

**MINUTES OF A REGULAR COUNCIL MEETING**  
**April 20, 2015 – 7:30p.m.**

Council of the City of Berea, Ohio, met in the Council Chamber on April 20, 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. Absent: None. 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 April 6, 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. Haschka, seconded by Mrs. Key, that the minutes from the April 6, 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 thanked Baldwin-Wallace University for an outstanding statue dedication ceremony for Harrison Dillard, the 4-time Olympic Champion.

Mayor Kleem also congratulated Jim Walters, the 2015 recipient of the Grindstone Award, and thanked him for all that he has done for the City of Berea.

**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 residents that Friday is bulk trash collection day. She also encouraged everyone to watch for signs as hydrant flushing continues throughout the City.

**Marty Compton – Director of Recreation:**

Mr. Compton had no report.

**COMMENDATIONS:****RESOLUTION NO. 4-8: A RESOLUTION HONORING AND COMMENDING GREG HAMMOND FOR HIS ACHIEVEMENT IN ATTAINING THE RANK OF EAGLE SCOUT.**

The Clerk read the Resolution in full.

Moved by Mr. Lange, seconded by Mr. Haschka, that Resolution No. 4-8 be approved. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Resolution was approved.

Mrs. Brown congratulated Mr. Hammond on his impressive achievement and also recognized his Mom, Peggy Hammond, who was present in the audience as well.

**PETITIONS:**

None

**AUDIENCE PARTICIPATION:**

Michael Wolf, a resident of Quarrytown, began by informing Council that he has read a lot of great things about Berea's recently adopted weekly recycling collection, and requested the City's assistance in initiating a recycling program at Quarrytown. As it stands, Quarrytown only recycles paper, and with no other readily available options, the abundance of elderly and handicapped tenants simply can not make recycling a priority.

Mr. Wolf continued by explaining that he contacted Republic Services and was told that Quarrytown is not on their route and, therefore, a recyclable collection can not occur. Mr. Wolf questioned the intentions of the City, and asked if tipping fees were more of a concern than a greener environment.

Mrs. Jones explained that Republic does not collect from multi-family housing units, or apartment complexes, in part due to cost and volume issues. She added that the City can not require Quarrytown to offer recycling options, but suggested that Mr. Wolf speak with Karen Ortiz in the Service Department as she may have additional recycling resources that he could pursue.

Mr. Maxwell informed Mr. Wolf that Republic currently picks up trash and recyclables from residential properties, at a significant cost to the City and its taxpayers. The intent of the switch to Republic was both to save money and contribute to a greener environment. He encouraged Mr. Wolf to continue his dialogue with the management at Quarrytown, and also suggested he contact the County to see if they have resources available. Mr. Maxwell concluded by stating that the City will not incur a cost to commence a recycling program at Quarrytown, but can certainly help facilitate the means, by which, he might achieve his goal.

Mr. Wolf declared that any collaboration would be greatly appreciated, and thanked

Council for their time.

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

#### **Woodvale Union Cemetery Board of Trustees – Jim Maxwell**

Mr. Maxwell informed Council that the Woodvale Union Cemetery Board of Trustees met on April 8, 2015 and approved the most recent financial report, while also discussing general business matters and computer upgrades. On April 14, 2015, Woodvale presented their expansion plans to the Middleburg Heights Public Improvement Committee. The presentation detailed the 3-5 year project which would extend the active life of the cemetery another 45 years. He noted that the presentation was met with a very positive response, and thanked Mr. Haschka for attending the meeting to show support.

Mr. Maxwell concluded his comments by reporting that the Veterans Memorial is currently being prepared, and a formal dedication is slated for Veterans Day.

#### **Southwest Hospital Board of Trustees – Cheryl A. Banaszak**

Mrs. Banaszak recounted her meeting with the Southwest Health Care System Board of Directors, informing Council that the health center achieved a dozen awards in 2014 for quality and safety, and was named, by Consumer Reports, as one of the highest rated hospital for both knee replacement and surgical services. Mrs. Banaszak noted that Berea is very lucky to have such an accomplished medical facility just outside the City's border.

### **LEGISLATION – THIRD 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.

Proposed Ordinance No. 3-2 stands on third 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.

Moved by Mr. Haschka, seconded by Mr. Maxwell, that Ordinance No. 3-6 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. 3-7: AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BEREA 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.

Moved by Mr. Lange, seconded by Mrs. Key, that Ordinance No. 3-7 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:**

**ORDINANCE NO. 4-1: AN ORDINANCE CONSENTING AND AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATION AGREEMENT WITH THE COUNTY EXECUTIVE OF CUYAHOGA COUNTY FOR THE RESURFACING OF EASTLAND/FOWLES ROAD (CR186/CR299) FROM BAGLEY ROAD TO THE EAST CORPORATION LINE OF THE CITY OF BEREA, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Mr. Maxwell asked if the City will request any water or sewer work in conjunction with this project, and Mr. Walters responded in the negative.

Proposed Ordinance No. 4-1 stands on second reading.

**ORDINANCE NO. 4-2: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACTS FOR ASPHALT OVERLAYS, CONCRETE REMOVAL AND REPLACEMENT, CRACK SEALING AND BITUMINOUS SURFACE TREATMENTS TO VARIOUS CITY STREETS FOR THE ANNUAL STREET MAINTENANCE AND REHABILITATION PROGRAM, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Mr. Zacharyasz questioned why the City's list of streets to be repaired includes an alleyway. Mayor Kleem advised Council that several years back, the City began an alley program to address those streets that are infrequently used, or only utilized by local traffic. He stated that the City makes an effort to address one alley per year, and will continue to try and do this for the foreseeable future.

Mrs. Key was visibly upset that more streets in Ward 1 were not included in the 2015 Roads Program. Mayor Kleem noted that Ward 1 is undergoing one of the largest sewer rehabilitation programs in the history of the City, and it would not be prudent to repave streets only to rip them up again by sewer equipment. Mrs. Key acknowledged her understanding of the Mayor's rationale, while also remaining displeased.

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

**RESOLUTION NO. 4-3: A RESOLUTION DECLARING IT NECESSARY TO IMPROVE THE STREETS OF THE CITY OF BERA BY SUPPLYING THE SAME WITH ELECTRIC LIGHTING, INCLUDING TRAFFIC CONTROL LIGHTING, BY FIXING THE VALUE OF INTERSECTIONS NOT ASSESSED FOR TAXATION, AND AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE AND FILE TENTATIVE ASSESSMENTS TO EFFECT THE SAME, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Resolution.

Proposed Resolution No. 4-3 stands on second reading.

**ORDINANCE NO. 4-4: AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF THE STREETS IN THE CITY OF BERA BY SUPPLYING THE SAME WITH ELECTRIC LIGHTING, INCLUDING TRAFFIC CONTROL LIGHTING, AND TO LEVY ASSESSMENTS THEREFOR, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

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

**ORDINANCE NO. 4-5: AN ORDINANCE AUTHORIZING THE SALE OF PERSONAL PROPERTY INCLUDING, BUT NOT LIMITED TO, VEHICLES, EQUIPMENT, TOOLS AND SUPPLIES, WHICH ARE NO LONGER NEEDED FOR PUBLIC USE OR ARE OBSOLETE OR UNFIT FOR THE USE FOR WHICH THEY WERE ACQUIRED, BY INTERNET AUCTION IN ACCORDANCE WITH OHIO REVISED CODE SECTION 721.15.**

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 4-5 stands on second reading.

**ORDINANCE NO. 4-6: AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF BERA AND THE RIVERSIDE GARDENS HOMEOWNER'S ASSOCIATION FOR MAINTENANCE OF A RETAINING WALL.**

The Clerk read the title of the Ordinance.

Mr. Maxwell inquired as to when Council will receive the exhibit, and Mr. Walters stated that the exhibit was received this afternoon, and Council will have it soon. He added that the changes made by the attorney for the HOA were, in his opinion, not substantive.

Representatives from the Riverside Gardens Homeowner's Association were present in the audience.

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

**LEGISLATION – FIRST READING:**

**RESOLUTION NO. 4-9: A RESOLUTION ACKNOWLEDGING APRIL 22, 2015 AS EARTH DAY, AND APRIL 24, 2015 AS ARBOR DAY, AND PROMOTING AND ENCOURAGING ALL RESIDENTS IN THE CITY OF BEREA TO CULTIVATE AND APPRECIATE TREES AND ALL ARBOREAL GIFTS OF NATURE.**

The Clerk read the Resolution in full.

Moved by Mr. Malott, seconded by Mr. Lange, that Resolution No. 4-9 be approved. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Resolution was approved.

**ORDINANCE NO. 4-10: 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. 2015-23.**

The Clerk read the title of the Ordinance.

Mrs. Kavander noted two amendments to the budget. The first dealt with Fund 290, the Court Computer Fund. She explained that when the City reclassified one Court employee back to the Court Computer Fund, the health insurance costs were not transferred. This simply corrects that oversight.

Mrs. Kavander next addressed Fund 300, the Bond Retirement Fund, and explained that the City refinanced and rolled over some notes to bonds. The increase in the budget is, however, offset by the bond revenues.

Moved by Mr. Lange, seconded by Mr. Haschka, that the three reading rule be suspended for Ordinance No. 4-10. 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 thus suspended.

Moved by Mr. Lange, seconded by Mrs. Key, that Ordinance No. 4-10 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. 4-11: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACTS FOR THE CONSTRUCTION, RECONSTRUCTION, IMPROVEMENT, REPAIR AND REPLACEMENT OF A PART OF TROTTER LANE, BRIDLE LANE, YEARLING DRIVE, CANTER CIRCLE, PADDOCK CIRCLE, SHETLAND CIRCLE, SURREY CIRCLE AND STARLITE DRIVE, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Mr. Maxwell questioned what is involved in Phase 1 of this project. Mayor Kleem stated

that Phase 1 will include improvements to Bridle Lane, Starlite Drive and all of the caul-de-sacs. Depending how the bids come in, things may change, but this will likely be the extent of Phase 1.

Mr. Maxwell asked if the streets will undergo a full repair, similar to those recently addressed in Longbrooke. The Mayor responded in the affirmative.

Mr. Malott noted that the caul-de-sacs are being repaired first so that heavy equipment does not have to progress over newly paved streets to reach the caul-de-sacs. The rationale makes sense.

Proposed Ordinance No. 4-11 stands on first reading.

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

President Brown wished Mr. Walters good luck at the Grindstone Award Dinner.

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

Mrs. Banaszak announced that May 9, 2015 is the annual Shred Fest and Downtown Garage Sale. She also stated that May 16, 2015 is Opening Day for BBA baseball.

Mr. Haschka had no report.

Mrs. Key wished the Harris Family matriarch, Mrs. Payne, a Happy 100<sup>th</sup> Birthday, and encouraged residents to utilize the City newsletter. She then acknowledged the young students from Baldwin-Wallace University in the audience. Mayor Kleem noted that he met with some students last Monday night, since Council did not have a Work Session.

Mr. Lange had no report.

Mr. Malott had no report.

Mr. Maxwell had no report.

Mr. Zacharyasz had no report.

### **CORRESPONDENCE**

The April 3, 2015 – April 16, 2015 Correspondence is available in the Clerk's office.

### **OTHER BUSINESS:**

Mrs. Esson recognized and congratulated her cousin, Jenny Maykut, on an outstanding Boston Marathon.

Moved by Mr. Haschka, seconded by Mrs. Key, that Council move in to Executive Session pursuant to Ohio Revised Code Section 121.22(G)(8) to consider marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance. He noted that the information which will be discussed involves public infrastructure improvements directly related to an economic development project, and that the Executive Session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and President Brown called a brief recess at 8:17p.m. to allow the audience and press time to exit the Chamber.

Council returned to Regular Session at 9:04p.m.

There being no further business before Council, moved by Mr. Lange, seconded by Mr. Haschka, 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 9:05p.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 20<sup>th</sup> day of April, 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