

MINUTES OF A REGULAR COUNCIL MEETING

March 7, 2016 - 7:30p.m.

Council of the City of Berea, Ohio, met in the Council Chamber on March 7, 2016 and was called to order by President of Council Mary K. Brown at 7:33p.m. Present: Cheryl A. Banaszak, Bill DeVito, Nick Haschka, Margarette S. Key, Rick Skoczen and Gene Zacharyasz. Absent: Jim Maxwell. 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 Mr. Haschka, seconded by Mrs. Banaszak, that the minutes from the February 16, 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 Mr. Haschka, seconded by Mrs. Banaszak, that the minutes from the February 29, 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 had no report.

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 announced that hydrant flushing would commence this week and continue for the next five weeks.

Marty Compton - Director of Recreation:

In response to a comment from Mrs. Brown, Mr. Compton stated that registration is now open for BBA Baseball, Lou Groza Football, and Tri-City Soccer.

COMMENDATIONS:**RESOLUTION NO. 2-3: A RESOLUTION HONORING AND COMMENDING GEORGE HINTON FOR HIS ACHIEVEMENT IN ATTAINING THE RANK OF EAGLE SCOUT.**

The Clerk read the Resolution in full.

Moved by Mrs. Banaszak, seconded by Mr. Haschka, that Resolution No. 2-3 be approved. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Skoczen and Zacharyasz. Nays: None. The motion carried.

RESOLUTION NO. 2-4: A RESOLUTION HONORING AND COMMENDING HENRY HINTON FOR HIS ACHIEVEMENT IN ATTAINING THE RANK OF EAGLE SCOUT.

The Clerk read the Resolution in full.

Moved by Mrs. Banaszak, seconded by Mr. Haschka, that Resolution No. 2-4 be approved. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Skoczen and Zacharyasz. Nays: None. The motion carried.

RESOLUTION NO. 2-5: A RESOLUTION HONORING AND COMMENDING DAVID WEAVER FOR HIS ACHIEVEMENT IN ATTAINING THE RANK OF EAGLE SCOUT.

The Clerk read the Resolution in full.

Moved by Mr. Haschka, seconded by Mrs. Banaszak, that Resolution No. 2-5 be approved. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Skoczen and Zacharyasz. Nays: None. The motion carried.

Mrs. Brown commended the Eagle Scouts for the time and effort it took to achieve such a tremendous accomplishment, and offered her congratulations to their Parents, as well.

Mrs. Banaszak declared that she had the privilege of attending the Eagle Scout Court of Honor Ceremony at which these three boys were recognized. She added that it is a fabulous ceremony to witness, and thanked the families for allowing her to be a part of the festivities.

RESOLUTION NO. 2-6: A RESOLUTION HONORING AND COMMENDING DALE A. LANGE FOR HIS MANY YEARS OF SERVICE TO THE CITY OF BEREA AS AN AT-LARGE REPRESENTATIVE TO BEREA CITY COUNCIL.

The Clerk read the Resolution in full.

Mr. Lange stated that he enjoyed his time on Council, recalled significant memories and events relating to his time as an elected representative, and pointed out his picture on the wall of the Chamber. He also thanked his wife for her help, support and diplomacy, and reminded Council that Jeff King first recruited him to Council. He concluded by stating that, just recently, he received a note of congratulations and thanks from Sally King, which was truly appreciated.

COUNCIL COMMITTEE REPORTS AND COMMITTEE ANNOUNCEMENTS:**Southwest Healthcare System Board of Directors – Cheryl A. Banaszak**

Mrs. Banaszak announced that the Southwest System Board held their first meeting of 2016, at which President Bill Young highlighted both the plans and goals of the hospital. One salient goal is that of improved communication, as he hopes to spread the word about all that the hospital has to offer, and make Southwest the premiere go-to hospital in the area. She continued by stating that President Young has been meeting with local Mayors, Administrators, schools and businesses already.

Mrs. Banaszak also addressed the recent fire at the hospital's Emergency Room, adding that it began in a utility room, and while no one was, thankfully, injured, the sprinkler system went off and caused damage to computers and drywall. It will be a while before everything is entirely cleaned up, but President Young commended the staff for moving patients efficiently and effectively.

Lastly, Mrs. Banaszak informed Council that the hospital is determined to decrease wait time in the Emergency Room and, unfortunately, she has first-hand knowledge that they are indeed making progress. She encouraged those who utilize the emergency room to complete the follow-up survey so that the hospital can track their progress and see where improvements are needed.

Mrs. Brown thanked Mrs. Banaszak for her hard work on what is a time-consuming Committee. Mrs. Banaszak stated that she enjoys her involvement.

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.

Moved by Mr. Haschka, seconded by Mrs. Key, that both the title and Section 1 of proposed Ordinance No. 12-2 be amended by removing the words "Fraternal Order of Police, Parma Lodge No. 15" and replacing them, in both places, with the words "Ohio Patrolmen's Benevolent Association". Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Skoczen and Zacharyasz. Nays: None. The motion carried.

Moved by Mr. Haschka, seconded by Mrs. Banaszak, that proposed Ordinance No. 12-2, as amended, be adopted. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Skoczen and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

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 BEREA, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Moved by Mr. Haschka, seconded by Mrs. Banaszak, that proposed Ordinance No. 2-1 be adopted. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Skoczen and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

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 BEREA 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.

Mr. Zacharyasz questioned where Auxiliary Officers fit in to this Compensation Schedule, and Mrs. Jones responded that payment for Auxiliary Officers is defined under a separate Section. The Schedule in question covers all other non-Union employees.

Moved by Mr. Haschka, seconded by Mrs. Banaszak, that proposed Ordinance No. 2-2 be adopted. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Skoczen and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

ORDINANCE NO. 2-10a: AN ORDINANCE AUTHORIZING A COOPERATIVE AGREEMENT FOR THE PURCHASE OF WATER METERS AND METER TRANSMITTING UNITS, AND ALL NECESSARY TECHNICAL UPGRADE SERVICES THERETO, BETWEEN THE CITY FO BEREA AND THE OHIO WATER DEVELOPMENT AUTHORITY, AND FOR A LOAN FROM THE OHIO WATER DEVELOPMENT AUTHORITY TO THE CITY OF BERAE FOR THE WATER METER AND METER TRANSMITTING UNIT REPLACEMENT PROGRAM, IN AN AMOUTN NOT TO EXCEED ONE MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$1,700.000), AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Zacharyasz questioned the need for the water meter replacements, expressing skepticism that the program will produce a cost savings for the City and its residents. Mrs. Kavander responded that while there is no enormous cost savings, the new meters will simply make the City more efficient, assist Water Department employees in being more effective and allow for better analytical analysis. She added that the new meters will help facilitate a monthly billing program, which will mean the City receives payments more quickly.

Mayor Kleem reminded Council that this program was not introduced because of any financial benefit, although it will likely produce some cost savings. He explained that the majority of water meters throughout the City are 50+ years old, and will need to be replaced in the near

future. The question is whether the City wants to address each meter, individually, as it breaks, or do so preemptively and collectively.

Mayor Kleem continued that there is, currently, a lack of technology in the Water Billing Department, and he views this meter replacement program as a smart investment. Mrs. Kavander added that some houses in the City already have the new meters, but since not all properties are on the same system, the purchased software is not yet able to be properly utilized.

Mrs. Brown reminded Council and the listening audience that the City has not raised water rates in years.

Mr. Haschka noted that, these days, people are properly hesitant when asked to allow anyone inside their houses, even for something as simple as a water meter reading.

Mr. DeVito commented that, after speaking with representatives in Canton who were closely associated with their water meter replacement program, he views this as a way to bring Berea up to the technological standards of 2016. While no one will appreciate the \$2.00 a month fee, he believes it to be the right and proper thing to do.

Mr. Skoczen inquired as to how the program and fee schedule would work, and asked for clarification on the meter replacement fund. Mayor Kleem responded that it is the Administration's intention to establish a \$2.00 per month Water Meter Replacement fee, the proceeds of which will be placed in the Meter Improvement Fund, and be utilized to assist with meter replacements and maintenance, both now and in the decades ahead. This fee will, likely, continue for the foreseeable future, but Mayor Kleem acknowledged that Council has the power to amend or eliminate the fee. He added that the money in the Meter Improvement Fund will only be able to be used for water meter replacements and improvements. Mrs. Kavander remarked that the fund is recyclable, and the fees are reserved for this program in particular.

Moved by Mr. Haschka, seconded by Mrs. Banaszak, that proposed Ordinance No. 2-10a be adopted. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key and Skoczen. Nays: Zacharyasz. The motion carried and the Ordinance was adopted.

LEGISLATION – SECOND READING:

ORDINANCE NO. 2-7: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACTS FOR THE IMPROVEMENT AND RESURFACING OF A PORTION OF NORTH ROCKY RIVER DRIVE.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 2-7 stands on second reading.

ORDINANCE NO. 2-8: AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BEREA AND ECHO BEREA ASSOCIATES, LLC, AND ACCEPTING THE GRANT OF A LICENSE FOR THE USE OF UP TO FOUR (4) PARKING SPACES LOCATED AT PERMANENT PARCEL NUMBERS 364-09-017 AND 364-09-018 FOR THE DURATION OF THE WEST CENTER STREET BRIDGE PROJECT.

The Clerk read the title of the Ordinance, acknowledging that an amended version of Exhibit “A” was distributed to all Council Members.

Mr. Haschka asked for clarification on why the City has to pay \$400 a month to rent these four parking spaces.

Mrs. Jones explained that the West Center Street Bridge Project will eliminate Pucher’s ability to receive deliveries, and thus the City needs to establish other means of access to their business. The City plans on posting information that prohibits unauthorized vehicles from parking in these spaces.

Mr. Haschka questioned whether the monthly fee was negotiated, and Mrs. Jones stated in the affirmative, while Mayor Kleem announced that Giant Eagle has a legal right to compensation for the four parking spaces, noting that the cost has already been factored in to the project. He views the \$100 per space, per month, as a reasonable request, and is satisfied that the City was able to work out the deal with the property owners, rather than through litigation.

Mrs. Brown, noting her frustration, inquired as to how long the project will take to complete, and Mayor Kleem answered that it would take about 18 months.

Mr. DeVito reminded Council and the listening audience that Giant Eagle’s Corporate Office conducted this negotiation, and not representatives from the Berea store.

Mrs. Key confirmed that the \$100 per space, per month, was set by Giant Eagle’s Corporate Office. Mr. Skoczen pointed out that no one pays Giant Eagle to park in these particular spaces, at present.

Proposed Ordinance No. 2-8 stands on second reading.

ORDINANCE NO. 2-9: AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AND ENTER INTO A REGIONAL STORMWATER MANAGEMENT PROGRAM SERVICE AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT.

The Clerk read the title of the Ordinance.

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

ORDINANCE NO. 2-12: AN ORDINANCE APPROPRIATING FROM THE VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENDITURES AND OTHER EXPENSES OF THE CITY OF BEREA FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016, AND EXPRESSLY REPEALING ORDINANCE NO. 2016-11.

The Clerk read the title of the Ordinance.

Mrs. Kavander stated that Council Members will be receiving their budget booklets later this week.

Moved by Mr. Haschka, seconded by Mrs. Key, that proposed Ordinance No. 2-12 be placed on the March 14, 2016 Council Work Session Agenda under the Finance Committee. Vote on the motion was all ayes and no nays. The motion carried.

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

ORDINANCE NO. 2-13: AN ORDINANCE AMENDING SECTION 311.02(a), METERS AND SERVICE TAPS; RATES, OF CHAPTER 311, WATER, OF TITLE THREE, PUBLIC UTILITIES, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA TO PROVIDE FOR A METER INSTALLATION AND MAINTENANCE FEE, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Zacharyasz asked why the Administration decided on a monthly fee of \$2.00. Mrs. Kavander remarked that, in addition to loan payments, there will be other costs associated with the installation and maintenance of the water meters, including software updates that could be necessary every few years. The surplus will exist as reserved funds for continuing work.

Mrs. Brown reminded Council that they can always amend the legislation and either raise or lower the monthly fee.

Proposed Ordinance No. 2-13 stands on second reading.

ORDINANCE NO. 2-14: AN ORDINANCE ESTABLISHING THE METER IMPROVEMENT FUND, TO BE KNOWN AS FUND NO. 490, FOR THE PURPOSE OF FUNDING THE COSTS OF A WATER METER REPLACEMENT AND IMPROVEMENT PROGRAM, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 2-14 stands on second reading.

LEGISLATION – FIRST READING:

ORDINANCE NO. 3-3: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO ANY AND ALL AGREEMENTS WITH THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF ROCK SALT FOR THE 2016-2017 WINTER SEASON, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Zacharyasz asked if the City has salt left over from this winter, and Mr. Anzalone responded in the affirmative, adding that he is looking for a place to store it all.

General discussion commenced concerning the cost of salt, and Mr. Anzalone noted that the City will not need to purchase as much salt this year as it did last year.

Proposed Ordinance No. 3-3 stands on first reading.

RESOLUTION NO. 3-4: A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF BEREA TO SELL PERSONAL PROPERTY INCLUDING, BUT NOT LIMITED TO, VEHICLES, EQUIPMENT, TOOLS AND SUPPLIES, WHICH ARE NO LONGER NEEDED FOR PUBLIC USE OR ARE OBSOLETE OR UNFIT FOR TH EUSE FOR WHICH THEY WERE ACQUIRED, BY INTERNET AUCTION IN ACCORDANCE WITH OHIO REVISED CODE SECTION 721.15, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Resolution.

Proposed Resolution No. 3-4 stands on first reading.

ORDINANCE NO. 3-5: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACTS FOR ASPHALT OVERLAYS, CONCRETE REMOVAL AND REPLACEMENT, CRACK SEALING AND BITUMINOUS SURFACE TREATMENTS TO VARIOUS CITY STREETS FOR THE ANNUAL STREET MAINTENANCE AND REHABILITATION PROGRAM, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Haschka asked if the list of streets was ready, and Mayor Kleem anticipated that the lists should be distributed prior to second reading.

Proposed Ordinance No. 3-5 stands on first reading.

ORDINANCE NO. 3-6: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACTS FOR THE CUYAHOGA-CITY OF BEREA WEST CENTER STREET BRIDGE OVER THE EAST BRANC OF THE ROCKY RIVER PROJECT, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

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

ORDINANCE NO. 3-7: AN ORDINANCE AMENDING SECTION 321.03, REQUIREMENTS, OF CHAPTER 321, GARBAGE AND RUBBISH, OF PART THREE, STREETS, UTILITIES AND PUBLIC SERVICES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 3-7 stands on first reading.

RESOLUTION NO. 3-8: A RESOLUTION IN SUPPORT OF A STATEMENT OF COOPERATION FOR THE AEROZONE ALLIANCE.

The Clerk read the title of the Resolution.

Mr. Zacharyasz asked for clarification on this Alliance.

Mayor Kleem explained that this Alliance was recently formed to spark cooperative economic development for cities around Hopkins Airport and NASA. The goal is to attract aerospace or aeronautics enterprises, or others that would do well near the airport and NASA. Mayor Kleem noted that the Alliance has already contributed by bringing an industrial company from Poland, interested in a local site, to Berea a few weeks ago. The company is contemplating properties in both Berea and North Olmsted.

Mayor Kleem emphasized that this Resolution does not commit any money, but simply shows support for the Alliance and its mission.

Mrs. Brown, Mr. Zacharyasz and Mr. Haschka all stated their support for the Alliance, and Mrs. Brown noted that Matt Madzy has additional information about the Alliance, should anyone be interested.

Moved by Mr. Haschka, seconded by Mr. Skoczen, that proposed Resolution No. 3-8 be approved. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Skoczen and Zacharyasz. Nays: None. The motion carried and the Resolution was thus approved.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mrs. Brown reminded Council and the listening audience about the Education Foundation Auction this Thursday, March 10th, and the State of the City Address this Friday, March 11th.

Mrs. Brown also announced that the annual Grindstone Award Dinner will take place in April.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Maxwell was not present

Mr. Skoczen thanked the Administration for their assistance in responding to resident complaints on Hamilton and Vivian.

Mr. Zacharyasz expressed his appreciation to all those who have reached out to him and his family regarding his Mother's recent health emergency. He noted that she is in the critical care unit, but recovering well.

Mrs. Banaszak informed Council that the annual BBA Reverse Raffle will take place on Saturday, April 2, 2016. For more information, one can go to bbabaseball.com.

Mr. DeVito had no report.

Mr. Haschka had no report.

Mrs. Key had no report.

CORRESPONDENCE

The February 13, 2016 – March 4, 2016 Correspondence is available in the Clerk’s office.

OTHER BUSINESS

Mrs. Esson announced that the Council photo has been rescheduled for Monday, March 14, 2016 at 7:00p.m. She also reminded Council to submit their Financial Disclosure statements.

Mrs. Brown stated that there will be a special presentation by the Berea City School District at the Council Work Session next Monday.

Jayne Brown, a member of the audience, reminded everyone to vote in the Primary Election next Tuesday.

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 8:56p.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 7th day of March, 2016, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council