

**MINUTES OF A REGULAR COUNCIL MEETING**  
**JANUARY 19, 2021 - 7:30p.m.**

Council of the City of Berea, Ohio, met in regular session via Zoom in the Council Chamber on January 19, 2021 and the meeting was called to order by Council President Jeff Dettmer at 7:30p.m. Present: Bill DeVito, Jim Maxwell, Chris McManis, Rick Skoczen, Kim Smith and Gene Zacharyasz. Absent: None. Leon Dozier was having some technological difficulties, and officially joined the meeting at 7:45p.m. Also present: Mayor Cyril M. Kleem, 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. Skoczen, seconded by Mr. McManis, that the minutes from the January 4, 2021 Regular Meeting be approved. Vote on the motion was all ayes and no nays. Mr. Dozier was not yet present to cast a vote. The motion carried and the minutes were approved.

**MAYOR'S ADMINISTRATIVE REPORT AND COMMENTS**

Mayor Kleem announced that the Administration is working on a campaign to help get information regarding the Covid-19 vaccine to homebound and at-risk residents who may require some assistance receiving these materials. He asked that Council Members contact him or Natalie Guzzo in Berea Community Outreach, with the names of those who may call them looking for help. The City has been in contact with some at-risk residents throughout the pandemic, ensuring that they have rides to Doctors' appointments and conducting grocery runs, amongst other things. He stated that a small postcard will be mailed to Seniors, advising them about vaccine access and information.

Mayor Kleem next informed Council that he has heard that Olmsted Township is moving forward with a proposed housing project in the area commonly referred to as "The Woods" by Sandstone Ridge residents, and encompasses the 72 acres of land that was brought to the City for annexation a couple years ago. Mayor Kleem stated that he was shown a map of the development proposal, and both entrances were through Sandstone Ridge, which is definitely not something the City would support.

General discussion commenced regarding the proposed annexation, and Mayor Kleem reminded Council that Berea has less restrictive zoning laws than the Township, and if the development were in Berea, it would have meant between 260 and 350 houses. As it stands, Olmsted Township looks to be proposing 160 houses, which will have less of an impact on Berea residents than 350 houses would have, but still not be ideal. He stated that he will keep everyone up to date on what he hears from the Township and the County Planning Commission.

Mayor Kleem concluded his report by referencing an email he sent to Council regarding some new committees he would like to form. He stated that many years ago there were several neighborhood committees that allowed residents to provide input, and he would like to form one

for the Recreation Center, one for Recycling, and as suggested by Mrs. Smith, one for the Police Department and the Ohio Collaborative.

Mr. Dettmer responded that last year Mayor Kleem formed a few ad hoc committees, one of which encompassed the expansion of the Recreation Center, although the committee never met, likely because of the onset of the pandemic. Mayor Kleem stated that the Administration moved forward with renovations to the Police and Fire Departments, but he would like additional input on Recreation Center expansion and programming from frequent facility users and families who participate in the programs. This would be different than his ad hoc Facilities Committee. Mr. Maxwell supported the idea of the Recreation Committee, adding that if the City will be expending money on the project, he would like Council involvement. Mr. Skoczen agreed.

Mr. Dettmer stated that the Water Rate ad hoc committee never met either, and Mayor Kleem explained that once Covid hit, raising rates could have caused a more significant problem for some residents, and thus the issue was delayed. It, however, can not be delayed much longer.

Mr. Maxwell asked if the Township housing project could propose entrances solely through Sandstone Ridge without City approval, and Mayor Kleem responded that he does not see how this could be the case. Mrs. Jones said that based on universal zoning and planning protocols, she does not see how these could be the only proposed entrances, without the consent of Berea, but she will look in to the matter.

In response to a question from Mr. Maxwell, Mayor Kleem said that he is not familiar with the company proposing the housing project, but will likely soon have more information.

Mr. Skoczen stated that it seems crazy that another City could tie in to Berea infrastructure without consent, and echoed everyone's stated concerns.

General discussion commenced concerning the sewer system in the portion of Olmsted Township being discussed, and whether or not it is a septic system. Mr. Anzalone was unsure if this area was septic, but noted that the County is beginning to force Cities away from septic systems, and since the City pays NEORS charges, there would certainly be a conflict if the Township connected to Berea's system.

Mr. McManis asked who has the final say in the approval of this development, and Mayor Kleem responded that the City will work with the Township and the County Council to make sure Berea residents are protected. While Berea does not have the final say in the development, he thinks the City would have a say in whether or not they use our infrastructure.

Mr. McManis stated that some residents paid premiums for the buffer provided by the woods. He wondered if the Township has to offer Berea residents such a buffer? Mayor Kleem said that the City will work with the Township, as neighbors, and attempt to reach some sort of compromise.

Mr. McManis referenced the failed annexation, asking if the City denied the request for annexation with full knowledge of the ultimate goal of the developer, and Mayor Kleem said that the annexation was proposed to be fast tracked, thus forcing the City to forgo property taxes,

while having to provide services. There was absolutely no benefit to the City to accept the annexation.

**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 stated that the swearing-in Ceremony for the new Fire Chief, Assistant Chief and two Lieutenants, was really nice, as was the fond farewell offered to outgoing Chief Mark Kaufhold. It was a great way to mark the end of an era and the beginning of a new one in the Berea Fire Department. Chief Terry Ledwell, Assistant Chief Michael Schmitt, and Lieutenants Kyle Woodie and Pat McCarthy were all sworn-in, and the City will likely swear-in a new Firefighter next week, as well.

Mr. Dettmer referenced a prior discussion relating to political signs in and around the City, and wondered if, from a legal standpoint, it could become a problem that the Mayor is not enforcing laws on the books. Mrs. Jones stated most Cities have sign ordinances that do not completely pass muster in the area of political signage, but the Supreme Court has ruled that freedom of speech does not begin a month before an election, or end right after one, but freedom of speech is a right all the time. Residents are permitted to make a political statement at any time, and thus if Council would like to revise any current ordinance, it would certainly be appropriate. Mayor Kleem clarified that he is not choosing to not enforce the Ordinances on the books, but that decision has already been made for him by the Supreme Court. He stated that a conversation regarding the repeal or amending of the sign ordinances is certainly appropriate.

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

Mr. Anzalone announced that concrete has been poured with regard to the earthen dam project, and they will wait 10 days to do restoration work. Coe Lake was being filled over the weekend, and the fill will finish on Thursday or Friday. The delay is due to high salt levels.

Mr. Anzalone continued by stating that the outdoor Wi-Fi project has begun, all Building Department applications can now be submitted online, Service crews have filled potholes around the City, all brush has been collected, and damaged trees are now being trimmed.

**Marty Compton – Director of Recreation:**

Mr. Compton was not present.

**COMMENDATIONS:** NONE

**PETITIONS:** NONE

**AUDIENCE PARTICIPATION:**

Holly Porter inquired about the City's tree protocol, noting that many of the trees on East Bridge Street are leaning and dangerous or already dead, and she is afraid they are going to fall and crush anything beneath them. She wondered who could help with the cost of removal. Mr. Anzalone responded that the City's tree expert inspects every street and will trim or remove trees, when necessary. The Service Department conducts in-house tree trimming, and sub contracts the work out if it becomes too dangerous. He said that he has begun to gather quotes to remove some trees in the Adams Street cemetery, which the City maintains.

### **COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:**

#### **Berea Shade Tree Commission – Rick Skoczen & Gene Zacharyasz**

Mr. Skoczen informed Council that he reached out to Mrs. Coble, in regard to an email she sent to representatives of the Shade Tree Commission, and the committee will meet with her and some neighbors to discuss the trees and bring pertinent information back to Council.

Mr. Dettmer stated that he reached out to Mr. Coble, as well, and understood the matter is in good hands with Mr. Skoczen. Mr. Zacharyasz and Mr. Anzalone.

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

Mr. Maxwell informed Council that a quarterly meeting was recently held, and while more money was spent than was budgeted, this was expected and due to some expenditures relating to the 5-year capital plan, as well as the replacement of their new software system.

Mr. Maxwell continued by stating that Covid-19 is having an effect on their operations, sadly due to increased burials, as well as intensive sanitation procedures. In addition, one staff member did contract the virus, which is of great concern when the staff at Woodvale is so small. The employee is recovering at home, another is quarantining, and the rest of the staff was tested and shown to not have the virus. Mr. Maxwell wished the ill employee and his family well, and stated that Woodvale is taking extra precautions to make sure the facility is safe.

#### **Southwest Healthcare System Board of Directors – Jeff Dettmer**

Mr. Dettmer stated that 400,000 people have died due to Covid-19 and updated Council on how Southwest General Health Center is dealing with the virus. He stated that the health center established an emergency assistance fund to help employees experiencing a hardship, received a surge of infected patients toward the end of 2020, experienced times when Covid positive patients accounted for 40% of inpatients, created a Healthy at Home program to provide support to Covid patients once they are discharged from the hospital, and administered the first vaccine in January. As of a week ago, the health center has tested more than 18, 800 people, treated more than 2,800 patients confirmed with the virus, had more than 215 employees test positive, and, tragically, had 115 people lose their lives to the virus.

### **LEGISLATION – THIRD READING:**

**ORDINANCE NO. 12-3: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACTS FOR PAVEMENT MARKINGS THROUGHOUT THE CITY, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

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

**LEGISLATION – SECOND READING:**                      **NONE**

**LEGISLATION – FIRST READING:**

**RESOLUTION NO. 1-1: A RESOLUTION RECOGNIZING JANUARY 18, 2021 AS THE ANNIVERSARY OF THE BIRTH OF DR. MARTIN LUTHER KING, JR., AND HONORING AND REMEMBERING HIS MESSAGE, MOVEMENT AND THE DREAM THAT WE, IN THIS CITY AND COUNTRY, CONTINUE TO TRY AND MAKE A REALITY.**

The Clerk read the Resolution in full.

Mr. Dettmer explained that this Resolution is different than previous years because there are typically events all week-long celebrating Dr. King. This year is, obviously, different, but he also thinks that this year, more than any other in recent memory, it is really vital to do something to commemorate the holiday. He stated that he, his wife and their two boys spent time listening to a Brene Brown podcast regarding dehumanization in the United States. Following the podcast, his family had an in-depth discussion, offering and asking good things, and while not the same as attending actual events, he knows it had an impact on his kids and that it will be impactful to their lives moving forward. He challenged everyone to have a discussion and learn something new, as he and his family did this year.

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

**ORDINANCE NO. 1-2: AN ORDINANCE AMENDING ORDINANCE NO. 2001-78 TO PERMIT THE CITY OF BEREA TO EXPEND PUBLIC FUNDS IN THE SANDSTONE RIDGE DEVELOPMENT FOR THE LIMITED AND EXCLUSIVE PURPOSE OF PROVIDING STREET LIGHTING IN THE AREA DESIGNATED AS SANDSTONE RIDGE SOUTH PHASE 3B.**

The Clerk read the title of the Ordinance.

Mr. Anzalone showed a map where 4 or 5 lights will be installed, identifying the area as on Stone Ridge Way, between Slate Drive and Slippery Rock Way.

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

**ORDINANCE NO. 1-3: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$7,760,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF (i) ACQUIRING REAL ESTATE FOR MUNICIPAL FACILITIES, (ii) ACQUIRING PROPERTY TO BE USED FOR VEHICLE MAINTENANCE AND STORAGE FOR THE**

**SERVICE DEPARTMENT, THE FRONT STREET RAILGRADE SEPARATION PROJECT AND OTHER MUNICIPAL PROJECTS, (iii) RESURFACING CERTAIN CITY STREETS TO BE APPROVED BY COUNCIL, (iv) CONSTRUCTING IMPROVEMENTS AT COE LAKE, INCLUDING AN AMPHITHEATER AND POOL SHELTER, (v) RESURFACING CERTAIN CITY STREETS TO BE APPROVED BY COUNCIL (THE 2016 STREET PROGRAM) AND TO PAY COSTS OF RECONSTRUCTING STREETS, INCLUDING IN THE BLUEGRASS DEVELOPMENT AREA, (vi) RESURFACING CERTAIN CITY STREETS TO BE APPROVED BY COUNCIL (THE 2017 STREET PROGRAM) AND TO PAY COSTS OF RECONSTRUCTING A PORTION OF NORTH ROCKY RIVER DRIVE AND JANANNA, VIVIAN AND KAYE DRIVES AND (vii) MAKING IMPROVEMENTS TO THE CITY’S WATER PLANT, INCLUDING REPLACING A PORTION OF THE FILTRATION SYSTEM, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance. The Fiscal Officer’s Certificate is on file in the Clerk’s Office.

Mrs. Morris explained that each year the City decides whether to place debt in long term bonds or roll over notes, and due to the current bond anticipation rates, the City chose to roll in to bond anticipation notes. As the year goes on, and especially if some north end properties are sold, some money could be used to pay off short term projects that would not be suitable for a long-term bond.

Proposed Ordinance No. 1-3 stands on first reading.

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

Mr. Dettmer announced that he attended a virtual ribbon cutting for the Knowlton Center, Baldwin Wallace’s new building on the North Quad. There will be a more formal in-person event later this year.

Mr. Dettmer continued by referencing the violent insurrection at the Capital Building in Washington D.C., which was jarring to all. This morning he heard the phrase “casual cruelty” and could clearly identify times he has seen this practice in action whether it be in politics, social media, or between drivers on the road. It is very disheartening, and as tomorrow marks the inauguration of a new President, it is a time for hope: hope for the end of the pandemic, hope for the economy, hope for a better 2021. He emphasized that people are all struggling in the same way, and in different ways. He asked that everyone be considerate and have hope.

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

Mr. Dozier was experiencing technological difficulties, but congratulated those promoted in the Fire Department.

Mr. Maxwell congratulated his niece, Abby Calaway, who broke the Berea-Midpark record in the girls 200-meter freestyle by 2 seconds! He was so proud!

Mr. McManis stated that he always reminds his daughter, as she returns to school, to be kind because no one knows what other people are going through. He thanked Mr. Dettmer for his poignant words.

Mr. McManis offered his condolences to the family of Tony Santora, acknowledging his relationship with the family and offering his thoughts to them all.

Mr. Skoczen cautioned everyone to keep an eye on kids as they head back to school. Anxieties are high, but hopefully they will be back to a normal routine soon.

Mrs. Smith thanked everyone at Zach's for many years of wonderful memories and delicious food. Yesterday was their last day, and they will be missed in Berea! She wished the family all the best!

Mr. Zacharyasz congratulated the Cleveland Browns on a wonderful season and said he is really looking forward to next season!

Mr. DeVito had no report.

### **CORRESPONDENCE**

The December 31, 2020 – January 13, 2021 Correspondence is available in the Clerk's office.

### **OTHER BUSINESS:**

Mrs. Esson reminded Council Members to file their Financial Disclosures, and prayed for a peaceful Inauguration Day tomorrow, adding that she has confidence in the American people!

There being no further business before Council, it was moved by Mr. Maxwell, and seconded by Mr. Skoczen, 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 9:02p.m.

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Jeff Dettmer  
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 19<sup>th</sup> day of January, 2021, 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