

MINUTES OF A REGULAR COUNCIL MEETING
January 26, 2015 – 7:30p.m.

Council of the City of Berea, Ohio, met in the Council Chamber on January 26, 2015 and was called to order by President of Council Mary K. Brown at 7:30p.m. Present: Cheryl A. Banaszak, Nick Haschka, Margarette S. Key, Dale A. Lange, Richard T. Malott, Jim Maxwell and Gene Zacharyasz. Also present: Mayor Cyril M. Kleem, Director of Public Safety and Service Barb Jones, Director of Finance Dana Kavander and Director of Law James N. Walters III.

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. Haschka, seconded by Mrs. Key, that the minutes from the January 5, 2015 Regular Council Meeting be approved. Vote on the motion was all ayes and no nays. The motion carried and the minutes were approved.

Moved by Mr. Haschka, seconded by Mrs. Key, that the minutes from the January 12, 2015 Special Council Meeting be approved. Vote on the motion was all ayes and no nays. The motion carried and the minutes were approved.

MAYOR'S ADMINISTRATIVE REPORT AND COMMENTS

Mayor Kleem informed Council that he will be emailing them a personnel update very soon, and will include an outline of administrative payroll costs and the rationale behind the changes. He added that non-union payroll is down approximately \$300,000.00.

Mayor Kleem next referenced the nuisance abatement in the Sandstone Ridge Subdivision, explaining that the City Engineer has spoken with both John Kleem and Dan Neff, informing them that the nuisance legislation was adopted by Council, and corrective work must commence within 30 days. Mr. Armagno also informed them that a design-build ordinance is on Council's agenda for this evening. Mr. Kleem and Mr. Neff both stated that they intend to begin corrective work late this week or next week, adding that Phoenix Cement will be responsible for completing the work, and will begin with the spillway and conclude with the basin repairs.

Mayor Kleem added that Mr. Kleem and Mr. Neff are meeting with a resident of Olmsted Falls to discuss temporary access to the site. He also noted that, once the project is complete, an As-Built survey will be submitted to the City

Mayor Kleem suggested that Council suspend and adopt proposed Ordinance No. 1-3, the design-build ordinance, simply to keep pressure on the land owners, and to provide the City with options. Adopting the Ordinance does not mean the City is required to complete the work.

REPORT AND COMMENTS BY THE OFFICERS OF THE ADMINISTRATION:

Dana Kavander – Director of Finance:

Mrs. Kavander announced that RITA is holding their subpoena program in the Berea Room at City Hall beginning Wednesday, January 28, 2015 and concluding Friday, January 30, 2015. Representatives will be available between the hours of 9:00a.m. and 4:00p.m.

James N. Walters III – Director of Law:

Mr. Walters had no report.

Barb Jones – Director of Public Safety and Service:

In response to a question from Mr. Haschka, Mrs. Jones explained that the Dispatchers will likely be transitioning to Strongsville on Thursday, February 26, 2015. City Dispatchers have received limited training in Strongsville, and have also hosted Strongsville Dispatchers so that they may familiarize themselves with the City.

Mrs. Jones continued that the City has been making preparations to man the window in the Police Station during normal business hours, and also some weekend and evenings hours. She added that the area will become the central cashier window for the City.

Mr. Maxwell inquired as to whether the job of those in the new Cashier’s Office will include more than just police department responsibilities. Mrs. Jones responded in the affirmative.

COMMENDATIONS: **None**

PETITIONS: **None**

AUDIENCE PARTICIPATION: **None**

COUNCIL COMMITTEE REPORTS AND COMMITTEE ANNOUNCEMENTS:

Woodvale Union Cemetery Board of Trustees – Jim Maxwell

Mr. Maxwell announced that Woodvale recently held their quarterly meeting, and informed Council that progress has been made on the Veterans Memorial, but the dedication will probably not occur until Veterans Day.

Mr. Maxwell then stated that Mr. Giaimo has begun preliminary work on the cemetery expansion. A new phase was planned a while ago, and the cemetery now has the opportunity to move forward with that phase, at a reasonable cost.

Mr. Maxwell concluded his committee report by explaining that renovations have also been made to the office’s interior, and noted that Mr. Giaimo would happily give tours to any

interested Council Member.

LEGISLATION – THIRD READING:

ORDINANCE NO. 12-1: AN ORDINANCE RATIFYING AND AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH THE BEREA BOARD OF EDUCATION FOR THE USE OF THE FORMER SITE OF THE PARKNOLL SCHOOL FOR MULTIPLE PURPOSES, INCLUDING RECREATION, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Moved by Mr. Haschka, seconded by Mr. Maxwell, that Ordinance No. 12-1 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

ORDINANCE NO. 12-4: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE CUYAHOGA COUNTY LAND REUTILIZATION CORPORATION (CCLRC) FOR PARTICIPATION IN THE CUYAHOGA COUNTY PROPERTY DEMOLITION PROGRAM, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Moved by Mr. Lange, seconded by Mr. Haschka, that Ordinance No. 12-4 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

LEGISLATION – SECOND READING: None

LEGISLATION – FIRST READING:

ORDINANCE NO. 1-3: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A DESIGN-BUILD CONTRACT WITH THE MOST QUALIFIED FIRM AS DETERMINED BY THE BOARD OF CONTROL, FOR THE RENOVATION, REPAIR AND REBUILDING OF THE STORM WATER RETENTION BASIN IN THE SANDSTONE RIDGE SUBDIVISION, AUTHORIZING THE LEVYING OF THE COST THEREOF AGAINST THE PROPERTY ON WHICH THE STORMWATER RETENTION BASIN IS LOCATED, 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.

Mr. Haschka reminded Council that the issue of the Sandstone Ridge nuisance abatement has been exhaustively discussed the past few meetings, and suggested that Council suspend the three reading rule on this Ordinance and adopt it tonight. While the property owners seem

responsive and in the process of beginning necessary corrective repairs, this Ordinance would simply place the City in a better position if the property owners drag their feet.

Mr. Maxwell wondered what the term “Design-Build” meant, and Mr. Walters explained that it simply means that the same company will both design the project and construct the project. There would, in addition, be no bidding process. The Board of Control would be responsible for reviewing all proposals and making a decision. Mr. Maxwell asked if that process has begun, and Mr. Walters stated that the City Engineer has had a few conversations with Fabrizi, simply because they are already on site conducting Phase 3 improvements. No specifications have, however, been discussed.

Mr. Maxwell inquired as to how the City goes about recovering the money necessary to abate the nuisance. Mr. Walters explained that the cost would be billed and, if left unpaid, placed on the tax duplicate.

Mr. Lange reminded Council that this Ordinance can be adopted, but may never need to be utilized.

Moved by Mr. Haschka, seconded by Mr. Lange, that the three reading rule be suspended on proposed Ordinance No. 1-3. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the three reading rule was suspended.

Moved by Mr. Haschka, seconded by Mrs. Key, that Ordinance No. 1-3 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was thus adopted.

ORDINANCE NO. 1-4: AN ORDINANCE TO MAKE TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FROM THE VARIOUS FUNDS OF THE CITY OF BEREA, STATE OF OHIO, FROM JANUARY 1, 2015, ENDING MARCH 31, 2015, AND EXPRESSLY REPEALING ORDINANCE NO. 2014-92.

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

Mrs. Kavander alerted Council to one change in the temporary budget. This change will become necessary if the City is forced to abate the nuisance at the Sandstone Ridge Subdivision. Funds in the amount of \$200,000.00 are being transferred from the Municipal Income Tax Fund to the Sewer Capital Fund. If the City does not need to abate the nuisance, another amendment will be proposed so that the money can be returned to the Municipal Income Tax Fund.

Moved by Mr. Lange, seconded by Mr. Haschka, that the three reading rule be suspended on proposed Ordinance No. 1-4. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the three reading rule was suspended.

Moved by Mr. Haschka, seconded by Mrs. Banaszak, that Ordinance No. 1-4 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was thus adopted.

ORDINANCE NO. 1-5: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$3,294,500.00 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY A PORTION OF THE COSTS OF (i) ACQUIRING PROPERTY TO BE USED FOR VEHICLE MAINTENANCE AND STORAGE FOR THE SERVICE DEPARTMENT, THE FRONT STREET RAILGRADE SEPARATION PROJECT AND OTHER MUNICIPAL PROJECTS, (ii) ACQUIRING REAL ESTATE FOR MUNICIPAL FACILITIES, (iii) ACQUIRING CITY VEHICLES FOR USE IN THE CITY'S SERVICE, POLICE AND RECREATION DEPARTMENTS, (iv) IMPROVING THE INDOOR SWIMMING POOL AT THE CITY'S RECREATION CENTER, (v) ACQUIRING CITY VEHICLES AND VEHICLE ATTACHMENTS FOR ROAD AND LAWN MAINTENANCE, (vi) ACQUIRING POLICE VEHICLES AND SAFETY EQUIPMENT, (vii) REFURBISHING AN AERIAL FIRE TRUCK AND ACQUIRING EQUIPMENT FOR FIRE DEPARTMENT VEHICLES, AND (viii) ACQUIRING A PLOW TRUCK AND SERVICE DEPARTMENT EQUIPMENT, 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. Kavander introduced the annual Notes and Bonds legislation, informing Council that the new debt total will stand at \$2,187,000.00. This year, the City will pay down \$1,045,000.00 in bonds and notes, which is in line with the 6 year Capital Plan. The current debt schedules do not include the proposed Ordinances, but will once these Ordinances are adopted.

Mayor Kleem clarified that the net new debt is roughly \$1,000,000.00, and the City remains significantly under its debt limit. He reminded Council that the 6 year Capital Plan included several up front purchases, due to extremely favorable interest rates.

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

ORDINANCE NO. 1-6: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$51,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF ACQUIRING VEHICLES AND COMPUTER AND OTHER EQUIPMENT FOR THE POLICE DEPARTMENT, 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.

Proposed Ordinance No. 1-6 stands on first reading.

ORDINANCE NO. 1-7: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$450,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF RESURFACING CERTAIN CITY STREETS TO BE APPROVED BY COUNCIL (THE 2015 STREET PROGRAM), 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. Kavander noted that this is the first new issuance, and the City will be doing short term borrowing for the project.

Mrs. Brown wondered if any streets are set to be resurfaced, and Mayor Kleem stated that there is a three year projection which provides a tentative list, but nothing has been finalized at this time. He reminded Council that several factors determine which streets will be repaired, and added that sometimes streets most need of resurfacing need other significant repairs as well, and thus those projects may be slightly delayed so that they do not have to be paved and then torn up in a few years.

Mayor Kleem encouraged Council to submit suggestions for street resurfacing to his office as soon as possible.

In response to an inquiry from Mr. Maxwell, Mrs. Kavander explained that this Ordinance pertains to solely concrete and asphalt repairs. Sewer and waterline repairs fall under a different Ordinance.

Proposed Ordinance No. 1-7 stands on first reading.

ORDINANCE NO. 1-8: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$5,323,000 TO PAY A PORTION OF THE COSTS OF (i) REPLACING THE BOARDWALK AND PIER AT COE LAKE, (ii) RECONSTRUCTING THE PARKING LOTS AT CITY HALL AND THE CITY'S RECREATION CENTER, (iii) REPLACING THE ROOF ON THE CITY'S POLICE STATION, (iv) REPLACING THE SANITARY SEWER IN FAIR STREET, TOGETHER WITH ALL APPURTANANCES THERETO, (v) RECONSTRUCTING AND RESURFACING CERTAIN CITY STREETS TO BE APPROVED BY CITY COUNCIL, (vi) ACQUIRING AND INSTALLING AN ULTRA VIOLET DISINFECTION SYSTEM FOR THE CITY'S WATER PLANT, (vii) REPLACING WATERLINES IN SPRAGUE ROAD, BARRETT ROAD AND KRAFT STREET, INCLUDING ALL APPURTANANCES THERETO, (viii) IMPROVING THE CITY'S RECREATIONAL FACILITIES, INCLUDING CITY PARKS, THE OUTDOOR POOL, GROZA FIELD, REPLACING THE PAVILIONS AT COE LAKE AND GROZA FIELD, AND ACQUIRING RECREATIONAL EQUIPMENT AND A TRUCK USED TO MAINTAIN CITY RECREATIONAL FACILITIES, (ix) REPLACING, IMPROVING AND INSTALLING STORM SEWER LINES AND STORM WATER MANAGEMENT FACILITIES IN THE CITY'S NORTH END, (x) RECONSTRUCTING WYLESWOOD ROAD, RECONSTRUCTING AND RESURFACING CERTAIN CITY STREETS IN 2014 TO BE APPROVED BY CITY COUNCIL AND PROVIDING GATEWAY AND STREET WAYFINDING SIGNAGE, AND (xi) REPLACING THE WATERLINE IN BARRETT ROAD AND OF IMPROVEMENTS TO THE CITY'S WATER PLANT, 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. Kavander explained that these borrowings will be going to the bond market as they include long term projects, and allow the City to take advantage of long-term interest rates.

Mrs. Brown questioned the life of the bond, and Mrs. Kavander stated that it is set by the Ohio Revised Code and depends on the project, but added that the interest rate remains consistent throughout the borrowing period.

Proposed Ordinance No. 1-8 stands on first reading.

ORDINANCE NO. 1-9: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$310,000 TO PAY COSTS OF RECONSTRUCTING STREETS IN THE BLUEGRASS DEVELOPMENT AREA, 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.

Mayor Kleem informed Council that this borrowing encompasses Phase 1 of a project that includes the entire Bluegrass neighborhood. The complete project may cost between 1 and 1.5 million dollars, and will extend in to 2017. Mrs. Kavander noted that this project refers to the total rip out and replacement of streets in the Bluegrass neighborhood.

Proposed Ordinance No. 1-9 stands on first reading.

ORDINANCE NO. 1-10 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$175,000 TO PAY COSTS OF IMPROVING CITY BUILDINGS, INCLUDING INSTALLING BOILERS AND HVAC SYSTEMS, 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. Kavander informed Council that this is a new borrowing and will go straight to the bond market. The project entails a new boiler for the Police Station, and a boiler and hvac system for the Recreation Center and Fire Station.

Proposed Ordinance No. 1-10 stands on first reading.

ORDINANCE NO. 1-11: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$1,120,000 TO PAY COSTS OF IMPROVING AND EQUIPPING COE LAKE, MCKELVEY PARK AND PARKNOLL PLAYGROUND, 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. Kavander noted that this is a new borrowing and will go straight to the bond market.

Proposed Ordinance No. 1-11 stands on first reading.

ORDINANCE NO. 1-12: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$132,000 TO PAY COSTS OF IMPROVING AND EQUIPPING THE CITY'S WATER TREATMENT PLANT, 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. Kavander explained that this is a new issuance and will go straight to the bond market.

Proposed Ordinance No. 1-12 stands on first reading.

ORDINANCE NO. 1-13: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,000,000 URBAN RENEWAL TEMPORARY REVENUE BONDS, IN ANTICIPATION OF THE ISSUANCE OF DEFINITIVE URBAN RENEWAL REVENUE BONDS, FOR THE PURPOSE OF PAYING COSTS OF CITY URBAN RENEWAL PROJECT ACTIVITIES IN THE FIRST AVENUE COMMUNITY REVITALIZATION AREA, 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. Kavander noted that these are roll-over bonds.

Proposed Ordinance No. 1-13 stands on first reading.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

President Brown thanked Mayor Kleem, and the congregation at Mt. Zion, for inviting Council to the Peace with Police Community Fellowship. She stated that the experience was energizing and uplifting, and thanked everyone who made the event possible.

President Brown next thanked the Mayor and his staff for a wonderful Volunteer Banquet. She added that there are a lot of great volunteers in the City, and it is nice to acknowledge them every year.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Haschka thanked the Mayor for putting together the Volunteer Banquet, and Mt. Zion for the Peace with Police Community Fellowship.

Mrs. Key thanked Mayor Kleem and his staff, the police and fire departments, the religious

communities in the City, Baldwin Wallace University and the Berea Library for organizing and attending the Martin Luther King Jr. activities and events last week. She recognized the Berea Library for hosting a truly fun program that showcased the advancement and opportunities made possible by the contributions of Martin Luther King Jr.

Mr. Lange thanked the Mayor for a wonderful Volunteer Banquet.

Mr. Malott had no report.

Mr. Maxwell informed Council that the Berea Municipal Court will appear before Council for their biannual reports on June 8, 2015 and December 14, 2015.

Mr. Zacharyasz had no report.

Mrs. Banaszak commended the fantastic volunteer banquet and the community of Mt. Zion, adding that the parishioners of Mr. Zion were so warm and welcoming.

Mrs. Banaszak next reminded Council that she has been working with the City to designate the R-SF-A District as a Century Home District. Progress is being made, and the signs have been ordered. She noted that she will update Council as things continue to progress.

CORRESPONDENCE

The January 1, 2015 – January 22, 2015 Correspondence is available in the Clerk's office.

OTHER BUSINESS:

Mrs. Esson reminded Council Members to file their 2015 Financial Disclosure Forms, which can be completed online, and must be submitted on or before April 15, 2015.

Mrs. Esson next reminded Council about the Public Hearing regarding the proposed Zoning Code and Codified Ordinance amendments, which will take place at 7:25p.m. on Monday, February 2, 2015.

There being no further business before Council, moved by Mr. Haschka, seconded by Mrs. Key, that the Regular Council Meeting be adjourned. Vote on the motion was all ayes and no nays. The motion passed and President Brown declared the meeting adjourned at 8:17p.m.

Mary K. Brown
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 26th day of January, 2015, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council