

MINUTES OF A REGULAR COUNCIL MEETING
October 18, 2021 – 7:30p.m.

Council of the City of Berea, Ohio, met in regular session in the Council Chamber on October 18, 2021 and the meeting was called to order by President of Council Jeff Dettmer at 7:30p.m. Present: Bill DeVito, Leon Dozier, Jim Maxwell, Chris McManis, Rick Skoczen, Kim Smith and Gene Zacharyasz. Absent: None. Also present via Zoom: Mayor Cyril M. Kleem, Director of Public Works Tony Armagno and Director of Law Barb Jones.

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 October 4, 2021 Regular Council Meeting be approved. Vote on the motion was all ayes and no nays. The motion carried.

MAYOR'S ADMINISTRATIVE REPORT AND COMMENTS

Mayor Kleem expressed his thanks to all who helped with the Harvest Fest, especially Megan Pochatek and her team, Mr. Armagno, and the members of the City's Service Department. He added that people came from everywhere, and everyone thought the City looked wonderful.

Mr. Dettmer asked for an update on the DeGeronimo properties, and Mayor Kleem responded that the large house should go up for sale within a few weeks, and the Administration has had multiple conversations with neighbors regarding what to do with the others, but no renovations have begun.

REPORT AND COMMENTS BY THE OFFICERS OF THE ADMINISTRATION:

Andrea Morris – Director of Finance:

Mrs. Morris was not present.

Barb Jones – Director of Law & Public Safety:

Mrs. Jones had no report.

Tony Armagno – Director of Public Service:

Mr. Armagno stated that the gas company is completing restoration with regard to the Fairpark/Woodmere project, but will return in the Spring to address any outstanding issues. He added that the City will meet with the gas company later this year to discuss upcoming projects.

In response to an inquiry from Mr. McManis, Mr. Armagno stated that with regard to a watermain break issue, the City has been keeping an eye on the situation to make sure the area is

maintained, and will make certain to complete the repair before asphalt plants close for the winter.

Mr. Skoczen asked that Council Members be kept in the loop if the leaf collection schedule changes so that residents can be made properly aware.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS: NONE

PETITIONS:

Mr. Dettmer asked if any petitions had been submitted, and Mrs. Esson responded in the affirmative, reading the petition in to the record and announcing that it is on file and will be distributed to members of Council and the Administration. The title of the petition reads as follows: **We support having the “No Parking during School Days” signs on Maple Avenue, north of Fourth Street, removed.**

Mrs. Jones stated that the Administration is looking in to this issue, because it was at the request of some residents that these signs went up. The new high school parking lot is, however, open this year, so the City will find an appropriate solution.

AUDIENCE PARTICIPATION:

Daune Jaynes, a resident on Glen Oaks, stated that she became involved with the North End flooding issue while visiting a friend, and noticed the sign in Gay Grizzell’s yard and then saw the story on television. She introduced herself to Ms. Grizzell and attended a meeting in her garage, encouraging Ms. Grizzell to invite some Council Members, as well, and then address the issue at a Council Meeting. She thanked Council for listening, expressed gratitude to Mayor Kleem, Mr. Armagno and others for attending the meeting at People’s Community Church, and encouraged the immediate formation of the North End flooding committee that has been discussed.

Mrs. Jaynes continued by stating that there is a national movement to prevent harassment and disinformation within elections, and she is working with some lawyer friends on the issue because she wants fair, honest and free elections in Berea. There are good, honest people here and they deserve fair elections, and she hopes members of Council will get on board to back legislation that follows along this line.

Mayor Kleem reminded everyone that at the September 1, 2021 meeting at People’s Community Church, he did advise that it would take 60-90 days to work through the process of forming a committee. Data is being collected, updates have been distributed to Council, and the Administration has met with a man who has helped create pilot programs for private property improvements in several Cities in Ohio, and who has information regarding State funding opportunities. He has been successful with other programs, and thus the City may want to model his efforts. Further meetings are planned with him, after which time a committee can be formed.

Dennis Knowles, a resident on The Mall, stated that an email was sent from the Berea North End Floods Committee on October 18, 2021 to Mayor Kleem and City Council. They request that the committee convene by November 1, 2021, and include members of the community, members of the Administration, Engineers and a representative from the Northeast Ohio Regional Sewer District. The North End residents would appreciate all available State funds, in addition to the funds committed by Mayor Kleem. Mr. Knowles stated that the Regional Sewer District will roll out a plan, complete with recommendations – some of which were offered by URS a decade ago, but not followed – and he asked that the City fund those recommendations. Some of these recommendations are the receipt of flow and capacity data pre and post improvement, the repair of lateral lines on public property, including treelawns, a mechanical cleaning of the system, the retesting of houses, closed circuit inspections, a pump station review and the investigation of 4 major areas of back-up at North Rocky River, Emerson, Riveredge and Shelley Parkway. Mr. Knowles stated that the Committee should be formed immediately, because rain does not wait.

Mayor Kleem responded that collecting data and finding funding sources needs to happen prior to the commencement of the committee. He acknowledged the Administration's commitment of \$250,000 for the first year of the pilot program, and more money should the program be successful. He noted that the committee may be able to meet by November 1, 2021, but he will not commit to that deadline today. Progress is being made, movement is happening, and he is willing to listen, but will not take orders.

In response to a question from Mr. Knowles, Mayor Kleem responded that the committee will include residents – perhaps even Mr. Knowles himself, members of the Administration, Council and others, as well.

In response to an inquiry from Mr. McManis, Mayor Kleem stated that American Rescue Plan funds can be used for private property repairs that relate to clean water, specifically where sewers may be contaminating a water source, which is not the case in the North End. He does not feel comfortable earmarking federal funds for North End flooding issues, because very stringent guidelines must be obeyed or the money will need to be paid back. The money can, however, definitely be spent on a new storage tank for the Water Plant.

Mr. McManis asked what other items the money could be used on, and Mayor Kleem responded that there are 4 categories. Mr. McManis asked when the EPA informed the City about the necessity of a new tank, and Mayor Kleem stated that, without the rescue funds, the City would likely have had to borrow for the new tank, and water rates would have been increased. Water rates have not risen in 14 years, and while the issue needs to be addressed, the Administration held off on the increase because of covid and the economic downturn. Due to the fact that Rescue Plan funds became available, the City is able to hold off a bit on an increase. He added that the EPA recommendation came out in 2020.

Mr. Armagno explained that the EPA requires a redundancy on tanks. Since the City demolished one last year, the City must replace it by 2024. He was unsure when the regulations were announced, and noted that the new tank will not affect water quality.

General discussion commenced concerning the need for two tanks, and Mr. Maxwell stated that the fact that the City has its own water supply is, in his opinion, one of the single most

important issues before Council. The City is beholden only to itself when it comes to drinking water. Neighboring Cities are beholden to Cleveland. Investing in the Berea Water Plant is investing in the future of the City, and if American Rescue Plan funds can be used to keep the City compliant and the Water Plant operational, he thinks the City should jump on that.

In response to a question from Mr. Dettmer, Mayor Kleem stated that the new tank will cost between \$1.6 million and \$1.8 million, as material prices are uncertain right now.

Gail Grizzell, a resident on The Mall, stated that construction notices were sent to residents on a section of Emerson regarding a sewer system and pavement repair and restoration, and asked for an explanation. Mr. Armagno replied that that notice came from the County and Fabrizi with regard to the North End Phase 2 project that involves rehabilitation and replacement of sections of sewers throughout the neighborhood. The pipes are now able to be lined, as the project is nearly complete.

Ms. Grizzell stated that several weeks ago, Shelley Parkway and Riveredge flooded so badly that cars could not operate, and she wanted to make the City aware.

Avril Sutherland Wagner stated that two Fridays ago, the road was washed out in front of the new Senior Housing structure, reaching up to the mailboxes on Shelley Parkway. The street could not be found. She asked if the property owner is responsible for the pipes on his property. She also inquired as to how much money Fair Street residents had to contribute to the replacement of their sewer system. She concluded by stating that the Mayor is lucky covid happened, or else there would be no money for the new water tank.

Mr. Armagno responded that the City received no calls, to his knowledge, regarding the aforementioned flooding issue in front of the Senior Housing property, and stated that the pilot program will be new for the City and did not happen on Fair Street.

Mr. Dettmer asked that the next time a heavy rain drowns out streets, pictures be taken and given to the Engineering Department, as they would probably be very useful. Mr. Armagno concurred.

Marty Lott, a resident on Shelley Parkway, didn't understand why a committee could not get started while information was being gathered. There is a lot at risk, and he encouraged things to be sped up where possible. Mayor Kleem responded that information and data are necessary so that the committee will be focused on private property improvements and be able to be successful, without simply becoming a shouting match.

Mark Dent, a resident on Clark Street, thanked Council for the hard work they do and distributed a packet of information that detailed allegations against the Mayor with regard to the misuse of public funds, things done on behalf of Mrs. Smith and Mr. Dozier including the use of City letterhead and the use of a City vehicle, untruthful FOIA request responses, and other things. He asked Council to review the information and get back to him.

Mayor Kleem responded by stating that Mr. Dent runs an online newspaper on Ward 4 that is, in itself, not honest. He has, in addition, accused individuals of things in the past that have turned out not to be true. With regard to the FOIA request, not everything is a public record.

Phone conversations and in-person conversations are not public records, but occur frequently between himself and individual Members of Council. Mrs. Smith spoke with him about the Rocky River Drive resurfacing. Clean campaigning was just discussed and advocated for, and this is ridiculous.

Mr. Dettmer noted that the misuse of City dollars is a concern, and stated that Mr. Dent may receive a response from someone on Council or someone in the Administration.

Jill Russo, a resident on Emerson, stated that she moved to the City in 2019, and a few weeks later her basement flooded, causing her to lose everything. She looked in to the issue and discovered that the flooding problems were never disclosed, but learned that her pipes were checked and found to be without fault. She did, however, find information that a dye test was conducted 10 years ago and it came back positive, showing a failure in the system. She wondered when the City knew about that issue and asked if they did all they can to repair the problem. The house was built in 1993 and the pipes are clean from the house to the road, so she does not understand where the dye test failed, but is guessing the situation has likely gotten worse. She needs a solution now!

Mr. Armagno stated that he is aware that crews were out at her property, noting that public repairs have been completed and now she may be able to participate in the pilot program. He stated that she is correct that the problems of 10 years ago very well may have worsened over time, but hopefully the pilot program can help her and others in the neighborhood.

Ms. Russo clarified that when the City did their survey, they found nothing wrong on private property, thus the issue must be from the sidewalk out. Mr. Armagno responded that the City's dye test is not as accurate as the one done 10 years ago. It is not a full assessment. It could be the case that the test is failing in a place the City can not see, as the City's equipment is not as good as URS's equipment. In addition, things could be fine on her property, but the system as a whole is failing due to issues on other private properties, which is what makes this situation so complicated. The system acts as a whole, thus the system as a whole must be improved.

Ms. Grizzell asked when the EPA made the City aware of the necessity of another million-dollar tank. She asked when Council knew. Mr. Armagno stated that he does not know the answer. The City demolished one tank, and thus needs to replace this tank. Mr. Dettmer added that the first time he heard about it was at a Finance Committee meeting in March of this year.

Erika Coble, a resident on Seminary Street, asked if a public meeting could be held with DMark before the North End land is sold so that plans could be looked at the way they were with the Omni developer. Mayor Kleem stated that meetings were already held, and the developer does not have full scale renderings or engineering drawings yet. The community will see final plans further down the road, and these plans will come before both Council and Planning Commission.

Mr. Maxwell stated that residents can call DMark, or Council can invite them to a meeting, but they may not have all the specifics that some residents are requesting. Mrs. Coble stated that a public meeting with Omni occurred, but she is thinking more in terms of the fact that people are unhappy with the Senior Living project on the North End. Perhaps the community should know what is coming before the City decides to go through with something.

Mr. Maxwell stated that, unfortunately, people do not often attend public meetings, and Council can ask DMark to attend a meeting, but he cautioned her that they will not yet have specifics.

General discussion commenced concerning the rezoning of North End property, the commercial and residential use of said property, and the fact that neighbors do not want certain things on the North End. Mr. McManis suggested getting some question to DMark prior to any appearance before Council.

Mayor Kleem explained that DMark is the developer and they are tasked with the job of representing the City and finding builders and projects. Commercial was not working, so they turned to residential projects, and two builders showed interest. Council was made aware of the situation and notices were sent to all residents on Grayton, North Rocky River and Sheldon. Zoom meetings were held and residents liked the townhouse product, and expressed interest in a mixture of modern and traditional townhouses. Residents gave valuable input and the developer could certainly show concept drawings to anyone interested.

COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:

WOODVALE UNION CEMETERY BOARD OF TRUSTEES – Jim Maxwell

Mr. Maxwell reminded Council Members about the Joint Council Meeting on Wednesday, October 20, 2021 at 7:30p.m. in the Council Chamber.

LEGISLATION – THIRD READING:

ORDINANCE NO. 6-4: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT WITH DMARK DEVELOPMENT LLC. FOR THE SALE OF PERMANENT PARCEL NUMBERS 362-02-003; 362-02-009; 362-02-011; 362-02-012; 362-02-014; 362-03-002; 362-03-013; and 362-03-014, WHICH ARE NO LONGER NEEDED FOR MUNICIPAL PURPOSES, FOR THREE HUNDRED THOUSAND DOLLARS (\$300,000) 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. Skoczen felt there was a consensus to let this piece stand, and thanked Mayor Kleem and Mr. Armagno for following up with him regarding his impermeable surface question. He asked if there was any progress made with regard to getting an engineer or County official involved with the North End flooding issue. Mr. Armagno replied that the City is working with the developer to get a projected layout, after which a third party can be consulted and, hopefully, questions can be answered.

Mr. Maxwell cautioned that some explanations are possible, but until the final project is proposed, some answers may not be able to be delivered. Mr. Armagno concurred, noting that the hope is to determine the feasibility of the proposal with regard to the existing sewer system.

Proposed Ordinance No. 6-4 stands on third reading.

ORDINANCE NO. 9-2: AN ORDINANCE REPEALING AND RECONSTITUTING SECTION 183.10, HOLIDAY LEAVE, OF CHAPTER 183, EMPLOYMENT PROVISIONS, OF TITLE VIII, PERSONNEL PLAN, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA, TO DESIGNATE JUNE 19 AS AN OFFICIAL CITY HOLIDAY.

The Clerk read the title of the Ordinance.

Moved by Mr. McManis, seconded by Mr. Dozier, that Ordinance No. 9-2 be adopted. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

ORDINANCE NO. 9-3: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF MIDDLEBURG HEIGHTS FOR THE ESTABLISHMENT OF AN OFF-LEASH DOG PARK, APPROPRIATING THE FUNDS THEREFORE, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

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

ORDINANCE NO. 9-4: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE OR HIS DESIGNEE TO ADVERTISE FOR BIDS AND TO ENTER INTO ONE OR MORE CONTRACTS FOR THE REPLACEMENT OF THE RECREATION CENTER ROOF, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

In response to a question from Mr. Skoczen, Mr. Armagno stated that the roof will be replaced in the Spring.

Moved by Mr. Maxwell, seconded by Mrs. Smith, that Ordinance No. 9-4 be adopted. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

ORDINANCE NO. 9-5: AN ORDINANCE AUTHORIZING THE MAYOR TO GRANT A NON-EXCLUSIVE REVOCABLE LICENSE TO THE CLEVELAND BROWNS FOOTBALL ORGANIZATION, LLC, FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A MEDIA PLATFORM ON A PORTION OF PERMANENT PARCEL NO. 362-25-002, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Moved by Mr. Maxwell, seconded by Mr. Zacharyasz, that Ordinance No. 9-5 be adopted. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

ORDINANCE NO. 9-9: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH PAUL M. ANTCZAK, THOMAS P. ANTCZAK, DAVID J. ANTCZAK, FRANCES M. PITTS AND VICTORIA K. USCHOLD (GRANTORS), AND ACCEPTING AN EASEMENT PERMITTING THE CITY TO CONSTRUCT, RECONSTRUCT, OPERATE, MAINTAIN, REPAIR, REPLACE AND/OR REMOVE ANY SANITARY AND/OR STORM SEWERS ON THE EASEMENT, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. McManis stated that he is recusing himself, due to his relationship with the property owner.

Moved by Mr. Maxwell, seconded by Mrs. Smith, that Ordinance No. 9-9 be adopted. Vote on the motion was ayes: DeVito, Dozier, Maxwell, Skoczen, Smith and Zacharyasz. Nays: None. Mr. McManis recused himself. The motion carried.

LEGISLATION – SECOND READING: NONE

LEGISLATION – FIRST READING:

ORDINANCE NO. 10-5: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BERE A TO ENTER INTO A CONTRACT WITH THE GENERAL HEALTH DISTRICT OF CUYAHOGA COUNTY, OHIO, PROVIDING FOR HEALTH SERVICES FOR THE CITY OF BERE A FOR YEARS 2022 AND 2023, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Jones noted that this is the annual contract with the Board of Health to provide services to the residents of the City. This contract, however, is for two years and the rate has been increased due to some covid related lessons and necessities.

Proposed Ordinance No. 10-5 stands on first reading.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mr. Dettmer stated that he attended the Grindstone Award Banquet that honored 2020 Grindstone Award Winner Dave Pusti, noting that he presented Council's Resolutions to all award recipients and acknowledged that Mr. Zacharyasz and Mr. McManis were also in attendance at this well-attended and wonderful event. He concluded by congratulating all recipients.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. DeVito stated that a constituent asked that he remind drivers that it is dark in the morning and kids are walking and riding bikes to school, oftentimes wearing clothing that is not reflective or very visible. He encouraged motorists to use caution and kids to wear some sort of light.

Mr. Dozier had no report.

Mr. Maxwell had no report.

Mr. McManis thanked the residents in the audience, particularly those who have been attending with regard to the North End flooding issues, noting that Council is really trying to find a solution and he is excited to see residents taking the initiative and attempting to get things done.

Mr. Skoczen congratulated all students involved with fall clubs, music groups, and athletics on a successful season.

Mr. Skoczen added that it is great that Mayor Kleem was able to, potentially, find a source of State funding for the flooding pilot program, adding that dozens of houses still flood in his area, and any money that could become available to help the residents around the City who deal with this issue would be great.

Mrs. Smith had no report.

Mr. Zacharyasz had no report.

CORRESPONDENCE

The September 30, 2021 – October 13, 2021 Correspondence is available in the Clerk's office.

OTHER BUSINESS:

Mrs. Esson thanked all her amazing bosses sitting in the Chamber, wishing them a belated Happy Boss's Day.

There being no further business before Council, it was moved by Mr. McManis, 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 9:15p.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 18th day of October, 2021, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson, Clerk of Council