

**MINUTES OF A REGULAR COUNCIL MEETING**  
**February 2, 2015 – 7:30p.m.**

Council of the City of Berea, Ohio, met in the Council Chamber on February 2, 2015 and was called to order by President of Council Mary K. Brown at 7:32p.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 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 26, 2015 Regular 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 had no report.

**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 was not present, but Mr. Maxwell asked the Mayor to pass along his thanks for the hard work the Service Department has done to keep the streets clear during the current winter storm.

**COMMENDATIONS:**                      **None**

**PETITIONS:**                              **None**

**AUDIENCE PARTICIPATION:**

David Yakinow, a member of the audience, alerted Council to the fact that while City streets have been well maintained throughout the present winter storm, he noticed that City pick-up trucks were plowing snow on to intersecting street corners where children typically wait for the school bus. He stated that he is a school bus driver, and insisted that the children be provided with a safe place to wait for the bus. Mr. Yakinow expressed his belief that school children deserve reasonable accommodations when entering and exiting the bus, and wondered

if pushing snow in such a location goes against ADA regulations.

Mr. Walters maintained that Service Department workers try their best to keep street corners unobstructed, but during heavy snowfall the priority is simply to clear the streets. He stated that he will speak with the Public Service Director, as well as the Service Department Superintendent, and determine what caused this unusual procedure to occur.

Mr. Yakinow reiterated his concern for the safety of children and handicapped individuals, and Mrs. Brown reminded residents to shovel sidewalks within the first 24 hours of a significant snowfall, for the safety of all residents.

**COUNCIL COMMITTEE REPORTS AND COMMITTEE ANNOUNCEMENTS: None**

**LEGISLATION – THIRD READING: None**

**LEGISLATION – SECOND 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. Lange reminded Council that this is a renewal.

Proposed Ordinance No. 1-5 stands on second 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.

Mr. Lange reminded Council that this is a renewal

Proposed Ordinance No. 1-6 stands on second 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.

Mr. Lange noted that this is new borrowing, and is included in the City's Temporary Budget. The streets to be repaired have not yet been determined.

Proposed Ordinance No. 1-7 stands on second 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.

Proposed Ordinance No. 1-8 stands on second 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.

Proposed Ordinance No. 1-9 stands on second 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.

Proposed Ordinance No. 1-10 stands on second 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.

Proposed Ordinance No. 1-11 stands on second 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.

Proposed Ordinance No. 1-12 stands on second 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.

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

**LEGISLATION – FIRST 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.

Mr. Walters stated that Council should have the agreement in hand prior to second reading.

Mr. Malott asked what Clovequip Properties manufactures, and Mayor Kleem stated that they distribute construction equipment. Mayor Kleem continued by stating that the company owns property on Bagley Road and wants to construct a building, add jobs and increase payroll. The City is, at present, working with them on a Community Reinvestment Area Agreement. The abatement would be 49% for a period of 10 years on all taxes generated from the construction of the building. These would be all new taxes. Mayor Kleem noted that there is no abatement on income tax.

Mr. Maxwell asked if the School Board has to approve this Community Reinvestment Area Agreement, and Mr. Walters answered in the negative, adding that the abatement is less than 50%.

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

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

President Brown thanked Mayor Kleem, Matt Madzy and Tom Norton for the January 21, 2015 small business seminar. She added that these seminars are growing in popularity and attracting both local small business owners, as well as others who are looking to open small businesses in Berea. Mrs. Brown announced that the next small business seminar is on March 25, 2015, and encouraged Council to promote the seminar to any small business minded individuals in their Wards.

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

Mrs. Key had no report.

Mr. Lange had no report.

Mr. Malott had no report.

Mr. Maxwell had no report.

Mr. Zacharyasz had no report.

Mrs. Banaszak had no report.

Mr. Haschka had no report.

**CORRESPONDENCE**

The January 23, 2015 – January 29, 2015 Correspondence is available in the Clerk's office.

**OTHER BUSINESS:**

Mrs. Esson reminded Council and the listening audience that the Colonel William H. Beyer Commendation for Outstanding Military Service nomination forms are available on the City's website and in the office of the Clerk of Council. She stated that nominees can be Active Duty Military Members, Veterans, Honorably Discharged Individuals or even deceased individuals who nobly served during their lifetimes.

Mrs. Brown encouraged everyone to get their nomination forms in for the Memorial Day presentation, noting that Mrs. Esson can conduct necessary background research, if deemed necessary.

Moved by Mr. Haschka, seconded by Mr. Maxwell, that proposed Ordinances No. 9-3, 12-2 and 12-3 be placed upon the February 9, 2015 Work Session agenda. Vote on the motion was all ayes and no nays. The motion carried.

Moved by Mr. Haschka, seconded by Mrs. Key, that Council move in to Executive Session in order to discuss the purchase and/or sale of public property, pursuant to O.R.C. Section 121.22(G)(2) and Codified Ordinance Chapter 109. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and Mrs. Brown declared a short recess at 7:55p.m. so that members of the audience could leave the Chamber.

Council reconvened Regular Session at 8:30p.m.

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 8:30p.m.

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Mary K. Brown  
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 2<sup>nd</sup> day of February, 2015, 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