

MINUTES OF A REGULAR COUNCIL MEETING
November 4, 2019 – 7:30p.m.

Council of the City of Berea, Ohio, met in the Council Chamber on November 4, 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 and Director of Law and Public Safety 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 Mrs. Key, seconded by Mr. Haschka, that the minutes from the October 21, 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 was not present.

Barb Jones – Director of Law & Public Safety:

Mrs. Jones had no report.

Paul Anzalone – Director of Public Service:

Mr. Anzalone announced the commencement of leaf season, noting that the leaf collection machines were out in Section 3 today, and adding that a compass will be added on the City's website and social media pages so that the collection map is more easily deciphered.

Mr. Anzalone continued by explaining that the south side of Kraft Street is just about finished and the north side is ready to be poured. For Election Day, West Street will be opened to two lanes and the City is asking all residents who will be voting at the Fr. Garrity Center at St. Mary's Church to take Prospect Road to West Street to Morse Road, in order to more easily access the polling place. There will be a lot of signage posted early to direct voters, and an Officer will be posted at Kraft Street and Morse Road due to the construction itself.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS: **None**

PETITIONS: **None**

AUDIENCE PARTICIPATION:

Constance Fredrickson explained that she witnessed a large truck polluting City air with large amounts of unfiltered black exhaust, and she followed it to where Baker Street construction work is occurring. She asked that Council pass a directive to all departments that anyone who does work in the City comply with environmental laws on the books, as well as any additional laws the City may choose to establish. She added that she does not want her tax money going to companies that pollute the City.

Mr. Zacharyasz commented that the State of Ohio mandates e-checks so that all vehicles comply with the laws established by the EPA, and Mr. Anzalone stated that he will speak with Fabrizi's foreman about keeping the vehicle off the road until repairs can be made.

Mr. Maxwell told Mrs. Fredrickson that he will speak with the Law Department in order to determine what steps the City can take to discourage the use of vehicles such as this, and what enforcement mechanism is available.

Mrs. Fredrickson next questioned the proposed hotel on the North End, stating that there is no sign identifying 731 Front Street, and thus she does not know where the hotel will be situated. She also expressed concern about subsidizing a business, through tax breaks, that can not stand on its own.

Johanna Hamrick inquired as to how the Court was able to make their payroll for October when the budget amendment did not include an emergency clause. Mayor Kleem stated that the Court did meet payroll and Mrs. Esson explained that, per City Charter, legislation appropriating money goes in to effect immediately upon the signature of the Mayor.

Mrs. Hamrick continued by stating that she thinks the Charter-established legislative deadlines should be enforced. Not providing Council Members with timely legislation, complete with exhibits, is unfair to them, as well as community members, and she wondered how legislation is even being written without the information contained in completed exhibits. Following the Charter would have alleviated much of the fighting that occurred between the Mayor and the Council President at the last meeting, adding that the behavior at that meeting was way out of line.

Mrs. Hamrick explained that she requested some information from the Finance Department and questioned why an employee that was stealing petty cash would be promoted instead of reprimanded. She wondered if Council was even aware of this matter, and felt that things needed to be more transparent. Mr. Maxwell stated that he was unaware of the theft, noting that personal matters are typically handled at an Administrative level, or in Executive Session.

Mayor Kleem referenced an email between the Clerk of Council and a member of the Finance Department that discussed the Council deficit and an upcoming budget amendment. The

email was sent on September 19, 2019, which meant that it was in the works for a while, and not dropped on Council the Friday before the last meeting.

Jeff Dettmer thanked Mr. Anzalone and Mayor Kleem for responding to his concern about the accessibility of polling locations and call for properly communicated directions through construction areas. Mayor Kleem stated that the plan was to have Kraft Street finished by Election Day, but due to last week's rain, the job could not be completed. He noted that a Police Officer will be positioned at Morse Road and Kraft Street, as well as Morse Road and West Street.

Holly Porter, a resident on East Bridge Street, expressed her concern regarding the number of college rental properties in her neighborhood, the lack of inspections and the degradation of historic houses, noting that whatever the Mayor is attempting to do to curb the rental issue is not working. She referenced the houses that the City received in the land trade deal, and asked what would happen with the lot on University Street where one of the houses was recently razed. She also asked about the house being rehabilitated on Seminary Street, questioned the City's claim that there was no issue with the foundation and wondered how quickly a small company could rehab the property.

Mrs. Porter continued by inquiring if the City is paying taxes on the houses that were acquired in the land trade deal. She noted that Mayor Kleem has said that the houses are not costing the City any money, but expressed skepticism, adding that she wants the City to be honest about their intentions for these houses.

Mayor Kleem explained that it was the consensus of Council that the house at Eastland Road and University Street be demolished. The house at 215 Seminary Street is being rehabbed, and the company has 12 weeks to complete the job. There are no foundation issues, however waterproofing was discussed, and is being performed. The rehabilitation is on schedule, the house should sell for a significant amount of money, and while the City does pay property taxes, the City did make money on these properties by honoring rental agreements and collecting rent payments.

General discussion commenced about the intentions for the lot at Eastland Road and University Street.

Mr. Maxwell stated that the plan for the houses that were acquired is taking longer than anticipated, but no neighborhood in the City, including his, is immune to the economics that necessitate a change in plans.

Ms. Hamrick asked why the City is in the landlord business, referencing the new house that the City commissioned on Longfellow Drive and the \$180,000 that was stolen from the City because no title insurance was purchased. Mayor Kleem contested this, stating that federal money was used to construct the house and the money was then stolen. Title insurance would not have covered what was a criminal act. With regard to the houses that were acquired by the City, the City wanted the property owners out of the rental business, and now they are. The houses will never again be rentals, which is an improvement to the neighborhood.

Ms. Hamrick was concerned that City Directors were being assigned the work of landlords, and Mayor Kleem expressed his opinion that the discussion of issues that were already voted upon violates the City's Charter, while also being a waste of time.

COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:

Woodvale Union Cemetery Board of Trustees – Jim Maxwell

Mr. Maxwell announced that members of Middleburg Heights City Council toured Woodvale Cemetery and viewed the opportunity for potential expansion that was discussed as part of the 5-year proposal. He invited members of Berea City Council to visit the Cemetery, as well.

LEGISLATION – THIRD 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.

Moved by Mr. Haschka, seconded by Mr. Maxwell, that Ordinance No. 10-1 be adopted. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

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.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that Ordinance No. 10-2 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. 10-3: AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE APPLICATION FOR, AND, IF AWARDED, TO ENTER INTO A COOPERATION AGREEMENT WITH THE COUNTY EXECUTIVE OF CUYAHOGA COUNTY, OHIO, AND THE DEPARTMENT OF DEVELOPMENT FOR THE UTILIZATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FUNDS MADE AVAILABLE BY THE HOUSING AND COMMUNITY DEVELOPMENT ACTS OF 1974, 1977, 1980 AND 1983, AS AMENDED, AND TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACTS FOR THE PURPOSES SPECIFIED IN THE CDBG AGREEMENT, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 10-3 stands on second reading.

ORDINANCE NO. 10-4: AN ORDINANCE AUTHORIZING THE CITY ENGINEER TO ENTER INTO A CONTRACT WITH THE NORTHEAST OHIO SEWER DISTRICT FOR THE NORTH END SEWER REHABILITATION PROJECT, PHASE 2, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 10-4 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.

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.

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.

In response to a question from Mrs. Brown, Mr. Anzalone explained that with regard to road salt this winter, all mains and secondary mains will be treated, and secondaries will be spot treated. A letter has gone out to Kraft Street residents explaining that salt will be used sparingly so as to preserve the integrity of the new concrete.

A resident on Whitehall Drive complimented Mr. Anzalone and the Service Department for their appropriate usage of minimal road salt during the Fair Street reconstruction project. The salt did no damage to the road at all.

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

RESOLUTION NO. 11-4: A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF BEREA TO SELL PERSONAL PROPERTY INCLUDING, BUT NOT LIMITED TO, VEHICLES, EQUIPMENT, TOOLS AND SUPPLIES, WHICH ARE NO LONGER NEEDED FOR PUBLIC USE OR ARE OBSOLETE OR UNFIT FOR THE USE FOR WHICH THEY WERE ACQUIRED, BY INTERNET AUCTION IN ACCORDANCE WITH OHIO REVISED CODE SECTION 721.15, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Resolution.

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

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mrs. Brown thanked all those working the polls on Election Day.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Zacharyasz had no report.

Mrs. Banaszak had no report.

Mr. DeVito had no report.

Mr. Haschka had no report.

Mrs. Key asked those driving in the City to be responsible and thanked Council for supporting legislation that will change the face of the North End.

Mr. Maxwell announced that the 65th annual Kiwanis Pancake Fest will be held on December 8, 2019 at Berea Midpark High School, and he does have tickets to sell.

Mr. Skoczen encouraged residents to get out and vote tomorrow and gave a shout out to all Fall athletes, especially the Berea Midpark High School Varsity Girls' Soccer Team who won the District Championship. He also wished all Veterans and their families a Happy Veterans Day, thanking them for their tremendous service to the Country.

CORRESPONDENCE

The October 18, 2019 – October 31, 2019 Correspondence is available in the Clerk's office.

OTHER BUSINESS

Mrs. Esson thanked all Veterans for their service, stated that the Council minutes page will be updated before she goes to bed tonight and wished all candidates well tomorrow.

Moved by Mr. Haschka, seconded by Mrs. Key, that the November 12, 2019 Council 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 8:41p.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 4th day of November, 2019, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council