

MINUTES OF A REGULAR COUNCIL MEETING
October 19, 2015 – 7:30p.m.

Council of the City of Berea, Ohio, met in the Council Chamber on October 19, 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, Richard T. Malott, Jim Maxwell and Gene Zacharyasz. Absent: Dale A. Lange. Also present: Director of Recreation Marty Compton 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 October 5, 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.

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 informed Council that proposed Ordinance No. 10-6, the re-write of the Tax Code, was necessitated by changes made in the Ohio State Legislature. The legislation is simply in draft form, and will likely be amended after review by Mrs. Kavander. He encouraged anyone with questions to direct them to him either tonight or throughout the coming weeks. Mr. Walters noted that the effective date of the Ordinance is January 1, 2016 and, therefore, suspension will not be requested.

Mrs. Brown reminded Council to copy Mayor Kleem on any emails sent to Department Directors.

Barb Jones – Director of Public Safety and Service:

Mrs. Jones was not present, so it was left to Mr. Maxwell to remind residents about bulk trash collection this week.

On behalf of Mrs. Jones, Mr. Walters requested that residents rake leaves out of any catch basins on their properties, so as not to clog storm sewers.

Marty Compton – Director of Recreation:

Mr. Compton had no report.

Mrs. Banaszak stated that, having spoken with Bill Meany, the Ward 1 Councilman from Middleburg Heights, late night noise continues to be an issue at Lou Groza Field, with activities necessitating the use of field lights beyond 11:00p.m. One resident with school age children commented that during the summer this is not as great a concern, but school nights are a different story. Mrs. Banaszak acknowledged that current programming is, most likely, unable to be altered, but wondered if, moving forward, time restrictions could be placed on field usage.

Mr. Walters explained that an effort between the Berea City School District, the Berea Police Department and all those who use the facility could be coordinated in order to establish reasonable rules that take the neighborhood environment in to consideration. He noted that no complaints have been received from Berea residents.

Mr. Compton confirmed that Baldwin-Wallace University utilizes the field for their intramural flag football league, which does run late in to the night.

COMMENDATIONS: None

PETITIONS: None

AUDIENCE PARTICIPATION: None

COUNCIL COMMITTEE REPORTS AND COMMITTEE ANNOUNCEMENTS: None

LEGISLATION – THIRD READING:

ORDINANCE NO. 9-4: AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE APPLICATION FOR, AND, IF AWARDED, TO ENTER INTO A COOPERATION AGREEMENT WITH THE COUNTY EXECUTIVE OF CUYAHOGA COUNTY, OHIO, AND THE DEPARTMENT OF DEVELOPMENT FOR THE UTILIZATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FUNDS MADE AVAILABLE BY THE HOUSING AND COMMUNITY DEVELOPMENT ACTS OF 1974, 1977, 1980 AND 1983, AS AMENDED, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

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

ORDINANCE NO. 9-5: AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR CONVEYANCE BETWEEN THE CUYAHOGA COUNTY LAND REUTILIZATION CORPORATION AND THE CITY OF BEREA FOR TRANSFER OF A PROPERTY LOCATED AT 156 PROSPECT ROAD TO THE CITY OF BEREA, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that proposed Ordinance No. 9-5 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

LEGISLATION – SECOND READING:

ORDINANCE NO. 10-1: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CUYAHOGA COUNTY ON BEHALF OF THE CUYAHOGA COUNTY DEPARTMENT OF PUBLIC WORKS (CCDPW), FOR PARTICIPATION IN THE CUYAHOGA COUNTY PREVENTIVE MAINTENANCE PROGRAM, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 10-1 stands on second reading.

ORDINANCE NO. 10-2: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OR HIS DESIGNEE TO ENTER INTO VARIOUS CONTRACTS AND AGREEMENTS FOR A WATER METER AND WATER METER TRANSMITTING UNIT REPLACEMENT PROGRAM, AUTHORIZING THE DIRECTOR OF FINANCE TO RECEIVE ALL LOAN AND REVENUE PROCEEDS, AND TRACK EXPENDITURES, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 10-2 stands on second reading.

LEGISLATION – FIRST READING:

RESOLUTION NO. 10-3: A RESOLUTION AUTHORIZING AND APPROVING PARTNERING WITH THE CITY OF BROOK PARK IN AN EFFORT TO ESTABLISH A QUIET ZONE DESIGNATION AREA AND LOCKOUT GATES FOR THE SHELDON ROAD-NORFOLK SOUTHERN CROSSING AND AUTHORIZING THE MAYOR OF THE CITY OF BROOK PARK, OR HIS DESIGNEE, TO ISSUE, ON BEHALF OF THE CITY OF BEREA, A NOTICE OF INTENT TO THE NORFOLK SOUTHERN RAILWAY AND PURSUE SUCH ACTIVITIES AS ARE NECESSARY TO FULLY DETERMINE THE FEASIBILITY OF SUCH AN ENDEAVOR, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Resolution.

Mr. Maxwell reminded the listening audience that Mike Dolan, Brook Park's Economic Development Commissioner, spoke before Council and requested support for the establishment

of the aforementioned Quiet Zone. Mr. Maxwell emphasized that no money is being allocated, at present, and noted that the process to establish a Quiet Zone is extensive, and could take several years. If one does, indeed, come to fruition, it will target the tracks nearest the old Toth Property, and would certainly have a positive impact on the residents in that neighborhood, as well as the City as a whole.

Proposed Resolution No. 10-3 stands on first reading.

ORDINANCE NO. 10-4: AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A LEASE AGREEMENT WITH THE BEREA BASEBALL ASSOCIATION FOR ITS CONSTRUCTION, USE AND MAINTENANCE OF A STORAGE STRUCTURE AT THE JASON MALONE PARK RECREATION AREA, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

In response to a question from Mrs. Banaszak, Mr. Walters briefly touched upon the specifics of the deal, stating that the agreement will lease the storage shed to the BBA for \$1.00 a year, plus accompanying maintenance commitments.

Mr. Maxwell questioned where this new storage shed will be located and how, exactly, the current unused pavilion will be incorporated in to the design. Mr. Compton responded that the shed will be located between Field 1 and Field 2, and will be built around the current pavilion. The BBA will be responsible for the total upkeep of the shed.

Mr. Zacharyasz referenced the portion of the lease agreement that discusses how the City can, at any time, revoke the lease provided a 90 day notification is delivered. He questioned whether there is, initially, a definitive amount of time guaranteed to the BBA. Mr. Walters declared that the lease is anticipated to be indefinite, but added that the initial term is one year, after which the BBA must issue a notice of renewal to the City.

Mrs. Banaszak acknowledged Scott Hubler, a representative from the BBA, present in the audience. Mr. Hubler stated that while he has not yet read the agreement, the terms seem consistent with prior discussions on the matter. He explained that the BBA will construct and maintain the storage shed, which will be aesthetically pleasing for Jason Malone Park, and more productive for the BBA overall.

In response to an inquiry, Mr. Hubler noted that the shed will be constructed of wood, sided, and painted to match the fieldhouse.

Mrs. Banaszak asked to be added as a sponsor of this Ordinance.

Proposed Ordinance No. 10-4 stands on first reading.

ORDINANCE NO. 10-5: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BEREA TO ENTER INTO A CONTRACT WITH THE GENERAL HEALTH DISTRICT OF CUYAHOGA COUNTY, OHIO, PROVIDING FOR HEALTH SERVICES FOR THE CITY OF BEREA FOR THE YEAR 2016, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 10-5 stands on first reading.

ORDINANCE NO. 10-6: AN ORDINANCE REVISING AND REENACTING CHAPTER 191, INCOME TAX, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 10-6 stands on first reading.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

President Brown announced that the next Small Business Seminar will occur on November 18, 2015 at Baldwin-Wallace University's Center for Innovation and Growth. She encouraged everyone to attend, adding that the seminars have been well received by the business community.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Haschka had no report.

Mrs. Key had no report.

Mr. Lange was not present.

Mr. Malott had no report.

Mr. Maxwell had no report.

Mr. Zacharyasz had no report.

Mrs. Banaszak addressed a letter of complaint she received from a resident in her Ward who is concerned about late and loud parties at 142 Beech Street, particularly one that occurred back on October 3, 2015. The letter relayed a host of disruptive and destructive issues and explained that the Police were called out to the property, which only temporarily halted the noise. Mrs. Banaszak asked if the Police Department could review neighborhood policies with these students, addressing the fact that they live in a residential neighborhood and must behave as such. She further requested that this area be provided special attention by the Police Department.

Mrs. Brown referenced the three strike policy implemented a few years back by the City, and Mr. Walters responded that while this property owner has been sent nuisance letters in the

past, he is unaware if any have been sent out this year. He added that Srg. Greenhill can go out and speak with the students, if he has not done so already.

CORRESPONDENCE

The October 1, 2015 – October 15, 2015 Correspondence is available in the Clerk's office.

OTHER BUSINESS:

Mrs. Esson briefly reviewed the application for renovations at the Browns Training Facility, noting that the site plan was approved by the Municipal Planning Commission at their October 15, 2015 meeting.

Mrs. Esson congratulated her brother on qualifying for the Boston Marathon at yesterday's Columbus Marathon with a time of 3:02:51.

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 7:56p.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 19th day of October, 2015, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council