

MINUTES OF A REGULAR COUNCIL MEETING
April 19, 2021 – 7:30p.m.

Council of the City of Berea, Ohio, met in regular session via Zoom in the Council Chamber on April 19, 2021 and the meeting was called to order by President of Council Jeff Dettmer at 8:00p.m. Present: Bill DeVito, Leon Dozier, Jim Maxwell, Chris McManis, Rick Skoczen, Kim Smith and Gene Zacharyasz. Absent: None. Also present: Director of Public Service 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 April 5, 2021 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 stated that she has yet to receive information regarding how the latest Cares Act funding can be spent, but will update Council once it becomes available.

Barb Jones – Director of Law & Public Safety:

Mrs. Jones stated that earlier today a meeting was held in the Crescent, Franklin and Beeler neighborhood so that residents could express their concerns regarding some public safety issues in that area.

Mrs. Jones referenced the recent incident involving children who escaped from the OhioGuidestone campus, stating that the City has met with the family of the victim and their attorneys, and has filed a request that Planning Commission reconsider the conditional use permit, granted in 2013, that allows them to run certain types of programs. Planning Commission will likely hear the issue at its May 20, 2021 meeting. She encouraged those with comments to attend and make their voices heard.

Tony Armagno – Director of Public Service:

Mr. Armagno, appearing at his first Council meeting as Director of Public Service, stated that he is excited for the opportunity this new role provides. He then informed Council that the Norfolk Southern Bridge project will require the closing of North Rocky River Drive on April 21, 2021, for some demolition work. The road will be closed again, for a period of 7-10 days, in early May. The contractor will use message boards to alert residents and motorists of these closures.

Mrs. Jones noted that the investigation is ongoing, but she can report that one additional person has been taken in to custody since the meeting this afternoon, and several options of action are available, once the investigation plays out and more information is known.

Mr. McManis thanked Mr. Reams for attending this evening and acknowledged that the incident is sobering, unfortunate, and can not be allowed to happen here. He questioned what Council can do to be proactive and keep residents safe all around the City.

Mr. Skoczen encouraged a collaboration between residents, elected officials and the Administration because this type of violence has no place in our City.

Mrs. Smith asked if this property was on the nuisance watch list, and Mrs. Jones responded in the negative, noting that there were not enough calls in the past year. She added that the Police Department does keep an eye on this property, but encourage the community to be alert and vigilant, as well. In response to an inquiry from Mrs. Smith, Mrs. Jones stated that, with regard to the nuisance ordinance, the owners were involved in a criminal case in 2019.

Mr. Maxwell stated that while a Facebook page and Block Watch were mentioned as possible options to address the issue, they would, by no means, be the end all. He encouraged people to call if they see anything, even if it turns out to be nothing. He noted that he asked the Administration to alert Dispatch that residents in this neighborhood have been encouraged and invited to call, because he does not want callers to get the feeling they are not being taken seriously.

Mr. Maxwell explained that, in his opinion, no form of nuisance ordinance would have stopped this shooting. Nuisance violations can mean fines, but they do not mean felony charges or jail time. While there is merit to nuisance laws, they would not have stopped this incident.

Mr. Maxwell concluded his comments by stating that he does support an increased Police presence and dedicated enforcement in the area.

Mrs. Jones informed Mr. Maxwell that Chief Clark has already reached out to Dispatch, thanking him for the suggestion.

Mr. DeVito added that callers do not have to leave their names when contacting Dispatch, and Mr. Dozier asked if there are any cameras in the area that could be of use. Mrs. Jones responded that a recent program has begun in the City as residents are being asked to register their Ring doorbells with the Police Department. She encouraged anyone with video evidence to call the City.

Mr. Reams thanked everyone for their ideas and advice, noting that it was a good place to start. Mr. Dettmer encouraged the City to be proactive and find a long-term solution.

Tom Brazee inquired about the members of the Planning Commission, asking why they are not listed on the City website and how they should be contacted if a resident wants to express a concern. He further wondered if the Members, appointed by the Mayor, are simply a rubber stamp for the Administration, or if they are charged with representing the people of the City. Mr. Brazee felt that those Members not reflecting the views of the community should resign

because the approved direction of the City may not necessarily be the direction of the Administration.

With regard to Ordinances 2-6 and 4-10, Mr. Brazee stated that Ordinance 2-6 should be approved, as it affords the same nuisance process to properties that are rentals and those that are owner occupied. He stated his concern with the fact that every time issues emerge in this neighborhood, the City wants the consult of Julie Candela. While she is a good person who does a great job, she speaks for the University and not the residents, so she should not be able to stall attempts at progress.

Mr. Brazee explained that he does not understand the motivation for Ordinance No. 4-10, as the proposed parking changes would affect 7 different ordinances and the Zoning Code.

Mrs. Smith stated that Chief Clark advised that if parking rules are enforced and towing occurs when appropriate, the City can use current laws to change behaviors, thus reserving nuisance policy and procedures for true nuisance conditions. Mr. Dettmer, judging from past experience, expressed some skepticism that laws would be enforced, but added that if the Chief is committed to enforcement, that is a productive step forward.

Mrs. Esson said that she will send Mr. Brazee a list of Planning Commission members, and ask the Chairman if their information can be placed on the City's website.

Mr. Dozier explained that he was a member of the Planning Commission for 6 years, and every meeting is open to the public and people are able to share their opinions prior to a vote being taken. Commission Members do not meet in advance and every decision is based on the impact of a proposal on the City and its residents. He further noted that Commission Members are volunteers, neither elected nor paid. The position does take a fair amount of time, so perhaps the Charter Review Commission could look at a stipend.

Mrs. Smith agreed with Mr. Dozier, adding that the group of volunteers puts in a lot of time to make sure proposals fit within the Zoning laws of the City.

If Mr. Brazee was serious about changing the way Commission Members are selected, Mr. Maxwell encouraged him to reach out to Dean Van Dress, as the Charter Review Commission is currently reviewing Charter amendments. He added that, from his experience, the Commission does listen and often respond to public opinion.

Mr. Brazee explained that the recent senior living community that was presented to Planning Commission last week is a huge monstrosity that residents are adamantly opposed to, and thus the reason for his questions this evening. The proposal was denied on a mere technicality and it would have totally altered the ambiance of the City of Berea. Mr. Dettmer clarified that, even if the proposal had been approved, it was simply a first step in a long process of necessary approvals.

Erika Coble stated that, with regard to the nuisance legislation, she hoped that Council would ask for and allow the input of the community before making any decisions on the two pending Ordinances. She noted that Julie Candela is an invaluable member of the neighborhood and extremely responsive when issues arise.

Holly Porter stated that, with regard to the incident on Franklin, she agreed that the Dispatchers may need to be trained about their duties and how to respond to callers, because while she has had some good experiences, she has had bad ones that discouraged her from calling. She wished the City could, once again, have our own Dispatchers, but knows that may not be possible any longer, due to changes at the State level. She then asked who logs the nuisance complaints and encouraged the Police to be proactive rather than reactive, especially where violations are occurring over and over again.

Mrs. Porter next referenced the senior living proposal heard by Planning Commission, stating that she was sad that anyone in the Administration would support the project or see it as a benefit to the City. She felt that Omni deceived the community with their proposal last fall, presenting something totally different last week.

Mrs. Porter expressed concern with the City-owned properties, acquired as part of the Baldwin Wallace Front Street project deal, asking where the money for renovations is coming from and why the City would want to purchase a potentially dilapidated house on Baker Street.

Mrs. Porter concluded by stating that she really cares about Berea.

Mrs. Jones responded that Omni's recent proposal was not what was expected, and the Administration is not in support of a five-story building in that location. She was hesitant to comment further, as the Planning Commission Chairman was not present this evening.

Mr. Skoczen echoed Mrs. Porter's comments about the Southwest Dispatch Center, stating that he has had issues with them, as well, mostly because they are not familiar with Berea. While he understands Mrs. Porter's desire to have our Dispatchers back, as the Mayor has stated, the State is pushing all Cities to regionalize departments, so there is, unfortunately, not much that can be done.

COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS: NONE

LEGISLATION – THIRD READING:

ORDINANCE NO. 2-6: AN ORDINANCE AMENDING SECTION 931.02(b) and (c), CRIMINAL ACTIVITIES AS A NUISANCE, ABATEMENT, PROCEDURE AND COSTS OF ENFORCEMENT, OF CHAPTER 931, NUISANCE ABATEMENT, IN TITLE FIVE, LOCAL PROVISION, OF PART NINE, GENERAL OFFENSES, AND SECTION 1331.05(b) and (c), NUISANCE CONDITIONS AT LEASED PROPERTIES PROHIBITED – PROCEDURES – NUISANCE HEARING OFFICER, OF CHAPTER 1331, RESIDENTIAL RENTAL PROPERTY PERMITS, IN TITLE FIVE, LOCAL PROVISION, OF PART THIRTEEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA TO INCREASE THE LOOK-BACK PERIOD FOR NUISANCE DECLARATIONS AND TO PROVIDE CONSISTENCY BETWEEN SECTIONS 931.02 AND 1331.05.

The Clerk read the title of the Ordinance.

Moved by Mr. Maxwell, seconded by Mrs. Smith, that Ordinance No. 2-6 be placed in the Building and Zoning Committee. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

LEGISLATION – SECOND READING:

ORDINANCE NO. 4-1: AN ORDINANCE APPROVING, RATIFYING AND AFFIRMING THE 2019 ANNUAL FINDINGS, MINUTES AND ACTIONS OF THE TAX INCENTIVE REVIEW COMMITTEE FOR COMMERCIAL COMMUNITY REINVESTMENT AREA REAL ESTATE TAX ABATEMENTS ENTERED INTO AFTER 2008 IN THE CITY OF BERA.

The Clerk read the title of the Ordinance. Both Mr. McManis and Mrs. Smith recused themselves from the discussion, as they have personal relationships with the building owner and tenant, respectively, and thus turned off their video feeds.

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

ORDINANCE NO. 4-2: AN ORDINANCE APPROVING, RATIFYING AND AFFIRMING THE 2019 ANNUAL REPORT, MINUTES AND ACTIONS OF THE CITY OF BERA HOUSING REVIEW COUNCIL FOR ALL RESIDENTIAL COMMUNITY REINVESTMENT AREA REAL ESTATE TAX ABATEMENTS AND COMMERCIAL COMMUNITY REINVESTMENT AREA REAL ESTATE TAX ABATEMENTS ENTERED INTO UNDER THE PRE-1994 COMMUNITY REINVESTMENT AREA REGULATIONS IN THE CITY OF BERA.

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 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 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 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 second reading.

ORDINANCE NO. 4-7: AN ORDINANCE REPEALING AND REPLACING SECTIONS 135.09, 135.11 AND 135.13 OF CHAPTER 135, CIVIL SERVICE COMMISSION, OF TITLE FIVE – ADMINISTRATIVE, OF PART ONE – ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA, TO ALLOW FOR LATERAL TRANSFERS OF POLICE OFFICERS AND FIREFIGHTERS/PARAMEDICS TO THE CITY OF BEREA, OHIO FROM OTHER OHIO JURISDICTIONS, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Jones explained that the proposed amendment is due to the fact that, after speaking with the Fire Chief and Assistant Fire Chief, and due to the fact that there are no foreseeable new hires in their Department, there is no rush to include the Fire Department in this amendment at this time. The Administration remains committed to the concept of lateral transfers as one tool to get the best possible candidates to fill our Safety Forces, and the Police Patrol Officers are fully on board with the concept. Mrs. Jones stated that it seems reasonable to allow the Fire Chief to take a look at the issue and how it can be tailored to best fit his Department in the future. She, therefore, has distributed an amendment that includes only the Police Department.

Mr. Maxwell appreciated that the Police Union is in support of this amendment, but asked for clarification as to the process that would follow an opening on the Police force. He clarified that there will be two avenues to fill the position, one being the process we have today and the other being the lateral transfer list. He asked how a certified list is determined. Mrs. Jones responded that the Civil Service Commission would certify a list of candidates, all of whom will have to have met with both the Commission and the Chief himself, thus ensuring a minimum qualification level. She added that some people fear that lateral transfers can be abused and become political appointments, but this legislation includes language that prevents this from occurring.

Mr. Maxwell asked what would prevent a future Mayor from simply selecting a family member to serve on the force, and Mrs. Jones stated that the Civil Service Commission must certify any list, so they can help mitigate such an occurrence.

In response to a question from Mr. Maxwell, Mrs. Jones said that the lateral transfer list is a good idea because some people do not test well, and while they will have to have passed a civil service exam at some point, Officers interested in a transfer will not have to take the test again. She further clarified that lateral transfer wages will be negotiated with the bargaining unit and they will not be granted seniority over current Officers.

Mr. McManis asked several questions in his attempt to determine whether or not the number of candidates taking the test have deteriorated so severely that lateral transfers are absolutely necessary. Mrs. Jones stated that the decrease in numbers is only one reason for this amendment. The other reason is a desire to diversify the department and have it reflect the community. She added that it is not unusual for the City to give an exam and not have a person of color qualify for the certification pool.

Mr. Dettmer referenced the letter from the Firefighters Union and the notion of “poaching” from other communities. Mrs. Jones responded that Berea is among the last of our suburban counterparts to allow lateral transfers, and most are not transferring between

suburban forces, but rather transferring from big cities, Sherriff's Departments, or RTA and hospital departments. Mrs. Jones concluded by stating that all Cities are hiring from the same pool of qualified candidates and we want every opportunity to get the best Police Officers possible.

Mr. Dettmer agreed, hoping we could do so without burning bridges, and thanked Mrs. Jones for alleviating some of his concerns.

Moved by Mr. Maxwell, seconded by Mr. Skoczen, that proposed Ordinance No. 4-7 be amended by the substitution of proposed Ordinance No. 4-7a. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

Proposed Ordinance No. 4-7a stands on second reading.

ORDINANCE NO. 4-8: AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A PASS-THROUGH SALE PURCHASE AND DEVELOPMENT AGREEMENT BETWEEN THE CUYAHOGA COUNTY LAND REUTILIZATION AUTHORITY AND THE CITY OF BEREA FOR THE TRANSFER OF A PROPERTY LOCATED AT 21 BAKER STREET, PERMANENT PARCEL NUMBER 363-13-037, TO THE CITY OF BEREA, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

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

ORDINANCE NO. 4-9: AN ORDINANCE REPEALING AND REPLACING CHAPTER 185, DISCRIMINATION AND HARASSMENT, OF TITLE VIII – PERSONNEL PLAN, OF PART ONE – ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

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

ORDINANCE NO. 4-10: AN ORDINANCE AMENDING SECTION 931.02(a), CRIMINAL ACTIVITIES AS A NUISANCE, ABATEMENT, PROCEDURE AND COSTS OF ENFORCEMENT, OF CHAPTER 931, NUISANCE ABATEMENT, IN TITLE FIVE, LOCAL PROVISION, OF PART NINE, GENERAL OFFENSES, AND SECTIONS 1331.05(a), (b) and (c), NUISANCE CONDITIONS AT LEASED PROPERTIES PROHIBITED – PROCEDURES – NUISANCE HEARING OFFICER, OF CHAPTER 1331, RESIDENTIAL RENTAL PROPERTY PERMITS, IN TITLE FIVE, LOCAL PROVISION, OF PART THIRTEEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA TO REMOVE PARKING OFFENSES AS QUALIFYING INCIDENTS TO A NUISANCE DECLARATION AND TO PROVIDE CONSISTENCY BETWEEN OWNER-OCCUPIED AND NON-OWNER-OCCUPIED NUISANCE PROPERTIES.

The Clerk read the title of the Ordinance.

Moved by Mr. Maxwell, seconded by Mr. McManis, that Ordinance No. 4-10 be placed in the Building and Zoning Committee. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

LEGISLATION – FIRST READING:

RESOLUTION NO. 4-11: A RESOLUTION ACKNOWLEDGING APRIL 22, 2021 AS EARTH DAY, AND APRIL 30, 2021 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.

Moved by Mr. Skoczen, seconded by Mr. Dozier, that Resolution No. 4-11 be approved. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mr. Dettmer felt the meeting that occurred earlier this afternoon with residents on and around Franklin Street was a great discussion and show of community involvement. He thanked all Council Members who were in attendance.

Mr. Dettmer announced that he received his second vaccination shot and encouraged others to get vaccinated, as well.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. DeVito had no report.

Mr. Dozier stated that he received his second vaccination shot, as well.

Mr. Maxwell had no report.

Mr. McManis had no report.

Mr. Skoczen had no report but stated he would follow up with the Administration on a few outstanding issues within the next week.

Mrs. Smith thanked Sustainable Berea, the United Methodist Church, the Baldwin Wallace football team and women's basketball team, the Metroparks and City families for working to clean up Coe Lake.

Mr. Zacharyasz had no report.

CORRESPONDENCE

The April 1, 2021 – April 13, 2021 Correspondence is available in the Clerk's office.

OTHER BUSINESS:

Mrs. Esson reminded Council to file their financial disclosures, and thanked Sgt. Tim Paul and Patrolman Todd Romance for helping to change her flat tire a couple weeks ago.

There being no further business before Council, it was moved by Mr. Maxwell and seconded by Mr. DeVito, that the Regular Council Meeting be adjourned. Vote on the motion was all ayes and no nays. The motion passed and President Dettmer declared the meeting adjourned at 10:08p.m.

Jeff Dettmer
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 19th day of April, 2021, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson, Clerk of Council