

## CITY OF BEREA, OHIO

### MINUTES OF A COUNCIL WORK SESSION OCTOBER 24, 2016 - 7:30p.m.

A Work Session of Berea City Council was held in the Council Chamber on October 24, 2016 and was called to order at 7:30p.m. by President Pro Tempore of Council Jim Maxwell, with the following members present: Cheryl A. Banaszak, Bill DeVito, Nick Haschka, Margarette S. Key, Rick Skoczen and Gene Zacharyasz. Council President Mary K. Brown was in the audience, but chose not to participate in the meeting due to the topic up for discussion and her employment with US Bank. Also present were Mayor Cyril M. Kleem, Director of Public Service Paul Anzalone, Director of Law and Public Safety Barb Jones and Director of Planning, Engineering and Zoning Matt Madzy.

All who were able rose for the Pledge of Allegiance.

This meeting was open to the public in accordance with all legal requirements including C.O. Section 109 and Section 121.22 of the Ohio Revised Code.

#### COORDINATING COMMITTEE

**Chair: President Pro Tempore Jim Maxwell; Members: All of Council**

Mr. Maxwell called the meeting of the Coordinating Committee to order at 7:32p.m., and stated that the purpose of the meeting was to discuss proposed Ordinances 9-5, 9-6 and 9-7. The Clerk read the titles of the Ordinances, which are as follows:

**ORDINANCE NO. 9-5: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT WITH FRONT STREET GROUP, LLC. FOR THE SALE OF PERMANENT PARCEL NUMBER 364-11-014, WHICH IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO FRONT STREET GROUP, LLC., IN EXCHANGE FOR FIVE PARCELS OF REAL PROPERTY CONTROLLED BY FRONT STREET GROUP, LLC. CONTAINING RESIDENTIAL RENTAL PROPERTIES LOCATED NEAR BALDWIN WALLACE UNIVERSITY, AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO EFFECTUATE THE SAME.**

**ORDINANCE NO. 9-6: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA ("CRA") AGREEMENT WITH FRONT STREET GROUP, LLC., AND DECLARING AN EMERGENCY.**

**ORDINANCE NO. 9-7: AN ORDINANCE VACATING PORTIONS OF CENTER STREET AND WEST ALLEY, WHICH ARE NO LONGER NEEDED FOR MUNICIPAL PURPOSES, BUT RETAINING PUBLIC UTILITIES EASEMENTS THEREIN.**

Mr. Madzy provided a brief overview of the proposed project, and Mr. Maxwell inquired about when exhibits for each Ordinance will be received. Mr. Madzy responded that all exhibits will be distributed in advance of third reading.

With regard to Ordinance No. 9-5, and the potential for deed restrictions to be placed on the properties acquired by the City, Mr. Maxwell asked if the deed restriction would, in fact, be permanent. Mr. Madzy explained that it is the intention of the Administration to maintain the restriction in the future, but did note that he has been advised that the City may be limited to instituting the restriction for only 40 years, after which time it will need to be refiled or renewed.

In response to questions from Mr. Maxwell, Mr. Madzy confirmed that there is a commitment in the proposed Community Reinvestment Area Agreement that the first floor of the new structure will remain privately owned and be utilized for retail space. If the developer chooses to sell the property in the future, Mr. Madzy assured Council that the City's Zoning Code does not allow college or residential uses on the first floor of properties located in the Downtown Zoning District. For either to be permitted, a change would need to be made to the City's Zoning Code, and would thus come before both Council and the Municipal Planning Commission.

General discussion commenced concerning Planning Commission's suggestion to add language to proposed Ordinance No. 9-7. This language would ensure that, should the project fall through, the vacation agreement would be void.

Mr. Zacharyasz and Mr. Skoczen both brought forward the issue of parking, and Mr. Madzy reminded Council that University students will not be permitted to park in the lot on site, adding that this parking stipulation will be enforced by the developer, with assistance from the University. Students have a parking sticker on their cars, and if they consistently remove it, it will become damaged and prevent them from parking anywhere on campus. Mr. Madzy noted that the University may consider leasing parking spaces from the City, since the City leases the parking lot to the north of Giant Eagle.

Mayor Kleem noted that University enrollment is not increasing because of this project. The students who will reside in the building already live, and park, elsewhere on campus, and he felt this was something to keep in mind.

Mr. Maxwell asked if Baldwin Wallace had committed to moving the campus bookstore to one of the retail units on the first floor of the proposed building, and President Helmer responded in the affirmative. Jim Webster, a member of the audience, inquired as to whether or not the relocation of the bookstore had anything to do with the closure of the bookstore which currently resides on the triangle. Mr. Madzy stated that he knew of no connection between the two. Mr. Webster also expressed concern about the closure of Kohler Hall, which is considered a historic property.

Rick French, a member of the audience, questioned potential property taxes, and Mr. Madzy explained that the University will own the air rights parcels, and thus they will be permitted to apply for tax exemption status. The retail space on the first floor, however, is not permitted to be utilized for college use, and thus can not be exempted.

Mr. French declared that this project does not comply with the City's Zoning Code, and has thus required a plethora of waivers and variances. His biggest objection to the project, however, is the corresponding lack of parking which will inevitably become an issue. He asked the City to consider turning the acquired rental properties in to parking lots, or constructing a parking deck in the downtown area.

Kevin DiGeronimo addressed Council, reviewing the proposal and presenting renderings of the new building, as well as a site plan. President Helmer reminded Council that this building will be considered a residence hall, and students will be subject to the entirety of the judicial code. Each floor will also be supervised by a Resident Assistant, and a Hall Director will be present in the building.

Further discussion commenced regarding parking possibilities in the downtown area.

Moved by Mr. Haschka, seconded by Mrs. Key, that proposed Ordinance No. 9-5, proposed Ordinance No. 9-6 and proposed Ordinance No. 9-7 be moved to the November 7, 2016 Regular Council Meeting agenda for third reading. Vote on the motion was all ayes and no nays. The motion carried.

Seeing no further business before the Coordinating Committee, Mr. Maxwell declared the meeting adjourned at 8:10p.m.

### **OTHER BUSINESS**

Mr. Maxwell informed Mr. Webster that the floor was open, should he wish to address Council, but Mr. Webster stated that he would prefer to save his comments regarding Baldwin Wallace's conduct during the Indo-China war for the next Regular Council Meeting.

Mrs. Key stated that on Thursday, November 3, 2016, Pathways Hospice of Berea will be holding a memorial service for Berea Servicemen and Servicewomen. The event will take place at the Chapel on the campus of OhioGuidestone.

With no further business before Council, adjournment was moved by Mr. Haschka, and seconded by Mr. Zacharyasz. Vote on the motion was all ayes and no nays, and thus the meeting adjourned at 8:13p.m.

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Alycia Esson  
Clerk of Council

CERTIFICATE OF COMPLIANCE

The Work Session of the Council of the City of Berea, Ohio, held on the 24<sup>th</sup> day of October, 2016, 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