

**MINUTES OF A REGULAR COUNCIL MEETING**  
**October 4, 2021 – 7:30p.m.**

Council of the City of Berea, Ohio, met in regular session in the Council Chamber on October 4, 2021 and the meeting was called to order by President of Council Jeff Dettmer at 7:30p.m. Present: Bill DeVito, Leon Dozier, Jim Maxwell, Chris McManis, Rick Skoczen, Kim Smith and Gene Zacharyasz. Absent: None. Also present via Zoom: Mayor Cyril M. Kleem, Director of Public Works Tony Armagno, Director of Law 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. Dozier, that the minutes from the September 20, 2021 Public Hearing be approved. Vote on the motion was all ayes and no nays. The motion carried.

Moved by Mr. McManis, seconded by Mr. Maxwell, that the minutes from the September 20, 2021 Regular Council Meeting be approved. Vote on the motion was all ayes and no nays. The motion carried.

**MAYOR'S ADMINISTRATIVE REPORT AND COMMENTS**

Mayor Kleem had no report.

**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 had no report, but in response to an inquiry from Mr. McManis, stated that she will take a look at the email he sent concerning issues with the railroad, and get back to him.

Mr. Skoczen thanked both Mrs. Jones and Police Chief Dan Clark for their help and assistance with an issue on Fair Street and Jananna, as well as the speeding situation around the Whitehall intersection.

**Tony Armagno – Director of Public Service:**

Mr. Armagno stated that the Manning and Miles road repairs are underway, and while all asphalt portions have been completed, there remains some berm and concrete work to be done. Nevertheless, the project will be completed shortly.

Mr. Armagno continued by announcing that this weekend there will be a hazardous waste collection on Friday and Saturday from 8:00a.m. to 2:00p.m., as well as a shred fest that will take place on Saturday only. Volunteers from the Rotary Club will be on hand to assist.

In response to an inquiry from Mr. McManis, Mr. Armagno stated that he did touch base with a representative from CEI who stated that their real estate department was involved. He noted that if any further information is reported, he will get that out to Mr. McManis and Mr. DeVito, since they have both expressed interest in the situation.

**Marty Compton – Director of Recreation:**

Mr. Compton was not present.

**COMMENDATIONS:            NONE**

**PETITIONS:                    NONE**

**AUDIENCE PARTICIPATION:**

Tom Brazee, a resident on East Bridge Street, asked that Ordinance No. 6-4 stand on third reading because of the ongoing sewer struggles on the North End, and the concern that proposed development may compound the problem. He requested that the Ordinance be tabled until Mayor Kleem's 8-point plan has a chance to be implemented.

Mayor Kleem stated that he is encouraging Council to allow Ordinance No. 6-4 to stand on third reading so that he has a chance to gather and present some preliminary engineering information that could help explain some issues.

With regard to information concerning what the City paid for the Williams Ford property, Mayor Kleem stated that this information has been relayed to Council in the past, but it may be beneficial to reiterate it once more.

Before he even took office, negotiations were underway for the sale of three-tenths of an acre of the Williams Ford property that was a necessary right-of-way for the railroad bridge. The cost of that three-tenths of one acre was estimated to be \$1.1 million. Williams Ford determined the cost to be \$2 million, and thus the issue went to Court. It was highly likely that the Court would split the difference and force the City to pay about \$1.5 million for that small piece of land, and no less than \$1.1 million. With knowledge that Williams Ford may be closing, Mayor Kleem explained that he spoke to the owner and asked how much he would sell the entire 5.3-acre parcel for, and the number was a bit over \$3 million. The City, therefore, agreed to the deal. Over \$500,000 of this cost came from the railroad, which brings the City's portion down to \$2.6 million paid. The cost of the three-tenths of an acre was going to be over a million dollars on its own, so that was a necessary expense, and brings the total down to \$1.6 million paid for the entire parcel.

Mayor Kleem continued by explaining that the \$1.6 million paid for itself because of the cost savings acquired through the purchase and use of the parcel. Because of the purchase, no access road was required, which saved the City \$1.2 million. Because of the purchase, no

advertising wall was needed, which saved several hundreds of thousands of dollars. Because of the purchase, no access road was necessary between NAPA and the hardware store, thus the City saved another few hundred thousand dollars. Because of the purchase, the project which had been delayed was able to be sped up and was shovel ready when stimulus money was released, thus the City was able to collect some \$1.6 million from NOACA. In summary, because of the purchase of the Williams Ford property, the City saved \$2 million and received \$1.6 million in grant funds. The purchase has more than paid for itself, and the City still has the opportunity to collect additional fees in the form of potential permit costs, as well as property and income taxes.

General discussion commenced concerning the cost of permit fees.

Mr. Maxwell stated that he was going to ask Mayor Kleem to provide the information regarding the purchase of the Williams Ford property once again, because he remembers it being complex and also that it was captured in a newspaper article. He further noted that he intends to propose that the Ordinance stand, and invite a representative from the County or independent third party to come in and address the specific sewer system in question and what options exist should development occur. He added that some people have said that the Front Street sewer is an option for the project, while others say the North Rocky River system is the best choice. He hopes that the explanation will relieve some concerns.

Mayor Kleem agreed, adding that Mr. Armagno can coordinate and find the best person or group who will be able to come in and provide all necessary information.

Mr. McManis asked if there are specific figures that detail the cost and outstanding balance of the Williams Ford purchase. Mayor Kleem stated that those numbers were presented to Council in 2019, and he will get that information to the Members of this current Council, as well as the newspaper article that Mr. Maxwell referred to earlier. Mr. McManis also asked for an estimated cost of manpower hours spent on property maintenance, and Mayor Kleem said he will include grant money received, as well.

Dennis Knowles, a member of the audience, stated that in the past several weeks, a lot has happened, including a conversation with Mr. Dozier regarding the request to set aside American Rescue funds so they can be used to look at the flooding issue in Ward 1. He referenced an email he received from Mr. Dozier that stated he will not be drafting legislation due to the possibility of said legislation providing him with a personal benefit. Mr. Knowles stated that he disagreed that this legislation would have a direct impact on Mr. Dozier, and suggested crafting language that is generic and broad, so as to avoid the appearance of impropriety, and noted that he felt Mr. Dozier's assumption was baseless. The legislation would benefit the neighborhood, not Mr. Dozier directly, but if he is not willing to stand in support of his residents, why would the rest of Council? Mr. Knowles continued by stating that he feels Mr. Dozier's conflict of interest is simply a way of supporting the administration's agenda.

Mr. Knowles next addressed Mayor Kleem's proposed pilot program to offset the costs to private property owners for sewer repairs on private property. He felt this program pits one neighbor against another, adding that at the townhall meeting, Mayor Kleem said that the City has relined the pipes and now it is up to private property owners. Mr. Knowles asked why the City did not follow the recommendations of URS on Fair Street, since both studies cite identical

problems and solutions. Fair Street, however, received a \$3.5 million replacement and upsizing of their sanitary and sewer lines, while the North End's pipes remain at 8".

Mr. Knowles continued by stating that if the Mayor had suggested a private property program for the residents on Fair Street, it would not have gone over well. He feels like the North End residents are being sidelined. If 200 houses are identified as needing private repairs, how many must complete their repairs before the flooding stops? He thinks the Mayor will simply have an easy out if the problem is not fixed, and asked for a guarantee that flooding will end.

Mr. Knowles next inquired about who picks the members of the committee and how long the committee will be in effect. He questioned the proposed amount of \$250,000, wondering how an amount can be offered if no one knows what problems will be found. He questioned future remedies and whether lateral lines were fixed on the City's treelawns.

Mr. McManis explained that at the adjournment of the last meeting, he took it upon himself to explore legislation that would earmark the American Rescue funds for an updated survey and private property reimbursement. He was told, however, that there are other plans for the money, and restrictions or lack thereof when it comes to federal funds being received by local municipalities. There may, in fact, be no way to restrict the money. He apologized, as he senses their stress and frustration. He, however, acknowledged that someone on Council did explore the idea of this legislation.

Mayor Kleem stated that over the last couple of days there has been a conference to address how to use the federal funds, and while the City is still going through the PowerPoint slides, there are four basic areas in which the money can be spent. The first is for water and sewer infrastructure, and the City is waiting on federal agencies to clarify the guidelines. The water and sewer infrastructure does need to coincide with the Clean Water State Revolving Fund or the Drinking Water State Revolving Fund, although some portions deal with sewer infrastructure, but descriptions of use are limited. Additionally, when posed with the question of using federal funds on private property, there exist extensive accounting, auditing and reporting measures that would have to be taken if the City decided to pursue this avenue. Easement agreements would also have to be made with every property owner, and each reported by address. Homeowners may have to turn in income and asset sheets, and additional information. The use of local funds would be much easier and just because the money is being put in the temporary budget does not mean it is temporary. It simply means this money will likely be used early in 2022, before the regular budget is in place. If the pilot program is successful, over 3 years, \$750,000 could be invested in it, which is in the ballpark of the American Rescue funds.

Mayor Kleem continued by noting that the Administration is unsure whether federal money can even be used to address the flooding situation on the North End, and if it can, there will be many strings attached. The creation of a new fund would have to be specific enough to pass the muster of State Auditors, but not so restrictive that it can not be used. Creating a fund is not easy. Local funds make a lot more sense and more money can be added to the program, once it is up and running.

Mayor Kleem stated that the American Rescue funds may be used for the water tank, as the guidelines of use detail water storage, which is required by the EPA to be implemented by 2024. If the City does not have a water storage tank by 2024, it can no longer operate the plant.

This type of project benefits the entire community, and grant funding is, potentially, available. Using federal funds for this project, and local funds for the North End neighborhood project, seems like a reasonable compromise and strategy.

Holly Porter, a resident on East Bridge Street, stated that the North End properties acquired by the City have been sitting vacant for years, and the amount of lost revenue in the form of tax dollars, should not be ignored. She further asked that Ordinance No. 6-4 be put on hold since so many issues exist in the North End neighborhoods, and she does not understand how a successful development company would only offer \$300,000 for the multitude of parcels.

Mrs. Porter stated her respect for the gentleman who spoke before her, reminding Council that they are elected members that do not work for the Mayor but for the residents, and she values all of them because they are the only voice the people of the community have, and is encouraged by the fact that more residents are taking an interest in local government.

Mrs. Porter concluded by asking if the City pays property taxes on City owned properties. Mrs. Morris stated that the City does pay taxes, unless the land is declared to be a park which is a tax-exempt governmental purpose.

Daune Jaynes, a resident on Glen Oaks Lane, stated that she does not understand why townhouses are being proposed on these North End properties, when only a few handfuls of North End residents even offered input. She wondered if the land use could be reconsidered, and the residents in Ward 1 offered the chance to hold focus groups and determine what is needed and wanted in that area.

Mrs. Jaynes continued by stating that government starts at the local level and transparency is important. She stated that she is proud of the City's Police, Fire and Service Departments, and people know her by her words and actions. She does not think distrust should be brought in to this election cycle, and referenced a Facebook post which appalled her that was directed at fellow running mates and their platforms. One candidate has even been harassed because of the misleading and untrue statements that have been mailed to some residents on a postcard. Dirty politics should not decide elections, and that type of politics hurts the entire community. She asked that everyone reject the mistrust and lies.

Mayor Kleem stated that \$1.1 million of the purchase price for the Williams Ford property was for the City's right-of-way. Therefore, \$1.1 million is owed on a portion of the property the City can not sell.

Mayor Kleem next addressed the idea of North End development and townhouses, noting that several proposals have come to the City, and residents were asked for their opinions. The Administration has backed off of proposals at the request of residents. With regard to the Williams Ford property, there were internal meetings initially, that included members of the staff, developers and a few Council members. After these meetings, notices were sent to residents in the neighborhood and two Zoom meetings were held. Residents presented comments, proposed changes, looked at several designs, and offered recommendations. Nothing was done behind closed doors.

With regard to the political campaigns, Mayor Kleem stated that those issues are typically not discussed at Council meetings, but 2 years ago when the hotel was proposed on the North End, there was an election going on and people started spreading the lie that the hotel would be drug infested and a place for prostitutes. Knocking on doors and getting people fired up at insidious things that are actually fictitious is not the way to campaign. Talking to the media and not telling the truth is also not a good way to act. The City has visited properties on the North End that endure flooding and has spoken with residents who are not supportive of things being said here tonight and are supportive of the townhouses.

Marty Lott, a North End resident, stated that there are a lot of people on the North End who will not say what they want. What they want is to see something worthy and something they can be proud of. There are beautiful things at Coe Lake and there was talk of bringing beautiful Crocker Park like shops to the North End too, but nothing came of these rumors. Ward 1 residents are tired of it and exhausted by the flooding that they have been dealing with for 10 years. He noted that he did everything the City told them to, and yet he continues to flood. Help is needed now. If the issue was properly addressed 10 years ago, the problem would be over. The North End sewers need more capacity, and the money that keeps going everywhere else should go to Ward 1. The residents have been patient, but rain does not wait. The North End needs real solutions and they need them now.

Gail Grizzell, a resident on The Mall, stated that the interim final rule on page 17 of the American Rescue fund guidelines states that governments with less than 50,000 people have wide latitude to identify investments in water and sewer infrastructure that are of the highest priority for their communities which may include projects on privately owned infrastructure. Mayor Kleem said that he is aware of that statement, but is looking at whether the projects coincide with the Clean Water and Drinking Water Revolving Funds. He still thinks the use of local funds would be more prudent.

A resident on Riveredge Parkway stated that some of her tenants are afraid to come to this meeting. She stated that she never got word regarding the Senior Housing complex, and when she did hear about it, was told there would only be 90 units, when it has actually doubled in size. She expressed concern with the eco-system in the area and concern for the animals that live there. Mayor Kleem asked if she was at the townhouse meetings, and she responded that constructing townhouses would just put one sinkhole next to another.

The resident continued by asking what would happen if the Senior living complex can not be filled, and Mrs. Esson and Mr. Dozier explained that it was approved as a Planned Unit Development (PUD) and would be required to come back for additional approvals.

Gay Grizzell, a member of the audience, stated that unless it is unethical or immoral, Mr. Dozier should back his constituents, and asked Mrs. Jones for her legal opinion. Ms. Grizzell said that Mr. Dozier was asked why Fair Street got a full replacement, and he said that the squeaky wheel gets the grease. 45% of people on Fair Street vote as compared to only 25% on the North End, so that is why she thinks one community got replacement, and the other, rehabilitation.

Ms. Grizzell stated that if Mr. Dozier will not represent his constituents, he should resign and get out of the way. She and her neighbors intend to come to every meeting and plead for help until something is done. They aren't going away.

Mr. Dozier responded that he lives in an area that floods, which poses a conflict of interest because, presumably, funds will be spent on his property. He does want the problem fixed, but will simply can not draft legislation that could be in direct benefit to himself. In addition, he represents all of Ward 1, and not just the few streets in his neighborhood, and thus he will not resign. He encouraged Ms. Grizzell to talk to another Council Member about drafting legislation. In addition, he feels the money from the American Rescue Plan has been earmarked to help all the residents of Berea.

Mayor Kleem commended Mr. Dettmer for attempting to control a difficult meeting, adding that the flooding issue has been discussed at Council meetings and public meetings and the Administration is trying to listen and be civil and come up with reasonable solutions. A detailed plan has been suggested, the feedback has been positive, and Ordinance No. 6-4 will be put on hold. It seems to be time to resume with the agenda, as nothing else can be accomplished tonight. There is a plan in place and that plan will be pursued.

Gary Grizzell, a resident on the North End, stated that all the data collected from the URS studies on Fair Street and the North End was the same. Both systems should have been replaced. If anyone wonders why they are in the audience tonight it is because the Fair Street project is over and the North End is still waiting. Questions have not been answered and statistics have not been addressed. He does not understand how the townhouses are even being contemplated based on the fact that the Shelley Parkway corridor floods. He wondered if the City wants people to move because private property fixes won't do anything. That is why they are here tonight.

Lynn Para, a resident on Emerson Avenue, stated that she moved in to her house in June of 1993 and in July it flooded. She lost everything. In 2012, she flooded again, losing everything a second time. She has so much anxiety and stress due to this issue, and it has been going on for over 20 years. When the study was done, she did not receive a letter alerting her to a problem, but she still floods. She loves Berea, but can't keep doing this.

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

##### **WOODVALE UNION CEMETERY BOARD OF TRUSTEES – Jim Maxwell**

Mr. Maxwell reminded Council Members about the Joint Council Meeting on Wednesday, October 20, 2021 at 7:30p.m. in the Council Chamber.

#### **LEGISLATION – THIRD READING:**

**ORDINANCE NO. 6-4: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT WITH DMARK DEVELOPMENT LLC. FOR THE SALE OF PERMANENT PARCEL NUMBERS 362-02-003; 362-02-009; 362-02-011; 362-02-012; 362-02-014; 362-03-002; 362-03-013; and 362-03-014, WHICH ARE NO LONGER NEEDED FOR MUNICIPAL PURPOSES, FOR THREE HUNDRED THOUSAND DOLLARS (\$300,000) AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO EFFECTUATE THE SAME, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Mr. Maxwell stated that while he supports the North End development, he understands that there is a significant concern that said development will have a negative impact on the flooding situation that already exists in the surrounding neighborhoods. While he does not know whether or not there will be any impact, he asked that the Administration invite a representative from NEORS, or someone with knowledge of the situation, to present information to Council regarding this exact question.

Mr. Maxwell made a motion to table Ordinance No. 6-4, but subsequently withdrew the motion and asked that the Ordinance stand on third reading so that it is kept in the forefront of discussion and to ensure that progress is made to get the valid questions answered.

Mr. Skoczen supported Mr. Maxwell's request to hear some third-party information, but asked if he could see a breakdown of how much runoff exists now, as opposed to when there was more blacktop on site. Mayor Kleem committed to getting him those numbers and that information.

Proposed Ordinance No. 6-4 stands on third reading.

**ORDINANCE NO. 6-5: AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BEREA BY REZONING PERMANENT PARCEL NUMBERS 364-04-006, 364-04-007 AND 364-04-030 FROM COMMERCIAL CENTER (CC) DISTRICT TO MULTIPLE FAMILY (MFR) DISTRICT.**

The Clerk read the title of the Ordinance.

Mr. Dettmer noted that there is one change to this Ordinance, adding that only portions of P.P. #364-04-006 and P.P. #364-04-007 will be rezoned, and not the entirety of those two parcels, as is the case with P.P. #364-04-030. He stated that Mr. Siley did, while before Council, convey this information accurately, but the legislation did not reflect it as such, thus the Ordinance requires an amendment.

Mr. McManis asked what makes this different than the rezone that was not approved by Council a few months ago, and Mrs. Jones explained that the difference is a progression in use intensity, rather than a jump from one extreme use to another. Mrs. Esson, referencing the technical review memorandum from the City's Zoning Consultant, continued by explaining that a land use compatibility exists in this proposal that was absent in the other. Mr. Maxwell added that this rezone is also consistent with the goals of the City's Master Plan.

Moved by Mr. Maxwell, seconded by Mrs. Smith, that Ordinance No. 6-5 be amended by the substitution of Ordinance No. 6-5a. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

Moved by Mrs. Smith, seconded by Mr. Dozier, that Ordinance No. 6-5a be adopted. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

**LEGISLATION – SECOND READING:**

**ORDINANCE NO. 9-2: AN ORDINANCE REPEALING AND RECONSTITUTING SECTION 183.10, HOLIDAY LEAVE, OF CHAPTER 183, EMPLOYMENT PROVISIONS, OF TITLE VIII, PERSONNEL PLAN, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA, TO DESIGNATE JUNE 19 AS AN OFFICIAL CITY HOLIDAY.**

The Clerk read the title of the Ordinance.

Mayor Kleem explained that the federal government passed a law that made Juneteenth a federal holiday, and while that would not affect employees of the City, adoption of this Ordinance would mean that the City also declares it a paid holiday.

Proposed Ordinance No. 9-2 stands on second reading.

**ORDINANCE NO. 9-3: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF MIDDLEBURG HEIGHTS FOR THE ESTABLISHMENT OF AN OFF-LEASH DOG PARK, APPROPRIATING THE FUNDS THEREFORE, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Mr. Maxwell inquired as to how the exclusive use will be enforced and Mrs. Jones responded that the park will not be monitored, but Middleburg Heights hopes to deter others through proper signage and advertising. In response to a question from Council, she noted that Brook Park has already paid their contribution of \$35,000.

Proposed Ordinance No. 9-3 stands on second reading.

**ORDINANCE NO. 9-4: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE OR HIS DESIGNEE TO ADVERTISE FOR BIDS AND TO ENTER INTO ONE OR MORE CONTRACTS FOR THE REPLACEMENT OF THE RECREATION CENTER ROOF, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Mr. Armagno clarified that this replacement is for the entirety of the roof of the Recreation Center.

Proposed Ordinance No. 9-4 stands on second reading.

**ORDINANCE NO. 9-5: AN ORDINANCE AUTHORIZING THE MAYOR TO GRANT A NON-EXCLUSIVE REVOCABLE LICENSE TO THE CLEVELAND BROWNS FOOTBALL ORGANIZATION, LLC, FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A MEDIA PLATFORM ON A PORTION OF PERMANENT PARCEL NO. 362-25-002, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 9-5 stands on second reading.

**ORDINANCE NO. 9-8: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LICENSE AGREEMENT WITH THE BOARD OF PARK COMMISSIONERS OF THE CLEVELAND METROPOLITAN PARK DISTRICT TO PROVIDE THE CITY USE OF A CERTAIN PORTION OF THE CLEVELAND METROPARKS PROPERTY FOR THE PURPOSE OF ACCESS, CONSTRUCTION, CONTINUING MAINTENANCE, REPAIR AND REMOVAL OF EXISTING PAVEMENT OF WEST CENTER STREET AND PLACEMENT OF A NEW SIDEWALK ON HENRY STREET FOR ANY PRESENT OR FUTURE NEEDS, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Mr. McManis asked if residents will be notified of street closures and alternate routes, and Mr. Armagno responded that the City has worked with the Metroparks to avoid closure during any events, adding that the parkway will be closed for 21-30 days in the middle of winter. Signs will be posted in advance of the closure, and detour signs positioned accordingly.

Moved by Mr. Maxwell, seconded by Mr. Zacharyasz, that the three-reading rule be suspended for Ordinance No. 9-8. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

Moved by Mr. Skoczen, seconded by Mr. Maxwell, that Ordinance No. 9-8 be adopted. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

**ORDINANCE NO. 9-9: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH PAUL M. ANTCZAK, THOMAS P. ANTCZAK, DAVID J. ANTCZAK, FRANCES M. PITTS AND VICTORIA K. USCHOLD (GRANTORS), AND ACCEPTING AN EASEMENT PERMITTING THE CITY TO CONSTRUCT, RECONSTRUCT, OPERATE, MAINTAIN, REPAIR, REPLACE AND/OR REMOVE ANY SANITARY AND/OR STORM SEWERS ON THE EASEMENT, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 9-9 stands on second reading.

**LEGISLATION – FIRST READING:**

**RESOLUTION NO. 10-1: A RESOLUTION HONORING, COMMENDING AND CELEBRATING DAVE PUSTI ON BEING NAMED THE 2021 RECIPIENT OF THE BEREA CHAMBER OF COMMERCE GRINDSTONE AWARD.**

The Clerk read the title of the Resolution.

Mr. Dettmer announced that this Thursday is the Grindstone Award dinner, and Dave Pusti is this year's recipient, which is very fitting as he has been so very involved within the community for a long time.

Moved by Mr. Maxwell, seconded by Mr. Skoczen, that Resolution No. 10-1 be approved. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

**RESOLUTION NO. 10-2: A RESOLUTION HONORING AND CELEBRATING ROY JENKINS, PRESIDENT OF THE BEREA FINE ARTS CLUB, ON BEING NAMED THE 2021 RECIPIENT OF THE BEREA CHAMBER OF COMMERCE RISING STAR AWARD.**

The Clerk read the title of the Resolution.

Mr. Dettmer stated that this award is presented at the Grindstone Award Dinner and given to a rising star in the community.

Moved by Mr. Skoczen, seconded by Mrs. Smith, that Resolution No. 10-2 be approved. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

**RESOLUTION NO. 10-3: A RESOLUTION HONORING AND CELEBRATING BALDWIN WALLACE UNIVERSITY ON BEING NAMED THE 2021 RECIPIENT OF THE BEREA CHAMBER OF COMMERCE LEGACY AWARD.**

The Clerk read the title of the Resolution.

Mr. Dettmer explained that this is a new award, created by the Chamber of Commerce to honor companies and institutions that have had a lasting impact on the community, and Baldwin Wallace University is first recipient of the award.

Moved by Mr. Dozier, seconded by Mr. McManis, that Resolution No. 10-3 be approved. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

**RESOLUTION NO. 10-4: A RESOLUTION HONORING AND CELEBRATING THE 2021 RECIPIENTS OF THE BEREA CHAMBER OF COMMERCE COURTESY AWARD.**

The Clerk read the title of the Resolution.

Mrs. Esson read the names of those receiving the Courtesy Award, and they include the following:

**Angela Brooks, owner of Mootown Creamery**  
**Jim Bycznski, Art Teacher at Berea-Midpark High School**  
**Nick Doehr, Teacher at Grindstone Elementary School**  
**Kristen Johnson, Guidance Counselor at Grindstone Elementary School**  
**Cindy Millen, Teacher at Grindstone Elementary School (retired)**  
**Everett Phillips, City of Berea Service Department (retired)**  
**Junior Rosado, Maintenance Director at Northwestern Healthcare Center**  
**Leah Segedi, Assistant Manager at U.S. Bank**

Moved by Mr. McManis, seconded by Mr. Zacharyasz, that Resolution No. 10-4 be approved. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

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

Mr. Dettmer thanked Mr. Pusti, as well as all those being honored at the Grindstone Award dinner, for the tremendous work they have done to make Berea a great community.

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

Mr. Zacharyasz had no report.

Mr. DeVito had no report.

Mr. Dozier had no report.

Mr. Maxwell had no report.

Mr. McManis had no report.

Mr. Skoczen had no report.

Mrs. Smith had no report.

### **CORRESPONDENCE**

The September 16, 2021 – September 29, 2021 Correspondence is available in the Clerk's office.

### **OTHER BUSINESS:**

Mrs. Esson stated that, for the record, she does advise Council Members to err on the side of caution when forced with the decision of whether or not to recuse themselves from an issue before Council.

Moved by Mr. Zacharyasz, seconded by Mr. McManis, that the October 11, 2021 Work Session be cancelled. Vote on the motion was all ayes and no nays. The motion carried.

There being no further business before Council, it was moved by Mr. Skoczen, and seconded by Mr. McManis, 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 9:56p.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 4<sup>th</sup> day of October, 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