

MINUTES OF A REGULAR COUNCIL MEETING
November 16, 2015 – 7:30p.m.

Council of the City of Berea, Ohio, met in the Council Chamber on November 16, 2015 and was called to order by President of Council Mary K. Brown at 7:30p.m. Present: Cheryl A. Banaszak, Nick Haschka, Dale A. Lange, Richard T. Malott, Jim Maxwell and Gene Zacharyasz. Absent: Margarette S. Key. 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 Mr. Lange, that Linda Marginian be appointed Acting Clerk of Council for the November 16, 2015 Regular Council Meeting. Vote on the motion was all ayes and no nays. The motion carried.

Moved by Mr. Haschka, seconded by Mrs. Banaszak, that the minutes from the November 2, 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. Banaszak, that the minutes from the November 2, 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 those who participated on Senior Leaf Raking Day, as well as those who attended the blanket making party at the Recreation Center. He also offered his sincere appreciation to the Trustees and staff at Woodvale Cemetery for a wonderful dedication ceremony on Veterans Day, adding that the Veterans Memorial is a tremendous tribute to those who have served our nation.

Mayor Kleem recommended that a discussion be had with regard to the Court renovation and the Judge's recent request that the City borrow money on their behalf. It was decided that the discussion should be conducted at the December 14, 2015 Council Work Session.

Mayor Kleem announced that the annual Jack Frost Festival and Parade will take place on December 5, 2015.

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 informed Council and the listening audience that a Civil Service exam for entry level Police Officers will be given on January 16, 2016 at 9:00a.m. at Berea-Midpark High School. Additional information is forthcoming.

Mr. Haschka questioned whether an entry level exam would be given for the Fire Department, and Mrs. Jones responded that the exam will likely be given in the spring.

Mrs. Banaszak inquired about the status of restricted parking areas around the high school, and Mrs. Jones informed her that the City's Traffic Consultant, Tommy Ross, took a look at the area around the school and determined that 67 signs are necessary to lawfully comply with State regulations. Each sign costs approximately \$350.00, and thus the expense will be very great. The City is, currently, considering making the signs in-house and will, for the short term, place signage in the most troublesome areas around the high school, notably on E. Fifth Avenue, Robin Drive and Louis Drive. Depending on whether the problem dissipates or expands, additional signage may be necessary next year.

Mrs. Banaszak questioned if residents or students have been informed of the pending parking restrictions, and Mrs. Jones stated in the negative, adding that details have not yet been finalized, so notices have not gone out. Mrs. Banaszak added that she simply does not want anyone to be blind-sided by the change.

Marty Compton – Director of Recreation:

Mr. Compton had no report.

COMMENDATIONS:**RESOLUTION NO. 11-7: A RESOLUTION HONORING AND COMMENDING DAN ASTORINO FOR HIS ACHIEVEMENT IN ATTAINING THE RANK OF EAGLE SCOUT.**

The Clerk read the Resolution in full.

Moved by Mrs. Banaszak, seconded by Mr. Maxwell, that Resolution No. 11-7 be approved. Vote on the motion was ayes: Banaszak, Haschka, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Resolution was approved.

RESOLUTION NO. 11-8: A RESOLUTION HONORING AND COMMENDING JARED VOLAN FOR HIS ACHIEVEMENT IN ATTAINING THE RANK OF EAGLE SCOUT.

The Clerk read the Resolution in full.

Moved by Mrs. Banaszak, seconded by Mr. Haschka, that Resolution No. 11-8 be approved.

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.

Moved by Mrs. Banaszak, seconded by Mr. Haschka, that Ordinance No. 10-4 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

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.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that proposed Ordinance No. 10-5 be amended by the substitution of Ordinance No. 10-5a. Vote on the motion was ayes: Banaszak, Haschka, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was thus amended by substitution.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that Ordinance No. 10-5a be adopted. Vote on the motion was ayes: Banaszak, Haschka, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

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.

Mrs. Kavander stated that RITA has reviewed and approved the final draft of the exhibit which was distributed to City Council. She explained that House Bill 5 was enacted, and this bill mandated income tax changes effective January 1, 2016. The approved changes were meant to establish a greater uniformity across the state, and included modifications relating to withholding frequencies and thresholds, updates to entry exemptions, uniform penalties and interest rates, and tax deadlines and due dates. Mrs. Kavander emphasized that this Ordinance does not repeal our current Ordinance, and thus the current Ordinance will remain in effect until January 1, 2016, when this new Ordinance will take effect.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that proposed Ordinance No. 10-6 be amended by the substitution of Ordinance No. 10-6a. Vote on the motion was ayes: Banaszak, Haschka, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was thus amended by substitution.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that Ordinance No. 10-6a be adopted. Vote on the motion was ayes: Banaszak, Haschka, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

LEGISLATION – SECOND READING:

RESOLUTION NO. 11-1: A RESOLUTION REQUESTING THE FISCAL OFFICER TO ADVANCE TAXES FROM THE PROCEEDS OF TAX LEVIES PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Resolution.

Proposed Resolution No. 11-1 stands on second reading.

ORDINANCE NO. 11-2: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PURCHASE THROUGH THE ODOT STATE CONTRACT PROGRAM AND/OR THE STATE OF OHIO PURCHASING PROGRAM, OR DIRECTLY PURCHASING FROM A STATE APPROVED VENDOR AT A PRICE LOWER THAN THAT AVAILABLE THROUGH THE ODOT STATE CONTRACT PROGRAM AND/OR THE STATE OF OHIO PURCHASING PROGRAM, OR, ALTERNATIVELY, TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACT(S) FOR THE PURCHASE OF MOTORIZED VEHICLES, EQUIPMENT, MACHINERY, MATERIALS, SUPPLIES OR OTHER ARTICLES FOR USE IN ONE OR MORE CITY DEPARTMENTS, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Maxwell inquired about the status of the grant for fire apparatus and a new ladder truck. Mrs. Jones responded that while she is not certain all grants have been distributed, the City has yet to receive word of an award.

Proposed Ordinance No. 11-2 stands on second reading.

ORDINANCE NO. 11-3: AN ORDINANCE AUTHORIZING AND RATIFYING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACT(S) FOR THE PURCHASE OF VARIOUS PRODUCTS AND SERVICES FOR THE DAY-TO-DAY OPERATIONS OF THE CITY OF BEREA'S SERVICE DEPARTMENT.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 11-3 stands on second reading.

ORDINANCE NO. 11-4: AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH GREAT LAKES RECYCLING, INC. DBA SIMPLE RECYCLING OF CUYAHOGA COUNTY FOR THE CURBSIDE COLLECTION OF SOFT RECYCLING MATERIALS IN THE CITY OF BEREA, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Maxwell questioned whether every resident will receive the green bags, and Mayor Kleem responded in the affirmative, adding that residents will also receive green stickers in the event that they run out of bags. New bags will be distributed to the properties at which items were collected.

In response to a question from Mr. Maxwell, Mayor Kleem stated that household items will be collected, but he does not think they will be able to collect large furniture items.

Mr. Maxwell inquired about collection dates, and Mayor Kleem confirmed that collection will mimic Republic's Friday collection schedule.

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

ORDINANCE NO. 11-5: AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT WITH THE BEREA ANIMAL RESCUE FUND, INC. FOR ITS USE AND MAINTENANCE OF A STRUCTURE AND FACILITIES ON THE PROPERTY OF THE CITY SERVICE GARAGE, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 11-5 stands on second reading.

ORDINANCE NO. 11-6: AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF PARK COMMISSIONERS OF THE CLEVELAND METROPOLITAN PARK DISTRICT ("METROPARKS") FOR THE PURPOSE OF OBTAINING A LICENSE NEEDED TO FACILITATE THE USE AND MAINTENANCE OF AN EXISTING RETAINING WALL IN CONNECTION WITH THE REPLACEMENT AND RECONSTRUCTION OF THE EASTERLY WEST CENTER STREET BRIDGE, AUTHORIZING THE EXECUTION OF ALL RELATED DOCUMENTS THEREFOR, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Brown asked if Park Street will be closed during construction, and Mayor Kleem stated that the Park Street entrance from Prospect will remain open.

Proposed Ordinance No. 11-6 stands on second reading.

LEGISLATION – FIRST READING:

ORDINANCE NO. 11-10: AN ORDINANCE APPROVING, RATIFYING AND AFFIRMING THE 2014 ANNUAL REPORT, MINUTES AND ACTIONS OF THE TAX INCENTIVE REVIEW COMMITTEE FOR COMMUNITY REINVESTMENT AREA ABATEMENTS IN THE CITY OF BEREA.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 11-10 stands on first reading.

ORDINANCE NO. 11-11: AN ORDINANCE AMENDING THE COMMUNITY REINVESTMENT AREA (“CRA”) AGREEMENT WITH 1230 WEST BAGLEY LLC (a.k.a. MIDWEST TRANSATLANTIC LINES, INC.), AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Maxwell inquired about the amendments being proposed, and Mr. Walters explained that the amendment would lower the total amount of payroll 1230 West Bagley LLC must achieve, since much of the job creation on site is actually attributed to tenants, rather than the applicant and owner. The original owner planned to expand his own business, which he did, but not to as great an extent as he originally intended. He, therefore, rented out space to tenants who did produce jobs, however they are lower paying ones than what he had foreseen. The Tax Incentive Review Council has reviewed this and suggested that the payroll totals be appropriately amended. Their comments are reflected in Exhibit “A” of proposed Ordinance No. 11-10.

Since the total payroll amount is being lowered, Mr. Zacharyasz asked if the percentage of abatement would also be amended. Mr. Walters responded that the Tax Incentive Review Council discussed this issue, but did not recommend a decrease in the abatement.

It was determined that Exhibit “A” had yet to be received, and thus Council decided to continue discussion on this Ordinance after reviewing the additional information.

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

ORDINANCE NO. 11-12: 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. 2015-63.

The Clerk read the title of the Ordinance.

Mrs. Kavander cited changes to the following funds: Fund #100, Fund #243, Fund #290, Fund #300, Fund #420, Fund #470, Fund #720 and Fund #730.

General discussion commenced concerning the changes to Fund #290, and Mrs. Kavander explained that grant funds received by the Court were initially placed in the Court Capital Improvement Fund, but the Court has asked that they be moved to the Court Computer Fund instead, as the grant was for computer equipment and software.

Moved by Mr. Lange, seconded by Mr. Haschka, that the three reading rule be suspended for proposed Ordinance No. 11-12. Vote on the motion was ayes: Banaszak, Haschka, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried.

Moved by Mr. Lange, seconded by Mrs. Banaszak, that Ordinance No. 11-12 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was thus adopted.

ORDINANCE NO. 11-13: 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. 2015-75.

The Clerk read the title of the Ordinance.

Mrs. Kavander informed Council that this is the final budget of 2015, and this piece can go the full three readings. The exhibit will be distributed at a later date once all numbers for the year have been finalized.

Proposed Ordinance No. 11-13 stands on first reading.

ORDINANCE NO. 11-14: AN ORDINANCE TO MAKE TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FROM THE VARIOUS FUNDS OF THE CITY OF BEREA, STATE OF OHIO, FROM JANUARY 1, 2016, ENDING MARCH 31, 2016.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 11-14 stands on first reading.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

President Brown reminded everyone about the Small Business Seminar on Wednesday, November 25, 2015 at 6:30p.m. at B-W's Center for Innovation and Growth.

President Brown thanked the Woodvale Board of Trustees, and Director of Cemetery Operations Joe Giaimo, for a wonderful dedication ceremony on Veterans Day, and congratulated the entire staff, and Councilman Maxwell, for getting the cemetery back on track and turning it in to a first class operation.

President Brown reminded Council that the Clerk of Council is on vacation for the rest of the week, so all questions can be referred to Linda Marginian or one of the Department Directors.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Lange provided a status update on his daughter's recovery, adding that it has been a rough time for her and the family.

Mr. Malott announced that Council's fall food drive will take place on Saturday, November 21, 2015 from 8:00a.m. to 4:00p.m. at Giant Eagle. He also wished Mr. Lange's daughter the very best in her recovery.

Mr. Lange thanked Mr. Malott and his wife, Karen, for all of their hard work with the Berea Historical Society's Pasta Dinner fundraiser. The event was an enormous success, and greatly benefited the Historical Society.

Mr. Maxwell announced that the 61st annual Kiwanis Pancake Breakfast will be held on December 6, 2015, and he has an enormous pile of tickets, should anyone need to purchase some.

Mr. Zacharyasz congratulated the Berea-Midpark High School fall sports teams on a successful season, and wished all the winter sports teams much luck.

Mr. Zacharyasz concluded by wishing his son, Joey, a Happy Birthday!

Mrs. Banaszak had no report.

Mr. Haschka paid his compliments to Mr. Maxwell, Joe Giaimo, and the Woodvale staff for a wonderful Veterans Memorial Dedication Ceremony on Veterans Day.

Mrs. Key was not present, but asked Mr. Lange to relay that the Historical Society Pasta Dinner was wonderful, the blanket party was very successful, and the First Baptist Church on Pearl Street celebrated 96 years!

CORRESPONDENCE

The October 30, 2015 – November 12, 2015 Correspondence is available in the Clerk's office.

OTHER BUSINESS

Mrs. Brown thanked Linda Marginian for assisting with the meeting as the Acting Clerk of Council.

Mr. Zacharyasz informed Mayor Kleem that he would like to take part in the Jack Frost Festival Parade.

There being no further business before Council, it was moved by Mr. Haschka, and seconded by Mr. Maxwell, 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 8:30p.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 16th day of November, 2015, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council