

MINUTES OF A REGULAR COUNCIL MEETING
March 16, 2015 – 7:30p.m.

Council of the City of Berea, Ohio, met in the Council Chamber on March 16, 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, Jim Maxwell and Gene Zacharyasz. Absent: Richard T. Malott. Also present: Mayor Cyril M. Kleem, Director of Recreation Marty Compton, Director of 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 March 2, 2015 Public Hearing regarding the liquor permit transfer for Polish Village Tavern 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 March 2, 2015 Public Hearing regarding the liquor permit renewal for Walgreens be approved. Vote on the motion was all ayes and no nays. The motion carried and the minutes were approved.

Moved by Mrs. Key, seconded by Mr. Haschka, that the minutes from the March 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. Haschka, seconded by Mrs. Key, that the minutes from the March 9, 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 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 had no report. Mrs. Brown did, however, ask Mrs. Jones to look at the unintentional speed bump on Fair Street between French and Aaron.

Marty Compton – Director of Recreation:

Mr. Compton announced that BBA, Lou Groza and Tri-City Soccer sign-ups are now underway, and both Safety Town and Swim Team will begin registrations in April.

COMMENDATIONS: **None**

PETITIONS: **None**

AUDIENCE PARTICIPATION:

Bill Kerbusch, Director of Buildings and Grounds for Baldwin-Wallace University, addressed proposed Ordinance No. 3-7, the rezoning of the property at 285 Front Street. Mr. Kerbusch explained that B-W recently purchased the old Science Christian Church and is in the process of turning it in to a Speech Pathology Building and Speech Therapy Clinic. There is an enormous need for this facility on campus, as the current building housing Speech Pathology is small and no longer capable of properly assisting patrons, such as Senior Citizens suffering from mental illnesses. The University is also working on a Master's Program that will be housed in this unit as well.

Mr. Kerbusch continued by stating that the Church is currently undergoing renovations, and B-W is requesting a zoning change so that the property can be converted to College District-CD, and utilized for University purposes.

Mrs. Key added that the request is for a zoning change from Commercial Center-CC to College District-CD. She noted that the properties to the east and south of 285 Front Street are already zoned CD.

Mrs. Key reminded the listening audience that this Ordinance will be properly referred to the Municipal Planning Commission.

COUNCIL COMMITTEE REPORTS AND COMMITTEE ANNOUNCEMENTS:**Woodvale Union Cemetery Board of Trustees – Jim Maxwell**

Mr. Maxwell informed Council that Middleburg Heights City Council's Public Improvement Committee will meet on Tuesday, April 14, 2015 at 6:30p.m. to discuss Woodvale Cemetery's expansion plans. He encouraged all Council Members to attend the meeting so as to learn about the expansion phases, and lend support to the project. He noted that Joe Giaimo will be making the presentation on behalf of Woodvale Cemetery.

LEGISLATION – THIRD 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.

Mr. Lange noted that the projected revenue estimate stands at 49.6 million dollars, which is up 1.8 million dollars from last year. He added that the projected cash balance is estimated to be 2.6 million dollars, which will be favorable in the eyes of Moody's and their credit calculations.

Mrs. Kavander turned Council's attention to the budget booklet she distributed prior to the meeting. She explained that the book includes line item expenditures, projected cash balances, estimated revenues and Exhibit "A", the actual appropriations.

Mrs. Kavander stated that the budget contains a 2% pay increase for all Union, and some non-Union, employees. The budget also includes a 56% increase in hospitalization, which necessitates an increase in the employee contribution as well, and a rise in Police Department expenditures due to potential retirements, new hires and the implementation of some of Dr. Oliver's recommendations.

Mrs. Kavander next referenced the Court's projected deficit of \$67,000.00, \$20,000.00 of which can be contributed to the Probation Department's rising costs. The Department is considering raising probationary costs, but as it stands, the City must cover the Court's projected deficit. Mrs. Kavander did add that one employee who was previously coded to the Court Computer Fund was reclassified to the Court Operation Fund. This constitutes a \$51,000.00 increase to the Court's General Fund. If the employee was reclassified again, back to his original status, the Court's General Fund will no longer be in the negative, and the City would simply have to cover the remaining Probation Department deficit.

Mrs. Brown wondered why the Court would have changed the classification of this employee, and Mrs. Kavander guessed that the Court hoped to retain the funds in the Computer Fund for their renovation.

Mr. Haschka questioned if anyone has spoken to the Judge about the Court's projected budget deficit. Mayor Kleem responded that he has not yet spoken to the Judge about their 2015 budget, but Mrs. Kavander has been in contact with Stacia Bellini, the Judge's Administrative Assistant. He noted that he spoke with the Judge about the 2014 budget, asking him to transfer money to the General Fund in order to cover the Court's deficit. The Judge refused, saying that while this is something he has done in the past, he really should not be doing it, and refused to acquiesce to the request.

Mrs. Kavander advised Council that she has spoken to the Court about scheduling budget meetings, and added that, in the past, the Judge has set up Special Funds in an effort to diminish Court deficits.

Mr. Maxell expressed his frustration that the City is obligated to present a balanced budget, but since the Court is not, they continue to nullify the City's prudent financial management. He confessed his irritation that the Administration has yet to meet with the Court about the proposed budget deficit. Mr. Maxwell reminded Council that the Court Committee is meeting in two days, and asked Mrs. Kavander if the budget needs to be passed tonight. Mrs. Kavander responded that the budget must be adopted by March 31, 2015.

Mrs. Brown inquired as to whether or not the City has any recourse with which to approach the Court, and Mayor Kleem said that there is no recourse. The City must present a balanced budget.

Mr. Lange, reluctantly, suggested that the City reduce the General Fund tonight, thus covering the Court's deficit and balancing the budget.

Mrs. Kavander offered another option. She suggested that the one employee who has always been classified under the Court's Computer Fund, but this year is not, be reclassified back to the Computer Fund. This would leave a deficit of approximately \$20,000.00, which the City could cover by reducing the General Fund.

Mr. Maxwell wondered how much money is in the Court Computer Fund, and Mrs. Kavander explained that there is approximately \$150,000.00 in the Court Computer Fund. Mr. Maxwell added that there is also \$1.4 million reserved in the Court Construction Fund, and yet the Court refused to transfer the City the \$45,000.00 it need at the end of 2014. The Court has also come to the City with a projected 2015 deficit.

Mayor Kleem reminded Council that there is over \$1,000,000.00 of uncollected Court fees outstanding, and while it is typical to have some unpaid fines, a small percentage of this could resolve their projected deficit for this year. He then inquired about the Court's projection for an increase in revenue. Mrs. Kavander explained that she did not feel confident that the Court could generate the approximately \$100,000.00 of additional revenue that they projected, mainly because they have brought in less money so far this year than they did at the same time last year. She referenced the \$45,000.00 that has yet to be advanced back to the City, and stated that she amended their budget so that the \$45,000.00 plus the projected revenue amount will equal \$100,000.00. Mayor Kleem cautioned Council that if the Court's revenue comes in even less than expected, the deficit could be further increased.

In response to a question from Mrs. Brown, Mrs. Kavander referenced the budget booklet and explained that each month the Court operates with a deficit, the City must advance them money to cover the loss. This money is similar to a short term loan and must be paid back. Last year, the City advanced the Court approximately \$90,000.00. \$45,000.00 has already been paid back, and the other \$45,000.00 is still outstanding, but will be paid back.

Mr. Maxwell inquired as to whether or not Mrs. Kavander has the authority to reclassify the Computer Fund employee, and Mrs. Kavander acknowledged that she may do so, if Council grants her the authorization. She cautioned Council that the Judge can choose to prepare a journal entry, thus voiding the reclassification, if he deems such entry appropriate.

Mrs. Key asked if Mr. Wohl will be present at Wednesday's Court Committee meeting, and Mr. Maxwell stated that Mr. Wohl was invited. He then reminded Council about the reasoning behind the quarterly meetings, explaining that the hope was to keep track of the Court's progress and thus minimize any surprise end of the year shortfalls.

In response to a question from Mr. Lange, Mayor Kleem advised Council that he has no preference whether the budget is adopted this night, or a Special Meeting is held before month's end. Mrs. Kavander distributed an amended version of Exhibit "A"-App 1, which will thenceforth

be referred to as App-1a. This exhibit reclassifies the employee back to the Court Computer Fund and also properly reduces the General Fund to cover the Court's deficit.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that Exhibit "A"-App 1, be amended by the substitution of Exhibit "A"-App 1a. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Maxwell and Zacharyasz. Nays: None. The motion carried.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that Ordinance No. 2-3 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange and Maxwell. Nays: Zacharyasz. The motion passed and the Ordinance was adopted.

Mrs. Kavander acknowledged that she will inform the Judge of the reclassification prior to Wednesday's meeting. Mr. Maxwell expressed his disappointment that the upcoming Court Committee Meeting will be so contentious right off the bat. He was hoping to initiate the process of improving the relationship.

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.

Moved by Mr. Lange, seconded by Mr. Maxwell, that Ordinance No. 2-4 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

LEGISLATION – SECOND READING:

ORDINANCE NO. 3-2: AN ORDINANCE AMENDING SECTION 127.02(C), OF CHAPTER 127, DEPARTMENT OF PUBLIC SAFETY, OF TITLE FIVE, ADMINISTRATIVE, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA, TO PROVIDE FOR THE ADDITION OF ONE LIEUTENANT IN THE DIVISION OF FIRE TO WORK A FORTY-HOUR WEEK IN THE DUAL CAPACITY OF FIREFIGHTER AND FIRE PREVENTION OFFICER, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Brown inquired as to whether the person in this position will be eligible for overtime, to which Mayor Kleem responded affirmatively.

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

ORDINANCE NO. 3-3: AN ORDINANCE AUTHORIZING, RATIFYING AND AFFIRMING THE CITY OF BEREA ENTERING INTO A REAL ESTATE PURCHASE AGREEMENT FOR THE PURCHASE OF REAL PROPERTY IDENTIFIED AS PERMANENT PARCEL NUMBER 362-01-012, APPROPRIATING FUNDS THEREFORE, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

It was determined that the property in question is located at 822 Front Street.

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

ORDINANCE NO. 3-5: AN ORDINANCE AUTHORIZING A COOPERATIVE AGREEMENT FOR PLANNING, CONSTRUCTION, MAINTENANCE AND OPERATIONS OF THE HICKORY DRIVE RELIEF SEWER PROJECT BETWEEN THE CITY OF BERA AND THE OHIO WATER DEVELOPMENT AUTHORITY, AND FOR A LOAN FROM THE OHIO WATER DEVELOPMENT AUTHORITY TO THE CITY OF BERA FOR THE HICKORY DRIVE RELIEF SEWER PROJECT IN AN AMOUNT NOT TO EXCEED TWO HUNDRED AND SEVENTY FIVE THOUSAND DOLLARS (\$275,000), AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

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

LEGISLATION – FIRST READING:

ORDINANCE NO. 3-6: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACTS FOR THE IMPROVEMENT OF THE HICKORY DRIVE RELIEF SEWER AND OTHER IMPROVEMENTS, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 3-6 stands on first reading.

ORDINANCE NO. 3-7: AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BERA BY REZONING A CERTAIN AREA OF LAND AT 285 FRONT STREET FROM COMMERCIAL CENTER (CC) DISTRICT TO COLLEGE (CD) DISTRICT.

The Clerk read the title of the Ordinance.

Mr. Maxwell verified that this property, if rezoned, would continue to remain off the tax duplicate. Mrs. Brown acknowledged that he was, indeed, correct.

Mrs. Key informed Council that, currently, the building stands empty.

Proposed Ordinance No. 3-7 stands on first reading.

ORDINANCE NO. 3-8: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO ANY AND ALL AGREEMENTS WITH THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF ROCK SALT FOR THE 2015-2016 WINTER SEASON, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Walters informed Council that this Ordinance authorizes the City to participate in the summer salt purchase program, as well as the 2015-2016 winter program. He noted that the City currently has an appropriate amount of reserves, and based on normal usage, the City will most likely not need to participate in the summer program. This Ordinance, however, keeps that option available. He concluded his comments by stating that the deadline for participation in this program is prior to the next Council meeting, and the City was only recently made aware of the County's timetable.

Moved by Mr. Haschka, seconded by Mrs. Key, that the three reading rule be suspended for Ordinance No. 3-8. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Maxwell and Zacharyasz. Nays: None. The motion carried and the three reading rule was thus suspended.

Moved by Mr. Haschka, seconded by Mrs. Key, that Ordinance No. 3-8 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

President Brown wished the Mayor a very happy birthday, and then congratulated Mr. Walters on being the 2015 recipient of the Berea Grindstone Award.

President Brown concluded her comments by encouraging Council to attend the Small Business Seminar on April 1, 2015 at the Center for Innovation and Growth on the campus of Baldwin-Wallace University.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Maxwell had no report.

Mr. Zacharyasz had no report.

Mrs. Banaszak thanked Mayor Kleem and his Service Department crew for their quick response to a flooding issue in her Ward over the weekend. Mayor Kleem confessed that Mrs. Jones was actually the one who promptly handled the issue.

Mr. Haschka had no report.

Mrs. Key gave her weekly shout out to the Service Department for promptly repairing two watermain breaks on her street. She also congratulated the Polish Village Tavern for 20 years of wonderful service to the City of Berea. She concluded her comments by offering prayers for Steve.

Mr. Lange echoed the comments of Mrs. Key, and asked for prayers for Steve.

Mr. Malott was not present.

CORRESPONDENCE

The February 27, 2015 – March 12, 2015 Correspondence is available in the Clerk’s office.

OTHER BUSINESS:

Mrs. Esson reminded Council to fill out their Financial Disclosure forms, and announced that Poultry Registration forms are now available in the Building Department.

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 8:34p.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 16th day of March, 2015, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council