

MINUTES OF A REGULAR COUNCIL MEETING
February 1, 2016 – 7:30p.m.

Council of the City of Berea, Ohio, met in the Council Chamber on February 1, 2016 and was called to order by President Pro Tempore of Council Jim Maxwell at 7:30p.m. Present: Cheryl A. Banaszak, Bill DeVito, Margarette S. Key and Rick Skoczen. Absent: Council President Mary K. Brown, Nick Haschka and Gene Zacharyasz. Also present: Mayor Cyril M. Kleem, Director of Public Service Paul Anzalone, Director of Recreation Marty Compton, Director of Law and Public Safety Barb Jones and Director of Finance Dana Kavander.

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. Banaszak, seconded by Mrs. Key, that the minutes from the January 25, 2016 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 Mrs. Key, seconded by Mrs. Banaszak, that the minutes from the January 28, 2016 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 announced the receipt of a \$150,000.00 Community Development Block Grant that will be used to repair another portion of North Rocky River Drive. He recognized Director of Public Service, Paul Anzalone, who provided details regarding a new road maintenance program through the Cuyahoga County Department of Public Works. Mr. Anzalone explained that the County is offering to reimburse the City up to \$16,790.00 for materials utilized by the City for work performed on County roads. Mr. Anzalone explained that the majority of work being performed will include crack sealing, catch basin restoration, and asphalt repair and expansion. These efforts will help the roads to remain viable for years longer than if the work was not performed. The County roads identified for repair are portions of North Rocky River Drive, Bagley Road, Barret Road, Front Street, Lindberg Boulevard, Nobottom Road, Riverside Drive and South Rocky River Drive.

Mr. Maxwell emphasized that this work will be in addition to the City's annual Street Program.

REPORT AND COMMENTS BY THE OFFICERS OF THE ADMINISTRATION:

Dana Kavander – Director of Finance:

Mrs. Kavander had no report.

Barb Jones – Director of Law & Public Safety:

Mrs. Jones had no report.

Paul Anzalone – Director of Public Service:

Mr. Anzalone had no report.

Marty Compton – Director of Recreation:

Mr. Compton had no report.

COMMENDATIONS: **None**

PETITIONS: **None**

AUDIENCE PARTICIPATION:

Debbie Gonzalez, a member of the audience and resident of Berea, stated that she was present, along with others, to voice concerns about the treatment of horses boarded at the Berea Fairgrounds. Mrs. Gonzalez referenced a recent news story that had identified animal neglect and abuse at the Fairgrounds, and was hopeful that the City could play a role in exposing the animal cruelty and better monitoring the situation in the future. She added that she has been in contact with Sunny Simon, a County Council representative, as well as the President and CEO of the Animal Protective League, Sharon Harvey. Mrs. Gonzalez concluded by declaring that something needs to be done to address this horrendous animal abuse.

Mr. Maxwell asked if the Administration would be able to supply any information on this matter, and Mrs. Jones informed Council that a search warrant, obtained through the County Court, has been executed, and while the City has no involvement in the investigation, depending on the severity of charges, the County has the authority to prosecute the case in either the Berea Court or the County Court.

Robert Gurgoa, a member of the audience, began by inquiring as to whether or not a City Council meeting is the correct and appropriate place to voice concerns about animal cruelty issues at the Fairgrounds, specifically the treatment of horses. Mr. Maxwell explained that the public is welcomed and encouraged to bring matters of concern before City Council, but cautioned him that Council is a legislative body and may not be able to do very much immediately. The comments could, however, influence future legislation, and thus the audience should not be discouraged from voicing their concerns.

Mayor Kleem interjected that the Mayor and Administration are charged with enforcing the law, where applicable. In this particular situation, the City may or may not have jurisdiction because the Fairgrounds is owned by the County. Mrs. Jones encouraged the audience members to leave their names and phone numbers with her, and committed to organizing a meeting with the Police Chief and Animal Control Officer in the very near future.

Mr. Gurgoa expressed his frustration, stating that the Fair Board has been contacted so many times by concerned individuals who have witnessed animal abuse, and the concerns have simply been ignored. He asked that Council point him to a place where someone will be able to

act to protect the helpless animals. He then inquired as to whether or not animal cruelty was against the law in Berea, and hearing that it was, questioned why the laws have not been enforced. Mrs. Jones stated that she will reference Police reports, gather information, and present it at the aforementioned meeting that will take place soon.

Mayor Kleem requested a bit of information and context, and Mr. Gurgoa explained that barn stalls are rented from a barn manager. The Fair Board oversees these barn managers. Reports of neglect have been made to the Fair Board at least 15 times, but nothing has changed. There are even cases of lambs being butchered inside the wash racks, which is in violation of the laws of the Fairgrounds, but still nothing is done.

Mr. Maxwell felt that the best course of action was to put the residents in touch with the law enforcement arm of the City, and asked those present with concerns on the matter to leave their names and contact information with Mrs. Jones. He encouraged the audience to be prepared to discuss specific stories and situations they've witnessed, and complaints that have been made. He further stated that if anyone wished to speak before Council, they are more than welcome to do so at this time.

Mr. Gurgoa said that he greatly appreciated Mrs. Jones' offer to coordinate a meeting because the animals count on humans to protect them, and the treatment they are receiving from certain barn managers at the Fairgrounds is despicable. Horses are being starved, and every one at the venue is culpable.

Mr. DeVito confessed that he was unaware of concerns about horse brutality at the Fairgrounds. Mr. Gurgoa responded that the Animal Control Officer has been going out to the Fairgrounds for years, and could not fathom how City officials were not made aware of the perilous situation.

Mrs. Key thanked the members of the audience for their passionate concern about horses, adding that Mrs. Gonzalez has been calling her about this specific situation for the past couple of weeks.

Janet Kihm, a member of the audience, declared that her horse was killed at the Fairgrounds in 2011. The animal was boarded in the Davidson's barn, and even though they had all of her contact information, it took a chance visit for someone to tell her that her horse was sick. She was told the animal was improving, but took one look at her horse and knew that something was very wrong. Over the course of the next two days, the Veterinarian worked to save the animal, but to no avail. She was later informed by the Animal Warden that someone had a video of her horse being beaten and dragged behind a truck. She was encouraged to file a police report, which she did, and the case went to trial. While the barn manager was convicted, he pled the charges down to disorderly conduct. This is first-hand knowledge of abuse at the Fairground barns.

Ms. Kihm continued, stating that it was her understanding that Berea did not care about the treatment of her horse, or other animals at the Fairgrounds. She now boards her horses at a home stable, complete with security cameras, for fear of retaliation from the barn managers at the Fairgrounds.

Mayor Kleem wondered if any civil action was taken on this matter, and Ms. Kihm responded in the negative, adding that she should have filed a lawsuit, but did not know what could be done. She said that the man responsible for her horse's death was Gregory Davidson.

Mayor Kleem acknowledged that he was aware of the situation she referenced, stating that the case was prosecuted, but that the City can not control the outcome of a Court case. He continued by explaining that, clearly, the City was not made aware of all of the details of the case, and the presence of those in the audience tonight has certainly put the City on notice. He committed to investigating and addressing their concerns, in conjunction with the County.

Mayor Kleem confessed that the stories being told are extremely disturbing, and a meeting with law enforcement will be convened as soon as possible. He noted that meetings have been held, and laws researched, with regard to animal cruelty and the City's current policies. Legislation may be coming soon that can toughen these laws within the City. Ms. Kihm thanked the Mayor for listening, saying it is good to finally be heard.

Mr. Maxwell commented that while the animal cruelty being discussed is horrendous, it is also disheartening to hear that the public feels the City does not care. He stated that he does not believe this to be the case, and hopes the City's response in the coming weeks can change their feelings and opinions.

Roberto Gonzalez, a member of the audience and resident of Berea, said that he used to be close with the Davidsons, and even took care of one of their horses. He then found out that people were riding the horses, even when the animals were sick. Once he confronted them about this, he was no longer allowed to take an active role in their care. He said that everything that happens in those barns stays there; everything is hush-hush.

Mr. Gonzalez confided that he went to the barn today, and three horses remain. He does not know if they are being fed. Mr. Maxwell inquired as to whether or not the City had the authority to inspect the barns, and Mrs. Jones said that the Animal Control Officer will go to the stables in the morning, along with a Patrol Officer. Mr. Gurgoa offered to personally remove and care for the horses, if need be, until they can be placed in a safe stable.

Mayor Kleem asked for clarification on who manages the barns. Members of the audience responded that one barn is managed by the Davidsons, two by the Kluns, another by a gentleman named Mike, who is responsible for slaughtering lambs, and the others are being responsibly run, as far as they can tell. Mayor Kleem then questioned who complaints are made to, and the collective response was the Barn Manager, Dennis Eck.

Katherine Webb, a member of the audience, divulged that she had gone to the Fairgrounds to look for a place to board her horse, and had met Ho and Greg Davidson. When she observed the barns, she witnessed that the horses were standing in 2-3 feet of manure. She has also witnessed horses being utilized and run inappropriately, and has viewed horses who show the effects of beatings and starvation. She said that the Davidsons' horses are never vet checked or tested for illness or disease. She further complained that when Fairground employees conduct inspections at the barns, they are announced in advance, rather than conducted randomly.

Ms. Webb declared that she had spoken with an investigator today who said the Davidsons' barn was supposedly empty, but she does not think this is the case. Ms. Webb said that she left Berea after the incident involving Ms. Kihm's horse, and does not want to do business in the City anymore. If action is taken, Council and the Administration might persuade her to change her mind, but she is simply disgusted by the treatment of the animals. She concluded her comments by stating that everyone is afraid of the Davidsons.

Joanna Kannenberg, a member of the audience, confessed that there has been a long standing atmosphere of intimidation at the Fairgrounds, and people are afraid of speaking out against those by whom it is perpetuated. She encouraged a grassroots boycott of the City of Berea, and found it hard to believe that City officials did not know this type of animal cruelty was ongoing.

Mr. Maxwell thanked everyone for attending and sharing their thoughts and stories. He stated that the City was unaware that these things were taking place at the Fairgrounds, but cautioned anyone against taking their frustrations out on Berea business owners. He reiterated that Mrs. Jones and the Mayor will be convening a meeting between concerned individuals and Berea Law Enforcement shortly, and noted that the Animal Control Officer will head out to the stables in the morning to access the situation. He stated that he was confident the Administration would take swift and immediate action to the extent they are able, and added that the audience members should take some level of comfort in this.

Mr. Gurgoa thanked Council for taking the time to hear their concerns.

COUNCIL COMMITTEE REPORTS AND COMMITTEE ANNOUNCEMENTS:

Jim Maxwell – Woodvale Union Cemetery Board of Trustees

Mr. Maxwell announced that on Thursday, June 9, 2016, Woodvale Union Cemetery will host the annual Greater Cleveland Conference of Cemeteries. Part of the event will occur at the cemetery, and part at a larger venue.

LEGISLATION – THIRD READING:

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.

Mrs. Jones requested that this Ordinance stand on third reading due to the fact that the Sergeants are seeking to associate with a different Union, and their voting procedure will last until February 9, 2016. This Ordinance should, therefore, be able to be adopted at the end of February.

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.

Moved by Mrs. Banaszak, seconded by Mrs. Key, that Ordinance No. 12-3 be adopted. Vote on the motion was ayes: Banaszak, DeVito, Key, Maxwell and Skoczen. Nays: None. The motion carried and the Ordinance was adopted.

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.

Moved by Mrs. Key, seconded by Mrs. Banaszak, that Ordinance No. 12-4 be adopted. Vote on the motion was ayes: Banaszak, DeVito, Key, Maxwell and Skoczen. Nays: None. The motion carried and the Ordinance was adopted.

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.

Moved by Mr. Skoczen, seconded by Mrs. Banaszak, that Ordinance No. 12-5 be adopted. Vote on the motion was ayes: Banaszak, DeVito, Key, Maxwell and Skoczen. Nays: None. The motion carried and the Ordinance was adopted.

ORDINANCE NO. 1-3: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$515,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING IMPROVEMENTS AT COE LAKE, INCLUDING AN AMPHITHEATER AND POOL SHELTER, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance. The Fiscal Officer’s Certificate is on file in the Clerk’s Office.

Mrs. Kavander stated that this is a new borrowing for improvements to Coe Lake.

Moved by Mrs. Banaszak, seconded by Mrs. Key, that Ordinance No. 1-3 be adopted. Vote on the motion was ayes: Banaszak, DeVito, Key, Maxwell and Skoczen. Nays: None. The motion carried and the Ordinance was adopted.

ORDINANCE NO. 1-4: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$2,585,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF RESURFACING CERTAIN CITY STREETS TO BE APPROVED BY COUNCIL (THE 2016 STREET PROGRAM) AND TO PAY COSTS OF RECONSTRUCTING STREETS, INCLUDING IN THE BLUEGRASS DEVELOPMENT AREA, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance. The Fiscal Officer's Certificate is on file in the Clerk's Office.

Mrs. Kavander stated that this is a new borrowing.

Moved by Mrs. Banaszak, seconded by Mr. Skoczen, that Ordinance No. 1-4 be adopted. Vote on the motion was ayes: Banaszak, DeVito, Key, Maxwell and Skoczen. Nays: None. The motion carried and the Ordinance was adopted.

ORDINANCE NO. 1-5: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$3,542,500 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY A PORTION OF THE COSTS OF (i) ACQUIRING PROPERTY TO BE USED FOR VEHICLE MAINTENANCE AND STORAGE FOR THE SERVICE DEPARTMENT, THE FRONT STREET RAILGRADE SEPERATION PROJECT AND OTHER MUNICIPAL PROJECTS, (ii) ACQUIRING REAL ESTATE FOR MUNICIPAL FACILITIES, (iii) ACQUIRING CITY VEHICLES FOR USE IN THE CITY'S SERVICE, POLICE AND RECREATION DEPARTMENTS, (iv) IMPROVING THE INDOOR SWIMMING POOL AT THE CITY'S RECREATION CENTER, (v) ACQUIRING POLICE VEHICLES AND SAFETY EQUIPMENT, (vi) REFURBISHING AN AERIAL FIRE TRUCK AND ACQUIRING EQUIPMENT FOR FIRE DEPARTMENT VEHICLES, (vii) ACQUIRING A PLOW TRUCK AND SERVICE DEPARTMENT EQUIPMENT, (viii) RESURFACING CERTAIN CITY STREET TO BE APPROVED BY COUNCIL, AND (ix) ACQUIRING VEHICLES, AND COMPUTER AND OTHER EQUIPMENT FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance. The Fiscal Officer's Certificate is on file in the Clerk's Office.

Mrs. Kavander explained that this is a roll-over of existing debt.

Moved by Mrs. Banaszak, seconded by Mr. Skoczen, that Ordinance No. 1-5 be adopted. Vote on the motion was ayes: Banaszak, DeVito, Key, Maxwell and Skoczen. Nays: None. The motion carried and the Ordinance was adopted.

ORDINANCE NO. 1-6: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$750,000 URBAN RENEWAL TEMPORARY REVENUE BONDS, IN ANTICIPATION OF THE ISSUANCE OF DEFINITIVE URBAN RENEWAL REVENUE BONDS, FOR THE PURPOSE OF PAYING COSTS OF CITY URBAN RENEWAL PROJECT ACTIVITIES IN THE FIRST AVENUE

COMMUNITY REVITALIZATION AREA, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Kavander explained that this is a roll-over of existing debt.

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

LEGISLATION – SECOND READING: **None**

LEGISLATION – FIRST READING:**ORDINANCE NO. 2-1: AN ORDINANCE AMENDING SECTION 183.07, INSURANCE, OF CHAPTER 183, EMPLOYMENT PROVISIONS, OF TITLE VIII, PERSONNEL PLAN, OF THE CODIFIED ORDINANCES OF THE CITY OF BERA, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Mrs. Jones informed Council that the proposed amendment would make the healthcare changes negotiated with Union employees eligible to non-union employees, as well.

Proposed Ordinance No. 2-1 stands on first reading.

ORDINANCE NO. 2-2: AN ORDINANCE AMENDING AND RECONSTITUTING SECTION 175.10, COMPENSATION SCHEDULE, OF CHAPTER 175, CLASSIFICATION AND COMPENSATION, OF TITLE VIII, PERSONNEL PLAN, OF THE CODIFIED ORDINANCES OF THE CITY OF BERA TO PROVIDE AN UPDATED COMPENSATION SCHEDULE FOR CURRENT AND FUTURE CITY EMPLOYEES, EXPRESSLY REPEALING EXISTING SECTION 175.10 OF THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Jones informed Council that the amendment proposes a compensation schedule through the year 2018.

Mr. Maxwell clarified that there are 33 different pay grades within the City, and Mr. DeVito inquired as to how many employees are non-union. Mayor Kleem stated that the City employs between 70 and 80 full time non-union employees. Mrs. Jones noted that some seasonal employees do not fit in to this compensation schedule.

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

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

On behalf of President Brown, Mr. Maxwell congratulated Molly Brown and all Berea-Midpark High School inductees in to the National Honor Society.

Mr. Maxwell reminded Council and the listening audience that nominations are now being accepted for the Chamber Grindstone Award and City Courtesy Award.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Haschka was not present.

Mrs. Key thanked all those who have donated to the victims of last week's house fire on Lincoln Avenue. She expressed gratitude to Heritage Congregational Church, Grindstone Elementary School and members of her family and friends.

Mr. Maxwell had no report.

Mr. Skoczen stated that with the recent news stories regarding water contamination, several residents have expressed concerns about the lead levels in Berea water, since most of the pipes were installed prior to 1986. He wondered if the City conducts proper testing and, if so, asked that these results could be publicized in an effort to be pro-active.

Mayor Kleem responded that this issue was discussed at his morning meeting, and it was decided that information will be publicized in the March newsletter. He added that this information is available every year, but the public is, obviously, more interested this year due to the water issues in Flint, Michigan and Sebring, Ohio.

Mr. Anzalone informed Council that he has spoken with Sandy Vozar at the Water Plant, and she conveyed that the EPA mandates that Cities conduct testing for lead levels in water supplies. Berea's levels are well below the allowable limit. The City's water system piping no longer contains lead joints, and there are no lead pipes in the distribution center. All piping is either ductile iron or cement lined ductile.

Mrs. Kavander stated that the water quality report is available online, and Mayor Kleem noted that it is possible that lead pipes are present within residential properties. The City frequently tests to make sure residential pipes do not affect City water.

Mr. Zacharyasz was not present.

Mrs. Banaszak had no report.

Mr. DeVito had no report.

CORRESPONDENCE

The January 22, 2016 – January 28, 2016 Correspondence is available in the Clerk's office.

OTHER BUSINESS

Mrs. Esson informed Council that she will be in touch with them once the Council photo is

rescheduled.

Mrs. Esson announced that the American Legion Auxiliary's annual pumpkin roll fundraiser is ongoing, and if anyone is interested in a 3lb pumpkin roll, they are available for \$9.00.

Moved by Mrs. Banaszak, seconded by Mr. Skoczen, that the February 8, 2016 Council Work Session be cancelled. Vote on the motion was all ayes and no nays. The motion passed.

Mr. Maxwell reminded Council that the next Regular Meeting will take place on Tuesday, February 16, 2016, due to the Presidents' Day holiday.

There being no further business before Council, it was moved by Mrs. Key, and seconded by Mrs. Banaszak, that the Regular Council Meeting be adjourned. Vote on the motion was all ayes and no nays. The motion passed and President Pro Tempore Maxwell declared the meeting adjourned at 8:47p.m.

Jim Maxwell
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 1st day of February, 2016, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council