

MINUTES OF A REGULAR COUNCIL MEETING
November 1, 2021 – 7:30p.m.

Council of the City of Berea, Ohio, met in regular session in the Council Chamber on November 1, 2021 and the meeting was called to order by President Pro Tempore of Council Jim Maxwell at 7:30p.m. Present: Bill DeVito, Leon Dozier, Chris McManis, Rick Skoczen, Kim Smith and Gene Zacharyasz. Absent: Council President Jeff Dettmer. Also present via Zoom: Director of Public Works Tony Armagno, Director of Law and Public Safety Barb Jones and the 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. Skoczen, seconded by Mr. McManis, that the minutes from the October 18, 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 was not present.

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 the City received a grant to purchase a new speed sign, so there will now be two available for use. In the coming year, Council will be able to identify areas that need extra attention, and thus the second sign will serve a good purpose.

Mrs. Jones stated that the Citizens Police Academy concluded last Wednesday, and it was an incredible success. She extended her thanks for Chief Dan Clark, Lieutenant Aaron Krause and Officer Nick Huskins for organizing the course and seeing it through! She hopes this will become a regularly occurring event.

Mrs. Jones concluded by reminding everyone to change their clocks this weekend, and to check the batteries in their smoke and fire detectors.

Mr. Maxwell stated that the speed sign on Lindberg has been reminding him to slow down, so the tool works. He also noted that he attended a Westlake Citizens Police Academy and it was a tremendous experience that he would highly recommend, as it opens your eyes to so many things. He congratulated the Department for getting the program off the ground in Berea.

In response to a question from Mr. Dozier, Mrs. Jones stated that Guy Turner is canvassing the neighborhood to see if people really do want the no parking signs removed. There should be additional information within the next 2 weeks or so.

In response to a question from Mr. McManis about the railroad, Mrs. Jones stated that while there is no formal agreement, and the railroads have proven tough to work with in the past, the Administration is in favor of doing all that can be done to make the quality of life better for the residents in the Butternut area, and would certainly make an effort at pursuing an arrangement with them.

Tony Armagno – Director of Public Service:

Mr. Armagno announced that, besides punch list items, the Woodmere project only needs the final asphalt layer before it is complete. With regard to falling leaves, collection has begun and Service crews will make the rotation around the City over the next 6 to 8 weeks. Information, including an interactive map of routes, is available on the City's Facebook page.

Mr. Armagno stated that, with regard to Ordinance No. 6-4 and the proposed North End development, the developer is preparing more detailed information and, upon receipt, the City will have a sewer analysis conducted. He has no further information at this time, and will likely not have any until the December Council meeting.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS: NONE

PETITIONS: NONE

AUDIENCE PARTICIPATION:

Mr. Maxwell explained that, with tomorrow being Election Day, the floor of Council should not be a campaign stop, and all questions should be directed through the Chair to either Council or the Administration.

Daune Jaynes inquired about a City issue with regard to sick and ailing racoons. She has heard of the Police Department putting down 6-8 racoons per week, and even though the illness is not rabies, she is concerned about children approaching the sick animals. She questioned what forum or format the City uses to alert the public to information such as this.

Mrs. Jones explained that the City responds to racoon calls all the time, but Chief Clark has told her that this year has been intense because there is a cyclical occurrence that happens every three years dealing with racoon distemper. Middleburg Heights and the Metroparks are having problems, as well. She noted that the information can be put on the City's Facebook page, as well as the Police page. Mr. Maxwell suggested placing information in the newsletter, as well.

Gail Grizzell referenced the fact that Mr. Armagno had no new information regarding North End development, but wondered if there was any traction with regard to a meeting of the North End sewer group. Neither Mr. Armagno or Mrs. Jones had any information on that topic. Mr. Maxwell stated that he is concerned about reaching the end of the year without having a meeting and, since the residents have made clear they want to meet, he will speak to Mayor Kleem about committing to a date.

Dee Malinky requested the full Army Corp of Engineers Report regarding the new Senior living facility on Riveredge Parkway, and all necessary authorizations that were granted when the project plans were altered to make the building even larger. She also requested the final report from the Army Corp, when it becomes available, that shows that all requirements have been met. She expressed her concern that the property is worth more than it was, so property rates will likely increase, even though her property value has decreased.

Ms. Malinky continued by stating that the property on Riveredge is already flooding, streets are impassable during heavy rains, and some tenants have left due to flooding issues. She noted that the construction vehicles working on the project have prevented residents in her area from receiving mail and having trash collected. The Police have assisted, in a few situations.

Mr. Armagno responded that he will get the Army Corp of Engineers Report to her, as some wetlands were mitigated and some remain with protections. Any changes made to the project would likely not be subject to an Army Corp permit, but rather made through the Planning Commission.

Mr. Maxwell said that he was concerned about the street blockage, but noted that the Police and Service Departments do not know of a situation if it is not reported to them. The more information they have about construction vehicles blocking streets or flooding issues, the better. The Police want to help and will come assist. He encouraged more calls to the City.

General discussion commenced concerning construction hours and Mr. Maxwell told Ms. Malinky to call the Police with concerns.

Ms. Malinky asked if the City purchased the Bryant Avenue apartments, adding that she heard tenants were being asked to leave because the City wants that property. Mrs. Jones responded that the City does not own any apartments, and Mr. Maxwell said he is unaware of the issue.

Erma Albergottie stated that she has been attending meetings, but has not said much. She stands in support of her neighbors who are hoping for a resolution to the flooding situation in their neighborhood.

Mary Brown inquired about the City purchasing a handicap accessible podium for the Chamber, and asked if anyone has looked at the plans for the treehouse that is being built by Coe Lake. Mr. Maxwell stated he has not viewed the plans. Mrs. Brown continued by stating that it is not handicap accessible, even though the City is spending \$120,000 on the project. She thinks it should be accessible to all. In addition, the City is renting office space in two buildings that are not handicap accessible, one being the office of Guy Turner and the other the Office of Veterans Outreach. She feels the Administration should be more accountable in this regard.

Mrs. Brown inquired as to whether Council meetings had closed captioning capabilities, and Mrs. Esson, after doing a bit of research, stated that closed captions are available to residents who allow them in their Facebook Settings. Information on how to change this setting can be found on the Council page of the City's website.

Mrs. Brown concluded by stating that she is disheartened by the fact that there is no North End meeting scheduled and asked the Administration to get it done.

Ho Davidson, a member of the audience, expressed frustration over the fact that the North End residents were told at the recent public meeting that a meeting will be arranged within 60-90 days, and the 90 day mark is approaching. The North End residents simply want to be able to meet and work with the City in order to resolve the situation, and they are all asking for help.

Ms. Malinky stated that the residents really need help resolving this flooding issue as it is maddening. The North End group has a good plan and she asks that the City sit down and get something started now.

Mr. Maxwell responded that Council does hear their plea, and understands they want action. He encouraged them to keep coming to meetings to remain visible, and while things may not happen fast – they will happen.

Mrs. Jaynes suggested that perhaps one representative from the City and one from the neighborhood group could commence communication, which would be a start.

COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:

WOODVALE UNION CEMETERY BOARD OF TRUSTEES – Jim Maxwell

Mr. Maxwell thanked the Council Members who attended the Joint Council Meeting, and Mr. Skoczen expressed his appreciation to Joe Giaimo and the Woodvale staff for the good work they do.

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.

General discussion commenced concerning how to best proceed with this Ordinance.

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

LEGISLATION – SECOND READING:

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

The Clerk read the title of the Ordinance.

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

LEGISLATION – FIRST READING:

RESOLUTION NO. 11-1: A RESOLUTION REQUESTING THE FISCAL OFFICER TO ADVANCE TAXES FROM THE PROCEEDS OF TAX LEVIES PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Resolution.

Mrs. Morris explained that each year the City asks the County Budget Commission for an advancement with regard to property tax receipts so that money comes in throughout the year, and not just the required 2 times per year. This assists with cash management.

Proposed Resolution No. 11-1 stands on first reading.

ORDINANCE NO. 11-2: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PURCHASE THROUGH THE ODOT STATE CONTRACT PROGRAM AND/OR THE STATE OF OHIO PURCHASING PROGRAM, OR DIRECTLY PURCHASING FROM A STATE APPROVED VENDOR AT A PRICE LOWER THAN THAT AVAILABLE THROUGH THE ODOT STATE CONTRACT PROGRAM AND/OR THE STATE OF OHIO PURCHASING PROGRAM, OR, ALTERNATIVELY, TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACT(S) FOR THE PURCHASE OF MOTORIZED VEHICLES, EQUIPMENT, MACHINERY, MATERIALS, SUPPLIES OR OTHER ARTICLES FOR USE IN ONE OR MORE CITY DEPARTMENTS, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Armagno noted that this is an annual piece that authorizes the City to use the State Purchasing Program to receive more competitive pricing on materials, equipment, machinery and other things.

Proposed Ordinance No. 11-2 stands on first reading.

ORDINANCE NO. 11-3: AN ORDINANCE AUTHORIZING AND RATIFYING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACT(S) FOR THE PURCHASE OF VARIOUS PRODUCTS AND SERVICES FOR THE DAY-TO-DAY OPERATIONS OF THE CITY OF BEREA'S SERVICE DEPARTMENT.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 11-3 stands on first reading.

ORDINANCE NO. 11-4: AN ORDINANCE AUTHORIZING THE CITY DIRECTORS TO PARTICIPATE IN VARIOUS COOPERATIVE PURCHASING PROGRAMS, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Jones noted that this is a companion to the ODOT Ordinance, as State law permits municipalities to join other cooperative plans that may offer prices and services that ODOT does not. While the City has been successful in using these plans for low dollar items, this would permit the City to also be able to purchase high value things, in an attempt to get the lowest and best price. It simply provides the City with more opportunities to save money.

Proposed Ordinance No. 11-4 stands on first reading.

ORDINANCE NO. 11-5: AN ORDINANCE REPEALING AND REPLACING CHAPTER 311, WATER, OF TITLE THREE, PUBLIC UTILITIES, OF PART THREE, STREETS, UTILITIES AND PUBLIC SERVICES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Jones explained that the EPA has asked that backflow device information that is found in the Ohio Administrative Code, also be included in City Codes, and thus the initial modifications address backflow issues and prevention.

Mrs. Jones continued by noting that Sections 311.01-311.09 also deal with billing issues and encompass State law. A lot of billing procedures were in place as policies, but Mrs. Jones explained that because of the subject matter, they belong in the actual City Code. This Ordinance also addresses enforcement abilities relating to tampering with hydrants, as the City found some landscaping contractors were unlawfully tapping City hydrants, and while theft of water can be dealt with, the Code was not clear on hydrant tampering. This remedies that issue.

Mr. Maxwell noted that this Ordinance deals with fresh water and drinking water supply, and not sewers.

Proposed Ordinance No. 11-5 stands on first reading.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mr. Dettmer was not present.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Dozier had no report.

Mr. Maxwell stated that we are fortunate to have the right to vote, and thus also have the responsibility to do so. Our Republic is so special because even though things do not allow our way, the people have the control, and voting is the tool by which we exercise this control. He asked that people remember this tomorrow.

Mr. McManis thanked the City's Safety forces for keeping families safe on Halloween, and echoed Mr. Maxwell's sentiments regarding the responsibility to vote.

Mr. Skoczen stated that he will assist in helping to facilitate the North End sewer meeting, thanked all Veterans and wished them an early Happy Veterans Day, offered prayers to the Davidson family on the loss of their loved one, and wished everyone good luck in tomorrow's election.

Mrs. Smith thanked Chief Clark for his proactive assistance with regard to the traffic issues associated with the Light Festival at the Fairgrounds, and extended her appreciation to Mr. Armagno for his help with some tree issues in her Ward.

Mr. Zacharyasz had no report.

Mr. DeVito had no report.

CORRESPONDENCE

The October 14, 2021 – October 27, 2021 Correspondence is available in the Clerk's office.

OTHER BUSINESS:

Mrs. Esson read a statement from Middleburg Height's Councilman and Woodvale Trustee John Grech, which thanked Mr. Maxwell, the Members of Council and Mayor Kleem and his administration for their tremendous support of Woodvale.

Moved by Mr. Zacharyasz, seconded by Mr. DeVito, that the November 8, 2021 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. Skoczen, and seconded by Mr. Zacharyasz, that the Regular Council Meeting be adjourned. Vote on the motion was all ayes and no nays. The motion passed and President Pro Tempore Maxwell declared the meeting adjourned at 8:42p.m.

Jim Maxwell
President Pro Tempore of Council

Alycia Esson
Clerk of Council

CERTIFICATE OF COMPLIANCE

The regular meeting of Council of the City of Berea, Ohio, held on the 1st day of November, 2021, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson, Clerk of Council