MINUTES OF A REGULAR COUNCIL MEETING  
October 2, 2017 – 7:30p.m.

Council of the City of Berea, Ohio, met in the Council Chamber on October 2, 2017 and was called to order by President of Council Mary K. Brown at 7:30p.m. Present: Bill DeVito, Nick Haschka, Margarette S. Key, Jim Maxwell, Rick Skoczen and Gene Zacharyasz. Absent: Cheryl A. Banaszak. 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.

Mrs. Brown requested a moment of silence in honor of the victims of the tragedy in Las Vegas.

Moved by Mr. Haschka, seconded by Mr. Maxwell, that the minutes from the September 18, 2017 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 announced that the Center Street Bridge is now open. The project was completed on time and on budget.

REPORT AND COMMENTS BY THE OFFICERS OF THE ADMINISTRATION:

Dana Kavander – Director of Finance:

Mrs. Kavander informed Council that the 2016 Comprehensive Annual Financial Report was found to contain no weaknesses, deficiencies or citations, and thus the City received an award from the State Auditor’s Office.

Barb Jones – Director of Law & Public Safety:

Mrs. Jones had no report.

Paul Anzalone – Director of Public Service:

Mr. Anzalone stated that leaf collection will begin on October 23, 2017 in Zone 1. Collection will end on November 27, 2017. If residents would like to rid themselves of fallen leaves prior to the start of collection, they may add them to yard waste containers.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS: None
PETITIONS: None

AUDIENCE PARTICIPATION:

Roger Smith inquired about the deer epidemic, and Mr. Anzalone responded that, as he understands it, a small bug or mite is climbing in to the animals’ noses and, thereafter, causing suffocation. The Metroparks and Health Department have partnered to try and get the situation under control.

Mr. Maxwell added that the epidemic is referred to as CWD. The deer ingest midges, which provoke high fevers. The animals seek water to lower body temperature, but many are not surviving and are being found along river beds. Mr. Maxwell suggested that a frost may assist in alleviating the issue.

Igor Ternovsky reiterated his concern from last meeting, stating that the City roads are in great need of repair and referencing a house on High Street that could not be sold until the street was fixed. He implored Council to double down on their efforts to repair City streets. He concluded his comments by recognizing Mr. Haschka as a Champion of Democracy.

In response to Mr. Ternovsky, Mr. Anzalone defended the City’s road program, explaining that the City conducts between $1.5 million and $2 million of work on roads each year. He feels the City is behaving diligently and proactively on this matter, but offered Mr. Ternovsky the opportunity to sit down with both he and the City Engineer in order to discuss further suggestions.

Maggie Cummings referenced illegal drug activity and accusatory tenants in her apartment complex, and encouraged the City to conduct background checks on landlords.

COUNCIL COMMITTEE REPORTS AND COMMITTEE ANNOUNCEMENTS:

Woodvale Union Cemetery Board of Trustees – Jim Maxwell

Mr. Maxwell issued a reminder about the October 11, 2017 Joint Council Meeting, which will begin at 7:30pm.

LEGISLATION – THIRD READING:

ORDINANCE NO. 9-2: AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR A JOB CREATION TAX CREDIT WITH BRIDGES REHABILITATION SERVICES PURSUANT TO THE AUTHORITY OF ORDINANCE NO. 2010-29, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Moved by Mr. Haschka, seconded by Mr. Maxwell, that Ordinance No. 9-2 be adopted. Vote on the motion was ayes: DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.
LEGISLATION – SECOND READING:

ORDINANCE NO. 9-3: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO MAKE APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM AND, IF AWARDED A LOAN OR GRANT, TO ENTER INTO ONE OR MORE CONTRACTS EFFECTUATING THE SAME, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Anzalone responded that the Kraft Street repair is estimated to cost $2.9 million and will encompass water line replacement and road reconstruction.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that the three reading rule be suspended for Ordinance No. 9-3. Vote on the motion was ayes: DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that Ordinance No. 9-3 be adopted. Vote on the motion was ayes: DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

ORDINANCE NO. 9-4: AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO AN AGREEMENT TO ACCEPT, ON BEHALF OF THE CITY OF BEREA, THE DONATION OF ONE HUNDRED THOUSAND DOLLARS ($100,000), TOGETHER WITH AN INTEREST FREE LOAN OF TWO HUNDRED THOUSAND DOLLARS ($200,000), FROM BALDWIN WALLACE UNIVERSITY FOR THE PURPOSE OF MAKING IMPROVEMENTS TO TRESSEL STREET BY THE CITY OF BEREA, SUBJECT TO APPROVAL OF COUNCIL AND THE APPROPRIATION OF FUNDS THEREFORE.

The Clerk read the title of the Ordinance.

Moved by Mr. Maxwell, seconded by Mrs. Key, that Ordinance No. 9-4 be placed on the October 9, 2017 Council Work Session Agenda under the Coordinating Committee. Vote on the motion was all ayes and no nays. The motion carried.

RESOLUTION NO. 9-5: A RESOLUTION TO IMPOSE A MORATORIUM ON THE ISSUANCE AND PROCESSING OF ANY PERMITS OR CERTIFICATES OF OCCUPANCY ALLOWING THE CULTIVATION, PROCESSING OR RETAIL DISPENSING OF MARIJUANA FOR MEDICAL PURPOSES WITHIN THE CITY OF BEREA, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Resolution.

Moved by Mr. Maxwell, seconded by Mr. Skoczen, that Resolution No. 9-5 be placed on the October 9, 2017 Council Work Session Agenda under the Building and Zoning Committee. Vote on the motion was all ayes and no nays. The motion carried.
LEGISLATION – FIRST READING:

ORDINANCE NO. 10-1: AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A REAL ESTATE CONVEYANCE AGREEMENT WITH DR. CAITLIN FILIPS-REES AND RANDY REES FOR THE TRANSFER OF CITY-OWNED REAL PROPERTY WHICH SERVES NO MUNICIPAL PURPOSE, IS LOCATED ADJACENT TO THE BAGLEY ROAD UNDERPASS AND IS MORE FULLY IDENTIFIED IN THE LEGAL DESCRIPTION ATTACHED HERETO AND INCORPORATED HEREIN, AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO EFFECTUATE THE SAME, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mr. Maxwell provided a brief synopsis of the proposed land transfer, as he understood it, noting that the property in question is landlocked between Bagley Road and 487 Bagley Road.

Mrs. Jones confirmed Mr. Maxwell’s understanding, adding that the City will be afforded the opportunity to maintain easements in the area.

The architect, Ted Macosko, was present this evening. He wondered if this legislation could be suspended, and Mr. Maxwell took the opportunity to explain the difference between adding an “emergency clause” and “suspending” legislation.

Mrs. Brown declared that it will be great to see construction on the corner of Lindberg and Bagley.

ORDINANCE NO. 10-2: AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BEREA BY REZONING CERTAIN REAL PROPERTY WHICH IS LOCATED ADJACENT TO THE BAGLEY ROAD UNDERPASS, AND IS MORE FULLY IDENTIFIED IN THE LEGAL DESCRIPTION ATTACHED HERETO AND INCORPORATED HEREIN, FROM RESIDENTIAL SINGLE FAMILY B (R-SF-B) DISTRICT TO COMMERCIAL CENTER (CC) DISTRICT.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 10-2 stands on first reading.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

President Brown announced that she was unable to attend the last Berea Cares meeting, but the next will take place on December 2, 2017 at Smith School.

President Brown stated that the Harvest Fest will occur on October 14, 2017, and the Chamber of Commerce has an upcoming coffee event at Perk-Cup Café.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mrs. Banaszak was not present.

Mr. DeVito had no report, but commented on the sadness of the day, in reference to the Las Vegas shooting.
Mr. Haschka had no report.

Mrs. Key thanked the Mayor for the opportunity to collect and donate 8 bags of items which are being sent down to Puerto Rico in order to assist hurricane victims. She thanked Berea for stepping up.

Mr. Maxwell had no report.

Mr. Skoczen offered his thoughts and prayers to the victims and families of the horrendous Las Vegas shooting.

Mr. Zacharyasz had no report.

CORRESPONDENCE

The September 15, 2017 – September 28, 2017 Correspondence is available in the Clerk’s office.

OTHER BUSINESS

Mrs. Esson referenced the November 6, 2017 Public Hearing with regard to the rezone.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that the time of the Work Session be changed from 7:30pm on Monday, October 9, 2017 to 7:45pm that same evening. Vote on the motion was all ayes and no nays. The motion carried.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that Council hold a Special Meeting at 7:30pm on Monday, October 9, 2017, for the purpose of discussing proposed Ordinances No. 10-1 and 10-2, both of which will be on for second reading. Vote on the motion was ayes: DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. 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 8:08p.m.

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Mary K. Brown
President of Council

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Alycia Esson
Clerk of Council
CERTIFICATE OF COMPLIANCE

The regular meeting of Council of the City of Berea, Ohio, held on the 2\textsuperscript{nd} day of October, 2017, 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