

MINUTES OF A REGULAR COUNCIL MEETING

April 4, 2016 – 7:30p.m.

Council of the City of Berea, Ohio, met in the Council Chamber on April 4, 2016 and was called to order by President of Council Mary K. Brown at 7:32p.m. Present: Bill DeVito, Nick Haschka, Margarette S. Key, Jim Maxwell, Rick Skoczen and Gene Zacharyasz. Absent: Cheryl A. Banaszak. Also present: 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 Mr. Haschka, seconded by Mrs. Key, that the minutes from the March 21, 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 was not present.

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 had no report.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS: **None**

PETITIONS:

Jonathan Shaft, a Berea resident, was present this evening. He read his petition in to the record, explaining his hope that Berea will consider implementing legislation that would require all children, up to the age of 18, to wear a bike helmet when riding a bicycle. Mr. Shaft informed Council that only 1 City in Ohio currently requires bike helmets for all residents, but many others do have some sort of requirement in place. He referenced his online petition which can be found at www.change.org, and encouraged residents to join him in support of this worthwhile cause.

Mrs. Brown asked how much support he has received online, and Mr. Shaft responded that the petition has been posted for 5 days, and he has received approximately 30 online signatures.

Mr. Zacharyasz and Mr. Maxwell noted that both the City and the Berea City School District have offered free helmet programs in the past, adding that the importance of bike helmets is emphasized throughout the community. Mr. Maxwell was, however, perplexed by how a bike helmet law would be enforced.

Mr. DeVito wondered how many Cities mandate helmets for children up to the age of 18, and Mr. Shaft referred him to the website included within the submitted petition which provides information regarding the requirements for particular age groups in specific cities.

Mrs. Key was fairly certain the City had already adopted legislation that required children to wear bike helmets, and the Clerk offered to research past Ordinances and see if such a law does, in fact, exist.

Mrs. Jones agreed that this issue was one worth pursuing, but added that even without specific legislation in place, the City is already promoting the benefits of bike helmets. She stated that in addition to the other free helmet programs mentioned this evening, the City also provides a free bike helmet to every child who attends Safety Town.

Mr. Shaft submitted his petition to the Chair, and Mrs. Jones committed to investigating the issue and reporting back to Council.

AUDIENCE PARTICIPATION:

With regard to the submitted petition, Jaynie Brown, a resident of Berea, suggested that a bike helmet recycling program be created so that children could donate helmets they have outgrown, in exchange for free helmets in their correct sizes. Mrs. Jones responded that she would need to research the feasibility of such a program, particularly from a sanitation standpoint.

Larry Lipar, a Berea resident, presented a variety of concerns to Council, beginning with the noise nuisance that stems from loud car radios. He then informed Council that he has noticed several cars in the neighborhood with outdated license plates, and is also concerned about the fire hazard presented by those who flick their cigarette butts out of car windows.

Mr. Lipar proceeded to inquire as to whether or not mail carriers are permitted to walk on grass and lawns, adding that he has placed two “Do Not Cross Lawn” stickers on this car, and both were, allegedly, removed by the mail carrier.

Mrs. Key encouraged Mr. Lipar to consult the Post Office regarding where mail carriers are permitted to walk. Mrs. Jones commented that the specific concerns referenced by Mr. Lipar are difficult to address because, even if laws exist, the situations he mentioned make them difficult to enforce. For example, there is a City Ordinance that deals with noise levels and nuisances, but the sound must be heard from a great distance away and, as Mrs. Key conveyed, by the time Police arrive on the scene, the perpetrators are usually long gone.

COUNCIL COMMITTEE REPORTS AND COMMITTEE ANNOUNCEMENTS:**Facilities & Court Committee – Nick Haschka**

Mr. Haschka reminded Council about the quarterly meetings with representatives from the Berea Municipal Court, explaining that one was held a few weeks ago, and the Court appears to be on track for a successful year. He announced that the Court has made some positive changes that are yielding good results, and informed Council that the first phase of the Court Renovation should be completed by the end of June.

LEGISLATION – THIRD 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.

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

RESOLUTION NO. 3-4: A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF BERA 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 THE USE 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.

Moved by Mr. Haschka, seconded by Mr. Skoczen, that Resolution No. 3-4 be adopted. Vote on the motion was ayes: DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried and the Resolution was approved.

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.

Moved by Mr. Haschka, seconded by Mrs. Key, that Ordinance No. 3-5 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. 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.

Moved by Mrs. Key, seconded by Mr. Haschka, that Ordinance No. 3-6 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. 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.

Mrs. Jones announced that the Ordinance is being amended so as to clean up a discrepancy concerning the specified dates during which yard waste is collected. The amendment simply removes the specific date, while adding a provision that declares the Service Department will annually determine the dates, and then provide these dates to the general public.

Moved by Mr. Maxwell, seconded by Mr. Haschka, that proposed Ordinance No. 3-7 be amended by the substitution of proposed Ordinance No. 3-7a. 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. 3-7a 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. 3-9: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ACCEPT AND ENTER INTO A COOPERATIVE AGREEMENT FOR THE PLANNING AND CONSTRUCTION OF THE FAIR STREET RECONSTRUCTION PROJECT – PHASE 1, BETWEEN THE CITY OF BEREA AND THE OHIO WATER DEVELOPMENT AUTHORITY, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

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

ORDINANCE NO. 3-10: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACTS FOR THE FAIR STREET WATER AND SEWER PROJECT AND OTHER IMPROVEMENTS, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 3-10 stands on second reading.

LEGISLATION – FIRST READING:

ORDINANCE NO. 4-1: 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 EDUCATIONAL AND INSTITUTIONAL (EI) DISTRICT.

The Clerk read the title of the Ordinance.

Mrs. Esson explained that OhioGuidestone currently rents a property to a Staff Member, but due to the need for additional office space, is requesting this parcel be rezoned so that the current house can be utilized for administrative purposes. She added that minor exterior changes will occur, and the garage may need to be razed and rebuilt. Mrs. Esson clarified that the property's address is incorrect in the letter of intent, but correct in the actual Ordinance.

Moved by Mr. Zacharyasz, seconded by Mr. Haschka, that proposed Ordinance No. 4-1 be referred to the Municipal Planning Commission for review and recommendation. Vote on the motion was ayes: DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried and the Ordinance was thus referred to the Municipal Planning Commission.

ORDINANCE NO. 4-2: AN ORDINANCE ESTABLISHING THE PUBLIC SAFETY FUND, TO BE KNOWN AS FUND NO. 242, FOR THE PURPOSE OF RECEIVING AND ACCOUNTING FOR ALL MONIES RECEIVED FROM CUYAHOGA COUNTY, POTENTIAL GRANTS AND DONATIONS, FOR PURPOSES SPECIFIED BY THE GRANTORS OR DONORS FOR OPERATING AND CAPITAL EXPENDITURES RELATED TO PUBLIC SAFETY, INCLUDING THE COMMUNITY ENGAGEMENT UNIT, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Kavander explained that, currently, grant funds received for the Community Engagement Unit are placed in a particular fund and then tracked to show they are being utilized for the intended purposes. The proposed fund would simply extend the scope of the current fund and allow the acceptance of a variety of Public Safety grants and donations. Mrs. Kavander did request suspension so that she has a fund in which to place the current County check for the Community Engagement Unit.

Mr. Zacharyasz clarified that all the money in this fund is grant money, bestowed upon the City for specific purposes, but at no expense to Berea. Mrs. Kavander responded that the money initially going in to this fund is grant money from the County that will cover Community Engagement Unit wages and other purchases.

Mr. Maxwell clarified that not all money received from the County will go in to this fund, and Mrs. Kavander stated that grant funds earmarked for the Community Engagement Unit, and other Public Safety related enterprises, will be placed in this fund.

In response to a question from Mrs. Key, Mrs. Jones commented that the City submitted a proposal to the County for these particular grant funds, which will be used to assist disadvantaged and at-risk youth, and to update technology.

Moved by Mr. Haschka, seconded by Mrs. Key, that the three reading rule be suspended for proposed Ordinance No. 4-2. Vote on the motion was ayes: DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: none. The motion carried.

Moved by Mr. Haschka, seconded by Mrs. Key, that Ordinance No. 4-2 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.

RESOLUTION NO. 4-3: A RESOLUTION DECLARING IT NECESSARY TO IMPROVE THE STREETS OF THE CITY OF BEREA BY SUPPLYING THE SAME WITH ELECTRIC LIGHTING, INCLUDING TRAFFIC CONTROL LIGHTING, BY FIXING THE VALUE OF INTERSECTIONS NOT ASSESSED FOR TAXATION, AND AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE AND FILE TENTATIVE ASSESSMENTS TO EFFECT THE SAME, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Resolution.

Mrs. Kavander reminded Council that this is the annual street lighting assessment which authorizes the City to bill property owners and tax exempt organizations for the use of street lights within the City.

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

ORDINANCE NO. 4-4: AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF THE STREETS IN THE CITY OF BEREA BY SUPPLYING THE SAME WITH ELECTRIC LIGHTING, INCLUDING TRAFFIC CONTROL LIGHTING, AND TO LEVY ASSESSMENTS THEREFOR, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

This Ordinance is the companion piece to proposed Resolution No. 4-3.

Proposed Ordinance No. 4-4 stands on first reading.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mrs. Brown reminded Council about the Grindstone Award Banquet on April 21, 2016, adding that anyone interested in purchasing tickets can contact Megan at the Chamber of Commerce.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. Zacharyasz had no report.

Mrs. Banaszak was not present.

Mr. DeVito thanked Mr. Anzalone and the Public Service crews for working so diligently in the pouring rain last Thursday in order to repair a broken water main on Elle Drive.

Mr. Haschka thanked the Berea Fire Department for responding to an emergency situation extremely rapidly, and helping to ensure that a sick child will make a full recovery.

Mrs. Key thanked Mrs. Jones for her diligent work with the Berea Fairgrounds with regard to the issue of animal abuse, and conveyed the sincere appreciation of one of her constituents, Debbie Gonzalez.

Mr. Maxwell had no report.

Mr. Skoczen referenced calls from residents who are concerned about the damage that treelawn tree roots are causing to sidewalks around the City. He was particularly troubled by the lack of accessibility these uneven sidewalks are causing elderly and handicapped residents. He wondered if there is any grant funding available that the City could secure for sidewalk repairs.

Mrs. Jones explained that the City will remove damaged concrete, but residents are responsible for the material replacement and installation of new concrete. Mr. Skoczen inquired as to why this is the case, if treelawn trees are the root of the problem. Mr. Anzalone stated that sidewalks are the responsibility of property owners, but added that if a treelawn tree is shown to be causing damage, the City can and will remove the tree.

Mr. Haschka noted that, by Ordinance, property owners are required to maintain their sidewalks. Having said this, he informed Council that he has been working with the City Engineer, Tony Armagno, to institute a program that would assist residents with the cost of the repair, which would be of great benefit to homeowners. The City of Lakewood has such a program in place, and the Administration is working to determine the availability of grant funding, and the feasibility of such a program, in the City of Berea. He concluded by stating that the concern is not falling on deaf ears.

Mr. Skoczen requested that whoever monitors the trash can removal, also take note of damaged sidewalks. Mrs. Jones cautioned that Service Department crews would not be able to identify exterior maintenance violations, but if City Inspectors make the rounds, they can properly determine which sidewalks are in need of repair.

CORRESPONDENCE

The March 18, 2016 – March 31, 2016 Correspondence is available in the Clerk's office.

OTHER BUSINESS

Mrs. Esson reminded Council to submit their Financial Disclosure forms, and announced that the Public Hearing regarding the rezone of 452 Eastland Road will take place on Monday, May 16, 2016 at 7:25p.m.

Moved by Mr. Haschka, seconded by Mrs. Key, that Council confirm the appointment of Chris Arnold to a 5 year term on the Municipal Planning Commission. 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 8:12p.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 4th day of April, 2016, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council