

**MINUTES OF A REGULAR COUNCIL MEETING**  
**April 6, 2015 – 7:30p.m.**

Council of the City of Berea, Ohio, met in the Council Chamber on April 6, 2015 and was called to order by President of Council Mary K. Brown at 7:35p.m. Present: Nick Haschka, Margarette S. Key, Dale A. Lange, Richard T. Malott, Jim Maxwell and Gene Zacharyasz. Absent: Cheryl A. Banaszak. Also present: Director of Safety and Service Barb Jones 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 16, 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 was not present.

In response to a question from Mrs. Brown, Mr. Walters asked Council to postpone acting on proposed Ordinance No. 3-2, as the Administration is still considering reinstating the position of Assistant Fire Chief.

**REPORT AND COMMENTS BY THE OFFICERS OF THE ADMINISTRATION:**

**Dana Kavander – Director of Finance:**

Mrs. Kavander was not present.

**James N. Walters III – Director of Law:**

Mr. Walters had no report.

Mrs. Key informed Mr. Walters that she has received several complaints regarding excessive train horns at all hours of the day and night. She wondered if anything could be done to discourage these acts. Mr. Walters asked Council to provide him with the times at which, and tracks on which, these horns are blowing so that he can transmit the concerns to the proper Railroad Officials. Mrs. Key noted that one train horn sounds at 3:25a.m. near North Rocky River Drive.

Mr. Walters agreed to reach out to both Railroads.

**Barb Jones – Director of Public Safety and Service:**

Mrs. Jones announced the retirement of Public Service Superintendent Don Kelch, adding that Paul Anzalone has thus been promoted to the position. She noted that Mr. Anzalone brings with him several innovative ideas involving the utilization of technology.

Mrs. Jones reminded Council and the listening audience that yard waste pick-up will begin again on April 17, 2015, and concluded her report by declaring that hydrant flushing will begin the week of April 12, 2015, and continue for four weeks.

Mrs. Key asked when street sweeping will commence, and Mrs. Jones responded that the truck has been out the last three weeks, and will continue to be out regularly now that the weather is improving.

**Marty Compton – Director of Recreation:**

Mr. Compton was not present.

**COMMENDATIONS:**                      **None**

**PETITIONS:**                              **None**

**AUDIENCE PARTICIPATION:**      **None**

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

Mr. Maxwell informed Council that the Woodvale Cemetery Board of Trustees quarterly meeting will take place at 7:00a.m. on Wednesday, April 8, 2015. He also reminded 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.

**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.

Mr. Maxwell inquired as to the thought process behind reinstating the position of Assistant Fire Chief. Mrs. Jones explained that the Administration has been speaking with firefighter representatives, as well as the Fire Chief, in order to determine that the new Lieutenant position is in the best long term interests of the City. The Mayor had made a commitment to reconsider the position of Assistant Fire Chief, and before the pending legislation is adopted, wishes to fully consider the benefits of each position and ensure the appropriate choice is made for the betterment of the City of Berea.

Mrs. Jones added that the Memorandum of Understanding has not yet been finalized, and stated that, by the next regular meeting, the Administration will be prepared with a recommendation of how best to proceed.

Mr. Maxwell questioned where the Firefighters Union stands on the legislation. Mrs. Jones confirmed that the Union is supportive of the new Lieutenant position, but they too are considering the long term interests of both the Fire Department and the City. She stated her opinion that it is in the best interests of all involved if this legislation remains on third reading.

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

**ORDINANCE NO. 3-3: AN ORDINANCE AUTHORIZING, RATIFYING AND AFFIRMING THE CITY OF BERA 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.

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

**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.

Moved by Mr. Haschka, seconded by Mr. Maxwell, that proposed Ordinance No. 3-5 be adopted. Vote on the motion was ayes: Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

**LEGISLATION – SECOND 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 second reading.

**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 Mrs. Key, seconded by Mr. Haschka, that proposed Ordinance No. 3-7 be referred to the Municipal Planning Commission. Vote on the motion was ayes: Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was referred to the Planning Commission.

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

**LEGISLATION – FIRST 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. Walters informed Council that the resurfacing will take place between Bagley Road and Pearl Road, and thus Middleburg Heights City Council will be considering a similar piece of legislation.

Mr. Maxwell inquired as to whether or not the City is paying any portion of the resurfacing. Mr. Walters responded in the negative, clarifying that the City is simply authorizing the County to attribute the proper portion of the license tax to this project once disbursement begins.

Mr. Maxwell asked if the City will request any water or sewer work in conjunction with this project, and Mr. Walters stated that, at present, it does not look like the City Engineer will recommend any additional water or sewer projects be completed.

Mr. Walters concluded the discussion by stating that the project is slated for 2016.

Proposed Ordinance No. 4-1 stands on first 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.

Mrs. Key emphasized that she has added on to her list of street requests, and would like the roads on her list repaired.

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

**RESOLUTION NO. 4-3: A RESOLUTION DECLARING IT NECESSARY TO IMPROVE THE STREETS OF THE CITY OF BEREA 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 first reading.

**ORDINANCE NO. 4-4: AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF THE STREETS IN THE CITY OF BEREA 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 first 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.

Mrs. Jones explained that this legislation would allow the City to conduct internet auctions all throughout the year. The Ordinance would not prohibit live auctions, but Mrs. Jones noted that internet auctions seem to garner a better return.

Mr. Walters credited Mrs. Jones with the realization that an Ordinance such as this would

be in the best interests of the City. He added that it will be added to the list of recurring legislation, and need to be annually adopted.

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

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

The Clerk read the title of the Ordinance.

Mr. Lange inquired as to whether or not all the necessary property has been properly acquired by the City. Mr. Walters responded in the negative, adding that it remains the owner's intention to transfer the entirety of the irregularly shaped property, but this legislation deals with the maintenance of the retaining wall since it was discovered that the property line runs through the center of the wall. A maintenance agreement between the City and the Homeowner's Association is, therefore, both appropriate and necessary.

In response to a question from Mrs. Brown, Mr. Walters stated that the maintenance agreement will be split between the HOA and the City, with the City being responsible for the outer portion of the wall. He noted that any future maintenance will need the approval of both the City and the Homeowner's Association.

Mr. Maxwell questioned why the City has an interest in maintaining the retaining wall. Mr. Walters explained that the City walkway attaches to the wall, and also noted that when the property was split between the HOA and the developer, the property line was run down the center of wall. The developer has since agreed to transfer his property back to the City, but a portion of this property contains a part of the retaining wall.

Mr. Maxwell wondered how this retaining wall affects the West Center Street Bridge Project, and Mr. Walters responded that the land in question is necessary to house, both temporarily and permanently, the appurtenances which will be utilized throughout the bridge repair.

In response to a question from Mr. Maxwell, Mr. Walters alluded to the fact that Exhibit "A" is forthcoming.

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

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

President Brown thanked Linda Kramer and the Rotary Club for a wonderful reverse raffle on March 21, 2015. She thanked the Club for all they do for the City of Berea.

Mrs. Brown then reminded the listening audience about the Grindstone Award Dinner, honoring Jim Walters, which will take place on April 21, 2015.

President Brown thanked Mayor Kleem and Matt Madzy for hosting the small business seminar on April 1, 2015. She noted that Sgt. Pat Greenhill gave an excellent presentation on active shooters, and thanked Mr. Madzy for lining up a great group of speakers. She also thanked Mrs. Key for attending the seminar.

Both President Brown and Mrs. Key encouraged attendance at the May 20, 2015 small business seminar.

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

Mr. Zacharyasz offered his sincere condolences to the family of John Fowles.

Mrs. Banaszak was not present.

Mr. Haschka announced that the weekly Coe Lake Car Shows will commence on May 17, 2015, and continue throughout the end of September.

Mrs. Key acknowledged the Rotary Club for hosting a wonderful reverse raffle. She also thanked Mr. Madzy for all the information that was provided at the small business seminar.

Mr. Lange had no report.

Mr. Malott had no report.

Mr. Maxwell had no report.

### **CORRESPONDENCE**

The March 13, 2015 – April 2, 2015 Correspondence is available in the Clerk's office.

### **OTHER BUSINESS:**

Mrs. Esson reminded Council to fill out their Financial Disclosure forms, and expressed her hope that Duke would emerge victorious in tonight's Men's Basketball National Championship Game.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that Council's April 13, 2015 Work Session be cancelled. Vote on the motion was all ayes and no nays. The motion carried and the Work Session was thus cancelled.

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 8:09p.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 6<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