

MINUTES OF A REGULAR COUNCIL MEETING
November 2, 2015 – 7:30p.m.

Council of the City of Berea, Ohio, met in the Council Chamber on November 2, 2015 and was called to order by President of Council Mary K. Brown at 7:30p.m. Present: Cheryl A. Banaszak, Nick Haschka, Margarette S. Key, Richard T. Malott and Gene Zacharyasz. Absent: Dale A. Lange and Jim Maxwell. Also present: Mayor Cyril M. Kleem, 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. Malott, seconded by Mrs. Banaszak, that the minutes from the October 19, 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. Key, that the minutes from the October 19, 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 announced that the City will be hosting a film crew to shoot scenes for an upcoming feature film entitled, "The Bye Bye Man". The crew will be filming on Seminary Street, in the downtown area, and also within the Metroparks, and will be returning in December for additional footage. Mayor Kleem stated that it is the responsibility of the film crew to alert local businesses of their production, and he has been informed that businesses were properly notified. He asked Council to make any inquisitive residents aware of the project.

Mrs. Banaszak wondered what hours the filming would take place, and Mrs. Jones was fairly confident that the crew was granted permission to shoot all night, if necessary.

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 that the Berea Police Department has a suspect in custody in relation to a recent bank robbery within the City. Additional information may be forthcoming.

Mrs. Brown thanked the Berea Police Department for their great work.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS: **None**

PETITIONS: **None**

AUDIENCE PARTICIPATION: **None**

COUNCIL COMMITTEE REPORTS AND COMMITTEE ANNOUNCEMENTS:

Jim Maxwell – Woodvale Union Cemetery Board of Trustees

On behalf of Mr. Maxwell, Mrs. Brown reminded Council and the listening audience about the Veterans Memorial Dedication Ceremony at Woodvale Union Cemetery on November 11, 2015 at 10:30a.m. She added that the staff has been working diligently to ensure everything is prepared for the dedication, and encouraged everyone to attend this special event.

LEGISLATION – THIRD 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.

Moved by Mr. Haschka, seconded by Mrs. Key, that Ordinance No. 10-1 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Malott and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

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.

Aliceann Brabenec, a member of the audience, questioned how, exactly, the water meters will work, and Mrs. Kavander, as well as several Council Members, explained that a small, wireless box will be hooked to the water pipe and will transmit a reading to the City through a cellular tower. Both Mr. Malott and Mrs. Key added that they already have the current meter

readers, and they function properly.

Moved by Mr. Haschka, seconded by Mrs. Banaszak, that Ordinance No. 10-2 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Malott and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

LEGISLATION – SECOND 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.

Proposed Resolution No. 10-3 stands on second 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.

Proposed Ordinance No. 10-4 stands on second 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 second 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.

Mr. Walters informed Council that he and Mrs. Kavander are considering making this a single page Ordinance, with Exhibit "A" being the entirety of the new Chapter. The Ordinance does need to be adopted by the end of November so that it can be effective by January 1, 2016.

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

LEGISLATION – FIRST 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 first 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.

Proposed Ordinance No. 11-2 stands on first 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 first 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.

In response to a question from Mr. Haschka, Mayor Kleem informed Council that this program was recommended by Fairview Park's Director of Economic Development, and would collect recyclables that are not currently being picked up, such as bedding, clothing, kitchen ware, tools and various other products. While many of these items can be donated, approximately 85% are simply thrown out and end up in landfills. Through this program, residents would receive green recycling bags and stickers, and all relevant recyclable products

will be collected every Friday, at no cost to the City. In short, this is a curbside donation pick-up program, and the City will receive a small proceed based on the number of pounds collected. While the proceeds will, in truth, be rather insignificant, this program will also keep the specified products out of landfills, which will assist with tipping fees and also be better for the environment.

Mayor Kleem continued, noting that Simple Recycling is a for-profit company that collects recyclables, sorts them at a local distribution center, removes items that can be sold at second hand stores and ships the rest to a different distribution center in Canada. At the second distribution center, recyclable parts are sifted and shredded and sometimes shipped to developing countries in need of such materials. Donations are, therefore, recycled the entire way through.

Mrs. Banaszak questioned if, should the Ordinance be adopted, Simple Recycling will be sending out information about the program to residents, and Mayor Kleem responded in the affirmative.

Roger Smith, a member of the audience, asked if this program was similar to Planet Aid, and Mayor Kleem stated that it is, except that, with this program, donations are conveniently picked-up at your place of residence.

Mrs. Banaszak inquired as to how quickly this program could begin, and Mayor Kleem believed it would take a few months to get materials prepared. Mrs. Brown requested that information be added to the City's website and published in the City Newsletter.

Mrs. Key noted that this is a four-year contract, and wondered if the agreement could be ended, if the City is not satisfied with the program. Mr. Walters responded that there is a termination clause in the contract.

Proposed Ordinance No. 11-4 stands on first 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.

Mr. Haschka stated that he thought the City already had an agreement in place with the Animal Rescue Fund, and inquired as to whether or not they have purchased land elsewhere on which to construct a new facility.

Mayor Kleem responded that land was purchased, but it will be quite a while before they are able to transition to the new location.

Mrs. Jones replied that, currently, the City does not have a contract with ARF, as the former contract was declared void due to procedural issues. Mrs. Jones explained that the City's relationship with ARF has been extremely challenging due, in part, to the frequent personal

turnover at the animal shelter. The City has met with representatives from ARF several times throughout the past 6-8 months, and is requesting a new, two-year agreement that addresses some the Administration's salient concerns with general operating practices.

In response to a comment from Mrs. Banaszak, Mrs. Jones made it clear that the new agreement insists that Berea residents will be served first, and any violation of this will constitute a breach of contract. She noted that ARF has read the new contract and knows what the City expects, and concluded that this new agreement will hopefully get things back on track.

Mr. Malott requested clarification on the responsibilities of the Animal Control Officer, questioning when she should be called, and when residents should contact ARF directly. Mrs. Jones stated that she will send this information to Mr. Malott.

Proposed Ordinance No. 11-5 stands on first 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.

Mr. Walters explained that this Ordinance is simply one of several that are necessary for the replacement and reconstruction of the West Center Street Bridge. Mr. Malott questioned where the retaining wall in question is situated, and Mr. Walters answered that it is on the north side of the bridge, along the east bank of the river.

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

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

President Brown congratulated Dave Pusti, the recipient of the Bright Star Award, presented to a member of the Berea Chamber of Commerce who has made a significant impact to the organization. She added that Mr. Pusti is the outgoing Chamber President, and the honor was well deserved.

Mrs. Brown reminded Council that the next Small Business Seminar will occur on November 18, 2015 at Baldwin-Wallace University's Center for Innovation and Growth. The event will commence at 6:30p.m., and she complimented Mayor Kleem, Tom Norton and Matt Madzy for their hard work and diligence that have made these seminars such a success.

Mrs. Brown asked when the elevator in City Hall will be fixed, and Mrs. Jones stated that the new elevator is being installed this week.

In closing, Mrs. Brown encouraged everyone to take advantage of their right to vote tomorrow as it is, in fact, Election Day.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mrs. Key noted that she sent out several invites to the Small Business Seminar, and thanked the Clerk for providing her with the necessary and pertinent information.

Mr. Lange was not present.

Mr. Malott thanked all those who sponsored the Berea Historical Society's Pasta Dinner, which will take place on Saturday, November 7, 2015 at the Garrity Center at St. Mary's Church. He added that tickets remain available, and will be sold at the door for \$12.00.

Mr. Maxwell was not present.

Mr. Zacharyasz announced that the annual Downtown Berea Business Network's Holiday Walk will take place on Saturday, November 14, 2015 from 11:00a.m.-3:00p.m. He noted that there will be plenty of activities, both for children and families.

Mr. Zacharyasz offered his condolences to Clint Williams and his family on the loss of his daughter, Shelly, adding that she will be sorely missed.

Mrs. Banaszak had no report.

Mr. Haschka encouraged everyone to get out and vote tomorrow.

CORRESPONDENCE

The October 16, 2015 – October 29, 2015 Correspondence is available in the Clerk's office.

OTHER BUSINESS:

Mrs. Esson informed Council that they all should have received a memorandum from the Court relating to the commencement of the Court Renovation Project.

Having no items on the agenda, it was moved by Mr. Haschka, and seconded by Mrs. Key, that the November 9, 2015 Council Work Session be cancelled. Vote on the motion was all ayes and no nays. The motion carried.

There being no further business before Council, it was moved by Mr. Haschka, and 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 8:14p.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 2nd 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