

MINUTES OF A REGULAR COUNCIL MEETING
March 1, 2021 - 7:30p.m.

Council of the City of Berea, Ohio, met in regular session via Zoom in the Council Chamber on March 1, 2021 and the meeting was called to order by Council President Jeff Dettmer at 7:31p.m. Present: Leon Dozier, Jim Maxwell, Chris McManis, Rick Skoczen, Kim Smith and Gene Zacharyasz. Bill DeVito arrived around 8:57p.m., after experiencing some technological difficulties. Also present: Mayor Cyril M. Kleem, 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. Dozier, that the minutes from the February 1, 2021 meeting be replaced by the amended minutes from the February 1, 2021 meeting. Vote on the motion was all ayes and no nays. The motion carried.

Moved by Mr. Maxwell, seconded by Mrs. Smith, that the amended minutes from the February 1, 2021 meeting be approved. Vote on the motion was all ayes and no nays. The motion carried.

Moved by Mr. Skoczen, seconded by Mr. McManis, that the minutes from the February 16, 2021 meeting be approved. Vote on the motion was all ayes and no nays. The motion carried.

MAYOR'S ADMINISTRATIVE REPORT AND COMMENTS

Mayor Kleem provided Council with both historical and new information regarding the reason for proposed Ordinance No. 1-2 which deals with the lights in Sandstone Ridge. A lot of time has been spent on this simple issue, dating back to December of 2009 when CEI decided they would no longer pay for lighting in developments. At that time, a series of emails were sent between the City Engineer and City Law Director to Ferris Kleem and the Homeowners Association representatives, and there was no indication that the City was holding up the install, but rather a refusal to install the lights from the Homeowners Association. The HOA simply felt the City should pay for the lighting.

In 2012, the narrative changed, and the HOA claimed that Mayor Kleem was preventing the install, even though many development lights were installed after 2009, in different phases of the development. This narrative of Mayoral prevention carried over in to other areas, as Ferris Kleem informed residents that Mayor Kleem was responsible for the fact that Sandstone had no pool, going so far as to say that the City needs to elect a new Mayor before Sandstone Ridge residents' needs will be addressed.

In 2015, a basin in Sandstone Ridge began contributing to the flooding of houses, and Council adopted legislation declaring the basin a nuisance. On August 5, 2015, Ferris Kleem agreed to deepen the basin and spillway, but three months later the work had not even begun. Since there were multiple players involved with the HOA, the City was not even sure who to

contact about the issue, which is what CEI is dealing with now. At that time, Council declared the basin a nuisance and left the door open for criminal charges.

In 2018, a resident in Sandstone brought up the issues of the lights once again. Since the development was nearly finished, there was a lot more traffic and the resident was concerned about a bend in the road and sight distance since there were no lights. At that time, Mayor Kleem stated that both he and Councilman Nick Haschka agreed to support amending the original Ordinance that prohibited the City from spending money on the development of the annexed territory. This was early in 2018. Shortly after, Ferris Kleem sent a letter to all Sandstone residents stating that he would have the lights installed, but come fall, the lights were still not up.

In December of 2018, a letter was sent from the City to Ferris Kleem, asking what the holdup was and stating the intent to amend the original Ordinance. In that letter, the entire installation process was explained, all but granting the HOA up front permission to install the lights. The City received a response that the issue would be discussed at an HOA meeting because some residents on Slippery Rock Way did not want lights. No further movement was made throughout 2019.

In January of 2020, and after communicating with Councilman McManis, feedback was requested as to whether residents wanted the lights and, if so, the City would again consider moving forward with the amendment. Nothing progressed.

The Administration has been working on this for quite some time, and while Mayor Kleem said he was encouraged by the letter Council recently received with regard to the HOA's intent to install the lights, he had the City Engineer reach out to CEI to see if any progress was being made. As of February 26, 2021, 10 days after the last Council meeting, CEI had no commitment that the lights would be installed, but did receive a proposal for 5 lights on Slippery Rock Way and 3 on Stone Ridge Way. Not only do 3 lights sound insufficient, CEI was told that all 8 lights would belong to the City and be the City's expense, even though Slippery Rock is a private street. The HOA has also, as of yet, not committed to who will pay for the construction and trenching.

On February 23, 2021, CEI sent an email asking who will pay the upfront costs of the City lights. They received no immediate response. On February 26, 2021, the HOA stated that they will accept the cost of the trenching, but said nothing about the cost of the installation of the lights. CEI does not know if the HOA will pay for the trenching of all lights or the install of all lights and can not get a definitive response. They feel like their time may be being wasted.

Mayor Kleem continued by explaining that the City has a Street Lighting Fund that could be used to pay for these lights. The use of money in this fund is restricted to projects such as this, so it would not be taking money away from road repairs or something of the sort. In addition, the original Ordinance stated that the City could not spend public funds to develop the annexed area, however, now that the development is developed, the City takes responsibility of everything except the private streets. Since the final parcel has been sold, the legislation from 2001 is no longer relevant. Mayor Kleem said that while Council can still act on the Ordinance, if CEI does not have a detailed commitment soon, that includes a reasonable number of lights, he will simply move forward administratively and stop wasting everyone's time. The residents want the lights and deserve them, as they pay in to the Street Lighting fund. The HOA has demonstrated a pattern of poor behavior that leads him to believe there will be no new outcome.

Mayor Kleem next thanked the community for their overwhelming support and well wishes on the birth of his daughter, Evelyn Rose.

Mayor Kleem offered his condolences to the Goebel Family on the passing of Tom Goebel at the age of 95. Mr. Goebel was married for 74 years, had 4 kids, was a World War II Veteran and his neighbor. One of the final things Mr. Goebel did was write out a personal message to his baby daughter, welcoming her to Berea and the neighborhood. Mayor Kleem added that Mr. Goebel was one of a kind and offered his heartfelt condolences to his family.

REPORT AND COMMENTS BY THE OFFICERS OF THE ADMINISTRATION:

Andrea Morris – Director of Finance:

Mrs. Morris stated that the City was awarded the Ohio Auditor of State Award with distinction for the presentation and report of the comprehensive annual financial report in 2019. Notice of this will be posted on Facebook. Mr. Skoczen congratulated Mrs. Morris and her team for the great work, and Mrs. Morris stated that it is a team effort, offering her appreciation to her staff, the Water Billing staff and all those who work for the City.

Mrs. Morris stated that the City's Note sold last week on the market with an incredibly low interest rate, and added that the annual audit will begin this week.

Barb Jones – Director of Law & Public Safety:

Mrs. Jones had no report.

Paul Anzalone – Director of Public Service:

Mr. Anzalone was not present.

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 expansion project is underway, as is the installation and equipment update for the new computer system.

LEGISLATION – THIRD READING:**ORDINANCE NO. 1-2: AN ORDINANCE AMENDING ORDINANCE NO. 2001-78 TO PERMIT THE CITY OF BERA 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.

In response to a question from Mr. McManis, Mrs. Jones explained that now that the last parcel has been sold in Sandstone Ridge, there is no more initial development. The prohibition that prevented the City from spending funds on the development of the annexed property no longer exists.

Mr. McManis inquired about the total cost of the project, should the City complete the installation. Mayor Kleem stated that CEI had to redesign their proposal, so the Administration is waiting for a final total, but acknowledged that trenching will be an additional cost. Mr. McManis thanked Mayor Kleem for the information regarding the Street Lighting fund, but felt that while the Mayor showcased a history of broken promises, this time around, progress has already been made. He further felt that, perhaps, the issue of the trenching costs and lighting costs not being clearly defined by the HOA may be simply a communication issue, nothing more.

Mr. Skoczen suggested tabling the Ordinance, since it is no longer necessary.

Mr. Dozier felt a decision should be made for the residents in Sandstone, one way or the other, especially since the money is available.

Mrs. Smith wondered if the City could pay for the lights and then bill the HOA. Mayor Kleem stated that they would have no legal obligation to reimburse the City. Mrs. Jones agreed.

Mr. Maxwell confirmed that Mayor Kleem will act if the HOA does not, and thus suggested tabling the Ordinance. Mr. McManis and Mr. Zacharyasz agreed.

Mayor Kleem felt that voting for this Ordinance would be a symbolic gesture to the residents in Sandstone, more than anything else, that showcased Council support.

Mr. Dozier confirmed that Council has the ability to bring the Ordinance off the table, if deemed necessary.

Moved by Mr. McManis, seconded by Mr. Maxwell, that Ordinance No. 1-2 be tabled. Vote on the motion was ayes: Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

ORDINANCE NO. 2-1: AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2021 ENERGIZED COMMUNITY GRANT(S) FUNDS, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Moved by Mr. Skoczen, seconded by Mr. Maxwell, that Ordinance No. 2-1 be adopted. Vote on the motion was ayes: Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

LEGISLATION – SECOND READING:

ORDINANCE NO. 2-4: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO AMEND A CONTRACT WITH THE CUYAHOGA COUNTY DEPARTMENT OF PUBLIC WORKS TO EXTEND THE TERM OF THE CONTRACT AND TO INCREASE THE MAXIMUM FEES IN PROVIDING CERTAIN SERVICES RELATIVE TO THE CITY SEWERS, AS DETERMINED FROM TIME-TO-TIME, TO FURTHER ADVANCE THE CITY'S SANITARY AND STORM SEWER MAINTENANCE PROGRAM, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 2-4 stands on second reading.

ORDINANCE NO. 2-5: AN ORDINANCE AMENDING THE COMMUNITY REINVESTMENT AREA (“CRA”) AGREEMENT WITH PETRASEK PROPERTIES, LLC.

The Clerk read the title of the Ordinance.

Mrs. Jones advised Mr. McManis and Mrs. Smith that they must turn off their video feed since they have recused themselves from discussion of this Ordinance. Both Council Members willingly complied.

Proposed Ordinance No. 2-5 stands on second reading.

ORDINANCE NO. 2-6: AN ORDINANCE AMENDING SECTION 931.02(b) and (c), CRIMINAL ACTIVITIES AS A NUISANCE, ABATEMENT, PROCEDURE AND COSTS OF ENFORCEMENT, OF CHAPTER 931, NUISANCE ABATEMENT, IN TITLE FIVE, LOCAL PROVISION, OF PART NINE, GENERAL OFFENSES, AND SECTION 1331.05(b) and (c), NUISANCE CONDITIONS AT LEASED PROPERTIES PROHIBITED – PROCEDURES – NUISANCE HEARING OFFICER, OF CHAPTER 1331, RESIDENTIAL RENTAL PROPERTY PERMITS, IN TITLE FIVE, LOCAL PROVISION, OF PART THIRTEEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA TO INCREASE THE LOOK-BACK PERIOD FOR NUISANCE DECLARATIONS AND TO PROVIDE CONSISTENCY BETWEEN SECTIONS 931.02 AND 1331.05.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 2-6 stands on second reading.

ORDINANCE NO. 2-7: AN ORDINANCE ENACTING NEW SECTION 183.22, PAID PARENTAL LEAVE, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA TO PROVIDE PAID PARENTAL LEAVE BENEFITS FOR FULL-TIME AND PART-TIME EMPLOYEES OF THE CITY OF BEREA.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 2-7 stands on second reading.

ORDINANCE NO. 2-8: AN ORDINANCE APPROPRIATING FROM THE VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENDITURES AND OTHER EXPENSES OF THE CITY OF BEREA FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021, AND EXPRESSLY REPEALING ORDINANCE NO. 2020-63.

The Clerk read the title of the Ordinance.

Mrs. Morris requested a meeting of the Finance Committee to discuss the budget in detail, including areas of concern. She noted that she had distributed a lot of financial information including projected cash balances, a schedule of estimated revenues, line-item summaries, expenditures and comparisons from prior years.

Mr. Maxwell stated that the Finance Committee will meet at 7:30p.m. next Tuesday, March 9, 2021 and urged all of Council to attend that meeting. He further requested that Council Members look through the information they have been provided with regard to the budget, and email questions to Mrs. Morris prior to the committee meeting.

Moved by Mr. Maxwell, seconded by Mr. Zacharyasz, that proposed Ordinance No. 2-8 be moved to the agenda of the March 9, 2021 Finance Committee meeting. Vote on the motion was ayes: Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

LEGISLATION – FIRST READING:

ORDINANCE NO. 3-1: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACTS FOR ASPHALT OVERLAYS, CONCRETE REMOVAL AND REPLACEMENT, CRACK SEALING AND BITUMINOUS SURFACE TREATMENTS TO VARIOUS CITY STREETS FOR THE ANNUAL STREET MAINTENANCE AND REHABILITATION PROGRAM, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mayor Kleem stated that the provided list is not inclusive of all the projects the City will take on this year, but those that will be handled as part of the annual street maintenance program. The Administration has budgeted over \$1.2 million dollars for road repairs this year, and depending where bids come in, he said that he is open to adding more streets.

Mr. Dozier asked if the road repairs include curbs and Mayor Kleem responded that it depends on the location, need, and funding available, adding that there is also a sidewalk program.

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

ORDINANCE NO. 3-2: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA (“CRA”) AGREEMENT WITH DNS TECHNOLOGIES, INC. and CASTAWAY PROPERTIES, LLC. AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance. Mr. McManis recused himself from discussion of this Ordinance, and thus turned off his video feed.

Mrs. Jones explained that DNS Technologies and Castaway Properties is proposing the construction of a \$1.5 million building and requesting a tax abatement. They would maintain 28 full time equivalent jobs and add 9 jobs that total \$350,000 in additional payroll.

Mr. Maxwell stated that he is encouraged by the fact that companies, such as this, are adding jobs.

Proposed Ordinance No. 3-2 stands on first reading.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mr. Dettmer congratulated the Chamber on their publication of the 2021 Berea Community Guide, and thanked Mayor Kleem for agreeing to partner with them, as the guide is quite impressive and a great representation of the community.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Skoczen inquired as to when the Council Chamber repairs will conclude, as he is excited to see some or all of Council back together soon. Mr. Dettmer stated that he is not sure, but the Service crews have been busy and got a lot of work done over the course of the past 4 days.

Mrs. Smith offered her condolences to the Goebel Family.

Mr. Zacharyasz thanked the Chamber for assisting with the BErea KIND movement and hoped for a successful campaign.

Mr. DeVito stated that residents and businesses can register their security cameras with the Police Department in case there is need of the recordings for a criminal investigation. He also congratulated those in the Police Department who completed the Crisis Intervention Training, and complemented Chief Dan Clark on the excellent job he is doing.

Mr. Dozier stated that a resident expressed concern regarding the playground by the bus garage, as it is isolated and unsafe. He wondered if the playground could be moved to another area, perhaps by the community garden.

Mayor Kleem responded that it is very expensive to move a playground, and while it should be discussed in detail to determine the feasibility of such a request, much of the year there is activity around the playground due to sporting or Church events. He suggested sending Mr. Anzalone an email so that a discussion could begin.

Mr. Maxwell had no report.

Mr. McManis wished his daughter, Vivian, a Happy 9th Birthday!

CORRESPONDENCE

The February 12, 2021 – February 24, 2021 Correspondence is available in the Clerk's office.

OTHER BUSINESS:

Mrs. Esson wished Miss Vivian a Happy 9th Birthday, congratulated Mayor Kleem on his beautiful daughter, and acknowledged the passing of three incredibly wonderful Bereans: Lona Gruber, Tom Goebel and Jerry Burke, offering prayers and condolences to their families.

Moved by Mr. Skoczen, seconded by Mr. McManis, that the March 8, 2021 Work Session be cancelled. Vote on the motion was ayes: Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. Mr. DeVito had dropped out of the meeting, and thus did not cast a vote. The motion carried.

Moved by Mr. Maxwell, seconded by Mr. Zacharyasz, that Council move in to Executive Session in accordance with Section 121.22 of the Ohio Revised Code in order to consider the sale or other disposition of unneeded property, pursuant to O.R.C. Section 121.22(G) (2) and Codified Ordinance Chapter 109. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried and Council entered Executive Session at 9:00p.m.

Council resumed regular session at 9:59p.m.

There being no further business before Council, it was moved by Mr. McManis, and seconded by Mrs. Smith, 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 10:00p.m.

Jeff Dettmer
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 1st day of March, 2021, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson, Clerk of Council