

MINUTES OF A REGULAR COUNCIL MEETING
June 15, 2015 – 7:30p.m.

Council of the City of Berea, Ohio, met in the Council Chamber on June 15, 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, Richard T. Malott, Jim Maxwell and Gene Zacharyasz. Absent: None. Also present: Director of Safety and Service Barb Jones, Director of Finance Dana Kavander, Director of Planning, Engineering and Zoning Matt 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 Mr. Haschka, seconded by Mrs. Key, that the minutes from the June 1, 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.

Mr. Madzy informed Council that Mike Dolan, Brook Park's Economic Development Director, was present to discuss the issue of railroad Quiet Zones. He stated that the last at-grade crossing in Berea is located on Sheldon Road, east of Front Street, and half of it is in Berea while the other half resides in Brook Park. He noted that he had spoken with Mr. Dolan about the possibility of establishing a Quiet Zone along these tracks, and the potential for a cooperative partnership between the two Cities. He invited Mr. Dolan to discuss what the creation of a Quiet Zone would entail, and how it could benefit both Cities. (A copy of Mr. Dolan's presentation is included at the conclusion of these minutes.)

Mr. Dolan began by explaining that Quiet Zones are areas around at-grade crossings where trains will not blow their horns unless the track is obstructed, or they encounter some other safety hazard. The at-grade crossing in question is located on Sheldon Road, and is a heavily utilized triple track that impacts several neighborhoods and countless residents. The City of Brook Park would like to partner with the City of Berea and submit an application to the Railroad that would request a Quiet Zone at this particular crossing.

Mr. Dolan explained that the process for establishing a Quiet Zone is quite lengthy and not particularly welcomed by the Railroads because conductors prefer to lay on their horns when making crossings. Nevertheless, once the Railroads, ODOT and other agencies receive notice of an intent to establish a Quiet Zone, it becomes their responsibility to identify and inform the community of what equipment is necessary in order for the area to be designated a Quiet Zone, whether it be barriers, land dividers, gates, signage or other tools to ensure safety. He confessed that no railroad crossing will ever be absolutely safe, especially if people do not respect the power of the trains, but added that Quiet Zones are often more safe than other crossings because

of the required safety installments that must take place before the designation is conferred.

Mr. Dolan explained that once a list of safety equipment is submitted to the City Administration, it will be possible to determine the potential cost of a project such as this. At this time, it is unknown what additional improvements will be necessary. Should, however, the Cities agree to move forward once the cost estimates have been determined, funds are placed in a “Force Account”, and once the total amount of money has been gathered, the Railroad will make all necessary improvements and alter the signalization.

Mr. Dolan cautioned that the entire process of designating and achieving a Designated Quiet Zone could take several years, especially on a busy triple track, like the one in question. If, however, the City is interested in pursuing the initial steps to determine the cost and feasibility of this project, Council would need to approve a Resolution stating their interest in proceeding and their support for a Quiet Zone in the specified area. Mr. Dolan added that the Resolution is non-binding and, should cost estimates be totally outlandish and unreasonable, the City can decide not to proceed with the designation.

Mr. Dolan noted that Mayor Coyne is in support of the designated Quiet Zone, as this intersection is in poor shape and the noise complaints it produces are extensive. He reiterated that without a Resolution to proceed, the Cities will never be able to determine how much this designation would cost.

Mr. Dolan concluded his presentation by informing Council that should a Quiet Zone be established, the Railroad would be required to update its crossing inventory and issue bulletins to the crew alerting them that horns may not be blown in the area, unless necessary for safety reasons. This would be welcomed news to surrounding residents.

Mrs. Brown wondered if Brook Park is proposing that both Cities split the cost evenly, and Mr. Dolan responded in the affirmative, adding that grants are available.

Mr. Maxwell questioned how long an endeavor, such as this, would take to complete, and Mr. Dolan stated that it would likely take 4-5 years to complete the designation process.

While not committing to anything specifically, Council was intrigued by the idea of a Quiet Zone and informed Mr. Dolan that the required Resolution would likely be drafted after the summer recess.

Mrs. Brown thanked Mr. Dolan for his presentation.

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.

ORDINANCE NO. 5-8: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACTS FOR PHASE 1 IMPROVEMENTS TO THE COE LAKE AREA, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Moved by Mr. Lange, seconded by Mr. Haschka, that Ordinance No. 5-8 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

ORDINANCE NO. 5-9: AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR A JOB CREATION TAX CREDIT WITH BUYERQUEST, INC. PURSUANT TO THE AUTHORITY OF ORDINANCE 2010-29, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

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

ORDINANCE NO. 5-10: 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.

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

ORDINANCE NO. 5-12: AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO ENTER INTO ANY AND ALL AGREEMENTS WITH THE BOARD OF PARK COMMISSIONERS OF THE CLEVELAND METROPOLITAN PARK DISTRICT (“METROPARKS”) FOR THE PURPOSE OF OBTAINING AN EASEMENT OR EASEMENTS NEEDED TO FACILITATE 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 Mrs. Banaszak, that Ordinance No. 5-12 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

ORDINANCE NO. 5-13: AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO ENTER INTO ANY AND ALL AGREEMENTS WITH THE DIMITRIOS I. GOUNTIS FOR THE PURPOSE OF OBTAINING AN EASEMENT NEEDED TO FACILITATE 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 Mrs. Key, that Ordinance No. 5-13 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

ORDINANCE NO. 5-14: AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO ENTER INTO ANY AND ALL AGREEMENTS WITH RJP PROPERTIES, AND OHIO GENERAL PARTNERSHIP, FOR THE PURPOSE OF OBTAINING TEMPORARY AND PERMANENT EASEMENTS NEEDED TO FACILITATE 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. Malott, seconded by Mrs. Banaszak, that Ordinance No. 5-14 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

ORDINANCE NO. 5-15: AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO ENTER INTO ANY AND ALL AGREEMENTS WITH RIVERSIDE GARDENS, LLC, AN OHIO LIMITED LIABILITY COMPANY, FOR THE PURPOSE OF OBTAINING TEMPORARY AND PERMANENT EASEMENTS NEEDED TO FACILITATE 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 Mrs. Key, seconded by Mr. Haschka, that Ordinance No. 5-15 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

LEGISLATION – SECOND READING:

ORDINANCE NO. 6-1: AN ORDINANCE ACCEPTING AND APPROVING THE SUBDIVISION PLAT OF THE SANDSTONE RIDGE (SOUTH) SUBDIVISION PHASE 3C, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Dan Neff, of Neff & Associates, was present this evening. He informed Council that since the last meeting, he has acquired a letter from Ryan Homes, which has been distributed to all members. This letter explains the successful sale of 6 homes within this new 29 lot portion of the subdivision, and goes on to say that any additional delay could mean a loss of these sales.

Mr. Neff next cited a second letter which had been distributed to Council and was from a Senior Vice President of Key Bank who expressed concerns with any further delay, as he hoped to start investing, pay down debts and move the project forward.

Mr. Neff, respectfully, asked for suspension of the three reading rule.

Mr. Maxwell inquired as to whether the spillway and retention basin were completed, and Mr. Walters responded that the project is nearly finished, noting that the City has been inspecting it from the start and, from a functional standpoint, has been satisfied for months. Mr. Neff added that some seeding remains to be done, and informed Council that the as-built drawings have been completed by the surveyors, and will soon be submitted to the City for certification.

Mr. Maxwell next inquired about a former lawsuit in which the development was involved, and Mr. Walters stated that he was not familiar with that lawsuit, but believes any outstanding issues have been resolved. In response to a follow-up question from Mr. Maxwell, Mr. Walters stated that the City has no outstanding concerns with this development.

Mr. Haschka expressed displeasure with the fact that the Vice President at Key Bank blamed Council for the delay, when Council had only just received the legislation, and would normally follow the three reading rule and review a piece of legislation for weeks. Mr. Neff understood Mr. Haschka's frustration and reminded him that the fault lies with him, as he should have provided Council with the plat in a more timely manner.

Mrs. Brown clarified that there is one additional phase to be completed, and Mr. Neff responded in the affirmative, adding that the current phase contains 29 lots and the final phase contains 50 lots. Mr. Maxwell questioned the total number of lots, and Mr. Neff offered to provide the Clerk with an exact total. General discussion then commenced concerning when the homeowners will assume total control of the Homeowner's Association. Mr. Neff stated that 95% occupancy should be reached during the final phase, but added that one seat is set to be relinquished shortly in order to begin the transition.

Mr. Zacharyasz requested that Mr. Neff provide Council with the final plat well in advance so that Council will have time to properly review it and allow residents the ability to comment on it as well. He assured Mr. Neff that this project is great for the City and he is excited to see new residents moving in and new revenues being generated, but if asked to suspend the approval of the next plat on first reading, he will likely refuse once again. He asked Mr. Neff to respect the process, and Mr. Neff committed to getting the next plat to Council in a more timely manner.

Moved by Mr. Haschka, seconded by Mrs. Key, that the three reading rule be suspended for Ordinance No. 6-1. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the three reading rule was thus suspended.

Moved by Mr. Haschka, seconded by Mrs. Key, that Ordinance No. 6-1 be adopted. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

ORDINANCE NO. 6-2: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR AND SELL AT PUBLIC AUCTION CERTAIN PERSONAL PROPERTY AND VARIOUS ITEMS OF OBSOLETE EQUIPMENT NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

President Brown reminded Council that they will receive Exhibit “A” prior to third reading.

Proposed Ordinance No. 6-2 stands on second reading.

ORDINANCE NO. 6-3: AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE TO CERTIFY TO THE FISCAL OFFICER OF CUYAHOGA COUNTY UNPAID WATER AND/OR SEWER RENTAL CHARGES AND/OR OTHER MISCELLANEOUS CHARGES FOR LEVY AND COLLECTION ACCORDING TO LAW, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

President Brown reminded Council that they will receive Exhibit “A” prior to third reading.

Proposed Ordinance No. 6-3 stands on second reading.

LEGISLATION – FIRST READING: None

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

President Brown congratulated her brother, Joe Turkal, who was given a Command Post with the Air Control Training Squadron 29 Palms, and has been in the Marines for over 20 years. He is now a Lieutenant Coronel in the US Marine Corps.

President Brown next congratulated her daughter, Megan Baechle, the new Executive Director of the Berea Chamber of Commerce.

President Brown announced that the Chamber has several upcoming events including their annual fundraiser, A Notable Night, on July 16, 2015 at Baldwin-Wallace University, and the next Small Business Seminar which will occur on August 26, 2015. She encouraged City Council Members to support these events, as the Chamber supports local businesses.

President Brown thanked Mayor Kleem and his Administration for the invitation to attend the signing event at the Browns Training Facility last week, and reminded residents to support the events during the upcoming Grindstone Festival.

President Brown concluded her report by wishing everyone a nice summer!

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Malott reminded Council that the Council Food Drive would take place at Giant Eagle on Saturday, June 20, 2015, from 8:00a.m. through 4:00p.m.

Mr. Malott informed Council that the purpose of the Little Red Schoolhouse Foundation is to preserve the integrity of the historical site. While the interior of the building has been renovated, the exterior of the building needs significant work, and Mr. Malott requested donations in the way of paint and volunteers to assist in the painting of the shed.

Mr. Malott wished everyone a happy summer.

Mr. Maxwell announced that the Woodvale Union Cemetery Board of Trustees will meet for their quarterly meeting on Wednesday, July 8, 2015 at 7:00a.m.

Mr. Zacharyasz thanked Mrs. Jones, Chief Joe Grecol, and the Berea Police and Fire Departments for inviting Council to participate in the incredibly eye-opening Active Shooter Training event last week at St. Mary's School.

Mrs. Jones noted that both Chief Grecol and Chief Kaufhold appreciated Council's attendance and support.

Mrs. Banaszak wished everyone a safe summer.

Mr. Haschka echoed Mr. Zacharyasz's comments, thanking the Police and Fire Departments for the eye-opening experience they provided. He then wished everyone a nice summer.

Mrs. Key also thanked the Police and Fire Departments and encouraged everyone to stay on the right side of justice.

Mrs. Key stated that she attended the signing at the Browns Training Facility last week and believes the agreement to be historic for our small town.

Mrs. Key concluded her report by reminding Council and the listening audience about the Jason Malone Park dedication on Saturday, June 27, 2015 at 11:00a.m. She then wished everyone a safe summer.

Mr. Lange wished everyone a safe summer.

CORRESPONDENCE

The May 29, 2015 – June 11, 2015 Correspondence is available in the Clerk's office.

OTHER BUSINESS:

Mrs. Esson thanked the Berea Police and Fire Departments for the invitation to attend the Active Shooter Training, adding that the work of our Safety Services is incredible and heroic.

Mr. Walters informed Council that the Eastland Inn is changing from a LLC to a Corporation, and Mrs. Esson inquired as to whether or not Council feels the need to hold another liquor permit hearing, since the name change will necessitate a liquor permit transfer from the Ohio Division of Liquor Control. Council expressed no desire to hold another hearing, since the Eastland Inn owners were recently before them regarding the liquor license, and no issues or concerns were raised at that time.

Mrs. Esson wished all Dads a very Happy Father's Day – especially her Dad, her Husband and her Brother-in-Law.

Moved by Mr. Haschka, seconded by Mrs. Key, that Council recess for the months of July and August. Vote on the motion was ayes: Banaszak, Haschka, Key, Lange, Malott, Maxwell and Zacharyasz. Nays: None. The motion carried.

President Brown reminded Council that any resident calls or complaints should be forwarded to the Mayor, or the Clerk of Council who will then direct them to Mayor Kleem. She stated that while Council Members field the calls, it is the Administrative Departments that do the work to remedy issues, and thus the Mayor wants to be kept in the loop.

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 8:33p.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 15th day of June, 2015, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council