

**MINUTES OF A REGULAR COUNCIL MEETING**  
**September 8, 2015 - 7:30p.m.**

Council of the City of Berea, Ohio, met in the Council Chamber on September 8, 2015 and was called to order by President of Council Mary K. Brown at 7:32p.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: 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 Mrs. Key, that the minutes from the June 15, 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 June 15, 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 welcomed Council back after summer recess, before updating them on the status of various construction projects around the City.

Mayor Kleem explained that the new McKelvey Park is nearly complete, aside from a few minor plumbing issues, and announced that the Park would be rededicated on September 27, 2015, 30 years to the day since the first dedication.

The Mayor next addressed the 2015 Roads Program, alerting Council that several streets are awaiting their final coat of asphalt, and adding that all road repairs should be completed by the end of the construction season.

The Hickory Drive Relief Sewer Project is complete, although the road is awaiting its final asphalt layer, and Mayor Kleem stated that Phase 1 of the Bluegrass Road Repairs is underway and proceeding rapidly. Phase 1 should be completed in November, and Phase 2 will begin early in 2016. The expense of the project is approximately 2-2.5 million dollars.

Mayor Kleem continued by discussing Phase 1 of the Coe Lake Renovation, stating that work began 3 weeks ago, and will likely conclude in the Spring of 2016. He then said that the Court renovation should commence this week.

Phase 1 of the North End Sewer Rehabilitation Project will, according to Mayor Kleem, begin in 2016, which will hopefully reduce I & I in that neighborhood. Phase 1 of the Fair Street

Reconstruction Project is moving forward, and will likely take place during the Summer of 2016.

Mayor Kleem then addressed the West Center Street Bridge over the Rocky River Project, informing Council that work should commence in 2016, although there do exist federal regulations and state funding issues that could delay the project.

Mayor Kleem concluded his report by reminding Council and the listening audience that, while it may seem like a lot of attention has been paid to park renovations this summer, since 2008, 26 million dollars has been spent on road repairs and water/sewer issues, while only 2.9 million dollars has been dedicated to park renovations. The Administration has not forgotten about the continued need for street and sewer repairs.

Mr. Malott inquired about the West Committee on Environmental Safety, and Mayor Kleem declared that, to his knowledge, that committee is no longer in existence. Mr. Malott expressed concern over suspected violations of early morning air departures, noting that several residents have called with valid complaints. He added that he may call the Tower Chief to gather additional information on the matter.

Jim Webster, a member of the audience and resident on Gibson Street, questioned how the Fair Street Reconstruction Project will impact the surrounding neighborhoods. Mayor Kleem explained that the project will be completed in 3 phases, adding that Phase 1 will encompass the area between West Street and French Street. The goal of the project is to alleviate flooding on Fair Street and in the surrounding area. He reminded Mr. Webster that approximately 80% of privately owned properties have sewer issues, and until all the problems are resolved, flooding can not be eliminated. This project will, however, address problems on public lands.

#### **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 reminded residents that Friday, September 11<sup>th</sup> and Saturday, September 12<sup>th</sup> is the hazardous waste round-up. Collection will take place between the hours of 9:00a.m. and 2:00p.m. She noted that tires with rims removed will be accepted this year, so long as patrons can show evidence that they reside in Berea.

Mrs. Jones continued by explaining that the speed trailer has been out and will continue to be utilized throughout the City, most especially in places classified as problem areas.

Mrs. Jones announced that the Greater Cleveland Safe Kids/Safe Communities Coalition honored the Berea Police Department with the award for Outstanding Efforts in Distracted



**COUNCIL COMMITTEE REPORTS AND COMMITTEE ANNOUNCEMENTS:****Jim Maxwell – Woodvale Union Cemetery Board of Trustees:**

Mr. Maxwell thanked both Council and the Administration for their verbal, as well as financial, support of the Veterans Day Memorial at Woodvale Cemetery. He announced that the formal dedication will take place on Veterans Day, which falls on November 11, 2015.

**LEGISLATION – THIRD READING:****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.

Moved by Mr. Haschka, seconded by Mr. Maxwell, that proposed Ordinance No. 6-2 be placed in the Public Safety and Service Committee. Vote on the motion was all ayes and no nays. The motion carried and the Ordinance was thus placed in committee.

**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.

Mrs. Kavander briefly reviewed the analysis she provided to Council, noting that a total of \$767,000 has been accessed and adding that, since 1989, 82% of all fees have been certified. She continued by addressing the fact that over \$25,000 of miscellaneous certification was also completed, which included things like grass cutting and nuisance abatements.

Moved by Mr. Lange, seconded by Mr. Haschka, that proposed Ordinance No. 6-3 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:      None****LEGISLATION – FIRST READING:****RESOLUTION NO. 9-1: A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER.**

The Clerk read the title of the Resolution.

Mrs. Kavander stated that this piece follows the Tax Budget, which was adopted in June of

2015, and certifies rates in a separate document. She added that rates will remain consistent at their 2015 levels, and informed Council that while the information was received on Friday, September 4, 2015, the Ordinance is due back by October 1, 2015. She suggested holding a Special Meeting so that the piece that go a full 3 readings.

Proposed Resolution No. 9-1 stands on first reading.

**ORDINANCE NO. 9-2: AN ORDINANCE AUTHORIZING THE MAYOR AND/OR HIS DESIGNEE TO MAKE APPLICATION FOR, AND, IF AWARDED, TO ENTER INTO AN AGREEMENT FOR GRANT FUNDS TO BE AWARDED FOR THE YEARS 2016 AND AFTER FROM THE OHIO PUBLIC WORKS COMMISSION, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Mr. Walters explained that this Ordinance must be adopted fairly quickly, adding that Mr. Armagno has been diligently working on the specifics, and will soon be prepared to submit the necessary application. He reminded Council that Mr. Armagno did include a Project Description with the legislation, and asked that this piece also be reviewed at the Special Meeting.

Proposed Ordinance No. 9-2 stands on first reading.

**ORDINANCE NO. 9-3: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF A NOTE IN ANTICIPATION OF THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$7,000,000 FOR THE PURPOSE OF IMPROVING THE CITY-OWNED ADMINISTRATIVE OFFICES, TRAINING FACILITY AND SURROUNDING GROUNDS LEASED TO THE CLEVELAND BROWNS FOOTBALL COMPANT LLC, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Moved by Mr. Haschka, seconded by Mr. Maxwell, that proposed Ordinance No. 9-3 be placed on the September 14, 2015 Work Session Agenda under the Finance Committee, and also be placed on the September 14, 2015 Special Meeting Agenda for second reading. Vote on the motion was all ayes and no nays. The motion carried.

**REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL**

President Brown welcomed Council back to session and thanked the Mayor and Directors for their exceptional work over the summer months, exemplified in well attended Small Business Seminars and Summer Festivals.

Mrs. Brown next announced that the State of the Schools will take place on Thursday, September 10, 2015 at Post 610. The luncheon begins at 11:30a.m., and the cost is \$15.00.

**REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL**

Mr. Maxwell had no report.

Mr. Zacharyasz had no report.

Mrs. Banaszak announced that the Berea Century Home District signs are up, thanking the Mayor, Matt Madzy, the Service Department and a group of residents in Old Berea for their diligent work, adding that their efforts were instrumental in turning the idea in to a reality.

Mrs. Banaszak next informed Council that Shafts Grocery Store is closing after over 100 years of service, adding that the City is truly losing a landmark.

Mr. Haschka stated that while weather has hindered the Summer Car Shows, the weekly events will continue throughout the end of the month. He thanked all who have come out and supported the events.

Mrs. Key thanked the Berea Police and Fire Departments for all that they do to serve and protect Berea and its residents.

Mr. Lange publically announced that, at the conclusion of his term, he will retire from Council, adding that he loves Berea and has greatly enjoyed the 12 years he has spent as an elected representative.

Mr. Malott announced a Ward 5 meeting on September 22, 2015 at the Berea Public Library. The meeting will commence at 7:00p.m.

### **CORRESPONDENCE**

The June 12, 2015 – September 2, 2015 Correspondence is available in the Clerk's office.

### **OTHER BUSINESS:**

Mrs. Esson had no report.

Mrs. Brown reminded Council that representatives from the Court will attend the September 14, 2015 Council Work Session to offer their bi-annual report. She stated that tomorrow is the next Quarterly Court Meeting.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that Council hold a Special Meeting following the Council Work Session on Monday, September 14, 2015, in order to discuss proposed Resolution No. 9-1, proposed Ordinance No. 9-2 and proposed Ordinance No. 9-3, all of which will be on second reading. Vote on the motion was all ayes and no nays. The motion carried.

Jayne Brown, a member of the audience, wished Mr. Walters a Happy Birthday, as he turns 70 on September 9, 2015.

Aliceann Brabenec, a member of the audience, thanked both the Administration and City Council for all the excellent summer entertainment, and stated that her grandchildren greatly enjoyed Jason Malone Park. She then alerted everyone to the fact that a phone scam is underway, encouraging residents to ignore threatening calls from individuals claiming to be with the IRS. President Brown concurred, warning people against freely giving out their social security

numbers.

Moved by Mr. Maxwell, seconded by Mrs. Banaszak, that Council move in to Executive Session in accordance with Section 121.22 of the Ohio Revised Code in order to discuss the appointment, employment, dismissal, discipline, promotion, demotion or compensation of public employees, pursuant to O.R.C. 121.22(G)(1) and Codified Ordinance Chapter 109.” Vote on the motion was ayes: Banaszak, Haschka, Key, Malott, Maxwell and Zacharyasz. Nays: None. Mr. Lange had stepped out of the Chamber and was not present for the vote. The motion passed and Mrs. Brown declared a brief recess at 8:41p.m. so that members of the audience had time to exit the Chamber.

Council returned to Regular Session at 9:16p.m.

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 9:17p.m.

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Mary K. Brown  
President of Council

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Alycia Esson  
Clerk of Council

#### CERTIFICATE OF COMPLIANCE

The regular meeting of Council of the City of Berea, Ohio, held on the 8<sup>th</sup> day of September, 2015, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

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Alycia Esson  
Clerk of Council