

BEREA CITY COUNCIL

City of Berea, Ohio

RESOLUTION NO. 2025-23

By: Councilman Rick Skoczen Sponsor: Mayor Cyril M. Kleem

A RESOLUTION

APPROVING THE MAYOR'S REMOVAL OF ANTHONY ALEXANDER FROM THE MUNICIPAL PLANNING COMMISSION, AND DECLARING AN EMERGENCY.

WHEREAS, Item X-1(a) of the Charter of the City of Berea requires an appointee of a board or commission of the City to be and remain a qualified elector of the City of Berea; and

WHEREAS, when appointed to the Municipal Planning Commission Mr. Alexander was a qualified elector of the City of Berea; and

WHEREAS, Item XIII of the Charter of the City of Berea defines a qualified elector as every United States citizen who is of the age of 18 years or over and who has been a resident of the State, County and voting precinct thirty (30) days preceding the election at which he desires to vote; and

WHEREAS, Mr. Alexander told Matt Madzy, the Mayor's designee to chair the Municipal Planning Commission, that he resides with a friend in the City of Cleveland, and that he did not have a home in Berea within which he could reside, as is further detailed the Affidavit of Mr. Madzy, which is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, Mr. Anthony has not attended a meeting of the Municipal Planning Commission since October 2024; and

WHEREAS, it is apparent from the available evidence that Mr. Anthony has not remained a qualified elector of the City of Berea; and

WHEREAS, Item X-1(c) of the Charter of the City of Berea states that the Mayor shall have the right to remove an appointed member of a board or commission upon the approval of two-thirds (2/3) majority of the members of Berea City Council; and

WHEREAS, Item X-1(c) of the Charter of the City of Berea requires that the member subject to removal be notified in writing of the charge against him at least ten (10) days in advance of any hearing on the matter and that the member subject to removal be provided an opportunity at such hearing to be heard, present evidence, and examine any witness appearing in support of such charge; and

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WHEREAS, on March 31, 2025, and pursuant to Item X-1(c) of the Charter, Mr. Alexander was notified in writing that Mayor Kleem would seek the approval of City Council to remove him from the Planning Commission due to his failure to remain a qualified elector, and additionally advised Mr. Alexander of his opportunity to participate in any hearing relating to the proposed removal, as set forth in Exhibit B and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berea, State of Ohio:

SECTION 1. That in accordance with Item X-1(c) of the Charter of the City of Berea, a letter was sent to the last known address of Anthony Alexander and to the email address on file with the City of Berea, dated March 31, 2025, and, therefore, this Council finds that he received ten (10) days advanced notice of this hearing on his removal from the Municipal Planning Commission and was provided an opportunity to be heard, present evidence, and examine any witness appearing to support the charge.

SECTION 2. That upon consideration of the definition of a qualified elector, Mr. Anthony's prior admission of residency in the City of Cleveland and his failure to communicate with City officials, this Council finds that there is good cause to remove him from the Municipal Planning Commission.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the approval of this Resolution were approved in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that it is necessary to have members appointed to the Commission in order that they may continue their work. Therefore, provided this Resolution receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor; otherwise, from and after the earliest period allowed by law.

PASSED: April 21, 2025

ATTEST: [Signature]
Clerk of Council

APPROVED: April 28, 2025

[Signature]
President of Council

APPROVED AS TO FORM:

[Signature]
Director of Law

[Signature]
Mayor

Exhibit "A"

I, Matthew Madzy, of the City of Berea, Director of Economic Development & Chairman of the Planning Commission, after having been duly sworn to in accordance with law hereby depose and state that:

1. I am presently employed by the City of Berea as the Director of Economic Development and I serve as the Mayor's designee and chair all meetings of the Municipal Planning Commission.
2. On January 30, 2025, I visited Planning Commission member Anthony Alexander at the Avenue Care and Rehabilitation Center, 18936 Pearl Road, Strongsville, Ohio 44136.
3. During our conversation, Mr. Alexander stated that he was going to be discharged from the care and rehabilitation center the following day and planned to move in with a friend who lived in the City of Cleveland.
4. I advised Mr. Alexander that if he did not reside in the City of Berea, he could no longer be a member of the Berea Planning Commission.
5. In response, Mr. Alexander stated that he planned to stay in the City of Cleveland for a short time and then try to move into a friend's house in Berea.
6. On February 13, 2025, I sent Mr. Alexander a text message to see how he was feeling and if he was able to move in with his friend in Berea. I did not receive a response to this text message.
7. Similarly, on February 27, 2025, I sent Mr. Alexander another text message to see how he was feeling and again to see if he was able to move in with his friend in Berea. I did not receive a response to this text message either.
8. Finally, I called Mr. Alexander on March 21st and when did not answer, I left a voicemail. Similar to the past communication, my voicemail inquired about his health and residency status.

FURTHER AFFIANT SAYETH NAUGHT.

IN TRUTH THEREOF, I have hereunto set my hand this 15th day of April, 2025 at City of Berea, Cuyahoga County, Ohio.

Matthew J. Madzy

AFFIANT

SWORN TO AND SUBSCRIBED BEFORE me this 15th day of April, 2025 by Matthew Madzy.

Megan M. Matthews

NOTARY PUBLIC

MEGAN MATTHEWS, ATTORNEY
NOTARY PUBLIC • STATE OF OHIO
My commission has no expiration date
Section 147.03 O.R.C.



Cyril M. Kleem
Mayor

11 Berea Commons
Berea, Ohio 44017
(440) 826-5800
Fax: (440) 826-4800
cityofberea.org

March 31, 2025

Anthony Alexander
77 Prospect Street
Berea, OH 44017

SENT TO 77 PROSPECT, BEREa OHIO BY REGULAR MAIL AND TO PARKERMAN2011@GMAIL.COM

Dear Mr. Alexander:

It was recently brought to my attention that since the end of October 2024 you have been unable to attend meetings of the Municipal Planning Commission. I was deeply sorry to learn of the circumstances causing your absence. You have been a valuable member of the Planning Commission, and I speak for the Mayor when I say, "thank you for your service"

Earlier this year I met with Matt Madzy to discuss his concerns about the probable impact that future absences could have on the ability of the Commission to fulfill its obligations. During that conversation he also told me that you are no longer a resident of the City of Berea. He explained that while you indicated a desire to move back to Berea in the future, you were a current resident of the City of Cleveland. Mr. Madzy said that he has unsuccessfully tried reaching you by telephone and text message to discuss your status as a member of the Municipal Planning Commission. He said that he did not receive a response to any of his requests for communication.

The Charter of the City of Berea requires that members of boards and commissions be and remain a qualified elector of the city. Based on your admitted residency in Cleveland, and lack of a dwelling in Berea, it appears that you no longer meet the minimum requirements to serve as a member of the Planning Commission.

The Planning Commission is entering into a busy period, with several large development projects requiring that all members of the Commission be active participants. In recent months it has been increasingly challenging to get a quorum for each meeting.

To facilitate the efficient operation of the Commission, I am asking that you resign from the Municipal Planning Commission, with the provision that upon sufficient evidence that you become a qualified elector of the city, you may reapply for membership when an opening occurs. If I do not hear from you or receive your resignation by Tuesday, April 8, the Mayor will regrettably seek the City Council's approval to remove you from the commission.

Item X-I(c) of the City Charter states that the Mayor shall have the right to remove an appointed member of a board or commission with the approval of two-thirds (2/3) of the elected members of the Council, provided, however, that such removal shall not be effective until such member shall have been notified in writing of the charge against him at least ten (10) days in advance of any hearing upon such charge, and he or his counsel has been given an opportunity at such hearing to be heard, present evidence, and examine any witness appearing in support of such charge.


This letter serves as the ten (10) day notice of a hearing to consider your removal from the Planning Commission due to a lack of attendance and failure to remain a qualified elector of the City.

The hearing will be held during the regular council meeting scheduled at 7:30 pm on Monday, April 21, 2025. You and/or your attorney will have an opportunity to participate in the hearing to present evidence and to examine any witness the city may call to support the removal.

Should a hearing be required, the Clerk of Council will also provide you with a copy of the ordinance, agenda, and other relevant material. Of course, if you decide to resign, the hearing will be cancelled.

I look forward to hearing from you.

Sincerely,


Barbara L. Jones
Director of Law

Cc: Mayor Cyril Kleem
Matt Madzy, Director of Economic Development & Chair of the Municipal Planning Commission
Alycia Esson, Clerk of Council and Secretary to the Municipal Planning Commission