

**MINUTES OF A REGULAR COUNCIL MEETING**  
**January 17, 2023 – 7:30p.m.**

Council of the City of Berea, Ohio, met in regular session in the Council Chamber on January 17, 2023 and the meeting was called to order by President of Council Jim Maxwell at 7:30p.m. Present: Mary K. Brown, Erika Coble, Chris McManis, Rick Skoczen, Lisa Weaver and Gene Zacharyasz. Leon R. Dozier Sr. was present via Zoom. Also present: Mayor Cyril M. Kleem. Present via Zoom: Director of Public Works Tony Armagno, Assistant Director of Law Danielle Swisher, Director of Finance Andrea Morris and Police Chief Dan Clark.

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. Brown, seconded by Mr. Zacharyasz, that the minutes from the January 3, 2023 Regular Council Meeting be approved. Vote on the motion was all ayes and no nays. The motion carried.

**MAYOR'S ADMINISTRATIVE REPORT AND COMMENTS**

Mayor Kleem had no report.

**REPORT AND COMMENTS BY THE OFFICERS OF THE ADMINISTRATION:**

**Andrea Morris – Director of Finance:**

Mrs. Morris had no report.

**Barb Jones – Director of Law & Public Safety:**

Mrs. Jones was not present, and Assistant Director of Law Danielle Swisher had no report.

**Tony Armagno – Director of Public Service:**

Mr. Armagno stated that the NOACA grant to study multiple modes of transportation, movement and improvements in the downtown area is expected to move forward this year. The initial grant for the project is \$85,000 and the City may be eligible to apply for funding for any recommended improvements.

Mrs. Brown asked if the study includes parking, and Mr. Armagno responded in the affirmative. Mrs. Coble asked that Baldwin Wallace be included in this conversation, and Mr. Armagno replied that a steering committee will be established, and it is likely that community stakeholders, such as BW, will be included, although anyone may provide input.

**Marty Compton – Director of Recreation:**

Mr. Compton was not present.

**COMMENDATIONS:**           **NONE**

**PETITIONS:**                   **NONE**

**AUDIENCE PARTICIPATION:**

Peter Horatschki, a resident on University Street, was present to inform Council about a situation he has been dealing with for 3 years. The resident who lives next to him, on a regular subdivision lot, built an illegal barn to house 2 horses, and began an illegal kennel service, meaning she sometimes houses up to 8 dogs. The City is aware of this situation, having received multiple complaints, but no one is doing anything to remedy the issue. He asked what would happen if this type of behavior, including animal defecation on City streets and a horrific smell that prohibits him from sitting outside, was happening in various other neighborhoods around the City. He stated that he has a lot of pride in Berea, and questioned why such obviously inappropriate and illegal activity is being allowed to continue, and if there is any action that can be taken.

Mayor Kleem explained that the resident he is referring to was recently before Planning Commission and the Commission did uphold, in full, the citation she received, which mandates that she correct violations on her property. He added that the situation is a problem, however, the City has not done nothing. Mayor Kleem said that he met with the resident on several occasions, but her claims of disabilities complicate the situation, as she says the animals help her. He continued by noting his frustration, as well, and acknowledged that the Administration can not be as passive as it has in the past because it is to the detriment of the resident's neighbors.

Mayor Kleem stated that the issue is one of enforcement, and the Administration has to find a different way to enforce the correction of violations. The Planning Commission decision was a decent step. He asked if Mr. Horatschki would be willing to sit down with members of Council, the Police Chief and others involved, to further discuss the situation.

Mr. Horatschki stated his willingness to sit down with the Mayor and added that what his neighbor is doing goes against every Ordinance, stating that dogs are packed in the house and do not come outside, and the kiddie pool is growing green slime. Mayor Kleem said that there are lots of issues to untangle, but the Administration must be more aggressive within the confines of the law. He thinks getting everyone in the same room, and on the same page, could help.

Mr. Skoczen referenced a slightly similar situation in his own Ward that the City was finally able to abate thanks to a change in the Ordinances. He asked if there is anything the City could immediately abate in this situation. Mrs. Swisher responded that there are a number of things.

Mr. Maxwell summarized that Mrs. Swisher would provide an update on the citation front and Mayor Kleem will work with the Law Department and Police to set up a meeting with Mr. Horatschki. Mr. McManis stated that he would be happy to participate in this meeting.

Michael Melampy stated that there is a parking problem on Westbridge Drive due to the fact that the hydrants are on the south side, and while no parking is allowed on that side of the street, this is not well marked. Real problems occur when people illegally park at the intersection of Westbridge and Lee, obstructing those who are turning, and creating a hazard. He asked that No Parking signs be placed all along Westbridge.

General discussion commenced concerning whether the problems occur during City events, when people are trying to access the downtown area, or at other times, as well, and Dr. Melampy stated that it happens during events but also when people are doing work in the area, and there are some renters, as well, who aren't aware of the restriction.

Mr. Armagno explained that the issue came up during construction of the addition to the Fire Station and during the bridge demolition, as well. Some signage changes were made, and he thought the issue had been handled. If, however, it remains a concern, he suggested meeting Dr. Melampy, as well as Councilwoman Weaver, on location so that everyone can get on the same page.

General discussion commenced concerning some of the possible reasons for this illegal parking issue, and Mrs. Brown added that the 3-way intersection on Lee, just before the stop sign at the entrance to the Metroparks, should also be looked at because even when motorists park on the correct side of the street, they present hazards to those trying to maneuver around them.

Mr. Armagno noted that the last time the signage was altered, the Police Chief did encourage residents to call the Police if they see someone parking illegally because this is often the best way to call attention to the issue. Mr. Maxwell added that he has often been told that residents do not want to bother the Police, but this is an enforcement issue and the issue can not be resolved if the Police are not made aware. Officers have a lot to do and their eyes can't be everywhere, but if people contact the Police a record can be built, nuisance situations detected, and issues resolved.

Holly Porter, a resident on East Bridge, stated that the School Zone sign on Eastland is right behind a telephone pole and difficult to see, and wondered if it could be repositioned.

Mrs. Porter continued by explaining that, with regard to the situation on University, she has a mentally disabled brother who can comprehend the difference between right and wrong, and understands consequences. While she has compassion for the resident's condition, it is her opinion that the resident is cruel to her animals, is abusing the City's dog policy to the detriment of both herself and the animals, and added that it is ridiculous that nothing has been done about the issue. She encouraged the City to look in to the situation and contact the Humane Society because the dogs are never let outside.

Mrs. Porter asked about the status of the downed fence across from Café Ah Roma and Mr. Armagno replied that the City has soil borings being monitored by experts to see if there is any movement. The issue is believed to be caused by an undetected watermain break that caused the soil to become unstable and wash away, but the Administration brought in experts to ensure there is not a larger issue. He noted that, if necessary, a geotechnical engineer will recommend improvements, and he is awaiting the results.

Johnathan Montag, a resident on East Fifth Avenue, was present to discuss parking issues on his street. He does not understand why all but his block of the street prohibits street parking, and thinks there should be consistent enforcement of the Code throughout the City. When he first moved in, permit parking was allowed on the street, then No Parking signs were placed, then those signs were removed and cars are now packed in to the area between Front and Beech every day. He noted that he spoke with Mr. Armagno who told him that, as there have been no accidents or issues, No Parking signs will not be put up, but he doesn't understand this because his street is the same width as Center Street, and Center Street does not allow any street parking.

Police Chief Clark joined the meeting via Zoom and explained that once the no parking signs were removed, the Police no longer had anything to enforce on his block. He spoke with Safety Director Jones and reviewed the width of the street and accident history, and did forward his complaint about East Center Street.

Mr. Maxwell asked how No Parking sign determinations are made, and Mr. Armagno explained that the situations are reviewed on a case by case basis and factor in things such as accident history, width of the road, and anything that differentiates one street from another. In this particular case, there is nothing on this section of East Fifth from Front Street to Beech Street that would mandate No Parking signs. Mr. Armagno continued that users are also considered, and this area of East Fifth includes some college rental houses, not all of which have double-wide driveways, and residents may need the street parking. If parking is restricted in an area, it is not a selective process, but rather everyone is allowed or no one is allowed. Mrs. Armagno noted that he has also witnessed that when parking is restricted on one block, it simply moves the problem to the next block.

Mr. Armagno concluded by stating that, from his standpoint as the City Engineer, he does not see any safety concern that should prohibit street parking on this area of East Fifth. With regard to no parking on East Center, Mr. Armagno said that he does not know why parking was restricted, as it occurred before his time with the City, and has never been brought to his attention until now.

Police Chief Clark noted that Mr. Montag's complaint regarding the lack of difference between East Center and East Fifth is the only one he received. No resident or student has made a similar complaint.

Mr. Montag concluded that students are taking advantage of street parking on his street in order to avoid paying for parking permits. Mayor Kleem responded that he will have Mr. Armagno look in to whether this section of East Fifth has smaller driveways than the next section, and consider the number of student rentals, as well. He added that the Administration is trying to be sensitive to equal application of the law and will revisit the issue all along East Bridge Street.

**COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:****Woodvale Union Board of Trustees – Jim Maxwell**

Mr. Maxwell informed Council that the end of the year financials were not as ugly as projected, but also not where they wanted to be either. Projected revenues were about \$23,000 under budget, and while they are not in debt thanks to a large general fund, they simply did not hit their target, mainly because of a lack of sales due to an economic downturn, supply chain issues and material costs. The Board has some creative ideas to counter these issues, and he will share those soon.

Mr. Maxwell continued by stating that the City donated a work truck a few years ago and while a lot of work was done with it, the axle finally broke and a solution is needed. The City of Middleburg Heights used their truck to salt the lot recently, which was very much appreciated.

Mr. Skoczen asked if the Council can do anything to encourage the State legislature to change its policy with regard to pre-sold lots that have been sitting vacant for decades, and Mr. Maxwell replied that there is a lobby group that represents cemeteries and he will check with them to see if a Resolution would be appropriate and helpful.

**LEGISLATION – THIRD READING:****ORDINANCE NO. 12-2: AN ORDINANCE AMENDING SECTION 181.02, ELECTED OFFICIALS, OF CHAPTER 181, COMPENSATION AND CLASSIFICATION FOR SPECIFIC POSITIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA TO PROVIDE FOR COMPENSATION FOR ELECTED OFFICIALS FOR TERMS OF OFFICE COMMENCING IN JANUARY 2024.**

The Clerk read the title of the Ordinance.

Mr. Maxwell referenced the lengthy discussions with regard to this Ordinance.

Moved by Mrs. Brown, seconded by Mr. Zacharyasz, that Ordinance No. 12-2 be amended by the substitution of Ordinance No. 12-2a. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

The title of Ordinance No. 12-2a reads as follows:

**ORDINANCE NO. 12-2: AN ORDINANCE AMENDING SECTION 181.02, ELECTED OFFICIALS, OF CHAPTER 181, COMPENSATION AND CLASSIFICATION FOR SPECIFIC POSITIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA TO PROVIDE FOR COMPENSATION FOR ELECTED OFFICIALS FOR TERMS OF OFFICE COMMENCING IN JANUARY 2024, AND DECLARING AN EMERGENCY.**

Mrs. Brown stated that she appreciated the work that went in to this Ordinance, adding that it is fair and comprehensive. Mr. McManis thanked Mayor Kleem for sending additional information with regard to the overall compensation package, and felt he had the information he needed to make his decision.

Moved by Mr. Dozier, seconded by Mrs. Brown, that Ordinance No. 12-2a be approved. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

### **LEGISLATION – SECOND READING:**

**ORDINANCE NO. 1-2: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT IN CONCERT WITH THE CITY OF STRONGSVILLE, CITY OF BROOK PARK, CITY OF MIDDLEBURG HEIGHTS, CITY OF NORTH ROYALTON, CITY OF OL MSTED FALLS, OL MSTED TOWNSHIP AND THE CHAGRIN VALLEY DISPATCH COUNCIL, FOR THE PURCHASE OF A COMPUTER ASSISTED DISPATCH SOFTWARE PROGRAM FROM MOTOROLA, APPROPRIATING FUNDS THERETO, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Mrs. Porter asked if the City would pay the total fee all at once, and it was determined that the City would pay over time.

Mr. McManis asked if the new system was compatible with the City's current safety vehicles, and Chief Clark responded that, with minimal memory upgrades, things should work just fine. He added, however, that the next time an equipment upgrade is necessary, he may recommend purchasing what Strongsville suggested, and slowly transition all vehicles to that new equipment.

Mayor Kleem reminded Council that, in reality, the City has no choice but to agree to this change. It is not a bad change, but there is also no alternative option.

General discussion commenced concerning the cost of outfitting a new Police vehicle, two of which were delivered today. Chief Clark responded that the vehicles were \$44,000 each and the cost to outfit them was between \$15,000 and \$16,000 apiece. Mr. Maxwell asked how long the vehicles will remain in commission, and Chief Clark said that they are pulled out of circulation after 6 years, and are then used for School Resource and Auxiliary Officers.

Moved by Mrs. Brown, seconded by Mr. McManis, that the three-reading rule be suspended for Ordinance No. 1-2. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

Moved by Mr. Brown, seconded by Mr. Skoczen, that Ordinance No. 1-2 be adopted. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

### **LEGISLATION – FIRST READING:**

**ORDINANCE NO. 1-3: AN ORDINANCE REPEALING AND REPLACING SECTION 327.06, STREET TREE SPECIES TO BE PLANTED; CERTAIN TREES PROHIBITED, OF CHAPTER 327, TREES AND WEEDS, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Mrs. Coble explained that people with a lot of knowledge have been working hard to put together this strong list that prohibits specific trees on public spaces in Berea. There will also be a list of recommended trees posted on the City's website.

Mayor Kleem stated that, since he has been here, no Shade Tree Commission has been as active as this one, and this list is one thing that has not been done in a long time. This Commission did it quickly, but without rushing, and he complementing Shade Tree Members, adding that the Commission has experts in the field, and a whole lot of knowledge. Mr. Zacharyasz agreed, noting the wealth of knowledge, and thanked Mr. Armagno, all new members and the entire Commission for all the hard work.

Dr. Melampy explained that shade trees are often looked at from a perspective of ornamentation, but this Commission is moving beyond that and looking at how the trees can play an ecological role. Invasive species have been added to the restricted tree list because, due to the City's proximity to the Metroparks, our trees must not become a source of contamination or invasion. Things the City does can affect environments outside of Berea, and the Commission is becoming sensitive to this fact.

Mrs. Brown thanked the Shade Tree Commission members for their hard work and encouraged residents to look at both the approved and restricted tree lists before planting.

Mr. Armagno noted that the Commission worked over multiple meetings to establish this list and brought a lot of outside research in to each meeting. He stated his appreciation to the entire group, adding that the restricted list applies to trees on public land, as well as those in close proximity to public spaces where roots may penetrate. This provides the City with a little more authority over what is planted.

Proposed Ordinance No. 1-3 stands on first reading.

**ORDINANCE NO. 1-4: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO RENEW AN AGREEMENT WITH CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT TO PROVIDE TECHNICAL ASSISTANCE IN IMPLEMENTING SOIL AND WATER CONSERVATION MEASURES, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

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

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

Mr. Maxwell had no report.

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

Mr. Zacharyasz had no report.

Mrs. Brown announced that the Community Guides will be coming out shortly, and offered her services and expertise to Mayor Kleem with regard to ADA compliance and other service animal discussions relating to the issue on University Street.

Mrs. Coble reminded Council that the residents in the R-SF-A would like to present their proposal for saving and renovating the City-owned houses on Beech Street to Council prior to final budget approval. She requested that a meeting of the Finance Committee be held, and asked for advisement on how to move forward.

Mrs. Brown suggested that the group of residents provide Council some preliminary information so as to see what the appropriate venue for discussion would be, and Mrs. Coble said that it was recommended to her that the Finance Committee hear the presentation. Mr. Maxwell said that the matter could be moved in to any committee, but noted that Committee meetings are called by the Committee Chair.

Mayor Kleem explained that Jim Brown, Matt Madzy and Erika Coble have spoken with residents in the R-SF-A, and while the process of figuring out what to do with the remaining 2 houses on Beech Street has been lengthy and frustrating, residents have a proposal to renovate the houses, and it was his recommendation that this idea be presented as a Council budgetary issue because it is ultimately the decision of Council as to whether or not money should be dedicated for these renovations. The proposal would cost a few hundred thousand dollars, thus the Finance Committee should probably be involved. Mayor Kleem requested that, whenever the committee meeting occurs, the Administration be afforded the opportunity to present their proposal, as well.

Mr. Skoczen requested that some preliminary documents and financials be sent to Committee Members before anything is scheduled. Mr. McManis requested the Administration's proposal, as well.

Mr. Dozier stated that he received a concern about the maintenance of the bridge on Front Street, noting that sidewalks are in need of repair and the railings are in need of paint. Mr. Armagno responded that he is aware of the issue and while the sidewalks should be repaired this year, painting is a long term project. Several bridges are in need of painting and while there is no timeline established as of yet, he will update Council with more information because the project will be significant.

Mr. Dozier next stated that Thrive Living Corporation purchased property at the corner of North Rocky River and Depot Street, and plans to construct a house that will accommodate intellectually disabled adults. They will be sending a presentation, which Mr. Dozier said he will then forward to Council.

Mr. Dozier concluded by stating that several Berea dignitaries attended the Mt. Zion celebration on the Dr. King holiday, and an informative and enjoyable time was had by all.

Mr. McManis recalled the 14-year old young man from Berea who is attending Baldwin Wallace, and asked that he be recognized with a Resolution. He noted that he would get contact information to the Clerk



Mr. Skoczen stated that there are potholes on the Front Street bridge that are in need of repair, and asked if residents should be using the digital form on the City website to call attention to this matter. Mr. Armagno responded in the affirmative.

Mrs. Weaver asked motorists to be more cautious with regard to speed and encouraged residents to clear sidewalks of snow and ice, as it is appreciated by all and especially helpful to kids who walk to school.

### **CORRESPONDENCE**

The December 30, 2022 – January 11, 2023 Correspondence is available in the Clerk's office.

### **OTHER BUSINESS:**

Mrs. Esson reminded Council to fill out their annual Financial Disclosures and Conflict of Interest forms, and wished her brother and sister a Happy Belated Birthday!

There being no further business before Council, it was moved by Mrs. Brown, and seconded by Mr. McManis, that the Regular Council Meeting be adjourned. Vote on the motion was all ayes and no nays. The motion passed and President Maxwell declared the meeting adjourned at 9:06p.m.

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Jim Maxwell  
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 17<sup>th</sup> day of January, 2023, 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