

**MINUTES OF A REGULAR COUNCIL MEETING**  
**February 19, 2019 – 7:30p.m.**

Council of the City of Berea, Ohio, met in the Council Chamber on February 19, 2019 and was called to order by President of Council Mary K. Brown at 7:40p.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, Director of Finance Andrea Morris and R. James Brown.

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 Mr. Skoczen, that the minutes from the February 4, 2019 Regular Council Meeting 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 February 11, 2019 Special 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 introduced Jim Brown to give a brief presentation regarding Code enforcement in the City.

Mr. Brown provided Council with a breakdown of certain statistics relating to exterior maintenance and Code enforcement. (*This reference sheet has been included at the conclusion of these minutes.*) The total number of inspections performed in 2018 was 488. This number does not include follow-up visits. 413 cases were closed last year. Some of the open cases have been referred to the Law Department to begin criminal proceedings. Some open cases have been referred to the Building Department, and the rest to Housing Resources, if the homeowners are in need of financial assistance. Mr. Brown noted that the Department is also responsible for Point of Sale inspections.

General discussion commenced concerning whether or not violations are more prevalent in the College District, and Mr. Brown stated that he does not think this is so, while Mayor Kleem noted that it probably depends on the specific type of violation. In the College District, there is likely more trash can complaints, for example.

Mr. Skoczen asked if there was any way to proactively address some issues that have continually occurred in past years. Mr. Brown said that friendly reminders could be sent, but the Law Department should review them first.

Mr. Haschka asked for clarification as to whether or not an Inspector can be invited on to a property to take photos of a neighboring issue. Mr. Brown stated that this is allowed, so long as the violation is fully visible and in plain view.

Mr. Maxwell wondered why so many Point of Sale Inspections failed, and Mr. Brown

stated that the main reasons are yard conditions, gutters and paint issue.

Mr. Maxwell inquired as to the number of Inspectors, and Mr. Brown stated that there are 3 full time Inspectors this year. For most of last year there were 2. Last year there was, however, a part time Inspector that did Point of Sale Inspections.

Mayor Kleem expressed his concern about Point of Sale Inspections. So much effort is put in to these Inspections, with very little return. In addition, a lot of violations referenced in a Point of Sale Inspection have probably already been documented with exterior maintenance violations. That makes the inspections rather redundant for our Inspectors. Redundancies can also occur in situations where violations were found and corrected, right before a homeowner decided to sell their property. Our Inspectors must still go out to the property to document the lack of violations. This is a waste of time. In addition, Point of Sale Inspections can slow down sales.

Mayor Kleem declared that these inspections consume so much of our Inspectors' time, and he is not certain they are worth continuing since our Inspectors could, instead, be focusing on other exterior maintenance issues. These inspections are, simply, not an effective use of resources.

Mr. Brown noted that the administrative side of Code enforcement is the most labor-intensive part. This had not been done in the past, but a new system was put in place a couple years ago and it tracks the information provided on the reference sheet.

Mr. Haschka asked if repeat offenders can be given a shorter compliance deadline. Mr. Brown responded that compliance dates are up to the discretion of the Department, and each case will be looked at individually. Mayor Kleem noted that the new nuisance abatement laws may be able to assist in these types of situations. Mr. Skoczen appreciated this possibility, stating that it will be nice to see reoccurring issues be handled more quickly.

Mrs. Key wondered if a reminder could be put in the newsletter regarding where to place garbage cans.

#### **REPORT AND COMMENTS BY THE OFFICERS OF THE ADMINISTRATION:**

##### **Andrea Morris – Director of Finance:**

Mrs. Morris announced that the City has, for the 14<sup>th</sup> year in a row, received a Certificate of Achievement for excellence in Financial Reporting from the Government Finance Officers Association.

##### **Barb Jones – Director of Law & Public Safety:**

Mrs. Jones had no report.

##### **Paul Anzalone – Director of Public Service:**

Mr. Anzalone issued a reminder that this is bulk trash week, and informed Council that a bid for the Lindbergh resurfacing project has been awarded, and work will begin later this spring. The street should remain open throughout construction. He noted that West Street was



The Clerk read the title of the Ordinance.

Moved by Mr. Haschka, seconded by Mr. Skoczen, that Ordinance No. 1-4 be adopted. Vote on the motion was ayes: DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

**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 Clerk's Office.

Moved by Mr. Haschka, seconded by Mrs. Key, that Ordinance No. 1-5 be adopted. Vote on the motion was ayes: DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

**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 the Ordinance.

Moved by Mrs. Key, seconded by Mr. Haschka, that Ordinance No. 1-6 be adopted. Vote on the motion was ayes: DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

**LEGISLATION – SECOND READING:**

**ORDINANCE NO. 1-3: AN ORDINANCE APPROVING, RATIFYING AND AFFIRMING THE 2017 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 PRIOR TO 2008 IN THE CITY OF BEREA.**

The Clerk read the title of the Ordinance.

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

**ORDINANCE NO. 2-1: 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 the Ordinance.

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

**ORDINANCE NO. 2-2: AN ORDINANCE APPROVING AND RATIFYING A THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BEREA AND THE BEREA POLICE SERGEANTS, REPRESENTED BY THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, PURSUANT TO CHAPTER 4117 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Mrs. Jones requested that Ordinances 2-2, 2-3, 2-4 and 2-5 be placed in Committee while negotiations continue.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that Ordinance No. 2-2 be moved to the Coordinating Committee. Vote on the motion was all ayes and no nays. The motion carried.

**ORDINANCE NO. 2-3: AN ORDINANCE APPROVING AND RATIFYING A THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BEREA AND THE BEREA POLICE PATROL OFFICERS REPRESENTED BY THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, PURSUANT TO CHAPTER 4117 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that Ordinance No. 2-3 be moved to the Coordinating Committee. Vote on the motion was all ayes and no nays. The motion carried.

**ORDINANCE NO. 2-4: AN ORDINANCE APPROVING AND RATIFYING A THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BEREA AND THE BEREA FIREFIGHTERS REPRESENTED BY LOCAL 1836 OF THE INTERNATIONAL ASSOCIATION OF**

**FIREFIGHTERS, PURSUANT TO CHAPTER 4117 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that Ordinance No. 2-4 be moved to the Coordinating Committee. Vote on the motion was all ayes and no nays. The motion carried.

**ORDINANCE NO. 2-5: AN ORDINANCE APPROVING AND RATIFYING A THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BEREA AND THE BEREA SERVICE DEPARTMENT EMPLOYEES REPRESENTED BY THE LABORERS' INTERNATIONAL UNION OF NORTH AMERICA MUNICIPAL, COUNTY AND STATE EMPLOYEES' UNION, LOCAL 1099, PURSUANT TO CHAPTER 4117 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that Ordinance No. 2-5 be moved to the Coordinating Committee. Vote on the motion was all ayes and no nays. The motion carried.

**LEGISLATION – FIRST READING:**

**ORDINANCE NO. 2-7: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO AMEND A CONTRACT WITH THE CUYAHOGA COUNTY DEPARTMENT OF PUBLIC WORKS TO EXTEND THE TERM OF THE CONTRACT AND TO INCREASE THE MAXIMUM FEES IN PROVIDING CERTAIN SERVICES RELATIVE TO THE CITY SEWERS, AS DETERMINED FROM TIME-TO-TIME, TO FURTHER ADVANCE THE CITY'S SANITARY AND STORM SEWER MAINTENANCE PROGRAM, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 2-7 stands on first reading.

**RESOLUTION NO. 2-8: A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE CUYAHOGA COUNTY SOLID WASTE MANAGEMENT DISTRICT.**

The Clerk read the title of the Resolution.

Mr. Anzalone provided Council with a brief overview of House Bill 592, which was adopted back in the 1980s as a result of declining land fill capacities and lack of environmental controls. The Solid Waste Management Plan was initiated as a result of that bill. This is the fourth revision to the County's plan, and the main change is that there will be a slight increase in fees per ton of solid waste. These fees are accumulated and some will come back to the City in the form of grant money for programs like the Household Hazardous Waste Roundup.

Mr. Maxwell asked what approving this Resolution will mean, and Mr. Anzalone stated that the Council will be approving what the County Planning Commission has already subscribed to for each community.

Proposed Resolution No. 2-8 stands on first reading.

**ORDINANCE NO. 2-9: AN ORDINANCE VACATING PORTIONS OF LONGFELLOW DRIVE, ARDEN AVENUE AND RIVEREDGE PARKWAY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, BUT RETAINING PUBLIC UTILITIES EASEMENTS THEREIN.**

The Clerk read the title of the Ordinance.

Mrs. Jones explained that the School District's bus garage turn-around is situated on a public right-of-way, and while this issue should have probably been cleaned up years ago, it is simply being addressed now.

In response to an inquiry from Mrs. Key, Mrs. Jones stated that the property being vacated belongs to the City, so no residents were required to be notified.

Mr. Maxwell asked if there is any value to the City to keep this property, and Mrs. Jones responded in the negative.

In response to a question from Mr. Skoczen, Mayor Kleem responded that the City had reached out to the Assistant Superintendent regarding some exterior maintenance issues around the bus garage, and Mr. Grosse committed to remedying the issues in the Spring.

Moved by Mr. Maxwell, seconded by Mr. Zacharyasz, that proposed Ordinance No. 2-9 be referred to the Municipal Planning Commission for review and recommendation. Vote on the motion was all ayes and no nays. The motion carried.

**ORDINANCE NO. 2-10: AN ORDINANCE AMENDING THE COMMUNITY REINVESTMENT AREA ("CRA") AGREEMENT WITH HELWIG WHISTLE STOP, LLC.**

The Clerk read the title of the Ordinance.

Mrs. Jones explained that the extension of the agreement from 10 years to 15 years is being recommended by the Director of Planning, Engineering and Development, Matt Madzy, because Helwig Whistle Stop has lived up to the terms of their agreement, far exceeding the payroll that was initially projected. The original agreement called for \$850,000, and the current payroll sits at \$4.7 million. Mrs. Jones continued by stating that Helwig Whistle Stop has been a good neighbor to the community, and will be working with the School District to conduct training programs.

Mrs. Brown asked if there is any further construction planned for that area, and Mrs. Jones stated in the negative.

Mayor Kleem noted that CRA Agreements were typically for 15 years. This proposed project was, however, such a large development and included multiple floors and tenants, as well as first floor retail and second floor offices, and thus they were given 10 years with the possibility of a 5-year extension, if they were found to be doing well. They have far exceeded their anticipated payroll, and the extension would not set any precedent.

Proposed Ordinance No. 2-10 stands on first reading.

**ORDINANCE NO. 2-11: AN ORDINANCE AMENDING SECTION 183.07, INSURANCE, OF CHAPTER 183, EMPLOYMENT PROVISIONS, OF TITLE VIII, PERSONNEL PLAN, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Mrs. Jones explained that the City has negotiated a lower employee contribution but a substantial increase in deductibles. Union contracts are being negotiated, but adoption of this Ordinance would make this change applicable to all non-union employees, as well.

Proposed Ordinance No. 2-11 stands on first reading.

**ORDINANCE NO. 2-12: AN ORDINANCE APPROPRIATING FROM THE VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENDITURES AND OTHER EXPENSES OF THE CITY OF BEREA FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019, AND EXPRESSLY REPEALING ORDINANCE NO. 2018-72.**

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 2-12 stands on first reading.

**REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL**

Mrs. Brown stated that the last small business seminar was great, and added that the Berea Library Manager, Pam DeFino, is retiring. She thanked her for all of her hard work.

Mrs. Brown concluded her report by reminding Council that nominations for the Grindstone and Courtesy Awards are due on Friday.

**REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL**

Mrs. Banaszak was not present.

Mr. DeVito had no report.

Mr. Haschka had no report.

Mrs. Key stated that she had attended a meeting last week with Mr. DeVito, Mr. Zacharyasz and Baldwin Wallace University President Bob Helmer, and it was extremely productive. The City needs the University, and the University needs the City.

Mr. DeVito agreed that the meeting was a good one.

Mr. Maxwell had no report.

Mr. Skoczen had no report.



Mr. Zacharyasz had no report.

**CORRESPONDENCE**

The February 1, 2019 – February 15, 2019 Correspondence is available in the Clerk’s office.

**OTHER BUSINESS**

Mrs. Esson reminded Council about their annual Financial Disclosure statements.

Moved by Mr. Haschka, seconded by Mrs. Key, 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 8:46p.m. to allow members of the press and public time to exit the Council Chamber.

Council moved back in to Regular session at 9:11 p.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 President Brown declared the meeting adjourned at 9:12p.m.

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Mary K. Brown  
President of Council

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Alycia Esson  
Clerk of Council

**CERTIFICATE OF COMPLIANCE**

The regular meeting of Council of the City of Berea, Ohio, held on the 19<sup>th</sup> day of February, 2019, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

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Alycia Esson  
Clerk of Council