

CITY OF BEREA, OHIO

MINUTES OF A COUNCIL WORK SESSION

MAY 11, 2015 - 7:30p.m.

A Work Session of Berea City Council was held in the Council Chamber on May 11, 2015 and was called to order at 7:30p.m. by President of Council Mary K. Brown with the following members present: Cheryl A. Banaszak, Nick Haschka, Margarette S. Key, Dale A. Lange, Richard T. Malott, Jim Maxwell and Gene Zacharyasz. Also present were Mayor Cyril M. Kleem, Director of Finance Dana Kavander, Director of Law James N. Walters III and Berea Municipal Court Judge Mark Comstock.

All who were able rose for the Pledge of Allegiance.

This meeting was open to the public in accordance with all legal requirements including C.O. Section 109 and Section 121.22 of the Ohio Revised Code.

FACILITIES AND COURT COMMITTEE

Chair: Jim Maxwell; Members: All of Council

Mr. Maxwell called the meeting of the Facilities and Court Committee to order at 7:31p.m. He acknowledged that the intent of the meeting was to discuss proposed Ordinance No. 11-12, the title of which reads as follows:

ORDINANCE NO. 11-12: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACTS FOR THE IMPROVEMENT OF THE MUNICIPAL COURT AND BEREA CITY HALL BUILDING AND OTHER IMPROVEMENTS, AND DECLARING AN EMERGENCY.

Mr. Maxwell reminded Council that, at the last regular meeting, the notion of splitting this Ordinance in to two was briefly discussed. One Ordinance would authorize the project to go out for bid, while the other Ordinance would authorize the Administration to enter in to one or more contracts. He gave Judge Comstock the opportunity to address Council.

Judge Comstock explained that the project estimates are from an experienced architectural firm, but they are still estimates. Until the bids come in, the Court will not know if adjustments need to be made. Judge Comstock, therefore, asked that the project go out to bid as soon as possible.

Mr. Maxwell inquired as to whether or not the project would be bid out in two phases. Judge Comstock stated that the intent is to put the entire project out to bid, and Mike Molchan, of Makovich and Pusti Architects, continued by reiterating the full scope of the project and what each phase will entail. He explained that Phase 1 will include the 2nd floor addition and new Courtroom and Chambers. The probation renovation and vestibule

enclosure would also be included within this phase. Phase 2 would tackle the Clerk of Court's office and the current Courtroom overhaul.

Mr. Maxwell confirmed that Phase 2 should include the curtain wall, and Mr. Molchan stated that the curtain wall is not a part of either phase. Mr. Maxwell asked for clarification as to whether or not the curtain wall replacement is necessary for the completion of Phase 2 of the project. Mr. Molchan responded that it is not necessary, but without it, the issue of leaking windows will not be remedied. Mr. Maxwell concluded that without the curtain wall replacement, the City runs the risk of allowing new work to be damaged by the elements.

Mr. Maxwell requested that Mrs. Kavander explain the document she distributed to Council this evening. Mrs. Kavander stated that the document provides a brief analysis of the Court Construction Fund. After reviewing the financials that the Court has provided from January-May, she declared that she is comfortable certifying \$1,485,587.57 for the project. Mr. Maxwell asked for clarification on the certification. Mrs. Kavander explained that before a project goes out for bid, she must certify that the funds are available.

Judge Comstock contested the proposed project amount, noting that the Court is continually bringing money in to the Court Construction Fund, and will continue to do so throughout the course of the project. Mrs. Kavander countered, stating that, per the Ohio Revised Code, the Budget Commission, the State Auditor and the Cuyahoga County Fiscal Office, the bid amount must be available in the budget at the time the bid is awarded and prior to the submittal of the purchase order. Mr. Maxwell inquired as to how the City handles multi-year projects, and Mrs. Kavander explained that grant funding or borrowed funds are always in place, and money is earmarked for these specific projects. Some projects may also go out to bid in phases.

Mrs. Brown suggested combining a few different portions of the project in to one phase, and sending that out for bid since the money will be available and able to be certified. General discussion commenced concerning the order in which the Court hopes to tackle the renovation, and whether or not the legislation should be split in to one bid piece and one contract piece. Mayor Kleem reminded Council that a decision as to whether or not the legislation should be split bears no relevance on whether or not the funds will be available to be certified. He questioned whether Mr. Molchan had considered designating parts of each phase as alternates. Both Mr. Molchan and the Council discussed which parts of the project should be designated as alternates, and it was determined that the new Courtroom would be supplemented by the addition of three alternates. The first would include the vestibule enclosure, the second would be comprised of the probation renovation, and the third would include the second floor renovation. The base bid would be contingent upon the new Courtroom and building addition.

Mayor Kleem was encouraged by this discussion, noting that the larger the base bid, the greater the chances the City will not be able to certify the bid amount. He, therefore, supported the idea of including alternates so as to avoid a return trip through the bid process. Mrs. Kavander concurred, and Council seemed agreeable with this idea.

Mr. Zacharyasz wondered if any changes would need to be made to the legislation in question if more alternates are being requested by Council. Mr. Walters responded that the architect will supply the bid information, a copy of which will be on file in the Engineer's Office, and the Administration will also review the proposals.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that proposed Ordinance No. 11-12 be placed upon the May 18, 2015 Regular Council Meeting agenda for third reading. Vote on the motion was all ayes and no nays. The motion carried.

Seeing no further business before the Facilities and Court Committee, Mr. Maxwell declared the meeting adjourned at 8:17p.m.

OTHER BUSINESS

Mayor Kleem reminded Council about the active shooter training at St. Mary's School on June 8, 2015.

Steve Wolf, a local attorney, commented that the condition of the Berea Courtroom is atrocious and must be attended to as soon as possible. He thanked Council for supporting the Court Renovation Project.

With no further business before Council, adjournment was moved by Mr. Haschka, and seconded by Mrs. Key. Vote on the motion was all ayes and no nays, and thus the meeting adjourned at 8:21p.m.

Alycia Esson
Clerk of Council

CERTIFICATE OF COMPLIANCE

The Work Session of the Council of the City of Berea, Ohio, held on the 11th day of May, 2015, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council