

MINUTES OF A REGULAR COUNCIL MEETING
April 4, 2022 – 7:30p.m.

Council of the City of Berea, Ohio, met in regular session in the Council Chamber on April 4, 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 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. McManis, seconded by Mr. Dozier, that the minutes from the March 21, 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 had no report.

Tony Armagno – Director of Public Service:

Mr. Armagno stated that hydrant flushing will be occurring throughout the City over the next few weeks and notices will be posted.

Mr. Armagno continued by stating that the bridge demolition is progressing nicely and the parkway will reopen at the end of the week.

Mr. Armagno concluded his report by referencing the signal pole assessment study's preliminary results, noting that a handful of poles were identified as requiring immediate attention, and these poles have already been addressed and properly supported. A final report with recommendations for repairs and replacements is forthcoming.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS: **NONE**

PETITIONS: **NONE**

AUDIENCE PARTICIPATION:

Gay Grizzell stated that in mid-February a garbage truck lift caught some wires and cables came down. While Kimble did file a report, she contacted them due to the fact that this incident tore siding off her house, causing her to worry that rain water may gather behind the siding.

Mr. Armagno stated that he can reach out to Kimble on her behalf, and Mrs. Jones suggested that any time damage occurs, a Police report should be filed.

Dennis Knowles distributed the “Identifying Leaks on Private Property” document from a URS study. He asked if the City or homeowners connect sanitary and sewer pipes to the City’s sewer system in the street. Mr. Armagno said that this can vary and he can’t speak specifically about houses that were built before he worked for the City. The developer, however, typically installs the main sewer and also the lateral lines.

Mr. Knowles asked if the City owned sewer lines are in the middle of the street, and Mr. Armagno said that, typically, the sanitary lines are in the middle and the storm sewer lines can vary. In parts of Ward 1, they are in the same trench. Mr. Knowles stated that the lines in the street in front of his house are about 12’. He asked if the City has changed out any lateral lines. Mr. Armagno responded that repairs have been done to some, but not through the North End sewer program.

Mr. Knowles continued by stating that the original pipes led to I&I problems on private property. Mr. Armagno said that this could be one factor that could result in I&I and said that I&I is inflow and infiltration with inflow referring to the direct inflow of storm water in to the sanitary system and infiltration referring to the ground water that enters the system through cracks and leaks in failed pipes. Mr. Armagno stated that there are different ways in which I&I can enter the sanitary system and one way is through the laterals.

Mr. Knowles said that the Administration has stated that the problem causing backup is I&I. He said that the distance from the front of his house to the sidewalk is 42’. The distance from the sidewalk to the street is 18’. One-third of the total line is publicly owned property. The problem is, therefore, a public and private property issue. Mr. Armagno said that the City has never said that it was solely a private property issue. The City has acknowledged and done work on public property and used grant funds to address some issues. The City has also said that testing shows problems on private properties, as well.

Mr. Knowles quoted a Sun News article in which Mayor Kleem said that I&I exists on private property, even though a part of the pipes is on public property. Mr. Maxwell stated that it does not appear that the Mayor’s comment was exclusionary of other things, and asked Mr. Knowles to wrap up his comments because the Council has a full agenda ahead of them. He stated that he would afford Mr. Knowles a few more minutes, but requested that he ask his questions succinctly.

Mr. Knowles reiterated that the pipes are on both public and private property, and thus the problem is both a public and private issue. He provided Mr. Maxwell with some photos that illustrate his point, and Mr. Maxwell said he would provide them to Mr. Armagno.

Mr. Knowles concluded by asking where the \$250,000 the Mayor has earmarked for North End sewer repairs stands.

Tom Brazee asked if there is a way to find out what the Browns intend to do with the properties they have purchased around their training facility. Mr. Maxwell responded that the Browns have expressed an interest in expanding their operations and he speculated that covid, likely, interrupted some of those plans, but they have said they want a more fan based experience at Training Camp.

Mrs. Jones added that the Browns are under no obligation to provide the City with details until they take their first official step.

Mrs. Coble stated that she reached out to the Browns to see if they would be willing to attend a community meeting, since they are an important member of the City, but has not yet received a response.

Honestor Davidson expressed his feeling that Mr. Maxwell's remarks to Mr. Knowles were condescending and asked him to be more respectful.

Gail Grizzell stated that at the last North End sewer committee meeting, Mr. Armagno mentioned a second watershed for the North End, whereby the pipe on Sheldon Road would be cut and capped for the commercial properties from Berea and those tied in to Berea's pipe on Sheldon. She said that the Mayor proposed a two drain solution and wondered how he and the City Engineer are not on the same page.

COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:

Berea Shade Tree Commission – Gene Zacharyasz; Erika Coble

Mr. Zacharyasz stated that the Shade Tree Commission met and will be adding one or two new members. They are in the process of gathering nominations, and should have information to the Mayor in the next couple of months.

Southwest General Health Care System Board of Directors – Chris McManis

Mr. McManis stated that covid numbers are lessening and, throughout the pandemic, the hospital has given more attention to the level of care, thus enabling 150 days to pass without having any sort of blood issues. Patient volume is improving, open visitation has resumed, and the hospital has returned to no more negative pressure, which means open air circulation.

Mr. McManis continued by noting that the hospital is working to retain staff, which is a work in progress like so many other places, and noted that they have donated more than \$300,000 in medical supplies to Ukraine.

LEGISLATION – THIRD 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 stated that she researched questions that were raised by Council and Mr. Brazee and determined that the Ordinance that rejects H.B. 172 should be addressed in one piece, and two other pieces will follow that deal with nuisance issues and a fine scheduled based on the number of previous violations.

General discussion commenced concerning whether or not the piece should be adopted or left to stand until the other issues are legislatively addressed.

Mr. Knowles expressed his wish that Council would give as much attention to flooding as they do to fireworks.

Proposed Ordinance No. 3-1 stands on third 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.

Moved by Mrs. Brown, seconded by Mr. Skoczen, that Ordinance No. 3-2 be adopted. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

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 BEREA 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 BEREA TO INCLUDE BULK WATER INFORMATION AND TO PROVIDE CONSISTENCY ACROSS SECTIONS, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Moved by Mr. Skoczen, seconded by Mr. McManis, that Ordinance No. 3-3 be adopted. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

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.

Moved by Mrs. Brown, seconded by Mr. Dozier, that Ordinance No. 3-4 be adopted. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

LEGISLATION – SECOND READING:

ORDINANCE NO. 3-5: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA (“CRA”) AGREEMENT WITH NHG PROPERTIES, LLC. AND HANEY LANDSCAPING, LLC., AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Jones explained that a couple minor changes are required for this Ordinance, as there will be 7 new full-time equivalent jobs with a payroll of \$260,000. The original piece before Council stated that the payroll would be \$500,000, but that is, in actuality, what their entire payroll will be.

Mrs. Brown asked what will happen if the payroll figure is not met, and Mrs. Jones said that the County meets annually to review CRA agreements, and if requirements are not being met, Council can revoke or amend the agreement.

Joe Haney was present and stated that the employment numbers are conservative, and he hopes they are even higher. Council thanked him for attending this evening.

Proposed Ordinance No. 3-5 stands on second reading.

LEGISLATION – FIRST READING:**ORDINANCE NO. 4-1: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACTS FOR ASPHALT OVERLAYS, CONCRETE REMOVAL AND REPLACEMENT, CRACK SEALING AND BITUMINOUS SURFACE TREATMENTS TO VARIOUS CITY STREETS FOR THE ANNUAL STREET MAINTENANCE AND REHABILITATION PROGRAM, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Mr. Armagno stated that the final road list will be to Council before second reading and, in response to a question from Mr. Maxwell, stated that pricing for the road program is difficult to anticipate due to the volatile price of oil.

Mr. Skoczen asked if the recent road condition study influenced the final list, and Mr. Armagno said that it was a consideration, but not the only thing considered.

In response to an inquiry from Mr. Skoczen, Mr. Armagno said that because of the economy of scale and best pricing, the sidewalks being repaired do mirror the road repairs, although there are other things considered, as well, like whether sidewalks are around schools.

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

ORDINANCE NO. 4-2: AN ORDINANCE AMENDING AND RECONSTITUTING SECTION 175.10, COMPENSATION SCHEDULE, OF CHAPTER 175, CLASSIFICATION AND COMPENSATION, OF TITLE VII, 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.

In response to a question from Mr. McManis, Mrs. Morris said that the compensation schedule was last amended 3 years ago, in conjunction with Union contract negotiations. Since Council has approved a 3% raise for the next 3 years for Union employees, that same raise potential is being offered for non-Union employees, which requires the compensation schedule to increase.

Mr. McManis asked how many non-Union employees work for the City and Mrs. Morris stated about 50. Mr. Maxwell confirmed that Union employees do not have a job grade.

General discussion commenced regarding who would be eligible for a raise, whether or not employees get raises, and who authorizes said raises. Mrs. Weaver asked why this piece was not presented in conjunction with the budget, and Mrs. Morris responded that it is simply a housekeeping piece that is proposed once Union contract negotiations have concluded.

Mr. McManis asked where most non-Union employees fall on the pay grade scale and Mrs. Morris reiterated that this is just to ensure that space is there if an employee at the top of their

pay range receives a raise within the next 3 years. She said that raises are not guaranteed for the administrative staff. Mr. McManis wondered if these pay ranges shut out good applicants.

Mr. Skoczen inquired about the dollar figure per year that this Ordinance could bring with it, and Mrs. Morris said she can get the number, but it was already approved in the budget for non-union employees. Mr. McManis responded that the budget numbers can shift.

General discussion commenced confirming that even if this piece stands on first reading, the small number of employees that it may impact will still be properly paid retroactively.

Mr. McManis asked for the number of employees in each pay grade.

Proposed Ordinance No. 4-2 stands on first reading.

RESOLUTION NO. 4-3: A RESOLUTION DECLARING IT NECESSARY TO IMPROVE THE STREETS AND OTHER PUBLIC PLACES IN THE CITY OF BERA 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 first reading.

ORDINANCE NO. 4-4: AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF THE STREETS AND OTHER PUBLIC PLACES IN THE CITY OF BERA 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 first reading.

ORDINANCE NO. 4-5: AN ORDINANCE APPROVING AND RATIFYING A THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BERA AND THE UTILITY WORKERS UNION OF AMERICA, LOCAL 270, PURSUANT TO CHAPTER 4117 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Jones explained that the agreement is forthcoming, but it mimics the Service Department's contract with regard to benefits, but wages were negotiated separately since Water Plant workers require special skills and due to the importance of safe drinkable water.

In response to a question from Mr. Skoczen, Mr. Armagno stated that there are 8 full time employees in this Union.

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

RESOLUTION NO. 4-6: A RESOLUTION REQUESTING THAT THE CUYAHOGA COUNTY FISCAL OFFICER CERTIFY CERTAIN INFORMATION TO THE CITY OF BEREA RELATIVE TO A 1.4 MILL TAX RENEWAL LEVY, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Resolution.

Mrs. Morris stated that the water capital levy is up for renewal this November and this begins the process of getting the issue on the ballot.

Moved by Mr. Skoczen, seconded by Mr. Zacharyasz, that the three-reading rule be suspended for Resolution No. 4-6. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

Moved by Mr. Skoczen, seconded by Mrs. Brown, that Resolution No. 4-6 be approved. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mr. Maxwell had no report.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mrs. Weaver thanked Mr. Armagno and the Service Department for helping her respond to residents, and offered her appreciation to the North End residents who attend these meetings, stating that just because not everyone makes a comment with regard to the flooding, this does not mean no sympathy is felt. She hoped a remedy and relief is forthcoming.

Mr. Knowles said that they want to provide information to Council. Mr. Maxwell clarified that, moving forward, he recommends that complicated questions be presented in writing so that answers can be more expedited and forthcoming. Mr. Knowles stated that he would be happy to do this, and Mr. Maxwell stated that if Mr. Knowles would like to do this in the future, he will facilitate getting the question to the correct people.

Gail Grizzell stated that she has noticed that the residents who are asked to hurry up, and those forced to cut their comments short, are all black, which is a violation of her civil rights and infringes on her freedom of speech, and she may take the issue to the next level because there is a serious problem with the leadership of Council when people of color are asked to limit their comments.

Mrs. Weaver stated that she apologizes if that is how Ms. Grizzell has felt, but does not think the request for people to wrap up their comments was made based on skin color.

Marty Lott stated that the people in the audience represent a whole community and no one knows when the next North End sewer meeting will occur or where the Mayor is, but the clock is ticking until the next heavy rain and no one can afford more flooding. He wants to see something accomplished and some things fast tracked and some funding emerge. This problem

has been ongoing and he is tired of it and requested that everyone call the Mayor and demand action to take care of the North End residents now.

Mr. Zacharyasz stated that he received communication that the next North End meeting is April 27, 2022 at 7:00p.m., and Mr. Lott requested that Mr. Davidson be put on the committee.

Mrs. Brown stated that she will follow up on the \$250,000 per year for North End sewer issues, adding that she can't imagine what they go through as Spring weather approaches, noting that they are caught in such a difficult position. She thanked them for coming and expressing their thoughts, adding that she appreciates their drive to get a resolution. She also asked that Mr. Zacharyasz forward the email regarding the next North End sewer meeting to all of Council, as she represents the entire community and did not receive notice.

Mrs. Brown wished Mr. Skoczen a happy belated Birthday and wished everyone a Happy Easter!

Mrs. Coble stated that she has learned so much from the North End residents and appreciates their openness and willingness to allow Council to be a part of their struggle, while also looking forward to the point where the issue can be resolved.

Mrs. Coble stated that she met with Baldwin Wallace President Bob Helmer and Dan Karp, adding that the University plays a big role in our community, and stating that they want to stay in touch with the City.

Mrs. Coble concluded by stating that there will be an open house for the Jacob Street house on Thursday from 4:00p.m. to 7:00p.m., which will serve as a preview prior to the sale of the property.

Gay Grizzell stated that Mr. Dozier told her that the squeaky wheel gets the grease, which is why Fair Street sewers were addressed first. Now, however, they are the squeaky wheel. She added that every citizen in this zip code should be treated the same, and she will continue to come and repeat the same thing until something is achieved.

Mr. Dozier said that he would provide Council with information regarding Zoning Code Section 309.19, and mentioned a complaint about lighting issues at City playgrounds. Mrs. Jones responded that playgrounds close at 10:00p.m., and Mr. Armagno said that lighting would not be affected by curfew, and asked Mr. Dozier to send him the specific complaint.

Mr. McManis thanked Mr. Armagno for his assistance, stated that he had a conversation with Mayor Kleem about the train issues in Ward 2 and is hopeful that the City can get the attention of the railroad, and offered his appreciation to the North End residents in the audience, asking them to continue to keep him informed.

Mr. Skoczen stated that Council Members represent the people who put them in these seats and he wants people to have a voice and thinks people should be given the opportunity to ask questions. He noted that residents on Fair Street still flood, adding that flooding is not an issue specific to only the North End. It will take a community effort to address the issue and Council has to look at what it can do as a governing body to make progress and fix the problem.

With regard to the leadership of Council, Mr. Skoczen stated that Mr. Maxwell has the duty to run the meeting and keep Council to the agenda at hand. As for the mention of skin color, that plays no factor in the way Council treats residents or the level of concern afforded to residents. Residents are heard and they should reach out if they feel they are not because Council is willing to help everyone.

Mr. Davidson stated that while he appreciates Mr. Skoczen and Mr. Skoczen's Dad, the issue of flooding on Fair Street detracts from the North End concern which is the topic at hand. He encouraged Council Members to watch what they say and their non verbal communication, as well.

Gay Grizzell stated that Mr. Skoczen seems commendable, but Ward 1 does not have the same leadership as Ward 5 which is why she is working to recall Mr. Dozier come July 1, 2022, and get a representative in office who wants to help everyone.

CORRESPONDENCE

The March 17, 2022 – March 30, 2022 Correspondence is available in the Clerk's office.

OTHER BUSINESS:

Mrs. Esson reminded everyone to file their Financial Disclosure statements, offered her condolences to the Prill family on the passing of long-time Berea resident, Hal Prill, wished Mr. Skoczen a happy birthday and reminded Council about the tour of the Water Plant.

Moved by Mrs. Brown, seconded by Mr. Zacharyasz, that the April 11, 2022 Work Session be cancelled. Vote on the motion was all ayes and no nays. The motion carried.

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 9:45p.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 4th day of April, 2022, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council