

MINUTES OF A REGULAR COUNCIL MEETING
February 4, 2019 – 7:30p.m.

Council of the City of Berea, Ohio, met in the Council Chamber on February 4, 2019 and was called to order by President of Council Mary K. Brown at 7:01p.m. Present: Cheryl A. Banaszak, Bill DeVito, Nick Haschka, Margarette S. Key, Jim Maxwell, Rick Skoczen and Gene Zacharyasz. 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 January 7, 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 informed Council that Baldwin Wallace University will return before Planning Commission on Thursday, February 21, 2019 for a sketch plan review of their revised proposal regarding the new Math and Computer Science building. Planning Commission will not vote on this proposed concept, but will provide feedback before the University submits formal plans.

Mayor Kleem stated that, overall, the new concept truly takes in to account the integrity of the Zoning Code, and shows that the University listened to the concerns of Council, the Commission and the community, and made appropriate alterations. They should be given a lot of credit.

Mayor Kleem presented a sketch of the proposal to all Council Members, explaining that the 150' setback buffer will be achieved with this new proposal, the geothermal fields will be retained, and while houses will still need to be demolished, the parking lot will be expanded, so that spaces will be made available on site, and not across the street.

Baldwin Wallace is also proposing a gateway near the corner of Front Street and East Fifth Avenue, additional landscaping buffers, and the removal of the parking lot entrance/exit on to East Fifth. This way, traffic will be funneled out on to Front Street, and provide East Fifth with less congestion.

Mayor Kleem expressed his positive opinion of the sketch, reminding Council that there are no other details, as of yet, and the Planning Commission has not provided any input. He, however, wanted to provide an update on the project and publicly give the University credit for taking the City's concerns seriously, reconfiguring the building and achieving a good compromise.

In response to Mrs. Key, Mayor Kleem stated that he is not thrilled with the razing of houses, but there will be appropriate buffering, and this is part of the City's compromise regarding this proposal.

Mr. Maxwell raised a couple of pertinent questions with regard to the maneuverability of construction equipment in the area, but liked the new proposal and thanked the Mayor for the update.

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 thanked the Police Wives of Ohio for their donation of fifty tourniquets that Officers can now carry with them out on the road.

In response to an inquiry from Mr. Skoczen regarding an incident on the turnpike and malfunctioning rescue equipment, Mrs. Jones stated that she will speak with the Chief in order to see what the mechanical problem was, but added that while the new ladder truck is fully operational, other equipment is continuing to be maintained.

Mrs. Jones informed Council that Collective Bargaining negotiations are now underway, and the City has reached tentative agreements on healthcare with all four Unions.

Paul Anzalone – Director of Public Service:

Mr. Anzalone expressed his thanks to the members of the Service Department and Water Plant for their exceptional work during this crazy weather. They dealt with six watermain breaks in the extreme cold, and rose to the occasion for the benefit of the City's residents. He is both excited and proud of the job they did for the community overall. Mrs. Brown asked Mr. Anzalone to thank the Departments on behalf of Council.

Mrs. Brown inquired about salt usage this winter, and Mr. Anzalone responded that the City is fully stocked with our road salt order, but because no one has any way of knowing what winter weather will bring, he elected to return to the smart salt system, which means salt will be spread every 100' on main and secondary streets, at each stop sign and along every curve. Cal-de-sacs and interior streets will be spot salted, and the City will then allow the traffic to transport the salt throughout the entirety of the street. This will help the City reserve salt longer in to the season, just in case it becomes necessary.

Mrs. Banaszak inquired as to whether or not the City has a list of snow removal companies, and Mr. Anzalone responded that landscaping companies need not register with the City, but he will try to find a few names for her.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS:

None

PETITIONS: **None**

AUDIENCE PARTICIPATION: **None**

COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:

Woodvale Union Cemetery Board of Trustees – Jim Maxwell

Mr. Maxwell provided Council with a brief update from the January 9, 2019 quarterly Woodvale Board meeting, explaining that the year end totals showed cremations were up 30%, which did impact revenue. They were able to meet their budget goals by utilizing the cemetery crew for maintenance work that would normally be contracted out, and opting not to make some capital purchases.

With regard to cemetery expansion, there is a plan in place that could commence, with the first opening taking place in spring of 2021. Joe Giaimo, the cemetery’s Director, will be presenting the master plans to the Councils of both Berea and Middleburg Heights.

LEGISLATION – THIRD READING:

ORDINANCE NO. 12-5: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO ONE OR MORE AGREEMENTS TO PARTICIPATE IN THE REGIONAL STORMWATER COMMUNITY COST-SHARE PROGRAM FOR THE PURPOSE OF PURCHASING A STREET SWEEPER, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Moved by Mr. Haschka, seconded by Mrs. Maxwell, that Ordinance No. 12-5 be adopted. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

ORDINANCE NO. 12-6: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A REAL ESTATE CONVEYANCE AGREEMENT WITH BOSTON BRAND REALTY, LLC, FOR THE TRANSFER OF PERMANENT PARCEL NUMBER 362-02-017, WHICH IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO BOSTON BRAND REALTY, LLC, IN EXCHANGE FOR PERMANENT PARCEL NUMBER 362-02-014, AND AUTHORIZING THE EXECUTION OF ALL AGREEMENTS NECESSARY TO EFFECTUATE THE SAME, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Maxwell inquired as to whether or not a deal has been reached on the J&J Property, and Mrs. Jones stated that while the deal is not complete, this Ordinance will be null and void if the sale does not go through. She is, however, entirely confident that the deal will be made, and soon.

In response to an inquiry from Mrs. Brown regarding the razing of the J&J building, Mayor Kleem confirmed that plans for the demolition of 760 North Rocky River Drive and new construction at 789 Front Street are both before the Planning Commission on February 21, 2019.

Mrs. Jones added that the building should be demolished quickly, and an empty lot transferred to the City as part of this deal.

Mrs. Brown inquired about the title company, and Mrs. Jones explained that the company is in good standing and was selected at the recommendation of Mr. Madzy.

Moved by Mr. Haschka, seconded by Mr. Zacharyasz, that Ordinance No. 12-6 be amended by the substitution of proposed Ordinance No 12-6a. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried, and the new title reads as follows:

ORDINANCE NO. 12-6a: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A REAL ESTATE CONVEYANCE AGREEMENT WITH HINCKLEY RESERVE REALTY, LLC., FOR THE TRANSFER OF PERMANENT PARCEL NUMBER 362-02-017, WHICH IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO HINCKLEY RESERVE REALTY, LLC., IN EXCHANGE FOR PERMANENT PARCEL NUMBER 362-02-014, AND AUTHORIZING THE EXECUTION OF ALL AGREEMENTS NECESSARY TO EFFECTUATE THE SAME, AND DECLARING AN EMERGENCY.

Moved by Mr. Maxwell, seconded by Mrs. Banaszak, that Ordinance No. 12-6a be adopted. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

ORDINANCE NO. 12-7: AN ORDINANCE AMENDING BEREA CODIFIED ORDINANCE CHAPTER 1311, NON-RESIDENTIAL CONSTRUCTION AND INSPECTION FEE SCHEDULE, IN PART THIRTEEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Moved by Mr. Haschka, seconded by Mrs. Key, that Ordinance No. 12-7 be adopted. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

LEGISLATION – SECOND READING:

ORDINANCE NO. 1-2: AN ORDINANCE ENACTING NEW CHAPTER 1313, ZONING PERMIT AND INSPECTION FEE SCHEDULE, IN PART THIRTEEN, BUILDING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Anzalone requested suspension on this Ordinance so that this fee schedule, as well as the one adopted in Ordinance No. 12-7, can be implemented at the same time.

Moved by Mr. Haschka, seconded by Mr. DeVito, that the three-reading rule be suspended for Ordinance No. 1-2. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

Moved by Mr. Haschka, seconded by Mrs. Key, that Ordinance No. 1-2 be adopted. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

LEGISLATION – FIRST READING:

ORDINANCE NO. 1-3: AN ORDINANCE APPROVING, RATIFYING AND AFFIRMING THE 2017 ANNUAL REPORT, MINUTES AND ACTIONS OF THE CITY OF BERA HOUSING REVIEW COUNCIL FOR ALL RESIDENTIAL COMMUNITY REINVESTMENT AREA REAL ESTATE TAX ABATEMENTS AND COMMERCIAL COMMUNITY REINVESTMENT AREA REAL ESTATE TAX ABATEMENTS ENTERED INTO PRIOR TO 2008 IN THE CITY OF BERA.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 1-3 stands on first reading.

ORDINANCE NO. 1-4: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A JOB CREATION TAX CREDIT AND ENERGY GRANT AGREEMENT WITH VOSS INDUSTRIES, LLC, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Jones informed Council that an agreement has been drafted, and will likely be presented to Council for review on second reading, as Voss is in the process of examining it now.

In response to an inquiry from Mrs. Brown, Mayor Kleem responded that Voss would like to close on the sale of the building in March and begin moving employees in this year, although no formal timetable has been discussed. He reminded Council that some building improvements will need to occur first.

Proposed Ordinance No. 1-4 stands on first reading.

ORDINANCE NO. 1-5: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$8,295,000 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) ACQUIRING A PLOW TRUCK AND SERVICE DEPARTMENT EQUIPMENT, (iv) RESURFACING CERTAIN CITY STREETS TO BE APPROVED BY COUNCIL, (v) CONSTRUCTING IMPROVEMENTS AT COE LAKE, INCLUDING AN AMPHITHEATER AND POOL SHELTER, (vi) 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, (vii) 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 (viii) 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 office of the Clerk of Council.

Mrs. Morris explained that this is roll-over debt from last year that the City is in the process of paying down. If any of these notes go to the Bond Market next year, the estimated interest rate is 5.5%. Mrs. Brown questioned why the City is waiting so long to turn the notes in to bonds, and Mrs. Morris stated that the Administration would like to keep the municipal facilities portion of the debt in Notes in order to keep them liquid. The City will try to roll them over one more year, in the hopes that some City-owned properties on Front Street can be sold before the next term is up.

Mayor Kleem added that this debt goes back over 10 years, explaining that the old Williams Ford property is being retained as a short-term investment. The City would like to sell it and get it off the books.

Mrs. Brown reiterated her concern regarding rising interest rates, and Mrs. Morris stated that it is a volatile market, and the City wants to retain our good bond rating. The goal is to get rid of some long-term debt, and approach the market next year, with the hopes of maintaining our AA2. Mrs. Morris told Mrs. Brown that she can provide her with any and all additional information she requests, including the cost of the retention of a municipal advisor.

Mayor Kleem stated that the bond rating is high for a City our size, and any time we go to the bond market, there is a chance that our rating could be lowered, due to changes in State Law, like the recent one regarding retirement. While it has been beneficial to those retiring, the new law is not great for City budgets, as we are paying out more money. That change, in itself, poses a risk for a lower bond rating, even though the issue is out of the City's control. The Administration does not want to take the risk, at this time. The City is in a good position financially, with a high bond rating.

Proposed Ordinance No. 1-5 stands on first reading.

ORDINANCE NO. 1-6: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$300,000 URBAN RENEWAL TEMPORARY REVENUE BONDS, IN ANTICIPATION OF THE ISSUANCE OF DEFINITIVE URBAN RENEWAL REVENUE BONDS, FOR THE PURPOSE OF PAYING COSTS OF CITY URBAN RENEWAL PROJECT ACTIVITIES IN THE FIRST AVENUE COMMUNITY REVITALIZATION AREA, AND DECLARING AN EMERGENCY.

The Clerk read the title of this Ordinance.

Mrs. Morris explained that the City will pay down \$200,000 of this debt this year, and pay it off in 2020.

Proposed Ordinance No. 1-6 stands on first reading.

ORDINANCE NO. 1-7: AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2019 ENERGIZED COMMUNITY GRANT(S) FUNDS, AND DECLARING AN EMERGENCY.

The Clerk read the title of this Ordinance.

Mrs. Morris explained that this is the second year for the NOPEC grant, and the City can now spend this year's grant funds, along with what was rolled over from last year. Mr. Anzalone added that the money will likely be spent on the heating, cooling, and insulation of the Fire Department.

Proposed Ordinance No. 1-7 stands on first reading.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mrs. Brown announced the next Small Business Seminar, and reminded Council that applications are being accepted for the Grindstone Award, the Courtesy Awards, and the Business Award.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Zacharyasz had no report.

Mrs. Banaszak had no report.

Mr. DeVito had no report.

Mr. Haschka had no report.

Mrs. Key stated that she did invite people to the Small Business Seminar.

Mr. Maxwell had no report.

Mr. Skoczen had no report.

CORRESPONDENCE

The January 4, 2019 – January 31, 2019 Correspondence is available in the Clerk's office.

OTHER BUSINESS

Mrs. Esson reminded Council about their annual Financial Disclosure statements, and wished her cute little niece, Lily, a happy 9-month birthday!

Mayor Kleem announced his appointment of Ken Mantifel to fill the seat vacated by Conrad Borowski on the Municipal Planning Commission. While Mr. Borowski's term on the Commission was at its max, he agreed to fill an empty seat on the Heritage Architectural Review Board. Mr. Mantifel has served on the Civil Service Commission, Records Commission, Charter

Review Commission, and is a retired Police Officer. His wife, Sherry, was the school nurse at both Smith and Fairwood for many years. Mr. Mantifel is a nice guy with a beautiful family, and is even-tempered, calm and a voice of reason. Mayor Kleem asked that Council confirm his appointment this evening.

Moved by Mr. Haschka, seconded by Mrs. Key, that Council confirm the Mayor's appointment of Ken Mantifel to a 5-year term on the Municipal Planning Commission. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

Moved by Mr. Haschka, seconded by Mrs. Key, that the February 11, 2019 Council Work Session be cancelled. Vote on the motion was all ayes and no nays. The motion carried.

Moved by Mr. Haschka, seconded by Mrs. Key, that Council hold a Special Meeting on February 11, 2019 at 7:30p.m. in the Council Chamber in order to consider Ordinance No. 1-4, Ordinance No. 1-5, Ordinance No. 1-6, all on for second reading, and any other business that may properly come before Council. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

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 President Brown declared the meeting adjourned at 8:26p.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 4th day of February, 2019, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council