

MINUTES OF A REGULAR COUNCIL MEETING
May 4, 2015 - 7:30p.m.

Council of the City of Berea, Ohio, met in the Council Chamber on May 4, 2015 and was called to order by President of Council Mary K. Brown at 7:30p.m. Present: Cheryl A. Banaszak, Nick Haschka, Margarett S. Key, Dale A. Lange, Richard T. Malott, Jim Maxwell and Gene Zacharyasz. Absent: None. Also present: Director of Recreation Marty Compton, Director of Safety and Service Barb Jones, Director of Finance Dana Kavander, Director of Law James N. Walters III, City Engineer Tony Armagno, Assistant City Engineer Ryan Theberge and Traffic Consultant Tom Ross.

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 20, 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. Lange, seconded by Mr. Haschka, that the minutes from the April 20, 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

The Mayor was not present.

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. Banaszak stated that she had received calls regarding significant potholes on Austin Street and Fuller Street, and wondered if they would be patched soon. Mrs. Jones informed Council that the asphalt truck is out and on a scheduled route, but if found to be necessary, they can briefly deviate from their route so as to tackle any extremely treacherous holes.

Marty Compton – Director of Recreation:

Mr. Compton had no report.

Tony Armagno – City Engineer:

Mr. Armagno was present to discuss both the issue of the speed limit on North Rocky River Drive, as well as noise mitigation along the Ohio Turnpike within the City of Berea. He began by introducing the City's Traffic Consultant, Tom Ross, and the Assistant City Engineer, Ryan Theberge, who completed his Masters thesis on noise walls.

Mr. Armagno's presentation is included at the conclusion of these minutes.

In summary of the North Rocky River situation, Mr. Armagno explained that while the City has investigated the need for a speed limit reduction on North Rocky River Drive, the collected data does not support such an alteration, and thus the City, while continuing to monitor the area, will not pursue a request through ODOT for speed limit reduction.

In summary of the noise mitigation along the Ohio Turnpike, Mr. Armagno announced that in 2014 the Ohio Turnpike Commission created a two year program to address the mitigation of negative impacts caused by the turnpike. The Commission has allocated \$5,000,000.00 for this program. Mr. Armagno stated that the City has applied for an approximate grant of \$1,000,000.00 for noise walls along the Dorland area. Grant winners have not yet been announced.

Aliceann Brabenec, a member of the audience, asked if this two-year trial program could be extended, and additional funding made available, for continued noise mitigation. Mr. Armagno stated that this is a possibility, noting that the City will continue to look for funding sources, as it is a priority in our community.

Nadine Peters, a member of the audience, stated her fear that the turnpike is both a noise disturbance and a safety issue for those living nearby.

Lola Orr questioned why the noise walls placed during the 2009 pilot program can't be relocated to an area where they would be more useful. Mr. Armagno explained that these walls are a part of a pilot project, and thus data continues to be collected and examined. He noted that it has been determined that the walls did, in fact, contribute to decreased noise levels.

Mr. Maxwell commented that while he certainly understands the frustration concerning turnpike noise, and agrees that something needs to be done to mitigate its effects, he thinks that this program is the first time that the City has a legitimate chance of achieving some form of relief. He is encouraged by this.

Mrs. Brown questioned prior comments made by the Mayor that cautioned that new and improved sound mitigation technology may be coming soon, and advised that it would be prudent for the City to pursue the more advanced mitigation materials, rather than what is currently available. She asked for Mr. Armagno's input. Mr. Armagno stated that technology is always developing, and the City continues to look at these advances. He noted that the Mayor's

placed on the regular Council Meeting Agenda for third reading on May 18, 2015. Vote on the motion was all ayes and no nays. The motion carried.

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.

Mrs. Jones thanked Council for their patience on this piece of legislation and announced that both the Administration and Firefighters have agreed that it is in the best interest of the department to proceed forward at this time with the position of a 4th Lieutenant, rather than pursuing talks regarding the re-establishment of an Assistant Fire Chief. She noted that the City will review the latter issue before the end of 2016, but for now the Administration is asking for adoption of Ordinance No. 3-2 so that the Fire Prevention Program can get off the ground.

Mr. Maxwell asked if the Firefighters, the Fire Chief and the Firefighters' Union were all on board with this decision, and Mrs. Jones responded in the affirmative, adding that a more productive and collaborative relationship is developing between the Fire Department and the Administration.

Moved by Mr. Maxwell, seconded by Mr. Lange, that Ordinance No. 3-2 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. 4-1: 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 this work would take place next year, and Mr. Armagno responded in the affirmative.

Moved by Mr. Lange, seconded by Mrs. Banaszak, that Ordinance No. 4-1 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. 4-2: 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.

Moved by Mr. Haschka, seconded by Mrs. Key, that Ordinance No. 4-2 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.

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.

Moved by Mr. Lange, seconded by Mr. Haschka, that Resolution No. 4-3 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. 4-4: 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.

Moved by Mr. Malott, seconded by Mr. Lange, that Ordinance No. 4-4 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. 4-5: 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.

Moved by Mr. Haschka, seconded by Mr. Maxwell, that Ordinance No. 4-5 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. 4-6: 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.

Moved by Mrs. Key, seconded by Mr. Haschka, that Ordinance No. 4-6 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.

LEGISLATION – SECOND READING:

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.

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

LEGISLATION – FIRST READING:

ORDINANCE NO. 5-1: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CLEVELAND BROWNS FOR IMPROVEMENTS TO, AND USE OF, THE BUILDING AND FACILITIES AT 76 LOU GROZA BOULEVARD, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 5-1 stands on first reading.

ORDINANCE NO. 5-2: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CUYAHOGA COUNTY LAND BANK PROVIDING FOR THE DEMOLITION OF THE STRUCTURES ON CERTAIN PROPERTIES IN BEREA AND PROVIDING THAT ANY COSTS WHICH MAY EXCEED THOSE COVERED BY THE GRANT AMOUNT AWARDED BY THE COUNTY FOR THAT PURPOSE WILL BE PAID BY THE CITY OF BEREA, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Walters stated that Exhibit “A” should be available soon, but noted the City does not anticipate that the cost of the razing and removal will exceed the grants amounts available. This is simply a precautionary piece.

Proposed Ordinance No. 5-2 stands on first reading.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

President Brown thanked the Chamber for a terrific Grindstone Award Dinner, and congratulated Mr. Walters on his receipt of the award, thanking him for all of his service to the community.

Mrs. Brown also reminded Council about the upcoming Chamber event at Perk-Cup Café.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Haschka reminded the listening audience about the weekly summer car shows that will commence on May 17, 2015.

Mrs. Key noted that she was happy to see the sewer project commencing on the North End.

Mr. Lange announced that the Shred Fest has been moved to May 23, 2015 and will take place from 9:00a.m. to noon at Berea-Midpark High School.

Mr. Lange also stated that he and Linda Kramer were present at the Berea City School District Distinguished Alumni Hall of Fame ceremony at which several people were inducted in to the Hall of Fame, including Susan Davies and Martha Naylor. Both Jeff King and William Wade were posthumously inducted as well.

Mr. Malott asked Mrs. Jones about downed power lines on Trotter Lane. He stated that street lights have now been out for three weeks. Mrs. Jones replied that she will have the Service Department contact the Illuminating Company to resolve the issue.

Mr. Maxwell had no report.

Mr. Zacharyasz reminded the listening audience about the Berea Garage Sale, and announced that the Berea City Club Annual Rib Cook-off will again take place this Memorial Day weekend.

Mrs. Banaszak had no report.

CORRESPONDENCE

The April 17, 2015 – April 30, 2015 Correspondence is available in the Clerk's office.

OTHER BUSINESS:

Mrs. Esson announced that the 2015 Memorial Day recipient of the Colonel William H. Beyer Commendation for Outstanding Military Service is Lance Corporal William Glenn Wade, a true American hero. The Commendation will be posthumously presented at the May 18, 2015 Regular Council Meeting.

Mrs. Esson noted that she has been working with a student intern, and thanked all the

City Departments that have agreed to assist in educating her about City Government.

Mrs. Brown reminded Council about the Work Session on May 11, 2015.

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 8:52p.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 4th 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