

MINUTES OF A REGULAR COUNCIL MEETING

May 6, 2019 - 7:30p.m.

Council of the City of Berea, Ohio, met in the Council Chamber on May 6, 2019 and was called to order by Council President Mary K. Brown at 7:30p.m. Present: Cheryl A. Banaszak, Bill DeVito, Nick Haschka, Jim Maxwell, Rick Skoczen and Gene Zacharyasz. Absent: Margarette S. Key. Also present: Mayor Cyril M. Kleem, 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. Haschka, seconded by Mr. Skoczen, that the minutes from the April 15, 2019 Regular Council Meeting be approved. Vote on the motion was all ayes and no nays. The motion carried and the minutes were approved.

MAYOR'S ADMINISTRATIVE REPORT AND COMMENTS

Mayor Kleem had no report.

REPORT AND COMMENTS BY THE OFFICERS OF THE ADMINISTRATION:

Andrea Morris - Director of Finance:

Mrs. Morris had no report.

Mrs. Brown inquired about the Board of Control listing for SAFEbuilt inspections, and Mrs. Morris informed her that SAFEbuilt is a third party that assists the City with building inspections.

Barb Jones - Director of Law & Public Safety:

Mrs. Jones had no report.

Paul Anzalone - Director of Public Service:

Mr. Anzalone was not present.

Marty Compton - Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS: None

PETITIONS: None

AUDIENCE PARTICIPATION: None

COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS: None

LEGISLATION – THIRD 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.

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

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.

Moved by Mr. Haschka, seconded by Mr. Zacharyasz, that Resolution No. 4-3 be approved. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

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.

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

ORDINANCE NO. 4-5: AN ORDINANCE AMENDING AND RECONSTITUTING SECTION 175.10, COMPENSATION CLASSIFICATION AND COMPENSATION SCHEDULES, 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.

Moved by Mr. Haschka, seconded by Mr. Zacharyasz, that Ordinance No. 4-5 be adopted. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

LEGISLATION – SECOND READING:

ORDINANCE NO. 4-16: AN ORDINANCE ESTABLISHING THE CITY OF BEREA RENTAL REHABILITATION FUND, TO BE KNOWN AS FUND NO. ____ , FOR THE PURPOSE OF FUNDING NECESSARY RENOVATIONS AND TRACKING REHABILITATION COSTS ASSOCIATED WITH THE FIVE FORMER COLLEGE RENTAL PROPERTIES THAT ARE NOW OWNED BY THE CITY, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 4-16 stands on second reading.

ORDINANCE NO. 4-17: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH R.A. KALFAS HOME IMPROVEMENT, INC. TO PROVIDE DESIGN-BUILD SERVICES FOR THE IMPROVEMENT AND RENOVATION OF THE RESIDENTIAL STRUCTURE LOCATED AT 115 SEMINARY STREET, PERMANENT PARCEL NO. 364-11-038, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

In response to an inquiry from Mr. Maxwell, Mrs. Jones stated that the State has a required form that must be used for design-build contracts. This assists with the consistency of terms and requirements among projects across the State.

Proposed Ordinance No. 4-17 stands on second reading.

ORDINANCE NO. 4-18: AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE CHAPTER 957, ILLEGAL DISTRIBUTION, USE OR PERMITTING USE OF CIGARETTES, ALTERNATIVE NICOTINE PRODUCTS, ELECTRONIC SMOKING DEVICES OR OTHER TOBACCO PRODUCTS, OF PART NINE, GENERAL OFFENSES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA, AND EXPRESSLY REPEALING SECTION 937.16, ILLEGAL DISTRIBUTION OF CIGARETTES, OTHER TOBACCO PRODUCTS, OR ALTERNATE NICOTINE PRODUCTS.

The Clerk read the title of the Ordinance.

In response to a question from Mr. DeVito, Mr. Skoczen, the sponsor of the Ordinance, stated that he teaches in Brunswick, but that City does not have any legislation on the books similar to this piece. Their Council, however, has expressed an interest in introducing something comparable. He added that he received a call from the County Board of Health who inquired about the possibility of speaking before Council regarding different things that the County is doing to deal with the rapid increase in vaping among teenagers and young adults. Governor

DeWine, for example, has proposed raising the legal tobacco age to 21, and several other cities have already implemented stricter laws regarding underage vaping.

Mrs. Brown asked if legislation, such as this, will assist in mitigating the problem within school buildings, and Mr. Skoczen responded that it will help with the volume of the epidemic. The goal is to get nicotine and vaping tools out of the hands of minors. One thing that these proactive laws do help with is educating Parents of students. At first, Parents didn't understand vaping or that it should not be done by minors. Proactive legislation, like the Ordinance in front of Council, can help educate the public, while also cracking down and stopping the usage of vaping equipment by minors.

In response to questions from Mrs. Brown and Mr. Maxwell, Mrs. Jones referenced Section 957.03 of the Ordinance, noting that School Resource Officers, should they observe student vaping, will be able to act because the law prohibits the use and possession of vaping equipment by minors.

Proposed Ordinance No. 4-18 stands on second reading.

LEGISLATION – FIRST READING:

ORDINANCE NO. 5-1: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE JOINT MUNICIPAL IMPROVEMENT CONSORTIUM FOR THE PURCHASE OF ROAD SALT FROM CARGILL DEICING TECHNOLOGY FOR 2019-2020.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 5-1 stands on first reading.

ORDINANCE NO. 5-2: AN ORDINANCE AMENDING AND RECONSTITUTING SECTION 181.07, AUXILIARY SAFETY FORCES, OF CHAPTER 181, COMPENSATION AND CLASSIFICATION OF SPECIFIC POSITIONS, OF TITLE EIGHT, PERSONNEL PLAN, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA TO PROVIDE AN INCREASE IN WAGES FOR AUXILIARY SAFETY FORCES, EXPRESSLY REPEALING EXISTING SECTION 181.07, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Jones explained that the City has a small but experienced team of Auxiliary Officers that work days, nights and special events, and in order to be able to retain these Officers and attract qualified candidates, Mayor Kleem felt it was important to recognize the important role they play in our City and, subsequently, reward them with a pay increase. Auxiliary Officers will begin at \$12.00 per hour, but after their first year, be eligible for a substantial increase. After four years of service, they will be making \$20 an hour.

Mayor Kleem added that, in some cases, unarmed Auxiliary Officers are hired on a volunteer basis, but he has no interest in doing that in Berea. In fact, he is going to supplement the Auxiliary staff with a paid Veterans Security Force that will primarily provide security at City events so that the Auxiliary Officers are not being overworked.

Mrs. Brown wondered what kind of jobs the Auxiliary Safety Officers do, and Mrs. Jones responded that they transport prisoners, assist with OVI arrests by waiting with vehicles until a tow truck arrives, provide logistical support and conduct traffic control. The Auxiliary Officers are uniformed, trained, and typically asked to work at least one weekend per month.

General discussion commenced concerning how many hours each Auxiliary Officer works per month.

Proposed Ordinance No. 5-2 stands on first reading.

RESOLUTION NO. 5-3: A RESOLUTION DECLARING THE AMOUNT OF TAXES THAT MAY BE RAISED BY A LEVY WITHIN THE TEN (10) MILL LIMITATION AND WITHOUT A VOTE OF THE ELECTORS IN THE CITY OF BEREA TO BE INSUFFICIENT, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Resolution.

Proposed Resolution No. 5-3 stands on first reading.

ORDINANCE NO. 5-4: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SOUTHWEST GENERAL HEALTH CENTER FOR THE LEVY OF A TAX AND THE PAYMENT OF THE PROCEEDS THEREOF FOR THE MAINTENANCE AND SUPPORT AND AS COMPENSATION FOR THE USE OF SAID HEALTH CENTER, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

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

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mrs. Brown thanked those who attended the Grindstone Award Banquet.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Skoczen recognized the City's Firefighters and Police Officers, noting that it is easy to take their skills for granted, but the City is so fortunate to have such talented and professional Safety Services.

Mr. Zacharyasz had no report.

Mrs. Banaszak had no report.

Mr. DeVito had no report.

Mr. Haschka had no report.

Mrs. Key was not present.

Mr. Maxwell had no report.

CORRESPONDENCE

The April 13, 2019 – May 2, 2019 Correspondence is available in the Clerk’s office.

OTHER BUSINESS

Mrs. Esson reminded Council to submit their financial disclosure forms, wished her niece, Lily, a Happy 1st Birthday, and wished all Moms a Happy Mother’s Day, most especially her own!

Moved by Mr. Haschka, seconded by Mr. Zacharyasz, that Council move into Executive Session in accordance with Section 121.22 of the Ohio Revised Code in order to discuss the purchase and/or sale of public property, pursuant to O.R.C. 121.22(G)(2) and Codified Ordinance Chapter 109. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried and Mrs. Brown declared a short recess at 7:56p.m. to allow members of the audience and press time to exit the Chamber.

Council resumed Regular Session at 8:15p.m.

There being no further business before Council, it was moved by Mr. Haschka and seconded by Mrs. Banaszak, that the Regular Council Meeting be adjourned. Vote on the motion was all ayes and no nays. The motion passed and Council President Brown declared the meeting adjourned at 8:16p.m.

Mary K. Brown
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 6th day of May, 2019, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council