

MINUTES OF A REGULAR COUNCIL MEETING
May 3, 2021 - 7:30p.m.

Council of the City of Berea, Ohio, met in regular session via Zoom in the Council Chamber on May 3, 2021 and the meeting was called to order by President of Council Jeff Dettmer at 7:31p.m. Present: Bill DeVito, Leon Dozier, Jim Maxwell, Chris McManis, Rick Skoczen, Kim Smith and Gene Zacharyasz. Absent: None. Also present: Mayor Cyril M. Kleem, Director of Public Service Tony Armagno, 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 April 19, 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 announced that the Administration is paying attention to the changing restrictions from the State, and a schedule of summer events is forthcoming. He did state that there will be at least 4 summer concerts, but it has been difficult to get vendors, perhaps because some have gone out of business.

Mayor Kleem continued that the outdoor pool will be open, but with limited capacity. He asked for patience as the Administration continues to navigate through the lifting restrictions.

Mr. Skoczen inquired about City vehicles, and whether they are properly marked. He knows that Inspectors wear lanyards, but for the safety of residents and City personnel, he wondered if it would be beneficial to have all cars marked. Mayor Kleem responded that all cars should have magnets, but he will follow up.

REPORT AND COMMENTS BY THE OFFICERS OF THE ADMINISTRATION:

Andrea Morris - Director of Finance:

Mrs. Morris reminded residents of the extended federal tax deadline.

Barb Jones - Director of Law & Public Safety:

Mrs. Jones had no report.

Mr. Skoczen thanked Mrs. Jones for her memo regarding tree, weed, grass and other exterior issues, stating that he will look it over and work with Council to see if some of the recommendations can, in fact, strengthen the nuisance ordinance.

Mr. McManis asked if there could be an increased Police presence on Lindbergh, as he has received complaints of speeding.

Mr. Zacharyasz inquired about an update on OhioGuidestone and Franklin Street, and Mrs. Jones stated that of the three Franklin defendants, two are out on bond and one is being held for other crimes. So far, two people have been indicted by the Grand Jury. The Police presence has been fairly constant since the individuals were released on bond.

Mrs. Jones continued that the City has been in touch with the OhioGuidestone leadership team every week and they have agreed to stop taking new admissions in to their secured facilities, adding that they have been actively attempting to reduce that population and are down to four individuals in the secured cabin. The Board of Directors is, at present, weighing their options.

In response to a statement from Mr. Dettmer, Mrs. Jones confirmed that OhioGuidestone's Conditional Use will be reviewed by Planning Commission on May 20, 2021.

Mr. Skoczen thanked Mrs. Jones and Chief Clark for addressing some speeding concerns and incidents on Fair Street, adding that he appreciated the feedback.

Mrs. Smith stated that another individual broke out of OhioGuidestone and was throwing rocks at cars. She wondered if there was a way to force those in the locked unit out of the City. Mrs. Jones said that OhioGuidestone can stop the intake, but the County has to agree to find new placements for those already in Berea. In response to an inquiry from Mrs. Smith, Mrs. Jones responded that, in certain cases, the City can and has pressed charges against children placed at OhioGuidestone, particularly if they commit acts of assault or riot. Not every act of escape can bring forth charges, however.

Mr. Zacharyasz asked for a list of all the incidents that have caused a Police response at OhioGuidestone since the Conditional Use was approved. Mrs. Jones stated that the Chief has already put together a list going back 5 years, and will be appearing at the Planning Commission meeting with this information.

Tony Armagno – Director of Public Service:

Mr. Armagno announced that Columbia Gas has notified residents of the Fairpark area gas line replacement project, and public meetings will be held on May 5, 2021 at 5:30p.m. and May 6, 2021 at noon. Some investigatory work is already underway, but major work will begin at the end of the month and extend through the fall.

Mr. Armagno continued by stating that the portion of North Rocky River Drive by the bridge has been closed since Friday night, and will remain closed through Wednesday. There has been some concern about motorists not following signs, but they are properly placed and his department is keeping eyes on them.

Mr. Armagno announced that two contracts have been awarded for the Road Program, one for concrete and one for asphalt. The concrete portion may begin within a couple weeks, and

while the road list has not changed, the Administration is keeping options open if there is additional money in the budget later in the year.

Mr. Dettmer asked if pothole patching will occur soon, especially on the northbound approach to the Front Street bridge, and Mr. Armagno responded that it has begun and crews will follow snow removal routes. The full City should take a few weeks to complete.

Mr. Skoczen stated that he noticed painting on the Fair Street sidewalks, and wondered the reason. Mr. Armagno answered that he is unaware of anything, but wondered if they were utility markings. Mr. Skoczen said that he would send photos to Mr. Armagno.

Mr. McManis stated that he received another call from Trailhead, and thus ventured over to the properties in that development during a storm. The overflow from the Service Garage parking lot was intense and residents are concerned about additional wear to their streets. He stated that there is a drain near what looks to be a water meter, and wondered if a swale could be created to help resolve the issue. With regard to the meter, he reported that water was shooting out of the PVC pipes.

Mr. Armagno responded that, perhaps, everyone would be best served if there was a meeting on site, and Mr. McManis concurred.

Mr. McManis asked if there was an update concerning the curbs on Rowan, and Mr. Armagno stated that Mr. Van Dress has made contact with the resident and information is forthcoming.

Mr. Dozier stated that a resident called him with concerns about the vacant houses on Pearl Street. He wondered what was to become of them, as there are quite a few, and animals have been roaming about.

Mayor Kleem said that the Browns own the houses and, in time, they will be torn down in order to facilitate the expansion of their facility. Mr. Madzy recently reached out to them with similar concerns and a representative said they will do an inspection of all the houses, clear out any animals, and figure out a way to light up some porches or windows so things aren't so dark.

Mayor Kleem continued by noting that the Browns are willing to tear the houses down sooner rather than later, but as not all the houses have been purchased, they were hesitant to demolish so many and leave only a couple, thus creating a sense of isolation that could make neighbors uncomfortable. He suggested Mr. Dozier speak with the neighbors and determine their preference, and it will be conveyed to the Browns.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS: NONE

PETITIONS: NONE

AUDIENCE PARTICIPATION:

Tom Brazee, a resident on East Bridge Street, inquired about the Building and Zoning Committee meeting. Mr. Dettmer stated that it has been scheduled for Monday, May 10, 2021 at 7:30p.m.

Erika Coble, a resident on Seminary Street, thanked residents in her neighborhood for working with college students who live in rental properties to address some concerns, and thanked Jim Brown for following through and getting some of that work done, as well. She wondered if residents should keep working with students on their own to get things down, or if the City will step up inspections now that the pandemic is drawing toward an end.

Mayor Kleem responded that inspections are conducted year-round, but they are more difficult in the winter. May 1st brings the beginning of grass inspections. Last year, he did dedicate one additional person to specifically inspect the College District in Wards 1 and 4, providing a focus on student rentals. He plans to do this again this year.

Holly Porter, a resident on East Bridge Street, does think it is a good idea for the City to get involved with some dilapidated properties, but doesn't understand the financial tracking of such purchases, like 21 Baker Street. If deals like the DeGeronimo situation are going to be occurring more frequently, she would like to see a specific account dedicated to such acts so that the money may be properly tracked.

With regard to the vacant lot on the corner of University and Eastland, Mrs. Porter wondered if a County grant could help turn that parcel in to greenspace with the addition of a couple of benches and things, or perhaps there may be other good ideas for properties such as this in the future.

Mayor Kleem responded that there is an accounting of the DeGeronimo property transfer, and both expenses and revenues acquired on those properties. This information has been shared with Council.

With regard to the lot on the corner of Eastland and University, the parcel is too tight to be buildable without variances, and he is hesitant to turn the area in to a park since it sits on a busy street. He noted that there will be an inventory of City owned properties to see what is and what is not buildable.

Ron Breda, a Ward 2 resident, explained that the Barrett Road and Nobottom Road intersection has become a huge safety hazard. Traffic can not move out of Barrett and drivers on Barrett are thus, eventually, just pulling out, which is extremely dangerous.

Mayor Kleem stated that a traffic study was planned for that area, but was halted by Covid, as traffic counts were not normal and school was not in session. The study is resuming this year. Mr. Armagno added that data collection will begin once school resumes in the fall and results should be available in 2022.

Mayor Kleem next explained that the City is working with NODIS, the Northern Ohio Data and Information Service, a part of Cleveland State University, to collect data on neighborhoods and, later this year, with the help of Council, will facilitate some neighborhood meetings to

discuss issues particular and specific to individual communities in the City. Mayor Kleem continued by adding that one of the biggest problems is overdevelopment, a downside of urban sprawl, some of which has happened in Berea and some beyond the City limits, that overwhelms infrastructure. He stated that he will be certain to include Mr. Breda in these discussions, as he, as well as others, may have some ideas of ways to address certain issues.

COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:

Building and Zoning Committee – Gene Zacharyasz, Chair

Mr. Zacharyasz reiterated that the Building and Zoning Committee will meet on Monday, May 10, 2021 at 7:30p.m. to discuss the nuisance Ordinances that were placed in committee. He invited the public to attend, as well as all Council Members.

LEGISLATION – THIRD READING:

ORDINANCE NO. 4-1: AN ORDINANCE APPROVING, RATIFYING AND AFFIRMING THE 2019 ANNUAL FINDINGS, MINUTES AND ACTIONS OF THE TAX INCENTIVE REVIEW COMMITTEE FOR COMMERCIAL COMMUNITY REINVESTMENT AREA REAL ESTATE TAX ABATEMENTS ENTERED INTO AFTER 2008 IN THE CITY OF BERA.

The Clerk read the title of the Ordinance. Both Mr. McManis and Mrs. Smith recused themselves from the discussion, as they have personal relationships with the building owner and tenant, respectively, and thus turned off their video feeds.

Moved by Mr. Maxwell, seconded by Mr. Skoczen, that Ordinance No. 4-1 be adopted. Vote on the motion was ayes: DeVito, Dozier, Maxwell, Skoczen and Zacharyasz. Nays: None. Mr. McManis and Mrs. Smith had recused themselves. The motion carried.

ORDINANCE NO. 4-2: AN ORDINANCE APPROVING, RATIFYING AND AFFIRMING THE 2019 ANNUAL REPORT, MINUTES AND ACTIONS OF THE CITY OF BERA HOUSING REVIEW COUNCIL FOR ALL RESIDENTIAL COMMUNITY REINVESTMENT AREA REAL ESTATE TAX ABATEMENTS AND COMMERCIAL COMMUNITY REINVESTMENT AREA REAL ESTATE TAX ABATEMENTS ENTERED INTO UNDER THE PRE-1994 COMMUNITY REINVESTMENT AREA REGULATIONS IN THE CITY OF BERA.

The Clerk read the title of the Ordinance. Mr. McManis recused himself from the discussion.

Moved by Mr. Maxwell, seconded by Mr. Skoczen, that Ordinance No. 4-2 be adopted. Vote on the motion was ayes: DeVito, Dozier, Maxwell, Skoczen, Smith and Zacharyasz. Nays: None. Mr. McManis had recused himself. The motion carried.

RESOLUTION NO. 4-3: A RESOLUTION DECLARING IT NECESSARY TO IMPROVE THE STREETS AND OTHER PUBLIC PLACES IN THE CITY OF BERA BY SUPPLYING THE SAME WITH ELECTRIC LIGHTING, INCLUDING TRAFFIC CONTROL LIGHTING, BY FIXING THE VALUE OF INTERSECTIONS NOT ASSESSED FOR TAXATION, AND AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE AND FILE TENTATIVE ASSESSMENTS TO EFFECT THE SAME, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Resolution.

Moved by Mr. Skoczen, seconded by Mrs. Smith, that Resolution No. 4-3 be approved. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

ORDINACNE NO. 4-4: AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF THE STREETS AND OTHER PUBLIC PLACES IN THE CITY OF BERA BY SUPPLYING THE SAME WITH ELECTRIC LIGHTING, INCLUDING TRAFFIC CONTROL LIGHTING, AND TO LEVY ASSESSMENTS THEREFOR, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Moved by Mr. Maxwell, seconded by Mr. Dozier, that Ordinance No. 4-4 be adopted. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

ORDINANCE NO. 4-7a: AN ORDINANCE REPEALING AND REPLACING SECTIONS 135.09, 135.11 AND 135.13 OF CHAPTER 135, CIVIL SERVICE COMMISSION, TO ALLOW FOR LATERAL TRANSFERS OF POLICE OFFICERS AND FIREFIGHTERS/PARAMEDICS TO THE CITY OF BERA, OHIO FROM OTHER OHIO JURISDICTIONS, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. McManis wondered if an additional whereas clause should be added that emphasizes the City's desire to diversify the Police force. General discussion commenced regarding this suggestion and Mr. Maxwell and Mr. Skoczen both questioned if this could open the City up to legal challenges down the road. Mrs. Jones responded that the City is both looking to hire experienced Officers and to diversify, so she did not think it would be a problem. Mayor Kleem added that the whereas clauses express ideas and the Sections enact laws. He doesn't think the whereas clauses would be legally binding.

Moved by Mr. McManis, seconded by Mr. Dozier, that an additional whereas clause be added in between the current second and third clause that states: "WHEREAS, the City desires to encourage and promote diversity in the Police Department; and". Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

Moved by Mr. Dozier, seconded by Mr. DeVito, that Ordinance No. 4-7a be adopted. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

ORDINANCE NO. 4-8: AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A PASS-THROUGH SALE PURCHASE AND DEVELOPMENT AGREEMENT BETWEEN THE CUYAHOGA COUNTY LAND REUTILIZATION AUTHORITY AND THE CITY OF BEREA FOR THE TRANSFER OF A PROPERTY LOCATED AT 21 BAKER STREET, PERMANENT PARCEL NUMBER 363-13-037, TO THE CITY OF BEREA, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Moved by Mr. Maxwell, seconded by Mr. Skoczen, that Ordinance No. 4-8 be adopted. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

ORDINANCE NO. 4-9: AN ORDINANCE REPEALING AND REPLACING CHAPTER 185, DISCRIMINATION AND HARASSMENT, OF TITLE VIII – PERSONNEL PLAN, OF PART ONE – ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Moved by Mr. Maxwell, seconded by Mr. McManis, that Ordinance No. 4-9 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:

ORDINANCE NO. 5-1: AN ORDINANCE ESTABLISHING AND RECONSTITUTING FUNDS AND AMOUNTS FOR CERTAIN PETTY CASH AND CHANGE FUNDS AND EXPRESSLY REPEALING ORDINANCE NO. 2018-43, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Morris explained that additional money has been requested in prior years for the Special Events Fund, due to the Summer Concert Series. This year, they are requesting an even \$1000 to help ensure proper change for liquor and beverage sales, and to prevent staff members from having to run to Giant Eagle for change during events. The proposed increase is \$250.

Mr. McManis felt there was a lot of ambiguity regarding who will keep track of this money, and questioned the checks and balances. Mrs. Morris responded that Directors are ultimately responsible, but may assign a person to be responsible at the event. Every person that has a petty cash box has been trained in policies and procedures for reimbursements, as this area can be audited at any time.

Mr. Skoczen asked if the City can soon begin going paperless, and Mrs. Morris stated that iPads were already used in 2019.

In response to an inquiry from Mrs. Smith, Mrs. Morris and Mrs. Jones explained that the Special Police Fund has \$5,000 in it because it is used for Safe Passages, primarily to find an individual a place to sleep before getting in to treatment, or transportation to a rehab facility.

Proposed Ordinance No. 5-1 stands on first reading.

RESOLUTION NO. 5-2: A RESOLUTION SUBMITTING TO THE VOTERS OF THE CITY OF BERA, OHIO, THE QUESTION OF THE RENEWAL OF THE 4.1 MILL TAX LEVY FOR THE PURPOSE OF PROVIDING FOR THE CURRENT EXPENSES OF THE CITY OF BERA, PURSUANT TO OHIO REVISED CODE SECTION 5705.191.

The Clerk read the title of the Resolution.

Mrs. Morris reminded Council that the first step of this process was to request information from the County regarding the certificate of estimated property tax revenues. That information has come back and the next step is to finalize ballot language for the 4.1 mill renewal tax levy that is placed on the ballot every 5 years. The County has estimated that it will bring in approximately \$437,111.

Mr. Skoczen asked what would happen if the levy was not approved by the voters and Mrs. Morris stated that the Administration would have to evaluate the reason it was voted down and then bring it back for a vote soon, either at the same rate or a new rate.

Proposed Resolution No. 5-2 stands on first reading.

ORDINANCE NO. 5-3: AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH DMARK DEVELOPMENT, LLC. FOR THE DEVELOPMENT OF MUNICIPALLY OWNED PROPERTY IN THE NORTH END OF BERA, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mayor Kleem explained that the City has an agreement with DMark to help develop the North End, and since the recent collapse of the hotel industry due to the pandemic, the hotel is not moving forward at this time. A discussion was had with Council regarding how long to wait for a rebound in this industry, but the consensus was that it could take five years or more to build back that business, thus new options should be considered.

Mayor Kleem continued that DMark has brought forward a new proposal regarding residential townhouses or multiple family housing on the 5-acre Williams Ford parcel. Councilman Dozier had invited residents in the immediate neighborhood to a recent meeting to discuss these options, and the townhouse idea was the unanimous choice. Concept drawings have already been prepared for residents to consider, thus things are moving quickly.

Mayor Kleem stated that this Ordinance would create a new agreement with DMark that mirrors the one that is expiring, adding a residential component. The disadvantage is that residential property sells at a lower price than commercial, but it also brings with it many other advantages and opportunities.

Mr. McManis asked how long the agreement is good for, and Mr. Dettmer stated it is good for 365 days.

Mr. Maxwell asked for clarification between the parcels in Table 2 and Table 3, and Mayor Kleem stated that Table 3 are the parcels on the North End Triangle, and each comes with a price range, while Table 2 shows the 14 parcels by Shelley Parkway with a lump sum price.

General discussion commenced concerning the price of residential lots.

Mayor Kleem stated that the commercial market is not particularly strong right now, unless end users are known. Companies are struggling to find tenants, and thus he does not know if the City can use the fact that there are commercial properties available in the near vicinity to drive up the cost of residential parcels. Construction costs are simply too high at present.

Mr. McManis inquired about a potential tax abatement, and Mayor Kleem stated that the townhouse developer has not requested an abatement. The City will also make money through permit fees, income taxes and property taxes. All of this will exceed what the City makes from the sale of the properties.

Mr. McManis wondered if, perhaps, the City could request a certain number of pre-sold units so that the North End does not end up with a half completed complex. Mayor Kleem liked the idea, but added that would be a part of a later agreement, not the agreement with DMark.

Proposed Ordinance No. 5-3 stands on first reading.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mr. Dettmer thanked Mr. Anzalone for his assistance addressing some sound issues in the Council Chamber.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Dozier referenced some longstanding exterior maintenance issues that will hopefully be addressed as the City steps up inspections this May, or with some proposed changes to the nuisance laws that are, at present, before the Building and Zoning Committee.

Mr. Maxwell had no report.

Mr. McManis thanked Mr. Armagno and his staff for the new sign on Nobottom Road.

Mr. Skoczen had no report.

Mrs. Smith announced that the Berea Rec will have its first female flag football league, for girls in grades 1 through 6, and thanked Keith Wilson for his efforts.

Mr. Zacharyasz encouraged everyone to get their covid vaccination because the Berea City Club is hosting its annual Rib Cook-off over Memorial Day Weekend! He noted that they are

working closely with the Cuyahoga County Health Department and are tracking all guidelines which change almost daily.

Mr. DeVito stated that he has noticed an increased Police Presence on Franklin, Crescent and West Street, and offered his thanks to the Department.

CORRESPONDENCE

The April 14, 2021 – April 28, 2021 Correspondence is available in the Clerk's office.

OTHER BUSINESS:

Mrs. Esson reminded Council Members to file their financial disclosure statements and wished all Moms, especially her Mom and Sister, a very happy Mother's Day!

Moved by Mr. Skoczen, seconded by Mr. McManis, that Ordinance No. 4-6 be placed on the May 17, 2021 Regular Council Meeting agenda for second reading. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

Moved by Mr. McManis, seconded by Mr. DeVito, that the May 10, 2021 Work Session be cancelled. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

There being no further business before Council, it was moved by Mr. Dozier and seconded by Mr. DeVito, 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 9:25p.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 3rd day of May, 2021, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson, Clerk of Council