

MINUTES OF A REGULAR COUNCIL MEETING
February 7, 2022 – 7:30p.m.

Council of the City of Berea, Ohio, met in regular session in the Council Chamber on February 7, 2022 and the meeting was called to order by President of Council Jim Maxwell at 7:30p.m. Present: Mary K. Brown, Erika Coble, Leon Dozier, Chris McManis, Lisa Weaver and Gene Zacharyasz. Absent: Rick Skoczen. Also present via Zoom: Director of Public Works Tony Armagno, Director of Law and Public Safety Barb Jones and Director of Finance Andrea Morris.

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. Dozier, seconded by Mr. McManis, that the minutes from the January 18, 2022 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 was not present.

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 announced the purchase of a new Horton ambulance that should arrive by the end of the year.

Tony Armagno – Director of Public Service:

Mr. Armagno announced that Fabrizi will begin work on the bridge demolition within a few weeks, and stated that the pavement condition report will be ready to present to Council soon. He noted that he reached out to the Water Plant employees and will work to coordinate a tour of the plant within the next month for all interested Council Members.

Mrs. Brown inquired about the handicapped accessibility of the Water Plant, and Mr. Armagno replied that while there may be some challenges, the main building and many sections are accessible and able to be viewed.

Mr. Armagno clarified information about the Fire Department renovation and, in response to a question from Mr. McManis, Mrs. Jones noted that the bids came in higher than expected, thus equipment purchases have been put on hold until the Union provides input as to what they

may want. She added that she will keep Council posted on whether or not used equipment donations can be coordinated.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS: NONE

PETITIONS: NONE

AUDIENCE PARTICIPATION:

Daune Jaynes inquired about the water tank that is being replaced, stating that it was said to be in the 2018 budget. She wondered if it was in the 2019 or 2020 budgets, or if the designated funds were used for something else. Mrs. Morris responded that the purchase was not in any previous budgets, prompting Mrs. Jaynes to ask why the purchase was not budgeted for, if the Administration knew it was needed.

Mr. Armagno explained that the purchase was included in the capital plan, but there was an existing tank that has since been taken out of service. This tank was demolished last year, thus it is in the budget for this year. Based on its age and condition, the Administration knew it would need to be replaced, but the City did have another one in service.

Mr. Maxwell explained that capital plan items have not been appropriated funding by Council, and Mrs. Morris added that the Administration prioritizes capital items and the American Rescue Plan funds have made it possible for the City to move the tank to the top of the list.

Mrs. Jaynes noted that the pandemic money is certainly very useful.

Tom Brazee raised a concern about the clearing of sidewalks following heavy snowstorms. He was able to use his snow blower to clear some walks around his neighborhood, but it then broke, thus he will not be able to do this anymore. He stated that it is a safety issue, especially when children have to walk through the snow or on to the street to get to their bus stops, and inquired about Supreme Court rulings. Mrs. Jones responded that the City does have an Ordinance that requires sidewalks to be cleared, but does not have the personnel in terms of numbers to issue tickets to all violators.

Mr. Brazee continued by noting that Lakewood has an Ordinance and they use Building Department staff, and not Police Officers, to enforce the law. He thinks the problem is lack of enforcement and also the fact that so many properties are rentals. Mrs. Coble asked if property owners or tenants are contacted when there is a violation.

Mrs. Jones stated that the Housing and Exterior Maintenance Department crews did knock on doors in order to inform people about the Ordinance, but she is not certain whether or not they followed up with property owners. Mr. Brazee suggested that property owners be contacted and enforcement begin so that, over time, more people will begin to comply.

Mr. Maxwell inquired about the amount of the fine, and Mrs. Jones stated that it is a minor misdemeanor and the fine can be up to \$150.00, but would likely be much less. In addition, while a property could be cited on multiple dates, there would need to be a discussion about the exact meaning of “clear a sidewalk”.

Mr. Maxwell, while acknowledging how irritating it is when sidewalks are not shoveled, expressed a concern about selective enforcement when discussing properties that are owner occupied and those that are rented out. He also understood that some people may be unable to shovel, and while an argument could be made that, as homeowners, they need to hire someone, he understands how complicated the issue can be.

In response to a question from Mr. Zacharyasz, Mrs. Jones said that the Supreme Court has ruled several times on this issue, once on a case involving the City of Berea and Baldwin Wallace, and the Court determined that there is a difference between a natural accumulation of snow that is visible and obvious, and an unnatural accumulation that has been manipulated by something the owner did and thus made worse.

Mrs. Coble asked who would be responsible for shoveling, the renter or the owner, and Mrs. Jones stated that with regard to the City, both are responsible. Mrs. Brown suggested this information be provided to property owners and tenants with the other information that the Building Department already supplies each year.

Dennis Knowles acknowledged the report he emailed to Council, stating that it contains solutions to the Ward 1 flooding issue. Due to the length of the report, as well as its intricacies, he asked the Council President to consider inviting a representative from the Northeast Ohio Regional Sewer District to appear before Council to discuss the topic. Mr. Maxwell responded that it could be considered, but probably not until the report’s findings have been communicated to the Mayor’s subcommittee.

Mr. Knowles continued by stating that he received some correspondence from NEORSRD and is in the process of clarifying a couple issues before he forwards another email to Council. It is his intention to convey accurate information at all times.

Mr. Dozier asked if Council could be courtesy copied on future communication with NEORSRD, and Mr. Knowles stated that he will consider this request.

Mr. Skoczen stated that it might be a good idea for a NEORSRD representative to come to Council since not all Council Members are on the Mayor’s committee.

Ben Lambert stated that he has to walk his 5-year-old to the bus stop through snow, sometimes travelling out in to the street. This is a safety concern for all who walk, particularly school children and college students. As a professor himself, he often walks to work, and while the solution may be complicated, snow is common in this climate, and it is dangerous for people to be walking in the streets simply because sidewalks are not cleared. The issue is an important one that should be addressed.

Mr. McManis wondered if the City has discussed a sidewalk clearing strategy, possibly with the assistance of Baldwin Wallace University. Mr. Armagno replied that the University does

a good job of clearing their walks, and the City does not own too many adjacent properties, but there might be an opportunity for some discussion. Mrs. Coble noted that she is involved in conversations with the University on collaborations such as this.

Mrs. Coble stated that she agreed with Mr. Knowles that a representative from NEORS D should be invited to a Council meeting so that everyone can fully understand the report, particularly since the public does not have the opportunity to participate at Sewer Committee meetings.

General discussion commenced concerning the date of the next Sewer Committee meeting and the general hope was that the meeting would be relatively soon. Mr. Maxwell stated that he will do his best to push the Administration to make that happen.

Mr. McManis felt that inviting a NEORS D representative was a good idea so that the Council and public could get questions answered. It may, in addition, take some pressure off the committee. Mr. Maxwell responded that he does want to respect the schedules and time of NEORS D representatives, but can certainly extend an invitation. He reiterated that it is his opinion that Council should wait until the Committee has received the report.

COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS: NONE

LEGISLATION – THIRD READING: NONE

LEGISLATION – SECOND READING:

ORDINANCE NO. 1-2: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$7,260,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF (i) ACQUIRING REAL ESTATE FOR MUNICIPAL FACILITIES, (ii) ACQUIRING PROPERTY TO BE USED FOR VEHICLE MAINTENANCE AND STORAGE FOR THE SERVICE DEPARTMENT, THE FRONT STREET RAILGRADE SEPARATION PROJECT AND OTHER MUNICIPAL PROJECTS, (iii) RESURFACING CERTAIN CITY STREETS TO BE APPROVED BY COUNCIL, (iv) CONSTRUCTING IMPROVEMENTS AT COE LAKE, INCLUDING AN AMPHITHEATER AND POOL SHELTER, (v) RESURFACING CERTAIN CITY STREETS TO BE APPROVED BY COUNCIL (THE 2016 STREET PROGRAM) AND TO PAY COSTS OF RECONSTRUCTING STREETS, INCLUDING IN THE BLUEGRASS DEVELOPMENT AREA, (vi) RESURFACING CERTAIN CITY STREETS TO BE APPROVED BY COUNCIL (THE 2017 STREET PROGRAM) AND TO PAY COSTS OF RECONSTRUCTING A PORTION OF NORTH ROCKY RIVER DRIVE AND JANANNA, VIVIAN AND KAYE DRIVES AND (vii) MAKING IMPROVEMENTS TO THE CITY'S WATER PLANT, INCLUDING REPLACING A PORTION OF THE FILTRATION SYSTEM, 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 stated that this Ordinance is a refinancing of existing debt, and Mrs. Brown inquired about the inclusion of 2016 and 2017 Road Programs costs, but not more recent costs. Mrs. Morris responded that the 2018, 2019 and 2020 Road Programs were paid in cash.

Proposed Ordinance No. 1-2 stands on second reading.

LEGISLATION – FIRST READING:

ORDINANCE NO. 2-1: AN ORDINANCE APPROVING AND RATIFYING A THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BEREA AND THE LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 860, PURSUANT TO CHAPTER 4117 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Mrs. Jones stated that the Union has reached an agreement and it will be voted on soon. The exhibit should be available by second reading.

Proposed Ordinance No. 2-1 stands on first reading.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mr. Maxwell acknowledged the virtual attendance guidelines he distributed to Council, asking that those who have not yet responded to him take a look and get back to him soon so that a consensus can be reached.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mrs. Coble stated that both she and Mrs. Weaver met with the City's Department heads, and everyone was so kind and helpful. The meetings were very productive and she appreciated the opportunity.

Mrs. Coble inquired about the City's parking monitor, and Mrs. Jones stated that she is back on the job as of this morning.

Mr. Dozier expressed his thanks to Mr. Armagno and the Service crews for their hard work clearing the streets of all the snow.

Mr. McManis thanked Mrs. Jones and Mr. Armagno for their rapid email replies and assistance.

Mr. Skoczen was not present.

Mrs. Weaver thanked the Service crews for the great job they have done under tough circumstances, and offered her admiration to the North End residents for their tenacity and dedication to figuring out the flooding problem and finding a solution. She stated that she hopes the City does right by them.

Mr. Zacharyasz had no report.

Mrs. Brown thanked Mrs. Morris and Andy Palcheff for their extensive meeting and comprehensive presentation with regard to City finances and policies. She then asked Mr. Maxwell if, once he heard back from all Members, Council could review the virtual attendance policies before they are implemented.

Mrs. Brown continued by thanking the North End residents for the amazing job they are doing, encouraging them to keep it up and keep the City honest. She concluded by encouraging residents to help their neighbors with snow issues and to publish the sidewalk clearing ordinance in the City newsletter so the word gets out.

CORRESPONDENCE

The January 14, 2022 – February 2, 2022 Correspondence is available in the Clerk's office.

OTHER BUSINESS:

Mrs. Esson reminded Council Members to file their Financial Disclosures on or before Monday, May 16, 2022, and wished everyone a Happy Valentine's Day!

Moved by Mrs. Brown, seconded by Mr. McManis, that the February 14, 2022 Work Session be cancelled. Vote on the motion was all ayes and no nays. The motion carried.

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 8:37p.m.

Jim Maxwell
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 7th day of February, 2022, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council