

MINUTES OF A REGULAR COUNCIL MEETING
February 17, 2015 – 7:30p.m.

Council of the City of Berea, Ohio, met in the Council Chamber on February 17, 2015 and was called to order by President of Council Mary K. Brown at 7:30p.m. Present: Cheryl A. Banaszak, Margarette S. Key, Dale A. Lange, Richard T. Malott, Jim Maxwell and Gene Zacharyasz. Absent: Nick Haschka. Also present: Mayor Cyril M. Kleem, Director of Safety and Service Barb Jones, Director of Finance Dana Kavander, Director of Law James N. Walters III and Marvin McDonald, City Inspector.

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 Mrs. Key, seconded by Mrs. Banaszak, that the minutes from the February 2, 2015 Public Hearing be approved. Vote on the motion was all ayes and no nays. The motion carried and the minutes were approved.

Moved by Mr. Malott, seconded by Mrs. Banaszak, that the minutes from the February 2, 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. Lange, seconded by Mr. Zacharyasz, that the minutes from the February 9, 2015 Council Work Session 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 updated Council on the progress with the spillway and retention basin in the Sandstone Ridge Subdivision. He stated that work has begun and the spillway should be completed in a few weeks. Work on the basin will also be done. Mayor Kleem added that, according to the City Engineer, progress has been made.

Mrs. Brown inquired as to whether the Recreation Center has been designated a "warm zone" during the recent extreme cold weather. Mayor Kleem responded that the Recreation Center has been opened in the past during inclement weather, but not many people have taken advantage of this opportunity. He noted that if anyone does need help, they can contact the City because there are local charities that offer assistance.

REPORT AND COMMENTS BY THE OFFICERS OF THE ADMINISTRATION:

Dana Kavander – Director of Finance:

Mrs. Kavander had no report.

James N. Walters III – Director of Law:

Mr. Walters had no report.

Barb Jones – Director of Public Safety and Service:

Mrs. Jones reminded Council that any residents who need assistance with the Ready-Notify system can contact Karen in the Service Department.

In response to a question from Mr. Maxwell, Mrs. Jones confirmed that the Dispatchers still plan to go live in Strongsville on February 26, 2015. By mid-week, further information should be confirmed, including who will man the Police Department window, and what hours the window will be occupied.

COMMENDATIONS:**RESOLUTION NO. 2-2: A RESOLUTION HONORING AND COMMENDING CHRISTIAN KILGORE FOR HIS ACHIEVE IN ATTAINING THE RANK OF EAGLE SCOUT.**

The Clerk read the Resolution in full.

Mr. Zacharyasz stated that the Kilgore's are good family friends, adding that both boys, as well as their Dad, are Eagle Scouts. He thanked the family for asking him to be the Master of Ceremonies at the Eagle Scout Ceremony.

Moved by Mr. Zacharyasz, seconded by Mr. Maxwell, that Resolution No. 2-2 be approved. Vote on the motion was ayes: Banaszak, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Resolution was approved.

Council congratulated Mr. Kilgore on his accomplishment, and thanked the Kilgore Family for attending the meeting.

PETITIONS:

None

AUDIENCE PARTICIPATION:

Aliceann Brabenec, a member of the audience, thanked the Service Department for their excellent work during the recent winter storms.

COUNCIL COMMITTEE REPORTS AND COMMITTEE ANNOUNCEMENTS:**LEGISLATION – THIRD READING:**

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.

Mr. Maxwell reminded the listening audience that the Note and Bond legislation has been thoroughly discussed upon first and second reading.

Moved by Mr. Lange, seconded by Mrs. Banaszak, that Ordinance No. 1-5 be adopted. Vote on the motion was ayes: Banaszak, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

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.

Mr. Maxwell asked if the grant for the new fire truck that Captain Eisenhardt had been working on, was awarded to the City. Mrs. Jones stated that awards are expected to be announced beginning in late March or early April.

Moved by Mr. Lange, seconded by Mr. Maxwell, that Ordinance No. 1-6 be adopted. Vote on the motion was ayes: Banaszak, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

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.

Moved by Mr. Lange, seconded by Mr. Maxwell, that Ordinance No. 1-7 be adopted. Vote on the motion was ayes: Banaszak, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

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 APPURTANCES 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.

Moved by Mr. Maxwell, seconded by Mrs. Banaszak, that Ordinance No. 1-8 be adopted. Vote on the motion was ayes: Banaszak, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

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.

Moved by Mr. Malott, seconded by Mrs. Key, that Ordinance No. 1-9 be adopted. Vote on the motion was ayes: Banaszak, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

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.

Moved by Mrs. Key, seconded by Mr. Maxwell, that Ordinance No. 1-10 be adopted. Vote on the motion was ayes: Banaszak, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

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.

Moved by Mr. Malott, seconded by Mrs. Banaszak, that Ordinance No. 1-11 be adopted. Vote on the motion was ayes: Banaszak, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

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.

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

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.

Moved by Mrs. Key, seconded by Mr. Maxwell, that Ordinance No. 1-13 be adopted. Vote on the motion was ayes: Banaszak, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

LEGISLATION – SECOND READING:

ORDINANCE NO. 9-3: AN ORDINANCE ENACTING SECTION 905.03.1, POULTRY, OF PART NINE, ANIMAL CONTROL, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Moved by Mr. Lange, seconded by Mr. Zacharyasz, that proposed Ordinance No. 9-3 be amended by the substitution of proposed Ordinance No. 9-3a. Vote on the motion was ayes: Banaszak, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was thus amended.

Mr. Maxwell declared that those who vehemently expressed disagreement with the original poultry ordinance are no longer attending meetings. He takes this as a sign that they are content with proposed Ordinance No. 9-3a, and that the lack of input is a show of silent support for the Ordinance.

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

ORDINANCE NO. 12-2: AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF BERA AT SECTION 302.02(C) AND (D), AND SECTION 309.05, OF THE ZONING CODE OF THE CITY OF BERA, OHIO, AS ADOPTED MAY 7, 2012 AND AS AMENDED THEREAFTER, TO MODIFY THE STANDARDS FOR SWIMMING POOLS AS RESIDENTIAL DISTRICT ACCESSORY USES.

The Clerk read the title of the Ordinance.

Moved by Mr. Lange, seconded by Mrs. Banaszak, that proposed Ordinance No. 12-2 be amended by the substitution of proposed Ordinance No. 12-2a. Vote on the motion was ayes: Banaszak, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was thus amended.

Proposed Ordinance No. 12-2a stands on second reading.

ORDINANCE NO. 12-3: AN ORDINANCE AMENDING SECTION 1323.02, LOCATION AND AREA, OF CHAPTER 1323, SWIMMING POOLS, IN TITLE FIVE, LOCAL PROVISIONS, OF PART THIRTEEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BERA.

The Clerk read the title of the Ordinance.

Moved by Mr. Lange, seconded by Mrs. Banaszak, that proposed Ordinance No. 12-3 be amended by the substitution of proposed Ordinance No. 12-3a. Vote on the motion was ayes: Banaszak, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was thus amended.

Proposed Ordinance No. 12-3a stands on second reading.

ORDINANCE NO. 2-1: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA (“CRA”) AGREEMENT WITH CLOVEQUIP PROPERTIES OF OHIO, L.L.C., AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

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

LEGISLATION – FIRST READING:

ORDINANCE NO. 2-3: 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, 2015, AND EXPRESSLY REPEALING ORDINANCE NO. 2015-6.

The Clerk read the title of the Ordinance.

Mrs. Kavander declared that this Ordinance can go the full three readings, adding that Exhibit “A” will be made available to Council prior to third reading.

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

ORDINANCE NO. 2-4: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA (“CRA”) AGREEMENT WITH JMJ REAL ESTATE COMPANY, INC., AND CONRAD’S TIRE SERVICE, INC., AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Maxwell asked where the property in question is located, and Mr. Walters stated that Conrad’s is hoping to go in between Arby’s and AutoZone. An address will be assigned to this parcel once the partition is finalized.

Mr. Walters added that the Exhibit has been distributed, and the company will have 11 full time jobs in place on the day they open their doors.

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

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

President Brown thanked Mr. Madzy for all of his hard work organizing the small business seminars. She announced that the next seminar will be held on February 24, 2015.

Mrs. Brown informed Council and the listening audience that the State of the City address will be held on March 19, 2015, at Perk Cup Café. The event will begin at 8:00a.m.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Lange expressed his condolences to the Golinski Family on the passing of their Mother. He also expressed his condolences to the Henderson family, on the passing of Pastor Tom Henderson’s Mother.

Mr. Malott had no report.

Mr. Maxwell had no report.

Mr. Zacharyasz had no report.

Mrs. Banaszak had no report.

Mr. Haschka was not present.

Mrs. Key had no report.

CORRESPONDENCE

The January 30, 2015 – February 12, 2015 Correspondence is available in the Clerk's office.

OTHER BUSINESS:

Mrs. Esson reminded Council to fill out their Financial Disclosure forms.

There being no further business before Council, moved by Mr. Lange, 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 8:05p.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 17th day of February, 2015, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council