting happen. What he can do is try to get answers. He concluded by noting that a meeting should be occurring soon.

COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:

Woodvale Union Cemetery Board of Trustees – Jim Maxwell

Mr. Maxwell explained a bit about Woodvale Cemetery, for the benefit of new Council Members, stating that the cemetery is jointly owned by Middleburg Heights and Berea, and each City appoints a representative to the Board. There is, as well, one at-large Representative. Once a year, the Joint Council convenes to discuss the cemetery and address certain business. Both Cities contribute annually to the cemetery’s budget, but the goal is to keep the cemetery profitable, or it becomes the financial responsibility of the Cities. He encouraged anyone with interest to visit the cemetery and meet with the Director, Joe Giaimo.

Mr. Maxwell noted that the Board meets quarterly, and the next meeting is April 6, 2022, should anyone be interested.

Mrs. Brown complemented Mr. Maxwell and the Trustees on their hard work and dedication to Woodvale over many years, and Mr. Maxwell acknowledged how lucky both Cities are to work with Mr. Giaimo.

Mrs. Coble took this opportunity to thank Mayor Kleem and Rebecca Cate for setting up various Zoom meetings with Department heads so that she and Mrs. Weaver could familiarize themselves with the Administrative Departments.

LEGISLATION – THIRD READING:

ORDINANCE NO. 11-18: AN ORDINANCE APPROVING AND RATIFYING A THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BEREA AND THE BEREA POLICE LIEUTENANTS REPRESENTED BY THE FRATERNAL ORDER OF POLICE, LODGE 15, PURSUANT TO CHAPTER 4117 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Jones noted that this is a new bargaining unit, and its first contract is the same as the Sergeants' contract, except when it comes to rank differential, which will stand at 10.5 or 10.5% more than Sergeants.

Moved by Mr. Skoczen, seconded by Mr. Dozier, that Ordinance No. 11-18 be adopted. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

LEGISLATION – SECOND READING: NONE

LEGISLATION – FIRST READING:

RESOLUTION NO. 1-1: A RESOLUTION RECOGNIZING JANUARY 17, 2022 AS THE ANNIVERSARY OF THE BIRTH OF DR. MARTIN LUTHER KING, JR., AND HONORING AND REMEMBERING HIS MESSAGE, MOVEMENT AND THE DREAM THAT WE, IN THIS CITY AND COUNTRY, CONTINUE TO TRY AND MAKE A REALITY.

The Clerk read the Resolution in full.

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

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.

Mrs. Morris stated that the City has a watchful eye on interest rates, but as it stands, Note rates are much better than long-term bonds. Should something shift, the Administration may decide to call Notes early and do a bond issue.

General discussion commenced concerning bond maturity and Mrs. Morris added that once maturity is reached, the Note can not continue to be rolled.

Mr. Maxwell noted that municipal accounting is different than business accounting, as he has learned, and encouraged Council Members to reach out to Directors with specific questions.

Proposed Ordinance No. 1-2 stands on first reading.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mr. Maxwell acknowledged that he tweaked the public forum format, and encouraged those who address Council to provide contact information if a response is desired.

Mr. Maxwell encouraged Members to address specific resident complaints with Directors outside of a Council meeting, and to bring up City-wide resident concerns on the floor of Council. The reason for this is simply a more rapid response time.

Mr. Maxwell reminded Council Members that the virtual meeting legislation that was adopted last month will take effect January 20, 2022. He noted that he had asked some Council Members to think about rules for such an allowance, as are required in the Ordinance. Mr. Maxwell distributed his rules and ideas to all Council Members for their consideration, noting that the group must reach a consensus and implement these rules before virtual attendance will, in extreme circumstances, be allowed.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mrs. Brown stated that she is excited to be back on Council, welcomed new Members and noted that the Directors and their support staffs are great to work with and always willing to help. She asked how issues should be communicated to the Administration.

Mr. Maxwell replied that he takes an issue straight to the Director, but if someone is unsure where it should go, copy the Clerk and she will forward the concern to the correct department.

Mrs. Brown asked about Council Committee Meetings, and Mr. Maxwell stated that he hopes to reinstitute the policy of using Council Work Sessions, which occur the second Mondays of each month, for Committee meetings, since Members are already mentally committed to being

available at those times. He added that Council Members who are not on a Committee are still welcome to attend Committee meetings.

Mrs. Coble wondered who to contact if a resident concern involves different Departments, and also parking over the sidewalks. Mr. Maxwell stated that the latter should be called in to Dispatch while occurring, so an Officer can go out and respond while the violation is taking place. If it is a recurring issue, let Mrs. Jones know.

Mr. Dozier had no report.

Mr. McManis congratulated the new Council Members and looked forward to a productive year of working side by side.

Mr. Skoczen reminded residents to check on neighbors, especially during times of extreme temperature shifts. He then wished everyone a Happy and Healthy New Year, welcoming back Mrs. Brown and welcoming in Mrs. Weaver and Mrs. Coble. He encouraged them to reach out with any and all questions they may have, because everyone is willing and ready to help.

Mr. Skoczen next inquired about the possibility of arranging a tour of the Water Plant for all Council Members, especially since Council will soon be considering spending a lot of money on a new tank. Mrs. Jones stated that so long as the tour is for educational purposes and does not include deliberation, it would not be considered a public meeting. Mr. Armagno added that he will speak to the Water Plant staff and find a way to accommodate such a request.

Mrs. Weaver said she looks forward to serving with Council Members and for the City of Berea. She encouraged residents to reach out to her and wished everyone a Happy New Year!

Mr. Zacharyasz wished everyone a Happy New Year and welcomed the new Council.

Mr. Zacharyasz then expressed his deepest condolences to the family of Shane Bartek, a 2015 Berea High School Graduate and Cleveland Police Officer, who was killed in a car-jacking over the holidays. Mr. Zacharyasz noted that, after reaching out to the family, his business put out a memorial shirt, and over 3,100 have been ordered! The response has been overwhelming, and Officer Bartek was certainly so very loved! Proceeds from the shirts are going to the family, and he thanked the boys on Officer Bartek's soccer team, as well as several of their Moms, for helping get the shirts printed, sorted and packaged, and informed those waiting for their purchases that orders are on their way.

CORRESPONDENCE

The December 16, 2021 – January 13, 2022 Correspondence is available in the Clerk's office.

OTHER BUSINESS:

Mrs. Esson reminded Council Members about conflict of interest, financial disclosure and other relevant forms that must be completed. She then thanked Natalie Guzzo in Berea

Community Outreach for her help over the holiday weekend, especially with regard to a Senior's driveway.

Mrs. Esson next offered her condolences to Officer Bartek's Family, acknowledging that her heart is breaking for them and sincerely thanking Mr. Zacharyasz and his family and company for all they are doing to help.

Mrs. Esson welcomed the new Council, thanking them for her appointment!

General discussion commenced concerning the virtual meeting Ordinance and whether it will apply to other City Boards and Commissions.

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 9:22p.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 18th day of January, 2022, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council