

MINUTES OF A REGULAR COUNCIL MEETING
December 21, 2015 – 7:30p.m.

Council of the City of Berea, Ohio, met in the Council Chamber on December 21, 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, Dale A. Lange, Jim Maxwell and Gene Zacharyasz. Absent: Richard T. Malott. Also present: Mayor Cyril M. Kleem, Director of Finance Dana Kavander, Director of Economic Development Matthew Madzy 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 Mrs. Key, seconded by Mr. Maxwell, that the minutes from the December 7, 2015 Public Hearing 1 be approved. Vote on the motion was all ayes and no nays. The motion carried and the minutes were approved.

Moved by Mrs. Banaszak, seconded by Mr. Haschka, that the minutes from the December 7, 2015 Public Hearing 2 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 December 7, 2015 Regular Council Meeting be approved. Vote on the motion was all ayes and no nays. The motion carried and the minutes were approved.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that the minutes from the December 14, 2015 Council Work Session 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 December 14, 2015 Special 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 wished everyone a Merry Christmas!

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 wished everyone a Merry Christmas and a Happy New Year!

Barb Jones – Director of Public Safety and Service:

Mrs. Jones was not present, but Mayor Kleem announced that today was the first of two Junior Police Officer Days, and 10 third and fourth grade students participated in the event. The students were sworn in, given badges and spent the day learning about the job of a Police Officer. They participated in activities with Officers, rode in Police vans and toured the old jail.

Mr. Maxwell stated that his son, Henry, participated in the Junior Officer program, and had a wonderful time. He complimented the Police Department for this great opportunity for kids, and thanked Councilman Zacharyasz for the shirt donation.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS:

State Representative Mike Dovilla was present this evening to, as is his custom, present Commendations to those concluding their terms of service on City Council. He noted that according to State law, local units are a part of the State government, working in collaboration to advance the public interest.

Rep. Dovilla congratulated and thanked Mr. Lange, as well as his wife Cheryl, for their service to the City, and wished him well on behalf of the State of Ohio.

Rep. Dovilla also recognized Mr. Malott, who was not present this evening, for his service to the City of Berea.

PETITIONS: None

AUDIENCE PARTICIPATION: None

COUNCIL COMMITTEE REPORTS AND COMMITTEE ANNOUNCEMENTS:

Southwest Health Care System Board of Directors – Cheryl A. Banaszak

Mrs. Banaszak announced the retirement of Southwest General Hospital's President, Tom Selden, and announced as his successor, the new President and CEO, William Young. She added that Mr. Young has extensive hospital experience, and welcomed him to his position. She concluded her remarks by wishing the very best to outgoing President Selden.

LEGISLATION – THIRD 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 BERA.

The Clerk read the title of the Ordinance.

Mr. Maxwell thanked both the Mayor and Mr. Madzy for the information they provided regarding the TIRC meeting and the proposed community reinvestment area amendment for Midwest Transatlantic Lines, Inc. He stated that his questions had been answered, and his concerns, relieved.

Moved by Mr. Lange, seconded by Mr. Haschka, that Ordinance No. 11-10 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

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 again acknowledged the information that Mayor Kleem and Mr. Madzy had provided regarding this Ordinance, as well as the prior piece, and Mrs. Brown concurred, explaining that the memorandum was very clear and informative.

Mr. Lange thanked Rick Garaeu, President of Midwest Transatlantic Lines, for all of his contributions to the City, and for his continued support and sponsorships of Rotary Club events.

Moved by Mr. Lange, seconded by Mr. Haschka, that Ordinance No. 11-11 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was 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 BERA 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 stated that line item adjustments were made based upon estimates for the upcoming payroll and end of the year bills that still need to be paid.

Moved by Mr. Lange, seconded by Mr. Haschka, that Ordinance No. 11-13 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

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

The Clerk read the title of the Ordinance.

Mr. Lange announced that this Ordinance was discussed at length at the Council Work

Session last week, and emphasized that the Court's borrowing request was left out of the final temporary appropriations.

Mr. Maxwell inquired as to whether or not Mr. Armagno was able to gather information about the window walls, and Mayor Kleem explained that a contractor looked at the project and presented an estimated square footage price that included contingency funds. The total was quite similar to Makovich and Pusti's projection. Mayor Kleem continued that while the window walls will need to be replaced at some point in the near future, they are not in eminent need of immediate repair.

Mr. Maxwell confirmed that the passage of this temporary budget would, in effect, alert the Court to the fact that the City is not willing to fulfill their borrowing request. He wondered what the next step would be with regard to the Court renovation and window wall repair. Mayor Kleem concluded that while both Council and the Administration seem to feel that borrowing the entire \$1.3 million is too excessive and neither in the best interest of the City nor its debt limit, the notion of borrowing money for the window wall repair is much more reasonable. He added that he still feels the Court should pay for the repair out of the money generated through their Court Construction Fund.

Mr. Haschka concurred, adding that not only would fulfilling the borrowing request drive the City closer toward its debt limit, but there is also no concrete guarantee that the money would ever be paid back in full. He determined that Council must do what is best for the residents of the City, and not put them in an uncomfortable or irresponsible position.

Both Mr. Maxwell and Mrs. Key offered their agreement.

Moved by Mr. Lange, seconded by Mrs. Key, that Ordinance No. 11-14 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

ORDINANCE NO. 12-2: AN ORDINANCE APPROVING AND RATIFYING A THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BEREA AND THE BEREA POLICE SERGEANTS REPRESENTED BY THE FRATERNAL ORDER OF POLICE, PARMA LODGE NO. 15, PURSUANT TO CHAPTER 4117 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 12-2 stands on third reading.

ORDINANCE NO. 12-3: AN ORDINANCE APPROVING AND RATIFYING A THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BEREA AND THE BEREA POLICE PATROL OFFICERS, REPRESENTED BY THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, PURSUANT TO CHAPTER 4117 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 12-3 stands on third reading.

ORDINANCE NO. 12-4: AN ORDINANCE APPROVING AND RATIFYING A THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BEREA AND THE BEREA FIREFIGHTERS REPRESENTED BY LOCAL 1836 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, PURSUANT TO CHAPTER 4117 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 12-4 stands on third reading.

ORDINANCE NO. 12-5: AN ORDINANCE APPROVING AND RATIFYING A THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BEREA AND THE BEREA SERVICE DEPARTMENT EMPLOYEES REPRESENTED BY THE LABORERS' INTERNATIONAL UNION OF NORTH AMERICA MUNICIPAL, COUNTY AND STATE EMPLOYEES' UNION, LOCAL 1099, PURSUANT TO CHAPTER 4117 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Maxwell asked for an update on contract negotiations, and Mayor Kleem stated that while two of the contracts are being finalized, the other two have been delayed due, in large part, to the inability to coordinate schedules around the holidays. He was confident that two of the contracts would be ready to be voted upon very soon.

Proposed Ordinance No. 12-5 stands on third reading.

LEGISLATION – SECOND READING:

ORDINANCE NO. 12-1: 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, PADDOCK CIRCLE, SHETLAND CIRCLE, SURREY CIRCLE, CANTER CIRCLE AND STARLITE DRIVE, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 12-1 stands on second reading.

LEGISLATION – FIRST READING: NONE

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

President Brown thanked the Administration for a great year, especially acknowledging the Mayor's willingness to work with Council. She also thanked Council, especially Mr. Lange, the man who introduced her to City politics.

Mrs. Brown thanked Mr. Malott for all of his hard work and dedication, especially with Council food drives and Historical Society events, and added her appreciation to Mr. Walters, wishing him a very happy retirement.

Mrs. Brown acknowledged Nancy Braford's retirement from the Board of Education, noting that without good schools, there can not be a good City.

Mrs. Brown, in closing, wished everyone Happy Holidays!

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Maxwell had no report.

Mr. Zacharyasz wished everyone a Merry Christmas and Happy New Year, and encouraged all to shop local.

Mrs. Banaszak wished everyone a Merry Christmas and a happy and healthy New Year.

Mr. Haschka wished everyone a Merry Christmas, noting that he is excited for the next two years.

Mrs. Key sent her blessings with Mr. Lange and Mr. Malott, wishing them both a very happy retirement! She next wished Mr. Lange's family a healthy New Year, and wished everyone a Merry Christmas and a Happy New Year.

Mr. Lange stated that he is content with his decision to retire and take care of family matters. He recognized Jeff King, the person who encouraged him to run for City Council, and Jim Walters, the man who sat next to him and helped him learn the ropes.

Mr. Lange thanked the Mayor, adding that it has been wonderful working with him, and concluded his remarks by requesting that the school picture of he and Linda Kramer remain in the Council Chamber always.

Mr. Malott was not present.

Mrs. Brown acknowledged Bill DeVito, the Councilman At-Large Elect, in the audience this evening.

CORRESPONDENCE

The December 3, 2015 – December 17, 2015 Correspondence is available in the Clerk's office.

OTHER BUSINESS

Mrs. Esson expressed her thanks to Mr. Malott, Mr. Lange and Mr. Walters, noting that Mr. Malott was not present at the meeting due to an extremely serious personal matter. He did, however, want to thank all of Council, as well as the City, for many wonderful years as an elected Councilman.

Mrs. Esson declared that she had met with both Mr. DeVito and Mr. Skoczen for a brief Council Orientation session.

Mrs. Esson announced the complimentary Christmas dinner on Christmas Day at the Berea Union Depot Taverne, and informed Council of their new facebook page.

Mrs. Esson reminded Council that the Inauguration will take place on Sunday, January 3, 2016 at 4:00p.m. at Berea-Midpark High School. She then announced that Council's organizational meeting will be held at 7:00p.m. on Monday, January 4, 2016, shortly before the first regular Council meeting of the year.

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 8:06p.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 21st day of December, 2015, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council