

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

Council of the City of Berea, Ohio, met in the Council Chamber on October 7, 2019 and was called to order by Council President Mary K. Brown at 7:30p.m. Present: Cheryl A. Banaszak, Bill DeVito, Nick Haschka, Margarette S. Key, Jim Maxwell, Rick Skoczen and Gene Zacharyasz. Absent: None. 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.

Mrs. Brown asked that Council Members speak in to their microphones, as there was an issue with the recording last meeting, as well as a sound complication with the Baldwin Wallace University radio station.

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. Maxwell, that the minutes from the September 16, 2019 meeting be amended by adding, under Ordinance No. 9-9, that the purchase of the Williams Ford property also eliminated the necessity of a temporary access road, retaining wall, and all relevant court fees. Vote on the motion was all ayes and no nays. The motion carried.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that the minutes from the September 16, 2019 Regular Council Meeting be approved, as amended. 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 referenced the malfunction of the audio recording from the last Council meeting, and stated that the problem should be investigated. Mr. Maxwell agreed that it is imperative to make sure the audio in the Chambers is functioning, as designed, and asked if the sound company could provide schematics, if there are any unusual processes that need to be followed. Those things should be documented. He supported having SoundCom come in for a full audit.

Mayor Kleem noted that he can have someone from his office initiate the service call, as the Council budget is running a deficit and must be amended at the next meeting. Mrs. Esson stated that she would call and get an estimate on the cost of a service call, and Mr. Maxwell stated that if the company is at fault, they should take that in to consideration. Mr. Haschka stated that the issue should be resolved as quickly as possible, and if that means allowing the Mayor to handle it, then that is what should happen. Mr. Maxwell asked to be kept apprised of the situation.

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 announced that, effective today, there is a new team heading up the Community Engagement Unit. Sgt. Aaron Krouse and Ptl. Ean Esposito will now be leading engagement efforts.

Paul Anzalone – Director of Public Service:

Mr. Anzalone clarified that household hazardous waste roundup will occur this weekend. The paper shredder will be there on Saturday from 9:00am until noon, or until it is full. Automobile tires that are 20 inches or less without a rim will be accepted, but only 2 per person. Computers and monitors will be collected, but not televisions. He reminded everyone to bring photo identification with them.

Mr. Anzalone continued by stating that the south side of Kraft Street has been paved, and sidewalk replacement is beginning. The north portion will begin soon, and he estimated that the concrete work will be completed by the end of November. Treelawn trees will be planted in December. In response to an inquiry from Mrs. Brown, Mr. Anzalone stated that the State recommends planting between November and December 15th. He added that leaf collection will occur on Kraft Street on a day with no construction, but assured Council and the listening audience that leaves will be collected.

In response to a question from Mrs. Brown, Mr. Anzalone stated that leaf collection will begin in the City on November 1, 2019.

With regard to the road program, Mr. Anzalone stated that the final coat of asphalt should be administered within the next 3 to 4 weeks.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS: **None**

PETITIONS: **None**

AUDIENCE PARTICIPATION:

Dennis Worthem inquired as to whether or not any Work Sessions have been scheduled to discuss and research solar panel installations and other subjects relative to energy conservation and independence. The end of the year is not far off, and he is curious about the progress being made. Mrs. Brown responded that she has not heard of any Work Sessions, but knows that solar specialists are prepared to come in and give a presentation and answer questions.

Mayor Kleem informed Mr. Worthem that he had discussed his email with Matt Madzy, who had forwarded it to the City's Zoning Consultant. The City is, at present, awaiting the recommendation of the Consultant and then a meeting or Work Session can be scheduled.

Mr. Worthem stated that if time is running out on the moratorium, perhaps only the solar component should be discussed for now.

Ruth Chesley read a letter in to the record that is included at the conclusion of these minutes. In summary, she was concerned about those residents that are being displaced by the Cleveland Browns, particularly the resident living in Section 8 housing, and asked for help so that that resident can be allowed to remain in the house until May 31, 2020, be helped to find housing for the next 2.5 years until her son can graduate from the high school, and be provided a letter that states specifically what the City and Browns are doing to assist in this matter.

Mayor Kleem responded that he has spoken with the Section 8 tenant and met with the Browns to discuss the situation. The tenant is, currently, living in the house rent free. He stated that extending her stay in her current house can be discussed, and added that the City Administration has secured a listing of all Section 8 properties in the City, as well as the names of the landlords that have accepted Section 8 vouchers. He stated that he will put this in writing, but expressed that he is confident something will be able to be worked out with a City landlord that accepts the housing voucher.

Mrs. Chesley clarified that the woman would like her son to graduate from the high school, so could something be worked out for 2.5 years. Mayor Kleem explained that Section 8 is, typically, long term, although leases are year to year because there are reasons that the voucher could be lost. Mayor Kleem noted that he will call the woman to discuss this, and put it in writing.

COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:

Woodvale Union Cemetery Board of Trustees – Jim Maxwell

Mr. Maxwell reminded Council about the annual Joint Council Meeting which will occur on Wednesday, October 9, 2019 at 7:30pm. He explained that their meeting booklet does include information about the cemetery's 5-year plan, but this plan will not be voted upon Wednesday night.

LEGISLATION – THIRD 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.

Moved by Mr. Haschka, seconded by Mr. Maxwell, that Ordinance No. 9-3 be adopted. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

LEGISLATION – SECOND READING:**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 second 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.

Mr. Maxwell asked if Mayor Kleem would explain, so that it is on the record, why the City paid so much for the Williams Ford property.

Mayor Kleem began by reminding Council that the Memorandum of Understanding included a price range that included \$375,000 for this property. The range is based on market value and is negotiable. In theory, a bigger project would permit the parcels to be sold for less, with the assumption that the City would also be receiving permit fees and taxes. The projected tax for the project in question is \$1.2 million, half of which will go to the school district.

Mayor Kleem continued that in 2006 or 2007, under a different Administration, the City was involved in negotiations with Williams Ford. The City needed 3/10s of an acre for the Front Street bridge and any time there is construction planned, land value is inflated. The City had the property appraised for \$1.2 million and Williams Ford has it appraised for \$2 million. This disagreement looked destined for Court. When he took office, Williams Ford was given \$500,000 of State money from the railroad fund as a downpayment for the 3/10s of the parcel so that the project could begin before the purchase price was finalized. Mayor Kleem approached Williams Ford and asked if they had any interest in selling all 5.3 acres. They expressed interest and negotiated a price around \$3 million for the entire parcel. The purchase was brought to Council, and Council unanimously approved the legislation as \$3 million for over 5 acres was more reasonable than between 1 and 2 million dollars for 3/10s of an acre.

Mayor Kleem explained that Williams Ford had already received \$500,000 from the State, thus the City paid out \$2.5 million for the 5+ acres that included the 3/10s of an acre that would have cost at least \$1.1 million. The City was basically paying \$1.4 million for 5 acres of land, which is much more reasonable, when put in perspective. The purchase also allowed the City to redesign the project, eliminating the need for a temporary access road and part of a retaining wall. In addition, a permanent access road was needed to service several parcels, and this road would have needed to go on land not owned by the City. There was, at that time, a disagreement

over the cost of that property, as well. The City was able to walk away from those negotiations, no longer needing the land after the Williams Ford purchase. The redesign saved the City \$1.6 million dollars, and as the City was already running a deficit on the project of \$10.8 million, the Administration used that \$1.6 million to go to NOACA and both Governor Ted Strickland and Representative Dennis Kucinich helped the City secure a \$1.8 million clean air grant. This grant was possible because building the bridge would eliminate any need for cars to idle at the railroad crossing.

Mayor Kleem summarized that, in total, the City saved the \$1.6 million, received the grant for \$1.8 million, thus shaving \$3.4 million off the price of the railroad project. While it sounds complicated, the purchase of the Williams Ford property was of great value to the City.

Mr. Maxwell wondered if the City has used the title service, referenced in the agreement, before. Mrs. Jones stated that she would check with Matt Madzy, and Mr. Maxwell wanted to ensure that they were properly investigated.

In addition, Mr. Maxwell asked if the time periods referenced in the agreement are successive, to which Mrs. Jones responded in the affirmative. There is a study period, followed by the approval period. While 270 days is referenced in the contract, it will likely be much less. Other timeframes that are listed are congruent. Mr. Maxwell asked if these were normal timeframes, and Mayor Kleem said that it is not normal, but does include a necessary approval from the corporate office, thus it could take a little bit of time, even though they've received a good commitment. He clarified that this is a normal timeframe for a hotel project.

Chris McManis, a member of the audience, asked if a feasibility study had been performed. Mayor Kleem responded that a market study was done years ago, and the developers conducted a feasibility study, but he is unsure if their study is public. Mrs. Jones added that part of the referenced study period provides for the ability of the purchaser to do all necessary testing of the land to ensure it is suitable for the hotel. That is all being done privately and is not a part of the deal between Dmark and the developer.

Mr. Worthem asked if the hotel is an extended stay establishment. Mayor Kleem stated that there has been a lot of confusion on social media regarding an extended stay hotel. He explained that there are 3 similar hotels in the greater Cleveland area, and the average price per night is \$94-\$110. The hotel is a \$6-8 million dollar project and will include a conference center and pool. He hopes to be able to share the brand name and pictures soon. It is a great looking building.

Proposed Ordinance No. 9-9 stands on second 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 asked if the City knows for certain that not all rooms are suites because the research he has done tells him that this hotel brand offers only suites and the company's website

does not indicate otherwise. Mayor Kleem stated that they could be, but that will be based on the study that will be performed. This hotel is a bit different in that it is not on a highway, but will cater to clientele in conjunction with the IX Center, airport, Browns, NASA, and local businesses.

Proposed Ordinance No. 9-10 stands on second 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.

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

LEGISLATION – FIRST READING:

ORDINANCE NO. 10-1: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LICENSE AGREEMENT WITH BEREA LAKE TOWERS PROPERTIES, LLC FOR NON-EXCLUSIVE USE OF REAL PROPERTY TO INSTALL A GENERATOR TO PROVIDE POWER TO ITS FACILITY AND RESIDENTS, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Maxwell pointed out a clerical error involving the parcel numbers contained in the Ordinance and exhibit, and in response to a question from Mrs. Brown, Mrs. Jones confirmed that the property owner will maintain the property in question.

Proposed Ordinance No. 10-1 stands on first reading.

ORDINANCE NO. 10-2: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF BEREA AND ECHO BEREA ASSOCIATES, L.L.C. AND ACCEPTING THE GRANT OF A NON-EXCLUSIVE REVOCABLE LICENSE FOR THE PURPOSE OF INSTALLING SEVEN SINGLE DOWNTOWN BIKE RACKS AND ONE FIXIT STATION AT THE PARKWAY SHOPPES, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mayor Kleem stated that a detailed exhibit is coming, and he can even have Matt Madzy or Tony Armagno come in to explain the proposed project.

Proposed Ordinance No. 10-2 stands on first reading.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mrs. Brown inquired as to how the division of property would work, should the Browns buy up properties surrounding the City-owned land that houses the training facility, and then decide to move. Mrs. Jones responded that the City would retain our parcels, and the Browns could dispose of their parcels as they see fit. Mrs. Jones did not think there is anything in the contract that guarantees the City a right of first refusal should the Browns decide to leave.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Maxwell had no report.

Mr. Skoczen had no report.

Mr. Zacharyasz had no report.

Mrs. Banaszak had no report.

Mr. DeVito said Go Browns!

Mr. Haschka had no report.

Mrs. Key had no report.

CORRESPONDENCE

The September 14, 2019 – October 3, 2019 Correspondence is available in the Clerk's office.

OTHER BUSINESS

Moved by Mr. Haschka, seconded by Mrs. Key, that the October 14, 2019 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 Mr. Haschka and seconded by Mrs. Key, 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 8:30p.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 7th day of October, 2019, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council