

MINUTES OF A REGULAR COUNCIL MEETING

May 2, 2016 - 7:30p.m.

Council of the City of Berea, Ohio, met in the Council Chamber on May 2, 2016 and was called to order by President of Council Mary K. Brown at 7:32p.m. Present: Cheryl A. Banaszak, Bill DeVito, Nick Haschka, Margarette S. Key, Jim Maxwell, Rick Skoczen and Gene Zacharyasz. Absent: None. 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 Mr. Zacharyasz, that the minutes from the April 18, 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 but, in response to an inquiry from Mrs. Brown, announced that the Charter Review Commission will likely present their report before Council at the May 16, 2016 Regular Council Meeting.

Paul Anzalone - Director of Public Service:

Mr. Anzalone had no report.

Marty Compton - Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS: None

PETITIONS: None

AUDIENCE PARTICIPATION:

Ellen Kundtz, a Berea resident, requested an update on the animal cruelty cases pending in the Berea Municipal Court. Mrs. Jones responded that the City is expecting all defendants to

plead guilty, although this has not happened yet. Mrs. Kundtz reminded Mrs. Jones about her offer to put together a special meeting to discuss the issue of animals in the community, and the unkind treatment her pets have received. Mrs. Jones provided contact information to Mrs. Kundtz so that a meeting could be arranged.

Larry Lippard, a resident of Berea, expressed concern over the fact that he has witnessed many power wheelchairs maneuvering around the City without proper reflectors, which is quite dangerous. Mrs. Jones confirmed that reflectors are required in the City.

COUNCIL COMMITTEE REPORTS AND COMMITTEE ANNOUNCEMENTS:

Shade Tree Commission – Nick Haschka; Bill DeVito

Mr. Haschka announced that the Commission is in the process of both determining where tree plantings should occur, and commencing these plantings.

Mr. DeVito complimented his fellow members on the Commission for being so informed and well versed about the different types of trees and their permitted placement around the City.

Southwest General Health System Board of Directors – Cheryl A. Banaszak

Mrs. Banaszak informed Council that last week the Board held a meeting and she was asked to sit on a subcommittee that will deal with medical insurance. She committed to sharing details with Council and the listening audience.

LEGISLATION – THIRD READING:

RESOLUTION NO. 4-3: A RESOLUTION DECLARING IT NECESSARY TO IMPROVE THE STREETS OF THE CITY OF BERA 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.

Moved by Mr. Haschka, seconded by Mrs. Key, that proposed Resolution No. 4-3 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 thus approved.

ORDINANCE NO. 4-4: AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF THE STREETS IN THE CITY OF BERA 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.

Moved by Mr. Haschka, seconded by Mrs. Key, that proposed Ordinance No. 4-4 be adopted. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Maxwell, Skoczen and

Zacharyasz. Nays: None. The motion carried and the Ordinance was adopted.

LEGISLATION – SECOND READING:

ORDINANCE NO. 4-1: AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BERA 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. Key recused herself from the discussion because she is employed by OhioGuidestone, the owners of 452 Eastland Road.

General discussion commenced concerning Planning Commission's recommendation to rezone this parcel to Transitional Office District instead of Educational and Institutional District, so that the property will be able to be utilized for necessary office space, but will not be able to be converted in to a mental health treatment facility or juvenile justice treatment facility without again requesting a Zoning Code Amendment.

Moved by Mr. Haschka, seconded by Mrs. Banaszak, that proposed Ordinance No. 4-1 be amended so that the words "Educational and Institutional (EI) in the title, the first Whereas Clause and Section 1 of the Ordinance, be substituted with the words "Transitional Office (TO)". Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

Proposed Ordinance No. 4-1 stands on second reading.

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.

Proposed Ordinance No. 4-12 stands on second reading.

LEGISLATION – FIRST 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 first 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 BERA, OHIO, AS AMENDED, ADOPTED MAY 7,

2012.

The Clerk read the title of the Ordinance.

Mrs. Key informed Council that she was approached by representatives from AmeriMark concerning their request for this Zoning Code Text Amendment. Their intention is to open an outlet store within their existing location at 240 Sheldon Road, but as this location is zoned General Industrial (GI), general merchandise sales are not currently permitted. This Ordinance would amend the text of the Code to allow for merchandise sales in the GI District, thus making their proposal possible.

Mrs. Key continued by noting that both she and Mr. Madzy have met with representatives from AmeriMark and she has agreed to sponsor this piece of legislation.

General discussion commenced concerning when AmeriMark would be open for retail sales. Mrs. Key stated that merchandise sales would occur on the weekends only, but Mrs. Brown reminded Council that, should the Ordinance be approved, retail sales would be permitted any or every day of the week.

Mr. Maxwell questioned what areas in the City are zoned GI, and Mrs. Esson informed him that, in addition to the area in question, there is an area by Helwig Industrial Parkway that is zoned GI.

Mr. DeVito explained that he had stopped by the factory and spoken with Wendy Money Penny, the company's Vice President. Both Mr. DeVito and Mrs. Key agreed that the company handles magazine sales, is enormously successful, and would likely hinder no one if allowed to conduct retail sales at their present location.

Moved by Mrs. Key, seconded by Mr. Zacharyasz, that proposed Ordinance No. 5-2 be referred to the Municipal Planning Commission for report and recommendation, and stand on first reading so that it will be on the May 16, 2016 Regular Council Meeting agenda for second reading. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Maxwell, Skoczen and Zacharyasz. Nays: None. The motion carried.

Proposed Ordinance No. 5-2 was thus referred to the Municipal Planning Commission, and stands on first reading.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mrs. Brown thanked all those who attended the Chamber's Grindstone Award Banquet, and informed Council that the latest Small Business Seminar at Perk-Cup Café was well attended. She also requested nominations for the Colonel William H. Beyer Commendation for Outstanding Military Service, which is presented around Memorial Day, and will be given out at the next Council Meeting.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. DeVito announced that Coffee with a Cop will take place on Saturday at Café Ah Roma. The event will begin at 9:00am.

Mr. Haschka congratulated the Polaris ProStart Culinary Team on winning the National Championship.

Mr. Haschka added that the Coe Lake Car Shows will, weather permitting, commence on May 22, 2016.

Mrs. Key stated that she went to the movie event at the Rec Center, adding that it was well attended and the children were very excited. The next event will take place on May 14, 2016, from 12:00pm-2:00pm at Grindstone Elementary School. The cost is \$5.00, and while the event is a party, it is also a fundraiser to benefit a child in the community who is ill.

Mr. Maxwell had no report.

Mr. Skoczen stated that he has been bombarded with exterior maintenance concerns, as of late, and thanked those who have worked to resolve some of the issues.

Mr. Zacharyasz reminded Council that the Berea Rib Cook-off is fast approaching, and will occur on May 18, 2016.

Mrs. Banaszak noted that Megan Baechle, the new Executive Director of the Chamber of Commerce, did a fantastic job with the Grindstone Dinner, and Mrs. Brown added that she enjoyed the creative centerpieces.

CORRESPONDENCE

The April 15, 2016 – April 28, 2016 Correspondence is available in the Clerk's office.

OTHER BUSINESS

Mrs. Esson reminded Council to submit their Financial Disclosure forms, stated that she had already been in contact with Polaris' Doug Miller to discuss bringing the ProStart Team back for additional recognition, and added that a Public Hearing will be held at 7:25pm on Monday, May 16, 2016, in the Council Chamber to discuss proposed Ordinance No. 4-1.

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 8:02p.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 2nd 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