

## **MINUTES OF A REGULAR COUNCIL MEETING**

**January 7, 2019 – 7:30p.m.**

Council of the City of Berea, Ohio, met in the Council Chamber on January 7, 2019 and was called to order by President of Council Mary K. Brown at 7:30p.m. Present: Cheryl A. Banaszak, Bill DeVito, Nick Haschka, Jim Maxwell, Rick Skoczen and Gene Zacharyasz. Absent: Margarette S. Key. Also present: 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.

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. Maxwell, seconded by Mr. Haschka, that the minutes from the December 17, 2018 Finance Committee Meeting be approved. Vote on the motion was all ayes and no nays. The motion carried and the minutes were approved.

Moved by Mr. Haschka, seconded by Mr. Skoczen, that the minutes from the December 17, 2018 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 was not present.

### **REPORT AND COMMENTS BY THE OFFICERS OF THE ADMINISTRATION:**

#### **Andrea Morris – Director of Finance:**

Mrs. Morris wished everyone a Happy New Year!

#### **Barb Jones – Director of Law & Public Safety:**

Mrs. Jones had no report.

#### **Paul Anzalone – Director of Public Service:**

Mr. Anzalone stated that Christmas tree collection will occur for two more weeks, after which time the Service Department will begin collecting them on Fridays, along with brush pickup.

Mr. Anzalone informed Council that the preparatory work on the Coe Lake and Library parking lot behind City Hall has been completed, and construction will likely commence in March and extend through May.

#### **Marty Compton – Director of Recreation:**

Mr. Compton was not present.

**COMMENDATIONS:**                      **None**

**PETITIONS:**                              **None**

**AUDIENCE PARTICIPATION:**        **None**

**COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:**

**Woodvale Union Cemetery Board of Trustees – Jim Maxwell**

Mr. Maxwell announced that the next Woodvale Board of Trustees quarterly meeting will occur on Wednesday, January 9, 2019.

**LEGISLATION – THIRD READING:**

**ORDINANCE NO. 12-2: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACTS FOR THE LINDBERGH-ABBYSHIRE RESURFACING PROJECT, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Moved by Mr. Haschka, seconded by Mr. Maxwell, that Ordinance No. 12-2 be adopted. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

**ORDINANCE NO. 12-3: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACTS FOR THE CONSTRUCTION, RECONSTRUCTION, IMPROVEMENT, REPAIR AND REPLACEMENT OF THE DORA LEE PARKING LOT, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Moved by Mr. Haschka, seconded by Mr. Skoczen, that Ordinance No. 12-3 be adopted. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

**LEGISLATION – SECOND READING:**

**ORDINANCE NO. 12-5: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO ONE OR MORE AGREEMENTS TO PARTICIPATE IN THE REGIONAL STORMWATER COMMUNITY COST-SHARE PROGRAM FOR THE PURPOSE OF PURCHASING A STREET SWEEPER, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 12-5 stands on second reading.

**ORDINANCE NO. 12-6: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A REAL ESTATE CONVEYANCE AGREEMENT WITH BOSTON BRAND REALTY, LLC, FOR THE TRANSFER OF PERMANENT PARCEL NUMBER 362-02-017, WHICH IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO BOSTON BRAND REALTY, LLC, IN EXCHANGE FOR PERMANENT PARCEL NUMBER 362-02-014, AND AUTHORIZING THE EXECUTION OF ALL AGREEMENTS NECESSARY TO EFFECTUATE THE SAME, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

In response to questions from Council Members, Mrs. Jones stated that the City has heard nothing regarding the sale of the J&J Property, but should have the exhibits for this Ordinance prepared by third reading. Mrs. Brown requested that the exhibits be made available as soon as possible.

Proposed Ordinance No. 12-6 stands on second reading.

**ORDINANCE NO. 12-7: AN ORDINANCE AMENDING BEREA CODIFIED ORDINANCE CHAPTER 1311, NON-RESIDENTIAL CONSTRUCTION AND INSPECTION FEE SCHEDULE, IN PART THIRTEEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

In response to a question from Mrs. Brown, Mr. Anzalone replied that Mike McCourt is the City's Building Commissioner, and per this Ordinance, the final determination of fees would go through Mr. McCourt.

Mr. Anzalone stated that 18% of each fee covers the payroll portion, and the rest of the money is collected in the General Fund as revenue. In response to another question from Mrs. Brown, Mr. Anzalone reminded Council that the "BBS" tax is a State fee that is assessed at 1% for residential projects and 3% for commercial projects.

Mrs. Brown asked how often an Inspector will go out to a job and if the City Inspector conducts a final inspection for ADA compliance and other things. Mr. Anzalone responded that, on some projects, an Inspector is out at a site multiple times a day, adding that the City Inspector conducts some final inspections, Assistant Fire Chief Tom Emling conducts others, and the State does some, as well.

Mrs. Brown inquired as to what type of certifications our Building Inspector has, and Mr. Anzalone stated that Mr. McCourt is certified in every area, except plumbing. Plumbing inspections are sub-contracted out.

Mr. Zacharyasz referenced a complaint he had received with regard to the replacement of a hot water tank. The permit fee seems to be \$250.00, and he inquired as to whether or not this was correct? Mr. Anzalone responded that, so long as it is not an industrial size tank, the price did go down to, he thought, about \$100.00. He stated that he would follow up with Council on that pricing.

Mr. Maxwell asked about the category of “miscellaneous plumbing”, and Mr. Anzalone agreed to follow up with specifics and clarifications at the next Council meeting.

Proposed Ordinance No. 12-7 stands on second reading.

**LEGISLATION – THIRD READING:**

**RESOLUTION NO. 1-1: A RESOLUTION SUPPORTING THE 2019 CELEBRATION OF THE ANNIVERSARY FOR THE BIRTH OF MARTIN LUTHER KING, JR.**

The Clerk read the Resolution in full.

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

**ORDINANCE NO. 1-2: AN ORDINANCE ENACTING NEW CHAPTER 1313, ZONING PERMIT AND INSPECTION FEE SCHEDULE, IN PART THIRTEEN, BUILDING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Mr. Anzalone explained that zoning permit and inspection fee information is currently available in the non-residential fee schedule, but this Ordinance would remove it from there due to the fact that zoning changes could occur in both residential and non-residential districts. While there are no new fees, the current fees have been placed in their own Chapter and reorganized for ease of use by residents and staff.

Proposed Ordinance No. 1-2 stands on first reading.

**REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL**

Mrs. Brown wished everyone a Happy New Year, adding that she hopes the holiday season was a happy one. She also reminded Council and the listening audience that nominations for the 2019 Grindstone Award are now being accepted, as are Courtesy Award nominations. Nomination information should be given to Megan Baechle at the Berea Chamber of Commerce.

**REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL**

Mr. Skoczen wished everyone a happy 2019, adding that he looks forward to working with Council this year.

Mr. Zacharyasz said Happy New Year!

Mrs. Banaszak wished everyone a happy and healthy New Year!

Mr. DeVito wished everyone a Happy New Year, and sent gift well wishes to all who are ill.

Mr. Haschka said Happy New Year!

Mrs. Key was not present.

Mr. Maxwell had no report.

**CORRESPONDENCE**

The December 14, 2018 – January 3, 2019 Correspondence is available in the Clerk’s office.

**OTHER BUSINESS**

Mrs. Esson wished everyone a Happy and Healthy New Year!

Moved by Mr. Haschka, seconded by Mrs. Banaszak, that the January 14, 2019 Council Work Session be cancelled. Vote on the motion was all ayes and no nays. The motion carried.

Moved by Mr. Haschka, seconded by Mr. Skoczen, that the January 22, 2019 Regular Meeting of Berea City Council be cancelled and a Special Meeting be held in its place on January 28, 2019 at 7:30p.m. in the Council Chamber. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

There being no further business before Council, it was moved by Mr. Haschka and seconded by Mrs. Banaszak, that the Regular Council Meeting be adjourned. Vote on the motion was all ayes and no nays. The motion passed and President Brown declared the meeting adjourned at 7:57 p.m.

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Mary K. Brown  
President of Council

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Alycia Esson  
Clerk of Council

**CERTIFICATE OF COMPLIANCE**

The regular meeting of Council of the City of Berea, Ohio, held on the 7<sup>th</sup> day of January, 2019, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

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Alycia Esson  
Clerk of Council