

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

Council of the City of Berea, Ohio, met in the Council Chamber on December 7, 2015 and was called to order by President Pro Tempore of Council Richard T. Malott at 7:31p.m. Present: Cheryl A. Banaszak, Nick Haschka, Margarette S. Key, Dale A. Lange, Jim Maxwell and Gene Zacharyasz. Absent: President of Council Mary K. Brown. 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. Maxwell, that the minutes from the November 16, 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 organized and attended the enormously successful and well-attended Jack Frost Festival and Light-Up Berea Parade. He then expressed his appreciation to the members of the Berea Kiwanis Club for a wonderful pancake breakfast.

Mayor Kleem next informed Council and the listening public that the Cuyahoga County Council will likely be approving their two-year budget tomorrow, and this budget may include funding for a few different City endeavors. Mayor Kleem continued by stating that both he and Council President Brown have spoken with Representative Mike Gallagher about potential funding for senior services. While unsure of the specific policies and procedures surrounding these funds, Mayor Kleem stated his understanding that up to \$100,000.00 is available for a regional senior program in cooperation with the City of Strongsville.

Mayor Kleem continued by explaining that he had also spoken with Mr. Gallagher about funding for the Berea Police Department that can be allocated toward community engagement efforts. While he is, again, not entirely certain how the funding would work, he noted that the City did provide the County Council with a realistic cost expectation, and he does anticipate that the County Council will adopt a budget that includes funding for this purpose.

Mr. Malott questioned if the plethora of vehicles in the Giant Eagle overflow parking lot is due to filming for the previously discussed feature film. Mayor Kleem responded in the affirmative, and Mrs. Jones added that the film crew will be in the City for a few days, and possibly be filming at the Service Garage on Thursday.

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 announced that, as part of the City’s annual audit, the Law Department is required to provide a letter updating the status of pending litigation involving the City of Berea. Mr. Walters was pleased to announce that, during the upcoming audit, the City may be able to state that we are involved in no litigation.

Barb Jones – Director of Public Safety and Service:

Mrs. Jones stated that the leaf machine is out this week to collect the last of the fallen leaves.

Marty Compton – Director of Recreation:

Mr. Compton informed Council that the Sports Commission met last week, and the Berea Baseball Association did sign the lease for use of the storage structure at the Jason Malone Park Recreation Area.

COMMENDATIONS: None

PETITIONS: None

AUDIENCE PARTICIPATION: None

COUNCIL COMMITTEE REPORTS AND COMMITTEE ANNOUNCEMENTS: None

LEGISLATION – THIRD 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.

Moved by Mr. Lange, seconded by Mr. Haschka, that Resolution No. 11-1 be approved. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion passed and the Resolution was thus approved.

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.

Moved by Mr. Haschka, seconded by Mrs. Banaszak, that Ordinance No. 11-2 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion passed and the Ordinance was thus adopted.

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 BERA'S SERVICE DEPARTMENT.

The Clerk read the title of the Ordinance.

Moved by Mr. Haschka, seconded by Mrs. Key, that Ordinance No. 11-3 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion passed and the Ordinance was thus adopted.

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 BERA, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Maxwell verified that this program would be of no financial cost to the City, and Mrs. Banaszak questioned when the soft recycling collection program would begin. Mayor Kleem responded that the program will likely commence within the next few months.

Mrs. Key asked if information about this program would be added to the City's website, and Mayor Kleem answered in the affirmative, adding that there will be additional advertising, including direct mailings provided at the expense of Simple Recycling.

Moved by Mr. Haschka, seconded by Mrs. Key, that Ordinance No. 11-4 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion passed and the Ordinance was thus adopted.

ORDINANCE NO. 11-5: AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A LICENSE AGREEMENT WITH THE BERA 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.

Moved by Mr. Maxwell, seconded by Mrs. Banaszak, that Ordinance No. 11-5 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion passed and the Ordinance was thus adopted.

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.

Moved by Mr. Haschka, seconded by Mr. Lange, that Ordinance No. 11-6 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion passed and the Ordinance was thus adopted.

LEGISLATION – SECOND 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.

Mr. Maxwell asked if the TIRC had discussed adjusting the abatement percentage for Midwest Transatlantic Lines, since the CRA agreement will likely be amended. Mr. Walters explained that while this issue was discussed, no decision was reached and thus it was dropped. Mr. Walters continued that amending the abatement percentage would disproportionately penalize the business, and the additional taxes that would be generated by an adjustment are quite negligible.

Mr. Maxwell questioned how many years remain on this agreement, and Mr. Walters stated that it was his understanding that this agreement will be exhausted in 2019.

Mrs. Esson added that both Mr. Madzy, as well as the business owner, will be present on third reading to answer question from Council and the general public, and present a breakdown of the adjusted rates and totals.

Proposed Ordinance No. 11-10 stands on second 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.

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

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.

Proposed Ordinance No. 11-13 stands on second 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 BERA, STATE OF OHIO, FROM JANUARY 1, 2016, ENDING MARCH 31, 2016.

The Clerk read the title of the Ordinance.

Moved by Mr. Maxwell, seconded by Mrs. Banaszak, that Ordinance No. 11-14 be placed on the December 14, 2015 Council Work Session agenda under the Finance Committee. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and Ordinance No. 11-14 was placed on the December 14, 2015 Work Session agenda.

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

LEGISLATION – FIRST 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 first reading.

ORDINANCE NO. 12-2: AN ORDINANCE APPROVING AND RATIFYING A THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BERA AND THE BERA 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 first 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 first 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 first 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.

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

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

President Brown was not present.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Malott thanked those who had volunteered and/or contributed to the Council Food Drive a few weeks ago. He stated that the collection started a bit slow, but turned in to an enormously successful drive. He announced that Mr. Haschka would be taking charge of the food drive in his stead.

Mr. Maxwell had no report.

Mr. Zacharyasz offered his condolences to the Gilly family on the passing of Mr. Paul Gilly.

Mrs. Banaszak echoed Mr. Zacharyasz's sentiments, before thanking the Mayor for a tremendous Jack Frost Festival.

Mr. Haschka had no report.

Mrs. Key also complimented the Administration on a wonderful Jack Frost Festival.

Mr. Lange announced that today is the 74th Anniversary of the bombing of Pearl Harbor. One Berean was killed in this attack, and he recognized its significance even today.

CORRESPONDENCE

The November 13, 2015 – December 2, 2015 Correspondence is available in the Clerk's office.

OTHER BUSINESS

Moved by Mr. Maxwell, seconded by Mr. Haschka, that Council move in to Executive Session in accordance with O.R.C. Section 121.22(G)(4) and (G)(3), in order to update Council on the progress of negotiations of bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment, and to discuss disputes involving the City which present a possibility or probability of litigation. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and Mr. Malott declared a short recess at 8:00p.m. to allow members of the audience time to exit Council Chambers.

Council reconvened in Regular Session at 8:28p.m.

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 Pro Tempore Malott declared the meeting adjourned at 8:30p.m.

Richard T. Malott
President Pro Tempore of Council

Alycia Esson
Clerk of Council

CERTIFICATE OF COMPLIANCE

The regular meeting of Council of the City of Berea, Ohio, held on the 7th 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