

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

Council of the City of Berea, Ohio, met in regular session in the Council Chamber on April 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, Leon Dozier, Chris McManis, Rick Skoczen, Lisa Weaver and Gene Zacharyasz. Also present: Mayor Cyril M. Kleem. 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 Mrs. Brown, seconded by Mr. Skoczen, that the minutes from the April 4, 2022 Regular Council Meeting be approved. Vote on the motion was all ayes and no nays. The motion carried.

Moved by Mrs. Brown, seconded by Mr. Skoczen, that the agenda be amended to move the consideration of proposed Resolution No. 4-7, on for first reading, to before Administrative Reports. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

RESOLUTION NO. 4-7: A RESOLUTION APPROVING AND AUTHORIZING THE CHANGE OF THE NAME OF THE OUTDOOR MUNICIPAL POOL TO THE DAVE TRESSEL MEMORIAL POOL.

The Clerk read the Resolution in full.

Mr. Zacharyasz stated that he is whole-heartedly behind this Resolution which is such a fitting honor because while Finnie Stadium is the "house that Lee [Tressel] built", the outdoor pool is the "house that Dave built", adding that he taught so many kids, including himself, how to swim. Mr. Zacharyasz continued by noting that Dave Tressel was present at almost every City event, working in the background, being his wonderful self, and he will truly be missed.

Mr. Skoczen remarked that Mr. Tressel was his swim coach and science teacher and he left his mark on both the old and young alike. Berea will not be the same without him.

Mrs. Brown recalled that Mr. Tressel was a Grindstone Award winner, and made his mark in Berea and will be missed by this City.

Carl Gorecki, a member of the audience, stated that Mr. Tressel went above and beyond, just like his Mom, Eloise. Not only did his house receive help from the Tressel Family, as a historic home, but his children received so much care from Mr. Tressel as a swim teacher and coach. Water is a place where his sons find great comfort, and Mr. Tressel taught his one son the butterfly, and his son went on to swim in high school and is now employed as a lifeguard in Avon. A lot of people said that his son couldn't do certain things, but thanks to good people like Dave,

who go above and beyond to assist children who have certain limitations, his son is successful. His loss is a great loss to the City.

Honestor Davidson, a member of the audience, stated that he was the adopted brother of Dave, having played many sports together, going through school together and teaching together for so many years. Mr. Davidson added that Mr. Tressel was so devoted to the youth of this City.

Gary Cole, a member of the audience, stated that he grew up with Dave and Dave was the nicest guy anyone would ever meet and was always working and willing to help anyone, just like his Mom. Dave loved this town, is a legend in this town, and set a mark we should all strive to achieve.

Elaine Myers, a member of the audience, stated that she was a fellow teacher and neighbor of Dave, and he was the most positive person she ever met. Even when he received a poor diagnosis, he remained upbeat and hopeful because of his faith, and was always a positive ray of sunshine. He was the best neighbor in the world.

Larry Myers, a member of the audience, stated that he was privileged to be Dave's neighbor, adding that Dave was the most humble man, almost too good to be true. Mr. Myers relayed a brief story that highlighted Dave's kindness and generous spirit, and added that he is so very missed.

Julie Kadri, Mr. Tressel's daughter, stated that her Mom was present with her and her brothers were watching on Facebook, and thanked everyone for this idea that she never considered but which is the perfect way to honor her Dad. She thanked Mayor Kleem and Council for the gesture.

Mayor Kleem stated that Dave was one of a kind and didn't have a bad bone in his body. He never held a grudge, never complained about his illnesses, and always remained positive and upbeat. Mayor Kleem stated that he loved Dave, misses Dave, and, by honoring him in such a way, he will forever be with us. He noted that a monument of some sort will be placed at the pool and there will be a ceremony this summer, so hopefully the whole family can attend.

Mrs. Esson added that Mr. Tressel was so respected and admired by the people she most admires, her Parents, and this fact truly demonstrates what an incredible person he was. She offered the prayers of her entire family to the Tressel Family.

Mr. Maxwell concluded by stating that there is no more fitting tribute.

Moved by Mrs. Brown, seconded by Mr. McManis, that Resolution No. 4-7 be approved. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

MAYOR'S ADMINISTRATIVE REPORT AND COMMENTS

Mayor Kleem had no report.

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 the City is being recommended for the CDBG and CDSG funds for the resurfacing of South Rocky River Drive, and final approval will be before the County Council. He added that he will not be at the next meeting, but questions can be emailed to him.

Mr. McManis asked if Walnut Circle will also be a part of the road program, and Mr. Armagno stated that it will not.

Mr. Skoczen thanked Mr. Armagno for his quick response to concerns on Manning and Vivian.

Mrs. Brown thanked Mr. Armagno and the Water Department staff for the Water Plant tour, stating it was really an interesting experience.

Mr. Gorecki asked about the South Rocky River Drive repair and if it would include the installation of curbs or sewer repairs. Mr. Armagno responded in the negative.

Mr. Gorecki stated that the road by his house is pitched the wrong way, and this creates problems for he and his neighbors, and the issue should be rectified as the road is being resurfaced. He further stated that if any sidewalks will be replaced, he would prefer to keep the current sandstone walks in order to keep things as original as possible for his historic house, although perhaps the City can help level the areas of sandstone that have been pushed up due to tree roots.

Mayor Kleem asked if the Service Department could look at leveling the sandstone blocks, although he is not sure it can be done. Mr. Armagno agreed to do as such.

Mrs. Coble stated that she will be hosting a neighborhood meeting in that area soon, and these issues can be further discussed, but she thanked Mr. Gorecki for his comments.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS: NONE

PETITIONS: NONE**AUDIENCE PARTICIPATION:**

Daune Jaynes thanked Mrs. Coble, Mr. Armagno and the Service workers who already began removing trees around the entrance to her street so that there can be better sight lines around the curve. She appreciated how quickly the City responded to the issue.

Mr. Gorecki stated that, with regard to the Water Plant, the calcification in his lines is incredible which made him wonder about the old Berea quarry, which is now a leech pit for existing water that feeds Coe Lake and could, possibly, cause nervous system issues, as there are people with this type of disease in the neighborhood. He wondered if problems are being identified or masked, and suggested moving back to Cleveland water since it is more pure than runoff.

Mr. Maxwell stated that the Water Plant tour was merely due to the fact that Council is anticipating a large investment in the Plant and thus wanted to take a look and gather information. The Water Plant Superintendent walked Council through the water purification process, as part of the tour. A conversation about City water versus Cleveland water could be had at a later date, and he noted that a water quality report is available on the City's website.

Mr. Gorecki next inquired about his electric bill, stating that he is a part of the conglomerate and does not use the Illuminating Company, but his bill is astronomical compared to his neighbors. He felt it was suspicious and no one at the City has been able to help answer his questions. Mayor Kleem stated that he would have someone look in to the matter for him.

Mr. Gorecki next inquired about the reported exoneration of nuisance and citation bills garnered by his next door neighbor – the one with the sign. Both Mayor Kleem and Mrs. Jones did not think this was the case, and Mayor Kleem said he would look in to the matter.

Mr. Gorecki concluded his comments by asking how the City differentiates between bed and breakfasts, Airbnbs, VRBOs, and rental properties, with regard to what is allowed and what is not. Mrs. Jones referred his questions to Matt Madzy and Mr. Maxwell stated that the Clerk would follow up. Mr. Brazee asked to be copied on Mr. Madzy's response.

Dennis Knowles asked Mr. Armagno to explain the new sewer shed project, and Mr. Armagno responded that the project was discussed at a committee meeting, and the City is applying for a grant from the NEORS to fund a portion of the project. The grant deadline is June of this year.

Mr. Knowles asked Mr. Armagno to explain the project, and Mr. Armagno said that he does not have the resources necessary to get in to specific detail now, but he will be able to do so at the committee meeting on April 27th.

Mr. Knowles next referenced the two drain solution, and Mayor Kleem stated that that term was meant as an analogy, but Mr. Armagno has since provided a more detailed analysis and

will be able to do so again at a committee meeting. The committee meeting is the place where specific details are discussed, and he encouraged all question to be referred to that meeting.

In response to a question from Mr. Knowles, Mr. Armagno stated that the referenced project would take one sewer shed and, as a result, create two sewer sheds. Mr. Maxwell stated that there will be a presentation at the next committee meeting.

Mr. Knowles said that I&I on both public and private properties was described as a private property issue, and Mayor Kleem said that I&I is both a public and private property issue and can be contributing to the system at any point.

Mr. Knowles referenced quotes from prior meetings where Mayor Kleem, Mr. Armagno and members of the Administration stated or implied that the remaining sewer problems are on private property only. Mayor Kleem said that the City has conducted a \$3.3 million sewer project on the North End over the last 4 years, so many public property issues have been addressed, but noted that the project did not include the laterals because lateral repairs would have to be conducted on both public and private property in order for problems to be relieved. In the quotes Mr. Knowles is mentioning, the Administration was referring to the City sewers and streets.

COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:

Woodvale Union Cemetery Board of Trustees – Jim Maxwell

Mr. Maxwell stated that the new computer system will be live by the end of June and will be presented at the next Joint Council Meeting. He also stated that they did hire a new grounds crew member and have decided to raise non-resident prices, but keep resident prices unchanged.

Mr. Skoczen inquired about the expansion project and Mr. Maxwell stated that, due to cost estimates, some structures are not feasible, but the new section should be available for sale in about a year. The complete expansion, minus the structures, should be done in 2 years.

Mr. Skoczen complimented and thanked Mr. Maxwell for his diligent work on a difficult and time-consuming committee, and thanked the other members of the Board and Joe Giaimo, as well.

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 noted that, based on the comments of Council Members and the public, she crafted two additional pieces of legislation that relate to firework nuisances and penalties, but noted that this piece should stand alone and not include the additional elements.

Mrs. Brown asked what fire prevention education would entail, and Mrs. Jones stated that there is fireworks education in the schools, and the money could go toward the purchase of materials.

Mr. Maxwell confirmed that adoption of this Ordinance would keep the law unchanged in Berea, and Mr. Skoczen asked if other communities are receiving backlash from similar legislation. Mrs. Jones stated that many suburban areas are opting out and are in various stages of the legislative process.

Mrs. Brown asked if Parents would be liable if children are using the fireworks, and Mrs. Jones responded that it depends who purchased the items.

Proposed Ordinance No. 3-1 stands on third 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.

Moved by Mr. Skoczen, seconded by Mr. McManis, that proposed Ordinance No. 3-5 be amended by the substitution of proposed Ordinance No. 3-5a. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

General discussion commenced concerning what School District is receiving the taxes, and Mayor Kleem responded that it would be Olmsted Falls. Mrs. Coble added that she spoke to Mr. Madzy about how the value of the building is assessed, and he stated that this does not occur until after construction but will look at recent buildings for comparison and do a case study to test his prediction.

Moved by Mrs. Brown, seconded by Mr. Zacharyasz, that Ordinance No. 3-5a 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. 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.

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

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

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

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

Mrs. Morris explained that every parcel is assessed a street lighting assessment on the property tax bill, and this resolution and subsequent ordinance are approved annually.

Proposed Resolution No. 4-3 stands on second reading.

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

ORDINANCE NO. 4-5: AN ORDINANCE APPROVING AND RATIFYING A THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BEREA 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.

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

LEGISLATION – FIRST READING:

ORDINANCE NO. 4-8: AN ORDINANCE AMENDING SECTION 931.02(a), CRIMINAL ACTIVITIES AS A NUISANCE; ABATEMENT, PROCEDURE AND COSTS OF ENFORCEMENT,

AND SECTION 1331.05(a), NUISANCE CONDITIONS AT LEASED PROPERTIES PROHIBITED – PROCEDURES – NUISANCE HEARING OFFICER, OF THE CODIFIED ORDINANCES OF THE CITY OF BERA TO ADD VIOLATIONS OF CHAPTER 1519, FIREWORKS, AS QUALIFYING INCIDENTS TO A NUISANCE DECLARATION, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Maxwell stated that this piece would add firework activity to the list of nuisances and allow the City to use nuisance abatement legislation to handle the issue.

Proposed Ordinance No. 4-8 stands on first reading.

ORDINANCE NO. 4-9: AN ORDINANCE AMENDING SECTION 1519.99, PENALTY, OF CHAPTER 1519, FIREWORKS, OF PART FIFTEEN, FIRE PREVENTION CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BERA, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

In response to a question from Mr. Skoczen, Mrs. Jones stated that if a resident did not pay the fine, it would constitute a probation violation because the fee is tacked on to the criminal case. The fee would not be applied to a tax bill.

Proposed Ordinance No. 4-9 stands on first reading.

ORDINANCE NO. 4-10: AN ORDINANCE AMENDING SECTION 100.03, ANNEXATION, OF CHAPTER 100, PURPOSE AND INTENT, OF THE ZONING CODE OF THE CITY OF BERA TO ESTABLISH THE APPLICABLE ZONING DISTRICT OF ANY PROPERTY THAT MAY BE ANNEXED TO THE CITY OF BERA.

The Clerk read the title of the Ordinance.

Mayor Kleem stated that if property was annexed from the Township, it would come in and be classified as either current Township zoning or the City's Residential Single Family B zoning. The former requires very large lots, and the latter, small lot that could mean hundreds of houses. This Ordinance would make it come in at R-SF-T, which requires a minimum lot size of 10,000 square feet and would mean fewer houses could be built. This piece will be referred to Planning Commission and the City's Zoning Consultant does have additional recommendations. In short, this area will likely never be annexed, but if it is, this zoning is more reasonable.

Mr. McManis stated that this is a fair and reasonable zoning classification if the City is ever approached again about annexation. The City would be able to maintain some control, which is what Ward 2 neighbors want.

Mrs. Brown asked if the utilities in the area could support more houses, and Mr. Armagno replied that development would have a negative impact on sewers, but no specific traffic study has been conducted yet.

Moved by Mr. McManis, seconded by Mrs. Brown, that Ordinance No. 4-10 be referred to the Municipal Planning Commission for review and recommendations. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

RESOLUTION NO. 4-11: A RESOLUTION ACKNOWLEDGING APRIL 22, 2022 AS EARTH DAY, AND APRIL 29, 2022 AS ARBOR DAY, AND PROMOTING AND ENCOURAGING ALL RESIDENTS OF THE CITY OF BEREA TO CULTIVATE AND APPRECIATE TREES AND ALL ARBOREAL GIFTS OF NATURE.

The Clerk read the title of the Resolution.

Mrs. Coble stated that, next year, the Shade Tree Commission hopes to do something in conjunction with this Resolution to commemorate the holidays.

General discussion commenced concerning what trees may be planted on treelawns and whether pear trees were being prohibited.

Moved by Mrs. Brown, seconded by Mr. Skoczen, that Resolution No. 4-11 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

Mr. Zacharyasz had no report.

Mrs. Brown offered her sympathies to the Kwiatkowski family on the loss of Tom. She then announced that April is Autism Awareness Month and her grandson was recently diagnosed with a mild case which means she is learning about the condition and its ramifications. She stated that he is so creative and intelligent, but simply has a different way of communicating. She thanked Mr. Gorecki for referencing children with some limitations earlier in the meeting. Mr. Gorecki asked her to reach out if they need any help because autistic minds are brilliant but misunderstood.

Mrs. Brown stated that she is meeting with Krista Allison, Miss Wheelchair Ohio, and will be going around the City to see where repairs are needed with the hope the City can put some money behind the improvements.

Mrs. Brown concluded by thanking the North End residents for their continued resiliency and encouraged them to keep coming.

Mrs. Coble thanked Jim Brown and Matt Madzy for the open house at 106 Jacob Street and for all the work they did, and also thanked all who attended.

Mr. Dozier asked for updates on what residents may plant on their treelawns, because one resident is set to beginning planting in May.

Mr. McManis asked that everyone be mindful of the fact that kids are out and about on bikes up and down Nobottom, and asked that people be safe and sensitive to the little folks.

Mr. Skoczen offered his sympathies to the family of Tom Kwiatkowski, noting that he spent his entire life in Berea.

Mr. Skoczen thanked Mr. Armagno and Danine Schultz, the Water Plant Superintendent, for the tour of the plant and all the information presented.

Mrs. Weaver stated that the Henry Street house is in bad shape. Mayor Kleem responded that in 2020 there was a complete renovation proposed, but it was sidelined due to Covid. The project will be revisited this year. Mrs. Weaver hoped the house could be renovated so that it remains historically accurate.

Mrs. Weaver inquired about RITA penalties with regard to people working from home who are awaiting tax refunds, and Mrs. Morris stated that residents must fill out a form to apply for a tax refund. They should pay their taxes and then be refunded.

CORRESPONDENCE

The March 31, 2022 – April 13, 2022 Correspondence is available in the Clerk's office.

OTHER BUSINESS:

Mrs. Esson reminded everyone to fill out their financial disclosure forms and wished everyone a Happy Easter and Happy Easter Season!

Moved by Mr. Skoczen, seconded by Mr. Zacharyasz, that Council move into Executive Session in accordance with Section 121.22 of the Ohio Revised Code in order to consider the purchase and/or sale of two City-owned properties where premature disclosure of information would give an unfair competitive or bargaining advantage, pursuant to O.R.C. Section 121.22(G)(2) and Codified Ordinance Chapter 109. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

Mr. Maxwell declared a brief recess at 9:33pm to allow members of the public and press time to exit the Chamber.

Council resumed Regular session at 10:32.

There being no further business before Council, it was moved by Mrs. Brown, and seconded by Mr. McManis, 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 10:33p.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 April, 2022, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council