

MINUTES OF A REGULAR COUNCIL MEETING
May 16, 2016 – 7:30p.m.

Council of the City of Berea, Ohio, met in the Council Chamber on May 16, 2016 and was called to order by President of Council Mary K. Brown at 7:30p.m. Present: Cheryl A. Banaszak, Bill DeVito, Nick Haschka, Margarette S. Key, Jim Maxwell and Gene Zacharyasz. Absent: Rick Skoczen. Also present: Mayor Cyril M. Kleem, Director of Public Service Paul Anzalone, 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. Key, seconded by Mr. Haschka, that the minutes from the May 2, 2016 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 informed Council, in conjunction with the annual Road Program, the Administration is considering some parking changes on East Bridge Street, along the Triangle. He announced that Matt Madzy and Tony Armagno will be making a presentation before Council with regard to these changes, and hoped to do so at an upcoming Work Session.

General discussion commenced concerning whether Council should meet in Work Session next Monday, May 23, 2016, or at the normal Work Session in June. It was determined, due to the Charter Review Commission's report, recommendations and proposed amendments, that a Work Session should be held on May 23, 2016 and, if necessary, on June 13, 2016 as well.

Moved by Mr. Haschka, seconded by Mrs. Banaszak, that Council hold a Work Session on Monday, May 23, 2016, at which time Mr. Madzy and Mr. Armagno will make their presentation before Council. Vote on the motion was all ayes and no nays. The motion carried.

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 reminded the listening audience about bulk trash collection this Friday, May 20, 2016. He also announced that letters were sent out to the approximately 400 residents in the pilot area of the Water Meter Project, which includes the Lindbergh, Sunset and Abbyshire neighborhoods. The full project will commence by June 6, 2016.

LEGISLATION – THIRD READING:

ORDINANCE NO. 4-1a: AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BEREA BY REZONING A CERTAIN AREA OF LAND AT 452 EASTLAND ROAD FROM RESIDENTIAL-SINGLE FAMILY-B DISTRICT (R-SF-B) TO TRANSITIONAL OFFICE (TO) DISTRICT.

The Clerk read the title of the Ordinance. Mrs. Key recused herself from the discussion because she is employed by OhioGuidestone, the owners of 452 Eastland Road.

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

ORDINANCE NO. 4-12: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA (“CRA”) AGREEMENT WITH AUDION AUTOMATION, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Maxwell asked if the City had received any indication from Audion as to whether or not they were leaning toward relocating some of their operations to Berea. Mayor Kleem answered that while no commitment has been made, this agreement will certainly convey the City’s commitment to them.

Mr. Maxwell inquired as to whether or not the agreement would expire, in time, if Audion decides against relocating to Berea. Mayor Kleem confirmed that the agreement would, indeed, simply be left to expire.

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

LEGISLATION – SECOND READING:

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

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 5-1 stands on second reading.

ORDINANCE NO. 5-2: AN ORDINANCE AMENDING TABLE 1: LAND USE MATRIX CHART OF PERMITTED AND CONDITIONAL USES, IN SECTION 200.07, PERMITTED AND CONDITIONALLY PERMITTED USES, OF CHAPTER 200, ZONING DISTRICTS AND ZONING MAP, OF THE ZONING CODE OF THE CITY OF BEREA, OHIO, AS AMENDED, ADOPTED MAY 7, 2012.

The Clerk read the title of the Ordinance.

Mrs. Brown informed Council that they will have the report and recommendation from Planning Commission prior to third reading.

Proposed Ordinance No. 5-2 stands on second reading.

LEGISLATION – FIRST READING:

ORDINANCE NO. 5-4: 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, EXPRESSLY REPEALING ORDINANCE NO. 2016-30, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Jones reminded Council that the Ordinance authorizing the purchase of road salt was adopted about a month ago, but following the last Council meeting, the City received word that ODOT had changed the requirements of the Ordinance, mandating that Cities cite the specific amount of salt they intend to purchase. The Ordinance is due this week. Mrs. Jones noted that several cities are now in a similar position, and need these Ordinances to be adopted under suspension.

Moved by Mr. Haschka, seconded by Mrs. Banaszak, that the three reading rule be suspended for Ordinance No. 5-4. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Maxwell and Zacharyasz. Nays: None. The motion carried and the three reading rule was thus suspended.

Moved by Mr. Haschka, seconded by Mrs. Banaszak, that Ordinance No. 5-4 be adopted. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Maxwell and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

ORDINANCE NO. 5-5: 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, 2016, AND EXPRESSLY REPEALING ORDINANCE NO. 2016-27.

The Clerk read the title of the Ordinance.

Mrs. Kavander reminded Council that, typically, budget amendments require suspension, but noted that this Ordinance was placed on the agenda early so that it could go the full three readings.

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

RESOLUTION NO. 5-6: A RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF BEREA FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2017, AND SUBMITTING THE SAME TO THE CUYAHOGA COUNTY FISCAL OFFICER.

The Clerk read the title of the Resolution.

Proposed Resolution No. 5-6 stands on first reading.

RESOLUTION NO. 5-7: A RESOLUTION REQUESTING THAT THE CUYAHOGA COUNTY FISCAL OFFICER CERTIFY CERTAIN INFORMATION TO THE CITY OF BEREA RELATIVE TO A 4.1 MILL TAX RENEWAL LEVY, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Resolution.

Proposed Resolution No. 5-7 stands on first reading.

RESOLUTION NO. 5-8: A RESOLUTION SUBMITTING TO THE VOTERS OF THE CITY OF BEREA, OHIO, THE QUESTION OF THE RENEWAL OF THE 4.1 MILL TAX LEVY FOR THE PURPOSE OF PROVIDING FOR THE CURRENT EXPENSES OF THE CITY OF BEREA, PURSUANT TO OHIO REVISED CODE SECTION 5705.191.

The Clerk read the title of the Resolution.

Mr. Maxwell noted that this is a renewal tax levy, not a new or increased tax, and it was first passed in 1975. The residents of Berea have continuously renewed the levy ever since.

Mrs. Kavander clarified that the 4.1 mill equates to 8.3 cents per \$100 of valuation. In other words, the owner of a \$100,000 home would contribute \$26.73 a year towards the General Fund to pay for Police, Fire and other public services. She emphasized that this is simply a renewal, not a tax increase.

Proposed Resolution No. 5-8 stands on first reading.

ORDINANCE NO. 5-9: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF A NOTE IN ANTICIPATION OF THE ISSUANCE OF BONDS IN THE MAXIMUM 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 COMPANY LLC, 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.

In response to a question from Mr. Maxwell, Mrs. Kavander confirmed that the City borrowed \$7,000,000 for one year, and this Ordinance simply renews that borrowing by rolling it over for another year, thus enabling the City to secure the best possible rate and assume better control over financial planning. Mrs. Kavander added that this Note will be maturing during Council's summer recess, and must thus be rolled over for another year.

Proposed Ordinance No. 5-9 stands on first reading.

ORDINANCE NO. 5-10: AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF BEREA OF AN AMENDMENT TO THE CHARTER OF THE CITY OF BEREA TO MODIFY THE PETITION DEADLINE AND NUMBER OF SIGNATURES NEEDED FOR PETITIONS, BY ESTABLISHING ONLY NON-PARTISAN ELECTIONS, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Dean Van Dress and Ed Gibbs, both members of the Charter Review Commission, were present this evening. Mr. Van Dress emphasized that this Charter Review Commission was very busy and provided Council with a lot to consider. He noted that some of the amendments received unanimous support, while others did not. The meetings were open to the public, and input was provided by Council Members, Administrators and City residents. A full report will be presented at the Council Work Session.

In response to a question from Mr. Maxwell, Mr. Van Dress stated that the proposed amendments must be submitted to the Board of Elections 90 days prior to the General Election.

Mrs. Brown noted that this Ordinance will be placed on the Work Session agenda.

Proposed Ordinance No. 5-10 stands on first reading.

ORDINANCE NO. 5-11: AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF BEREA OF AN AMENDMENT TO THE CHARTER OF THE CITY OF BEREA BY CREATING FOUR YEAR TERMS FOR COUNCIL, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Brown noted that this Ordinance will be placed on the Work Session agenda.

Proposed Ordinance No. 5-11 stands on first reading.

ORDINANCE NO. 5-12: AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF BEREA OF AN AMENDMENT TO THE CHARTER OF THE CITY OF BEREA TO MODIFY THE MANNER IN WHICH NOTICE OF MEETINGS MAY BE GIVEN, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Brown noted that this Ordinance will be placed on the Work Session agenda.

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

ORDINANCE NO. 5-13: AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF BEREA OF AN AMENDMENT TO THE CHARTER OF THE CITY OF BEREA TO CLARIFY THE USE OF GENDER IN THE CHARTER, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Brown noted that this Ordinance will be placed on the Work Session agenda.

Proposed Ordinance No. 5-13 stands on first reading.

ORDINANCE NO. 5-14: AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF BEREA OF AN AMENDMENT TO THE CHARTER OF THE CITY OF BEREA TO EXPAND THE POWER OF THE PLANNING COMMISSION TO ALLOW AREA, USE AND OTHER VARIANCES, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Brown noted that this Ordinance will be placed on the Work Session agenda.

Proposed Ordinance No. 5-14 stands on first reading.

Moved by Mr. Haschka, seconded by Mrs. Key, that proposed Ordinances 5-10, 5-11, 5-12, 5-13 and 5-14 be placed on the May 23, 2016 Council Work Session agenda under the Coordinating Committee. Vote on the motion was all ayes and no nays. The motion carried.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mrs. Brown thanked the Berea-Midpark High School Administration and Staff for a terrific Spring Fling program.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Haschka reminded Council and the listening audience that the Coe Lake Car Shows will, weather permitting, commence on May 22, 2016 from 5:00p.m.-9:00p.m. The weekly shows will run through the end of September.

Mrs. Key announced that Berea resident and local Grindstone Crossing Guard, Bernadette Butler, will be participating in a book signing this Saturday, May 21, 2016, from 10:30am-3:30pm at The Bookstore on the Triangle.

Mr. Maxwell informed Council that he, Anna Chapman and Danielle Swisher met with the third graders at Grindstone Elementary School to discuss local government. The children asked some phenomenal questions, and the experience was terrific. He thanked the Grindstone Administration and Staff for the opportunity to participate.

Mr. Skoczen was not present.

Mr. Zacharyasz offered his condolences to the family of Nancy Gould, a longtime Berea resident and close friend, who passed away recently.

Mr. Zacharyasz also invited everyone to attend the Berea Rib Cook-off at the Fairgrounds over Memorial Day Weekend.

Mrs. Banaszak complimented all involved with the Spring Fling music program at Berea-Midpark High School this past weekend, and congratulated all the Seniors who will be graduating next Tuesday.

Mr. DeVito had no report.

CORRESPONDENCE

The April 29, 2016 – May 13, 2016 Correspondence is available in the Clerk’s office.

OTHER BUSINESS

Mrs. Esson reminded Council that Financial Disclosures are due by midnight.

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 8:11p.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 16th day of May, 2016, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council