

MINUTES OF A REGULAR COUNCIL MEETING
September 19, 2016 – 7:30p.m.

Council of the City of Berea, Ohio, met in the Council Chamber on September 19, 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, Rick Skoczen and Gene Zacharyasz. Absent: None. Also present: Mayor Cyril M. Kleem, Director of Public Service Paul Anzalone and Director of Law and Public Safety Barb Jones.

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 Mr. Maxwell, that the minutes from the September 6, 2016 Public Hearing #1 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 Mr. Maxwell, that the minutes from the September 6, 2016 Public Hearing #2 be approved. Vote on the motion was all ayes and no nays. The motion carried and the minutes were approved.

Moved by Mrs. Banaszak, seconded by Mr. Haschka, that the minutes from the September 6, 2016 Public Hearing #3 be approved. Vote on the motion was all ayes and no nays. The motion carried and the minutes were approved.

Moved by Mrs. Banaszak, seconded by Mr. Maxwell, that the minutes from the September 6, 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. Key, that the minutes from the September 12, 2016 Council Work Session 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 was not present.

Barb Jones – Director of Law & Public Safety:

Mrs. Jones had no report.

Paul Anzalone – Director of Public Service:

Mr. Anzalone issued a reminder that this Friday is bulk collection, and announced that the weekend's household hazardous waste roundup was very successful, and the City will schedule another.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS:**RESOLUTION NO. 9-8: A RESOLUTION HONORING, COMMENDING AND CELEBRATING THE KIWANIS CLUB OF BERA ON THE 95TH ANNIVERSARY OF ITS SERVICE TO THE CITY OF BERA, OHIO.**

The Clerk read the Resolution in full.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that Resolution No. 9-8 be approved. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried and the Resolution was approved.

The Kiwanis Club of Berea's President, Diana Emrich, was present this evening. She introduced fellow Members Von Smith, Roy Mallarnee, Dan Prok and Don Goebel, announced that the Club is celebrating their 95th Anniversary on September 27, 2016, and declared that they are fortunate to have many passionate and active Club members.

Past Presidents Don Goebel, Von Smith, Roy Mallarnee and Dan Prok discussed some of their favorite causes, events and moments in Club history, including the World's Greatest Garage Sale at the Fairgrounds, Berea Little League Baseball, Scholarship Presentations, the annual Pancake Breakfast and the construction of a playground at Camp Cheerful.

President Emrich concluded her comments by quoting Ghandi, "The best way to find yourself is to lose yourself in the service of others." She believed this to be at the heart of the Kiwanis Club of Berea, as they strive to serve the children of the world and respond to the needs of the surrounding community.

Mayor Kleem, Mrs. Brown and Councilman Skoczen thanked the Kiwanis Club for all they have contributed to the City of Berea.

PETITIONS: **None**

AUDIENCE PARTICIPATION: **None**

COUNCIL COMMITTEE REPORTS AND COMMITTEE ANNOUNCEMENTS:

Woodvale Union Cemetery Board of Trustees – Jim Maxwell

Mr. Maxwell announced that the quarterly meeting of the Woodvale Board of Trustees will take place on September 28, 2016 at 7:00a.m., and invited anyone interested to attend.

Mr. Maxwell then reminded Council about the October 12, 2016 Joint Council Meeting on the topic of Woodvale Cemetery. The meeting will begin at 7:30p.m.

LEGISLATION – THIRD READING: **None**

LEGISLATION – SECOND READING:

RESOLUTION NO. 9-1: A RESOLUTION IN SUPPORT OF THE BEREA CITY SCHOOL DISTRICT'S 4.25 MILL BOND ISSUE, AND URGING VOTERS TO VOTE FOR THE ISSUE AT THE GENERAL ELECTION ON NOVEMBER 8, 2016.

The Clerk read the title of the Resolution.

Berea City School District Superintendent Mike Sheppard was present this evening, along with members of the Board of Education, and administrative representatives from the District. Mr. Haschka thanked Mr. Sheppard for appearing to address the concerns of his residents with regard to the long term plans for the Berea City School District.

Mr. Sheppard began by explaining that Issue 107 will generate approximately \$112.5 million to be utilized for comprehensive facility plans. These plans include the construction of a new high school in Berea, a new elementary school in Brook Park and a complete renovation of the Junior High/Middle Level Complex in Middleburg Heights. Schools will be installed with climate control systems, and classrooms will be upgraded with new technology. The intention is to create opportunities for students in state of the art learning environments that properly prepare them for college and beyond.

Mr. Sheppard explained that the School District does have a balanced budget, as well as some savings, and noted that they have been good stewards with taxpayer money. Nevertheless, some schools throughout the District are in need of significant renovations, and basic immediate repairs will cost nearly \$14 million. By consolidating, the District will save money in its operating budget, which covers day-to-day expenses such as salaries, vendors and utilities. Issue 107 funds will be placed in a separate, permanent improvement fund for new construction and renovations, and the District will be limited to what it can do with this money.

Mr. Sheppard continued by stating that the bond issue will cost the owner of a \$100,000 house, \$12.25 a month, and he encouraged residents to go to the School District website where anyone can input information and see exactly where their tax dollars are going. While no one likes to ask for money, he assured the listening audience that the requested funds are for the kids in our communities.

Mr. Haschka inquired as to whether the Mayors from each City will be on some type of oversight committee with regard to the new school construction and renovations. Mr. Sheppard responded that the District will ask the City for representatives, but added that residents can participate, as well.

Mr. Haschka next addressed the concern of whether or not Grindstone Elementary School is at capacity. Mr. Sheppard stated that it is not, and has never been, at capacity. Mr. Haschka informed him that this rumor is out there, as well as others, and Mr. Sheppard encouraged anyone with questions or concerns to contact the Board of Education, because it is very important that people make up their minds on this bond issue based on accurate information.

Mr. Haschka thanked Mr. Sheppard for appearing this evening to address his questions and concerns, as he has Grandchildren who will be going through the Berea City School District.

Mayor Kleem declared that he has also received several questions about the bond issue, one of which deals with how the School District determined they need \$112.5 million dollars for their proposed new constructions and renovations. Mr. Sheppard responded that the Ohio Schools Facilities Council inputs District information, such as student population and building square footage, and arrives at an accurate number. Thousands of schools have been built off of these models and estimates.

The issue of general ballot language was next addressed by Mayor Kleem, and it was determined that the vagueness of the ballot language was recommended by legal Counsel. This provides the District the opportunity to make adjustments to construction and renovation plans, if such a need arises. Mayor Kleem asked if the District was committed to building both new schools, should the bond issue pass, and Mr. Sheppard explained that the building process has changed. Schools are no longer built on an as-you-go basis, but are rather constructed based off of a guaranteed price.

Mayor Kleem questioned if the \$112.5 million includes a 10% contingency, and Mr. Sheppard responded in the affirmative. The Mayor then wondered where the cost savings from the last round of school closures has gone, and Ryan Ghizzoni, the Treasurer and CFO of the School District, noted that the savings allowed the District to reduce its operating budget to such an extent that they do not need to pursue an operating levy and can, instead, pursue this bond issue.

Mayor Kleem suggested that, perhaps, any potential paving projects be bid out in conjunction with the Annual Road Program. He then offered his opinion, from an urban planning perspective, that just as a park can improve property values, he thinks any pricing model would show that the increases in property values that will be spurred by these new schools will far exceed the increase in property taxes paid. In short, not only is this bond issue good for the kids, but it will also contribute to the creation of wealth in the communities.

Mr. Skoczen, a recent Berea High School graduate, vouched for the fact that the current schools in the District do not provide what children need to succeed.

Mr. Maxwell echoed the Mayor's comments, emphasizing the effect new schools will have on property values, and stating that it makes sense to invest in our communities. He added that the kids, as well as their excellent educators, deserve state of the art facilities, and he hopes this message will get out to the voting public.

Mrs. Banaszak encouraged people to consult the school's website to see where their tax dollars will be going, Mr. DeVito suggested that the District push the message of increased

property values hard, and Mrs. Key asked about the plans for bus parking. Mr. Sheppard answered that the buses will remain at Riveredge, unless a great opportunity emerges to construct a new facility.

Jim Webster, a member of the audience, asked if Mr. Sheppard is concerned about the effect the National Education Association has on textbooks and education. Mr. Sheppard said that this is an issue that can be discussed outside of the Council Meeting, and perhaps at the community forum on September 27, 2016.

Audience members April Rivera, Jenny Cholley, Kim Dettmer and Bill Boone all passionately spoke in support of the bond issue. Jim Slater questioned the school's recent report card, and asked if this bond issue will help raise scores. Mr. Sheppard declared that these scores are not an accurate reflection of the state of the schools, noting that a number of factors contribute to the quality of a school district. He added that until the State creates a consistent assessment model that provides good instruction, it is difficult to rely on the accuracy of the District's report card. He asked Mr. Slater to refer anyone with questions on the report card to the District's website where they will receive a comprehensive understanding of the quality of the Berea City School District.

Mr. Slater next addressed the issue of school security, and Mr. Sheppard stated that the District has a Safety and Security Committee, engaged Safety Forces, and a safety plan in place. The new schools will be constructed so that there is no direct access to students.

Janey Brown, a member of the audience, suggested that the new elementary school in Brook Park retain the name Brook Park Memorial.

Moved by Mr. Maxwell, seconded by Mrs. Banaszak, that Resolution No. 9-1 be approved. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried and the Resolution was approved.

RESOLUTION NO. 9-2: 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.

Moved by Mrs. Banaszak, seconded by Mr. Haschka, that the three reading rule be suspended for Resolution No. 9-2. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried and the three reading rule was thus suspended.

Moved by Mrs. Banaszak, seconded by Mr. Haschka, that Resolution No. 9-2 be approved. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

ORDINANCE NO. 9-3: 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. 2016-54.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 9-3 stands on second reading.

ORDINANCE NO. 9-4: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LICENSE AGREEMENT WITH SP BERA LAKES, LLC. FOR ON-STREET PARKING SPACES TO BENEFIT THE GENERAL PUBLIC AND RESIDENTS OF THE BERA LAKES APARTMENT COMPLEX LOCATED AT 168 COE STREET, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 9-4 stands on second reading.

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.

The Clerk read the title of the Ordinance.

Moved by Mr. Maxwell, seconded by Mrs. Banaszak, that proposed Ordinance No. 9-5 be placed on the October 24, 2016 Council Work Session agenda under the Coordinating Committee. Vote on the motion was all ayes and no nays. The motion carried.

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.

The Clerk read the title of the Ordinance.

Moved by Mr. Maxwell, seconded by Mrs. Banaszak, that proposed Ordinance No. 9-6 be placed on the October 24, 2016 Council Work Session agenda under the Coordinating Committee. Vote on the motion was all ayes and no nays. The motion carried.

LEGISLATION – FIRST READING:

RESOLUTION NO. 9-9: A RESOLUTION RECOGNIZING SEPTEMBER AS NATIONAL PROSTATE CANCER AWARENESS MONTH, REMEMBERING THE VICTIMS OF THIS HORRIFIC DISEASE, HONORING THE SURVIVORS AND ENCOURAGING THOSE FIGHTING FOR RECOVERY TODAY, WHILE SUPPORTING CONTINUED EFFORTS AIMED AT FINDING A CURE.

The Clerk read the Resolution in full.

Moved by Mr. Haschka, seconded by Mrs. Key, that Resolution No. 9-9 be approved. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried and the Resolution was approved.

ORDINANCE NO. 9-10: AN ORDINANCE AUTHORIZING THE CITY ENGINEER TO ENTER INTO NECESSARY AGREEMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO PROVIDE BRIDGE INSPECTION SERVICES, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 9-10 stands on first reading.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mrs. Brown announced that she has cancelled her home phone service, and asked that residents contact her on her cell phone.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mrs. Banaszak thanked Mayor Kleem and the member of the Municipal Planning Commission for a lively Planning Commission meeting on September 15, 2016, and announced that the issue of the proposed construction at 102-118 Front Street will be further discussed at a neighborhood meeting on Thursday, September 22, 2016 at 5:30p.m.

Mr. DeVito thanked the Berea Historical Society for a great pancake breakfast.

Mr. Haschka had no report.

Mrs. Key reminded Council that she was not at the last regular meeting, and thus wanted to take a moment and thank them for adopting the Ordinance pertaining to the new senior living facility on the North End, being spearheaded by Dave Cerny. She also offered her appreciation to those who supported the North End Foundation's Pig Roast, and thanked Sgt. Pat Greenhill for taking the time to answer resident questions regarding public safety and student parking at last week's forum regarding student rentals around the University.

Mrs. Key concluded her comments by noting that she did drop by to speak with the owners of Wild Senioritas, but they were not available.

Mr. Maxwell had no report.

Mr. Skoczen acknowledged that he attended a neighborhood block party on Sunday, September 18, 2016 and the residents shared many great ideas. He also informed Mr. DeVito and Mr. Zacharyasz that he plans to hold a Ward 5 meeting in late October, and invited them, and anyone else interested, to attend.

Mr. Zacharyasz had no report.

CORRESPONDENCE

The September 2, 2016 – September 15, 2016 Correspondence is available in the Clerk's office.

OTHER BUSINESS

Mrs. Esson congratulated the Berea Police Department on being named the Greater Cleveland Safe Kids/Safe Communities Coalition's 2016 Agency of the Year.

Mrs. Esson also announced that Berea Community Outreach is hosting a fundraiser at Mike's Bar & Grille on Sunday, October 16, 2016. She encouraged those who are able to attend to do so in order to benefit a great cause. Mrs. Brown added that Daune Jaynes is doing terrific work in the outreach office, and asked those who are able to support this worthwhile event.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that the October 10, 2016 Council Work Session be cancelled. Vote on the motion was all ayes and no nays. The motion carried.

Moved by Mr. Haschka, seconded by Mrs. Banaszak, that proposed Ordinance No. 9-7 be placed on the October 3, 2016 Regular Council Meeting agenda for second reading. Vote on the motion was all ayes and no nays. The motion carried.

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 9:23p.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 19th day of September, 2016, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council