

## **MINUTES OF A REGULAR COUNCIL MEETING**

**June 6, 2016 – 7:30p.m.**

Council of the City of Berea, Ohio, met in the Council Chamber on June 6, 2016 and was called to order by President of Council Mary K. Brown at 7:33p.m. Present: Cheryl A. Banaszak, Bill DeVito, Nick Haschka, Margarette S. Key, Jim Maxwell and Rick Skoczen. Absent: Gene Zacharyasz. 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 Mrs. Key, seconded by Mr. Haschka, that the minutes from the May 16, 2016 Public Hearing 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 May 16, 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 May 23, 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 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 reminded all in attendance, as well as the listening audience, that now that school is out for the summer, children are out and about, as well. She encouraged everyone to drive carefully and watch for kids, adding that the speed trailer will be positioned in various residential neighborhoods all throughout the summer months.

#### **Paul Anzalone – Director of Public Service:**

Mr. Anzalone announced that letters were mailed out to all residents who will be a part of the water meter pilot program. Installations will likely begin next week.

Mrs. Brown stated that the Columbia Gas Company was out working on her street, and they cleaned the manhole, which was particularly filthy. She wondered if the general



apartment building that allows medium size dogs. Residents were told there was a greenspace in which their dogs could be exercised. Her yard is not fenced in because the City stated doing so would create a fire hazard, and thus dogs from the apartment frequently use her yard as their greenspace. The apartment owner, when made aware of the situation, sent her an extremely rude email, and she asked for Council's assistance on the matter.

Mrs. Jones responded that this situation could be mediated by Sgt. Pat Greenhill and the Community Engagement Department.

**COUNCIL COMMITTEE REPORTS AND COMMITTEE ANNOUNCEMENTS: None**

**LEGISLATION – THIRD 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.

Moved by Mr. Haschka, seconded by Mrs. Key, that Ordinance No. 5-1 be adopted. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Maxwell and Skoczen. Nays: None. The motion carried.

**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 BEREA, OHIO, AS AMENDED, ADOPTED MAY 7, 2012.**

The Clerk read the title of the Ordinance.

Mrs. Key informed Council that Planning Commission recommended this Ordinance be adopted, with modifications. The modifications include enacting a new Code Section that will regulate general merchandise sales in the GI Zoning District. The most salient reasons for these standards are to ensure that retail sales are incidental or subordinate to the primary industrial use of the property, and to promote customer safety.

Mrs. Key continued by stating that Planning Commission's recommendation and modifications are agreeable to both her and AmeriMark, and thus she motioned that proposed Ordinance No. 5-2 be amended by the substitution of proposed Ordinance No. 5-2a. She then asked the Clerk to read the amended Ordinance, in full.

The Clerk read the Ordinance, after which time it was moved by Mrs. Key and seconded by Mr. Haschka, that Ordinance No. 5-2 be amended by the substitution of Ordinance No. 5-2a. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Maxwell and Skoczen. Nays: None. The motion carried.

Mr. DeVito stated his support of this Ordinance, adding that AmeriMark has come up with a great idea in a perfect location. Mrs. Key wished Ms. Money Penny and AmeriMark the best of luck.

Moved by Mrs. Key, seconded by Mr. Haschka, that Ordinance No. 5-2a be adopted. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Maxwell and Skoczen. Nays: None. The motion carried.

**LEGISLATION – SECOND READING:**

**ORDINANCE NO. 5-5: AN ORDINANCE APPROPRIATING FROM THE VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENDITURES AND OTHER EXPENSES OF THE CITY OF BERA FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016, AND EXPRESSLY REPEALING ORDINANCE NO. 2016-27.**

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 5-5 stands on second reading.

**RESOLUTION NO. 5-6: A RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF BERA FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2017, AND SUBMITTING THE SAME TO THE CUYAHOGA COUNTY FISCAL OFFICER.**

The Clerk read the title of the Resolution.

Mrs. Kavander announced that the Public Hearing for the Tax Budget has been set for June 20, 2016, at 7:30p.m. She then reminded Council that the tax budget establishes the estimated revenues for 2017 and allows the City to collect local government funds. The legislation does not appropriate money, but simply sets the necessary property tax rates.

Proposed Resolution No. 5-6 stands on second reading.

**RESOLUTION NO. 5-7: A RESOLUTION REQUESTING THAT THE CUYAHOGA COUNTY FISCAL OFFICER CERTIFY CERTAIN INFORMATION TO THE CITY OF BERA RELATIVE TO A 4.1 MILL TAX RENEWAL LEVY, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Resolution.

Mrs. Kavander explained that proposed Ordinances 5-7 and 5-8 are companion pieces that deal with the General Fund Operations Tax Renewal. She emphasized that this is a tax renewal, not a new or higher tax, and contains the same mills as it did in 1975. The funds generated will be utilized to fund Police, Fire and Service Department operations.

Proposed Resolution No. 5-7 stands on second reading.

**RESOLUTION NO. 5-8: A RESOLUTION SUBMITTING TO THE VOTERS OF THE CITY OF BERA, OHIO, THE QUESTION OF THE RENEWAL OF THE 4.1 MILL TAX LEVY FOR THE PURPOSE OF PROVIDING FOR THE CURRENT EXPENSES OF THE CITY OF BERA, PURSUANT TO OHIO REVISED CODE SECTION 5705.191.**

The Clerk read the title of the Resolution.

Proposed Resolution No. 5-8 stands on second reading.

**ORDINANCE NO. 5-9: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF A NOTE IN ANTICIPATION OF THE ISSUANCE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$7,000,000 FOR THE PURPOSE OF IMPROVING THE CITY-OWNED ADMINISTRATIVE OFFICES, TRAINING FACILITY AND SURROUNDING GROUNDS LEASED TO THE CLEVELAND BROWNS FOOTBALL COMPANY LLC, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance. The Fiscal Officer's Certificate is on file in the Clerk's office.

Mr. Maxwell reminded the listening audience that this is not a new borrowing.

Proposed Ordinance No. 5-9 stands on second reading.

**ORDINANCE NO. 5-10: AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF BEREA OF AN AMENDMENT TO THE CHARTER OF THE CITY OF BEREA TO MODIFY THE PETITION DEADLINE AND NUMBER OF SIGNATURES NEEDED FOR PETITIONS, BY ESTABLISHING ONLY NON-PARTISAN ELECTIONS, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 5-10 stands on second reading.

**ORDINANCE NO. 5-11: AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF BEREA OF AN AMENDMENT TO THE CHARTER OF THE CITY OF BEREA BY CREATING FOUR YEAR TERMS FOR COUNCIL, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 5-11 stands on second reading.

**ORDINANCE NO. 5-12: AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF BEREA OF AN AMENDMENT TO THE CHARTER OF THE CITY OF BEREA TO MODIFY THE MANNER IN WHICH NOTICE OF MEETINGS MAY BE GIVEN, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 5-12 stands on second reading.

**LEGISLATION – FIRST READING:**

**ORDINANCE NO. 6-2: AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE TO CERTIFY TO THE FISCAL OFFICER OF CUYAHOGA COUNTY UNPAID WATER AND/OR SEWER RENTAL CHARGES AND/OR OTHER MISCELLANEOUS CHARGES FOR LEVY AND COLLECTION ACCORDING TO LAW, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Mrs. Kavander reminded Council that this Ordinance will stand throughout summer recess, during which time the list of delinquent properties will be prepared. The list will be presented in the fall, at which time the Ordinance can be adopted.

Proposed Ordinance No. 6-2 stands on first reading.

**ORDINANCE NO. 6-3: AN ORDINANCE REVISING THE CODIFIED ORDINANCES OF THE CITY OF BEREA BY ADOPTING CURRENT REPLACEMENT PAGES, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 6-3 stands on first reading.

**ORDINANCE NO. 6-4: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,980,000 TO REFUND AT A LOWER INTEREST COST THE CITY'S OUTSTANDING VARIOUS PURPOSE IMPROVEMENT AND REFUNDING BONDS, SERIES 2006, DATED DECEMBER 19, 2006, MATURING ON AND AFTER DECEMBER 1, 2017, WHICH WERE ISSUED (A) TO PAY COSTS OF IMPROVING NORTH ROCKY RIVER DRIVE FROM MULBERRY STREET TO DEPOT STREET BY CONSTRUCTING SANITARY SEWER AND WATER LINES, TOGETHER WITH ALL APPURTENANCES THERETO AND RELATED IMPROVEMENTS, IMPROVING THE RECREATIONAL FACILITIES OF THE CITY BY REPLACING THE CITY'S OUTDOOR SWIMMING POOL, RESURFACING PORTIONS OF CERTAIN CITY STREETS TO BE APPROVED BY CITY COUNCIL, TOGETHER WITH ALL WORK INCIDENTAL THERETO, AND RECONSTRUCTING PORTIONS OF CERTAIN CITY STREETS TO BE APPROVED BY CITY COUNCIL, TOGETHER WITH ALL WORK INCIDENTAL THERETO, AND (B) FOR THE PURPOSE OF ADVANCE REFUNDING THE CITY'S OUTSTANDING VARIOUS PURPOSE BONDS, SERIES 1999 MATURING ON DECEMBER 1, 2018, WHICH PROVIDED FUNDING TO PAY COSTS OF IMPROVING THE RECREATIONAL FACILITIES OF THE CITY, REHABILITATING AND IMPROVING THE MUNICIPAL BUILDING, AND IMPROVING THE MUNICIPAL SEWERAGE SYSTEM, AUTHORIZING THE REDEMPTION OF THE REFUNDED BONDS, THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT WITH RESPECT TO THE REFUNDING AND RELATED MATTERS; AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance. Both the Fiscal Officer's Certificate and the Escrow Agreement are on file in the Clerk's Office.

Mrs. Kavander informed Council that the City has bonds for long term borrowings, and included in these bonds is a callable option. This option allows the City to buy off the bonds and

borrow the money at a lower interest rate, should a lower interest rate become available. The projected savings is in excess of 5%, thus the City has decided to refinance the bonds, pay them off at a lower interest rate over the next 10 years, and save approximately \$170,000 of interest costs.

Mr. Maxwell complimented Mrs. Kavander, declaring that the City is lucky to have her.

Proposed Ordinance No. 6-4 stands on first reading.

### **REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL**

Mrs. Brown announced that both she and the Mayor spoke to the government classes at Berea-Midpark High School, recognizing Mrs. Fox for coordinating a great event, and adding that the students asked really good questions.

### **REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL**

Mrs. Key noted that the demolition of blighted structures on the north end of Front Street has truly improved the overall appearance of the area, and also asked motorists to drive carefully down North Rocky River Drive.

Mrs. Key then stated that she attended the recent Berea Cares community meeting, hosted by Daune Jaynes of Berea Community Outreach, explaining that it was a tremendous success. Volunteers and food donations are always needed, welcomed and accepted, and she complimented Mrs. Jaynes on all of her energy and the great job she is doing.

Mr. Maxwell reminded Council that Woodvale Cemetery is hosting the Greater Cleveland Cemetery Association Meeting on June 10, 2016. Mr. Giaimo will be the Keynote Speaker, and an offsite dinner will take place, as well. Mr. Maxwell noted that Woodvale was chosen to host this annual event because of the changes and progress the cemetery has made, as well as its vision for expansion.

Mrs. Brown applauded the terrific work being done by Mr. Giaimo.

Mr. Skoczen suggested that Council create and approve a Resolution in response to the Northeast Ohio Regional Sewer District's proposed rate increase. He exclaimed that they should be held accountable for their money management, and added that something similar was proposed in the 1990s, and public outcry caused the Regional Sewer District to reconsider their position.

Mr. Zacharyasz was not present.

Mrs. Banaszak informed Council that she met with Baldwin-Wallace University President Bill Helmer, who shared with her the University's revised Master Plan. She noted that President Helmer offered to share the revised plan before Council, if Council deemed it appropriate.

In response to a question from Mrs. Brown, Mrs. Banaszak stated that the initial Neighborhood Block Watch Informational Meeting between the Police Department and City Council will occur on July 11, 2016.

Mr. DeVito complimented the Administration on the outstanding Memorial Day parade and ceremony at McKelvey Park.

Mr. Haschka announced that the Berea Elk's presented a grant to the Police Department for expenses related to drug-free programming aimed at students making the transition from elementary school to intermediate school. The School Principal, School Resource Officer and Sgt. Pat Greenhill were also in attendance.

Mr. Haschka concluded his comments by adding that he showcased his car at Grindstone Elementary School's Vehicle Day, which the kindergarten kids loved. He complimented them on their excellent questions, and stated that it was such a pleasure to be involved.

### **CORRESPONDENCE**

The May 14, 2016 – June 3, 2016 Correspondence is available in the Clerk's office.

### **OTHER BUSINESS**

Mrs. Esson announced that the Rotary Club is sponsoring a computer and electronics roundup between the hours of 9:00am and 2:00pm on Saturday, June 11, 2016. The event will take place in the parking lot at Berea-Midpark High School.

Moved by Mr. Haschka, seconded by Mrs. Key, that the June 13, 2016 Council Work Session be cancelled. Vote on the motion was all ayes and no nays. The motion passed.

Moved by Mrs. Banaszak, seconded by Mr. Maxwell, that Council hold a Special Meeting on Monday, June 13, 2016 at 7:30p.m. for the purpose of considering proposed Ordinance No. 6-3 and proposed Ordinance No. 6-4, both of which will be on for second reading. Vote on the motion was ayes: Banaszak, DeVito, Haschka, Key, Maxwell and Skoczen. The motion passed.

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 8:30p.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 6<sup>th</sup> day of June, 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