

**MINUTES OF A REGULAR COUNCIL MEETING**  
**March 7, 2022 – 7:30p.m.**

Council of the City of Berea, Ohio, met in regular session in the Council Chamber on March 7, 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 via Zoom: Director of Public Works Tony Armagno, Director of Law and Public Safety Barb Jones, Director of Finance Andrea Morris, Director of Economic Developer Matt Madzy and Jim 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 Mrs. Brown, seconded by Mr. Skoczen, that the minutes from the February 22, 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 was not present.

**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 stated that, with regard to the fire at the Fairgrounds, arson has been ruled out.

**Tony Armagno – Director of Public Service:**

Mr. Armagno announced that NOACA has recommenced its Bagley Road Corridor Study that was halted in 2020 due to the pandemic and subsequent decreases in traffic flow. Data is now being collected and will be analyzed throughout the summer with the hopes of having recommended improvements implemented later this year. While the City will use the current lights and systems, recommendations will possibly be made for new light timings to help move traffic along that corridor. NOACA is also studying challenging intersections, like the ones at North Rocky River and Barrett, Front Street and Bagley, and others in Middleburg Heights.

Mr. Skoczen inquired about the traffic light and pole audit, and Mr. Armagno stated that the initial audit is done, but the City has recently taken the audit a step further and hired an engineering firm to do structural analysis of all poles. He added that if structural problems are uncovered, there are repair options other than replacement, as replacement is quite expensive.

Mrs. Coble stated that motorists are not stopping for pedestrians in the crosswalk across from Finnie Stadium, which could be very dangerous. Mr. Armagno responded that similar concerns have been brought up recently through the Chief of Police, and the Administration is looking at upgrading the signage soon to call more attention to the crosswalk. Motorists are required to yield to pedestrians, even mid-block, and the sign improvements will hopefully help.

General discussion commenced regarding a tour of the Water Plant for Council Members, and Mr. Armagno stated that he would work with the Clerk to set a date.

Mr. McManis asked if some patching could be done by Buckeye to help motorists out, and Mrs. Weaver inquired about the water quality study and when it would be available. Mr. Armagno, while uncertain about the timing of the water report, stated that he would follow up with Mrs. Weaver.

Mr. Dozier asked about the Ordinance that bans residents from parking boats and campers at their residences. Mrs. Jones stated that, over the years, these laws have not been enforced because storage costs for these items could be quite lofty. She suggested that a conversation be had regarding enforcement of these laws, perhaps at a committee meeting. She noted that enforcement is sought if a trailer is hooked up to electricity or protruding over the sidewalk.

**Marty Compton – Director of Recreation:**

Mr. Compton was not present.

**COMMENDATIONS:            NONE**

**PETITIONS:                    NONE**

**AUDIENCE PARTICIPATION:**

Tom Brazee inquired about the Cleveland Browns expansion project being slowed down, as referenced in the latest Berean. He said that he was unaware of such a project, and suggested that the Browns communicate with residents better, noting that he has heard the Browns had wanted to expand all the way to Front Street, and were disappointed they were unable to do so.

Mr. Brazee continued by expressing frustration that Ward 1 residents are being thrown out of their houses at the expense of private enterprise, and questioned Serpentine's response at a recent Planning Commission meeting when they said that there were no plans for their current site once they move to their new location. He felt this was a pivot away from the question, and expressed concern that the Browns, like Baldwin Wallace, are expanding further in to Berea, which is not how the City should be operating, especially without informing residents.

Mrs. Jones responded that Mayor Kleem has indicated that all house purchases were made between the Browns and the residents. The City was not a party to those plans, and the purchases began 3 or 4 years ago. With regard to the purchases that were made, many people were allowed to stay in their houses for a while, and there was general public knowledge that the Browns wanted to expand their training area, as evidenced in media coverage and discussions at

prior Council meetings. As far as the Browns plans, she has nothing definitive to report, merely informal speculation.

Gail Grizzell referenced an article she read on Cleveland.com that stated Governor DeWine is hoping to eradicate all lead pipes in the State of Ohio, and wondered if lead pipes play any part in Berea's water system. Mr. Armagno responded that the City is required to keep tabs on lead pipes in the City and, to the City's knowledge, there are no lead pipes in City rights-of-way, although there are some on private properties. The City is not responsible for replacing pipes on private property, but does notify residents so that they can take the necessary steps to remove these pipes. Mr. Armagno stated that if the City does come across a lead pipe on City property, it will be replaced immediately.

Mr. Maxwell inquired as to the time frame in which lead pipes were used, and Mr. Armagno responded that it varies, but mainly the 1950s-1960s. He stated that he was unsure when such pipes were banned.

Ms. Grizzell asked if she can request to know whether her property has any lead pipes, and Mr. Armagno responded that, if the City has information regarding the pipes on her property, it will be provided to her.

Mr. Brazee noted that the EPA has standards for the Water Plant that they must meet in order to prevent transmission of lead in to water. Chemicals help prevent the deterioration of lead, and Berea water, to his knowledge, is within allowable EPA limits, and thus nothing to worry about.

Mrs. Grizzell stated that a former member of Berea City Council, Richard Cansler, passed away. He helped to shepherd in the Browns training facility and the City's recycling program, and his service will take place on Saturday at Heritage Church.

Eydie Lott referenced the road study, asking how roads are selected to be redone because Emerson is in extremely poor condition. Mr. Armagno responded that the recent study that was conducted will act as a guide, but there are other considerations, including utility and waterline projects, requests from City Council and the amount of traffic on the road. Within the next month or so, a list of recommended roads will be available, but with regard to Emerson, the potholes can be taken care of right away and the Administration is aware that it is one of the worst roads in Ward 1 based on condition ratings.

Dennis Knowles asked why there was a speeding system in his Ward, and Mr. Maxwell stated that the City owns two speed signs and they are moved around the City based on complaints from Council and residents. The signs may help to remind people, or alert people, to the fact that they are speeding.

Holly Porter stated that the orange ramps on sidewalks that move in to crosswalks, used for handicapped accessibility, are crumbling and dangerous all around the City. Mr. Armagno asked for specifics as to where they are poor and hazardous, but stated that they are redone when the roads are resurfaced. Mr. Maxwell encouraged residents with concerns to filter complaints through the City website or their Council Members. Mrs. Porter reported that they

are crumbling all through the downtown area, specifically by National City Bank, the Berea Commons, the Triangle and the Conservatory.

With regard to the Browns expansion, Mr. Maxwell stated that Council was aware of the intention to expand, and worked with the City on the Mt. Zion project, but no concrete plans have been provided to Council.

General discussion commenced about who owns the Brown Training Facility, and Mr. Maxwell stated that the City owns the building. Mr. Brazee asked why the Browns would be secretive about their plans, and Mr. Maxwell responded that he does not know what conversations are ongoing, but Mr. Brazee still felt that something is going on behind the scenes and the community should know.

Daune Jaynes clarified that once the Browns have expansion plans, they will need to follow proper procedures and go through Planning Commission and, perhaps, Council for a rezone. Mr. Maxwell added that there are many steps for them to follow.

Marty Lott referenced a resident that had attended prior meetings and expressed concerns about the new Senior Living Facility on the North End, noting that she is experiencing difficult times right now. Part of this is due to the fact that the flooding issue and Senior Living project are preventing her from being able to rent out her duplex. Decisions are being made by the City that truly affect people, and people are quite unaware, and his conscious can't handle it anymore. With regard to the Browns, there are good people in the North End who are trying to maintain the quality of their neighborhoods. He added that there are so many issues and he would really like to see the Mayor at these meetings to answer some questions.

### **COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:**

#### **Southwest Health Care System Board of Directors – Chris McManis**

Mr. McManis stated that he attended his first meeting and was impressed at the level of participation by the hospital's leadership, and looked forward to being involved.

#### **Berea Shade Tree Commission – Erika Coble**

Mrs. Coble stated that the Commission is looking to hold a meeting in April.

#### **LEGISLATION – THIRD READING:            NONE**

#### **LEGISLATION – SECOND READING:**

#### **ORDINANCE NO. 2-2: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA (“CRA”) AGREEMENT WITH JOYCE MANUFACTURING CO. AND RAM REAL ESTATE, LLC., AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Ordinance No. 2-2 stands on second reading.

**ORDINANCE NO. 2-3: AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2022 ENERGIZED COMMUNITY GRANT(S), AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Ordinance No. 2-3 stands on second reading.

**ORDINANCE NO. 2-4: 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 TO PROVIDE 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.

Ordinance No. 2-4 stands on second reading.

**ORDINANCE NO. 2-5: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR THE SALE OF REAL PROPERTY, LOCATED AT 106 JACOB STREET, PERMANENT PARCEL NO. 364-06-022, A SINGLE-FAMILY HOME, WHICH IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE PERSON OR PERSONS OR ENTITY SUBMITTING THE HIGHEST AND BEST OFFER, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Director of Economic Development, Matt Madzy, was present this evening, as was Jim Brown. Mr. Madzy stated that 106 Jacob Street was acquired as part of the DeGeronimo deal, and this proposal is to seek authority from Council to sell the property by owner utilizing Zillow. Mrs. Coble will be assisting in coordinating an open house for the community, after which the City will likely wait a week until beginning to accept offers. A separate email account will be created to keep track of all correspondence with regard to this property. Once an offer is accepted, the purchase agreement will include a deed restriction that the house can not be rented out. The Administration would also like to see this house included in the new HOA created for this neighborhood, prior to transfer.

Mr. Brown explained some of the renovations that have been conducted, noting that it is a nice piece of property and should sell quickly.

Mr. Skoczen asked how much was spent on renovations and whether the City is set to come out of the project in the green. Mr. Madzy replied that the City is asking for \$295,000 and Mr. Brown said that total expenditures were around \$150,000, which sounds like a lot until one considers that the acquisition cost was \$0.

In response to a question from Mrs. Weaver, Mr. Brown stated the renovation total includes materials and subcontractor costs.

Mr. McManis inquired about a realtor allowance and whether it was built in, and Mr. Madzy responded that the realtor's fee will come out of proceeds.

Mrs. Brown asked if anything is being done with the other properties that the City acquired in the DeGeronimo deal, and Mr. Madzy stated that the lot on Eastland is buildable, but there are no plans for that vacant land yet. Mr. Brown added that nothing but necessary repairs have been done at 180 and 190 Beech Street.

Mr. Skoczen asked if the proceeds from the sale of 106 Jacob will be used to help fund the repairs of the other houses, and Mrs. Morris responded in the affirmative.

Mr. Brazee suggested that there be extended conversations about what will become of the two remaining houses, possibly at a Council Work Session so that the public could provide input.

In response to a question from Mrs. Porter, Mrs. Morris stated that the funds of this sale would go in to the Neighborhood Capital Improvement Fund, and have its own line account number. The money is not in the General Fund but in its own capital project fund.

Mrs. Porter reminded everyone that the City is paying property taxes on these properties, and the City also owns another lot on Baker Street. Mr. Madzy clarified that while Council did pass legislation regarding the house on Baker Street, the property owner filed bankruptcy, and thus all action on the property was halted. Mrs. Porter stated that it would be nice to be kept in the loop on such City happenings.

Ordinance No. 2-5 stands on second reading.

**ORDINANCE NO. 2-6: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CENTURY HOME GARDEN DISTRICT HOMEOWNERS' ASSOCIATION FOR THE PURPOSE OF INCLUDING 106 JACOB STREET (PERMANENT PARCEL NO. 364-06-022), IN THE CENTURY HOME GARDEN DISTRICT, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Mr. Maxwell stated that the HOA bylaws were provided to Council, as was some additional information. Mrs. Coble stated that, for the record, she has resigned from the HOA Board and, moving forward, will be able to more fully represent the community as a general member of the HOA.

In response to an inquiry from Mr. Dozier, Mrs. Jones said that 28 homeowners have joined the HOA.

Ordinance No. 2-6 stands on second reading.

**ORDINANCE NO. 2-7: 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, 2022, AND EXPRESSLY REPEALING ORDINANCE NO. 2021-77.**

The Clerk read the title of the Ordinance.

Moved by Mrs. Brown, seconded by Mr. Zacharyasz, that Ordinance No. 2-7 be placed on the March 16, 2022 Finance Committee meeting agenda. Vote on the motion was all ayes and no nays. The motion carried and Mr. Maxwell stated that the Finance Committee meeting will begin at 7:00p.m.

**LEGISLATION – FIRST READING:**

**ORDINANCE NO. 3-1: AN ORDINANCE OPTING-OUT OF H.B. 172 AND REAFFIRMING THE BAN ON DISCHARGING, IGNITING OR EXPLODING FIREWORKS IN THE CITY OF BEREA, AS SET FORTH IN CHAPTER 1519 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 Ohio Legislature passed a bill allowing people to shoot off consumer grade fireworks on private property on 12 select holidays throughout the year. There was, however, significant opposition that came forward, and thus the law includes a stipulation that Cities can choose to opt-out and maintain their current bans. Mrs. Jones noted that the issue was discussed with Police Chief Clark and Fire Chief Ledwell, and both recommended the current ban be maintained, particularly due to the fact that some neighborhoods in the City are densely populated, and oftentimes people do not use these fireworks responsibly, thus it becomes a matter of public safety.

Mrs. Jones added that many Cities are introducing similar opt-out laws.

Mr. Brazee thanked Council for the opt-out, but asked that Council consider increasing the penalty for violating Ordinance 1519.99, and requested that this Ordinance be enforced. He referenced a house on Clark Street that has full fireworks displays several times throughout the year, which is annoying to everyone. With regard to enforcement, Mrs. Jones recommended that a clause be added that prohibits the Court from suspending fines.

Mr. McManis noted that it is difficult to enforce this Ordinance because the offenders are often finished before the Police have arrived on scene. Mrs. Jones concurred. Mr. Maxwell stated that Council receives the Police logs and sees that the Officers go out, but because of due process laws, enforcement is simply difficult.

General discussion commenced concerning what constitutes a violation, and Mrs. Jones noted that things like sparklers will be permitted. Mr. Zacharyasz suggested incremental fines, based on the number of violations.

Ordinance No. 3-1 stands on first reading.

**ORDINANCE NO. 3-2: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO RENEW AN AGREEMENT WITH CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT TO PROVIDE TECHNICAL ASSISTANCE IN IMPLEMENTING SOIL AND WATER CONSERVATION MEASURES, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Mr. Armagno explained that the District provides supplemental services for the stormwater program including construction site inspections, post construction inspections, and many other control measures. The agreement that the City entered in to last year was successful, thus additional supplemental services are being requested.

Mrs. Coble asked about some examples of things the District helps with, and Mr. Armagno stated that they were involved in the high school construction, and they will be used, as projects arise, in the coming year on private, commercial and residential projects.

In response to a question from Mr. Maxwell, Mr. Armagno stated that the District provides cost estimates and lump sums based on a range of sites within the City.

Ordinance No. 3-2 stands on first reading.

**ORDINANCE NO. 3-3: AN ORDINANCE AMENDING SECTION 311.13, WATER RATES, OF CHAPTER 311, WATER, IN TITLE THREE, PUBLIC UTILITIES, OF PART THREE, STREETS, UTILITIES AND PUBLIC SERVICES CODE, AND AMENDING SECTION 1311.06, NON-RESIDENTIAL ALTERATION, RENOVATIONS AND MISCELLANEOUS BUILDING PERMIT FEES, OF CHAPTER 1311, NON-RESIDENTIAL CONSTRUCTION AND INSPECTION FEE SCHEDULE, OF PART THIRTEEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BERA AND AMENDING SECTION 1312.04, RESIDENTIAL BUILDING PERMITS, OF CHAPTER 1312, RESIDENTIAL CONSTRUCTION AND INSPECTION FEE SCHEDULE, OF PART THIRTEEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BERA TO INCLUDE BULK WATER INFORMATION AND TO PROVIDE CONSISTENCY ACROSS SECTIONS, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Mr. Armagno stated that this is a clean-up of some ordinances, and includes clarification on bulk water taken from construction sites as opposed to residential and commercial taps. The ordinance establishes a fee for the water, requires a bond to protect equipment, and alters the fee schedule.

Ordinance No. 3-3 stands on first reading.

**ORDINANCE NO. 3-4: AN ORDINANCE AMENDING SECTION 311.15(b), METERS AND SERVICES TAPS; RATES, OF CHAPTER 311, WATER, IN TITLE THREE, PUBLIC UTILITIES, OF PART THREE, STREETS, UTILITIES AND PUBLIC SERVICES CODE, AND AMENDING SECTION 1311.08, NON-RESIDENTIAL MISCELLANEOUS PLUMBING PERMIT FEES, OF CHAPTER 1311, NON-RESIDENTIAL CONSTRUCTION AND INSPECTION FEE SCHEDULE, OF PART THIRTEEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BERA AND AMENDING 1312.07, RESIDENTIAL PLUMBING PERMITS, OF CHAPTER 1312, RESIDENTIAL CONSTRUCTION AND INSPECTION FEE SCHEDULE, OF PART THIRTEEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BERA TO INCLUDE ALL SECTIONS IN**

**CHAPTERS 1311 AND 1312 THAT CONTAIN WATER METERS AND SERVICE TAPS AND PROVIDE CONSISTENCY ACROSS SECTIONS, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Mr. Armagno stated that this ordinance passes rising costs on to applicants and acts to clean-up discrepancies across several sections of the Codified Ordinances. The City is not looking to profit from this increase, merely to cover administrative and water costs.

Ordinance No. 3-4 stands on first reading.

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

Mr. Maxwell had no report.

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

Mr. McManis had no report.

Mr. Skoczen had no report.

Mrs. Weaver had no report.

Mr. Zacharyasz had no report.

Mrs. Brown asked that everyone keep the people of Ukraine in their thoughts and prayers and be proud and thankful to be Americans. She added that, at the bank, she is having everyone wear ribbons one day to show solidarity, as there are a lot of Ukrainian tellers and customers, and encouraged everyone to help in some way.

Mrs. Coble stated that she is in conversations about the parking and traffic issues at the high school.

Mr. Dozier asked that everyone keep the Ukrainian people in their prayers and expressed that he is thankful for the Second Amendment.

**CORRESPONDENCE**

The February 17, 2022 – March 2, 2022 Correspondence is available in the Clerk's office.

**OTHER BUSINESS:**

Mrs. Esson stated that she feels so helpless, as do we all, when it comes to the war on Ukraine and asked, as her brother suggested, that everyone just do what we can, to help in any way we can, and to believe that good will prevail, noting that she is praying for a miracle.

Moved by Mr. Skoczen, seconded by Mr. McManis, that the March 14, 2022 Work Session be cancelled. Vote on the motion was all ayes and no nays. The motion carried.

Mr. Maxwell reminded everyone about the March 16, 2022 Finance Committee meeting at 7:00p.m.

There being no further business before Council, it was moved by Mrs. Brown, and seconded by Mr. Zacharyasz, 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 9:39p.m.

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Jim Maxwell  
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 7<sup>th</sup> day of March, 2022, 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