

MINUTES OF A REGULAR COUNCIL MEETING
September 16, 2019 – 7:30p.m.

Council of the City of Berea, Ohio, met in the Council Chamber on September 16, 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 Public Service Paul Anzalone, 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 September 3, 2019 Public Hearing be approved. Vote on the motion was all ayes and no nays. The motion carried and the minutes were approved.

Moved by Mr. Haschka, seconded by Mr. Maxwell, that the minutes from the September 3, 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.

Barb Jones – Director of Law & Public Safety:

Mrs. Jones issued a reminder about the ceremony for the new Chief of Police, Dan Clark. His swearing-in will take place on Tuesday, September 17, 2019 at 6:30pm at the Pavilion.

Paul Anzalone – Director of Public Service:

Mr. Anzalone issued a reminder about bulk trash collection this week and announced that the City's bi-annual household hazardous waste round-up will occur next month.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS: **None**

PETITIONS: **None**

AUDIENCE PARTICIPATION

Dennis Worthem referenced Ordinance No. 9-4, explaining that a solar panel installation permit fee of \$125 seems reasonable, but encouraged Council to be consistent with non-residential and commercial permit fees, as well. He suggested utilizing square footage to determine the cost, or making the fee proportional to the time spent on inspections. He also inquired as to whether the Inspector goes on the roof, because if the homeowner is paying for him to do that sort of inspection, he should be up there.

Mr. Worthem encouraged the City to work with an environmentally friendly landscapers as development commences on the North End, and referenced a study that the City of Lakewood is conducting regarding how to become climate neutral. He hopes Berea may be able to do something similar and incorporate some of those ideas into the City's economic development vision.

Cathy Shultis, the new Branch Manager at the Berea Library, introduced herself and invited everyone to come to the Library. She added that September is fine-forgiveness month for students and encouraged people to sign-up for a library card.

Mrs. Brown thanked Mrs. Shultis for her involvement with Berea Cares, and Mr. Maxwell welcomed her to Berea.

Jeff Dettmer expressed his thanks to Mr. Anzalone for the information he provided regarding bridge inspections, but wondered how recently ODOT had inspected the Front Street bridge. Mr. Anzalone stated he could find out that information.

Mr. Dettmer also thanked Mrs. Brown, Mayor Kleem and Mr. Maxwell for their help with the issue of cars being parked on the aprons of driveways. The Police have reached out to the students living across the street from him and informed them that they can not park in a right-of-way, and for the past 2 days it has no longer been an issue. The problem with this is that students are now parking in the street overnight, and it is raising concerns. The ability to park in the street overnight once in a while, if granted permission, is great, but it can be abused.

Mr. Dettmer concluded his comments by expressing his excitement about the hotel project on the North End, but stated that he has concerns with the purchase price of the property. The City purchased the land for approximately \$3 million, and while there are certainly benefits to economic development on the North End, the price still seems a bit off.

Dennis Chesley expressed his concern for the renters who are being relocated from the properties recently purchased by the Cleveland Browns. Several of those properties are low-income housing, and Section 8 properties are in limited supply in Berea. He asked if the City can help these residents in any way.

Mrs. Brown stated that she had already spoken with some people about this issue and referred them to Natalie at Berea Cares. A member of the audience responded that apartments are not comparable housing, and she hopes her son can remain in Berea and graduate from the high school.

Mayor Kleem responded that, to his knowledge, the Browns have attempted to assist the tenants in all the properties they have come to own. In some cases, tenants remained but the Browns did not collect lease payments. With regard to the Section 8 tenant, the Browns followed up with her and are keeping her in the house until March and will accept the Section 8 voucher, but not collect her portion of the rent. They are now assisting her in finding another Section 8 house in Berea. The Browns have been assisting the residents as much as possible, at least those who live in properties now controlled by the organization.

Ms. Dotson stated that her Grandma is 100 years old and lives at 39 Second Avenue. Both her brother and herself are responsible for her care, as she has dementia, and are worried about her health should they try to displace her in such a hurry. They do not know what to do, but do not want to sell the property and see it demolished. That would be like taking away their childhood. However, the abandoned apartment building and vacant properties around them are creating problems for the residents who have chosen to remain.

Mayor Kleem encouraged Ms. Dotson to speak with the Browns if they would like more time to decide how to proceed. Ms. Dotson stated that she does not feel this is fair because she was not informed that the Browns were beginning to purchase property in her neighborhood. Mayor Kleem informed her that there is no eminent domain, thus she does not have to sell her property. No one is being forced out. If there is a problem with the vacant and abandoned properties, a City Inspector can be sent out to investigate.

COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:

Woodvale Union Cemetery Board of Trustees – Jim Maxwell

Mr. Maxwell announced that the annual Joint Council Meeting will occur on Wednesday, October 9, 2019 at 7:30pm.

LEGISLATION – THIRD READING:

ORDINANCE NO. 6-3: 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, 2019, AND EXPRESSLY REPEALING ORDINANCE NO. 2019-24.

The Clerk read the title of the Ordinance.

Mrs. Morris explained that while the short-term issue has been resolved, a future amendment may be necessary, thus she requested the Ordinance be tabled.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that Ordinance No. 6-3 be tabled. Vote on the motion was all ayes and no nays. The motion carried.

LEGISLATION – SECOND READING:

ORDINANCE NO. 9-3: AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO MAKE APPLICATION FOR, AND, IF AWARDED, TO ENTER INTO A COOPERATION AGREEMENT WITH THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY AND THE FEDERAL TRANSIT ADMINISTRATION FOR ENHANCED MOBILITY FOR SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM FUNDS, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Maxwell inquired as to when the City would assume possession of the vehicle, and Mayor Kleem stated that he hopes to have the vehicle by the middle of 2020.

Proposed Ordinance No. 9-3 stands on second reading.

ORDINANCE NO. 9-4: AN ORDINANCE AMENDING SECTION 1312.06, RESIDENTIAL ELECTRICAL PERMITS, OF CHAPTER 1312 RESIDENTIAL CONSTRUCTION AND INSPECTION FEE SCHEDULE, IN PART THIRTEEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Moved by Mr. Haschka, seconded by Mr. Maxwell, that Ordinance No. 9-4 be tabled. Vote on the motion was all ayes and no nays. The motion carried.

LEGISLATION – FIRST READING:

RESOLUTION NO. 9-6: A RESOLUTION RECOGNIZING THE MONTH OF OCTOBER AS NATIONAL BREAST CANCER AWARENESS MONTH, REMEMBERING THOSE WHO HAVE SUCCUMB TO THIS HORRIFIC DISEASE, HONORING THE SURVIVORS, ENCOURAGING THE MEN AND WOMEN WHO BRAVELY BATTLE FOR RECOVERY, URGING ANNUAL SCREENINGS AND SUPPORTING CONTINUED EFFORTS AIMED AT FINDING A CURE.

The Clerk read the Resolution, in full.

Mr. Maxwell stated that Middleburg Heights Councilman John Grech invited other Cities to sponsor legislation, such as this, in conjunction with Southwest General Health Center, in order to increase awareness. He thanked everyone for their support.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that Resolution No. 9-6 be approved. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

RESOLUTION NO. 9-7: A RESOLUTION IN SUPPORT OF THE PASSAGE OF THE HEALTH CENTER RENEWAL LEVY.

The Clerk read the title of the Resolution.

Moved by Mr. Haschka, seconded by Mr. Maxwell, that Resolution No. 9-7 be approved. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

ORDINANCE NO. 9-8: AN ORDINANCE APPROVING AN AMENDMENT TO SECTION 7.20, SALE, LEASING OR OTHER ALIENATION OF LIVING UNITS, OF THE DECLARATION AND BY-LAWS OF THE RIVERSIDE GARDENS HOMEOWNERS' ASSOCIATION, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 9-8 stands on first reading.

ORDINANCE NO. 9-9: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT WITH DMARK DEVELOPMENT LLC FOR THE SALE OF PERMANENT PARCEL NUMBERS 362-02-009, 362-03-002, 362-03-013, and 362-03-014, WHICH ARE NO LONGER NEEDED FOR MUNICIPAL PURPOSES, FOR THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$375,000) AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO EFFECTUATE THE SAME, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

In response to an inquiry from Mr. Maxwell, Mayor Kleem stated that in 2006-2007, the former Administration was involved in negotiations for the Front Street bridge project. The City needed 3/10s or an acre of the Williams Ford property to be used as a right-of-way. Both the City and Williams Ford had the property appraised, the former for \$1.1 million and the latter for \$2 million.

Mayor Kleem continued by stating that when he took office, he asked if Williams Ford had any interest in selling their entire parcel, and they responded affirmatively. His Administration, therefore, negotiated the purchase of 5.3 acres of land for just over \$3 million, rather than 3/10s of an acre of land for what the Courts would have likely determined to be about \$1.5 million.

Mayor Kleem added that the City received \$500,000 from the State and, in theory, paid \$1.1 million for the essential right-of-way. In addition, this purchase eliminated costs that would have been associated with a temporary access road and retaining wall, both of which would have been a necessity, and nullified the need to purchase land across the street on which to add a permanent access road, said road being placed, instead, on the newly purchased City land. The purchase also saved money that would have been spent on attorney fees since negotiations for both the 3/10s of an acre of the Williams Ford parcel and the land across the street for the access road, were heading toward Court. The overall redesign of the project saved approximately \$1.6 million, the savings of which was leveraged to secure a \$1.8 million grant from NOACA.

Mayor Kleem stated that while the history regarding this property is long, in his mind the amount the City paid for it has already been recouped.

Mrs. Brown asked how the \$375,000 purchase price, referenced in the Ordinance, was generated. Mayor Kleem reminded her about the Memorandum of Understanding that Council

adopted last May, and the price-range that had been included in that legislation. He added that negotiations have been conducted regarding this purchase price, and reminded Council that, initially, this project will generate money for the City in the form of permitting fees, and once operational, bed tax will begin being collected.

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

ORDINANCE NO. 9-10: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA (“CRA”) AGREEMENT WITH RAMA TIKA DEVELOPERS, LLC. AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Maxwell inquired about Exhibit “A”, and Mrs. Jones stated that Council will have it before their next meeting.

Proposed Ordinance No. 9-10 stands on first reading.

ORDINANCE NO. 9-11: AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO REBATE A PORTION OF THE EXCISE TAXES SET FORTH IN CHAPTER 195 OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA, TO RAMA TIKA MANAGEMENT, LLC, OR ITS AFFILIATE, RAMA TIKA DEVELOPERS, LLC, AS PART OF AN ECONOMIC DEVELOPMENT INCENTIVE PACKAGE IN FURTHERANCE OF THE CONSTRUCTION AND OPERATION OF AN EXTENDED-STAY SUITES HOTEL, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Maxwell inquired as to where the organization is based, and Mayor Kleem responded that the family run business is headquartered in Massillon. Of the 35 hotels that they have built and now operate, most are in Ohio.

With regard to a timeframe for completion, Mayor Kleem stated that assuming the legislation is approved by Council, the timing is dependent on the County’s loan approval process, but he hopes there will be a groundbreaking ceremony early next year.

Proposed Ordinance No. 9-11 stands on first reading.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mrs. Brown announced that the Chamber is hosting a Candidate Meet and Greet at Bar 107 on Tuesday, September 24, 2019 from 5:00pm to 7:00pm.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mrs. Key was not present.

Mr. Maxwell had no report.

Mr. Skoczen had no report.

Mr. Zacharyasz simply stated, “Go Browns!”

Mrs. Banaszak had no report.

Mr. DeVito thanked Mrs. Shultis for attending this evening and sharing great information about the library!

Mr. Haschka had no report.

CORRESPONDENCE

The August 30, 2019 – September 13, 2019 Correspondence is available in the Clerk’s office.

OTHER BUSINESS

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 8:27p.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 16th day of September, 2019, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council