

MINUTES OF A REGULAR COUNCIL MEETING
March 15, 2021 – 7:30p.m.

Council of the City of Berea, Ohio, met in regular session via Zoom in the Council Chamber on March 15, 2021 and the meeting was called to order by Council President Jeff Dettmer at 7:30p.m. Present: Bill DeVito, Leon Dozier, Jim Maxwell, Chris McManis, Rick Skoczen, Kim Smith and Gene Zacharyasz. Also present: Mayor Cyril M. Kleem, Director of Public Service Paul Anzalone, 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. Skoczen, seconded by Mr. McManis, that the minutes from the March 1, 2021 meeting be approved. Vote on the motion was all ayes and no nays. The motion carried.

MAYOR'S ADMINISTRATIVE REPORT AND COMMENTS

Mayor Kleem stated that Charter Review is going well, and Council should have something before them by May.

REPORT AND COMMENTS BY THE OFFICERS OF THE ADMINISTRATION:

Andrea Morris – Director of Finance:

Mrs. Morris stated that she will be receiving guidance from the State regarding the new Cares Act money and how it can be used.

In response to an inquiry from Mr. Skoczen, Mr. Anzalone stated that residents who are struggling with high water and sewer bills can pay monthly, rather than quarterly.

Mr. Maxwell inquired as to why water bills are so much higher, wondering if it is simply more usage from increased time at home, and Mrs. Morris responded that part of it is the Northeast Ohio Regional Sewer District's planned 5-year rate increase, stating that she will get the rate percentage increase information to him. Mr. Anzalone added that over the past 10-year span, water consumption is actually down.

Mayor Kleem reminded Council that there has not been a water rate increase since 2007, and only two in the last 30 years.

Barb Jones – Director of Law & Public Safety:

Mrs. Jones, on behalf of the Police and Fire Departments, thanked residents for their patience during an incident on Bagley Road last Friday that closed the street. A search warrant was being served and the Police employed tactics to ensure that no one got hurt. While everyone was certainly inconvenienced, no one was hurt and she thanked the community for its patience and kindness.

In response to an inquiry from Mr. Dozier regarding feral cats in the Adalbert Street area, Mrs. Jones stated that long-term Auxiliary Officer, John Kilkenny, will be assuming the duties of the Animal Warden for the City, so she will pass along the concern to him. She noted that feral cats are a difficult issue because while the City can provide a cage for trapping, ARF will not take them. If people do trap them and give them to a professional trapper, it is likely they will be euthanized.

Mr. Skoczen asked if the “No Parking on Street” and “Children at Play” safety signs that are peeling can be redone. Mr. Anzalone stated that the Service Department conducts an audit of these signs and they will either be removed or replaced.

Paul Anzalone – Director of Public Service:

Mr. Anzalone explained that drainage and landscape work is being conducted around Coe Lake, including bed and trail cleaning and the laying of grass seed. He noted that the street sweeper will be out, adding that it takes about 6 weeks to cover the entire City, and stated that the Department is prepping for summer work. In response to a question from Mr. Dozier, Mr. Anzalone said that anything that the sweeper does not collect will be picked up by the Service crews. He asked that concerned residents email the Service Garage.

Mr. McManis asked if the park by Sandstone Ridge could be addressed, as well.

Mr. Anzalone concluded his report by stating that the clarifier is being rebuilt at the Water Plant.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS: NONE

PETITIONS: NONE

AUDIENCE PARTICIPATION: NONE

COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:

Shade Tree Commission – Rick Skoczen & Gene Zacharyasz

Mr. Skoczen stated that the Commission met to review the presentation from Sustainable Berea, and explained that research is done for each type of planting. Currently, the Commission must follow tree Ordinances, and the idea of amending and adjusting these Ordinances was discussed.

Mr. Skoczen continued by noting that, with regard to Arbor Day festivities, the Commission is hoping to do a planting with a small group of students, and has reached out to the School Administration. They hope to include Sustainable Berea in the celebration next year.

Mr. McManis asked if the City still conducts the tree reimbursement program, and Mr. Anzalone responded in the affirmative, noting that the reimbursement amount is \$25.00 and adding that residents can email him for the form and the Commission will offer suggestions of what type of tree to purchase. In response to a follow-up from Mr. McManis, Mr. Anzalone stated that increasing the reimbursement amount will be discussed by the Commission, but will remain \$25.00 for this year.

Mr. Dozier stated that a resident in his Ward was upset that their maple tree was cut down when nothing seemed to be wrong with it, and the resident would like to replace it with another maple tree. He wondered if this was acceptable, since only certain trees are allowed. Mr. Anzalone responded that he has spoken with the resident and some maple trees are permitted. He noted that he will work with the resident to help replace the tree later this year.

Woodvale Union Cemetery Board of Trustees – Jim Maxwell

Mr. Maxwell announced that the next quarterly meeting of the Board will take place on April 21, 2021 at 5:30p.m.

LEGISLATION – THIRD READING:

ORDINANCE NO. 2-4: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO AMEND A CONTRACT WITH THE CUYAHOGA COUNTY DEPARTMENT OF PUBLIC WORKS TO EXTEND THE TERM OF THE CONTRACT AND TO INCREASE THE MAXIMUM FEES IN PROVIDING CERTAIN SERVICES RELATIVE TO THE CITY SEWERS, AS DETERMINED FROM TIME-TO-TIME, TO FURTHER ADVANCE THE CITY'S SANITARY AND STORM SEWER MAINTENANCE PROGRAM, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Moved by Mr. Maxwell, seconded by Mr. Skoczen, that Ordinance No. 2-4 be adopted. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

ORDINANCE NO. 2-5: AN ORDINANCE AMENDING THE COMMUNITY REINVESTMENT AREA (“CRA”) AGREEMENT WITH PETRASEK PROPERTIES, LLC.

The Clerk read the title of the Ordinance. Mr. McManis and Mrs. Smith recused themselves from the discussion and turned off their video feeds.

Moved by Mr. Dozier, seconded by Mr. Maxwell, that Ordinance No. 2-5 be adopted. Vote on the motion was ayes: DeVito, Dozier, Maxwell, Skoczen and Zacharyasz. Nays: None. Mr. McManis and Mrs. Smith had recused themselves. The motion carried.

ORDINANCE NO. 2-6: AN ORDINANCE AMENDING SECTION 931.02(b) and (c), CRIMINAL ACTIVITIES AS A NUISANCE, ABATEMENT, PROCEDURE AND COSTS OF ENFORCEMENT, OF CHAPTER 931, NUISANCE ABATEMENT, IN TITLE FIVE, LOCAL PROVISION, OF PART NINE, GENERAL OFFENSES, AND SECTION 1331.05(b) and (c), NUISANCE CONDITIONS AT LEASED PROPERTIES PROHIBITED – PROCEDURES – NUISANCE HEARING OFFICER, OF CHAPTER

1331, RESIDENTIAL RENTAL PROPERTY PERMITS, IN TITLE FIVE, LOCAL PROVISION, OF PART THIRTEEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA TO INCREASE THE LOOK-BACK PERIOD FOR NUISANCE DECLARATIONS AND TO PROVIDE CONSISTENCY BETWEEN SECTIONS 931.02 AND 1331.05.

The Clerk read the title of the Ordinance.

Mrs. Smith referenced an email from Mayor Kleem, stating that perhaps this Ordinance should be tabled until further discussion can be had with Baldwin Wallace representatives. She made a motion to table the Ordinance, which was seconded by Mr. Dozier.

Mayor Kleem stated that the Ordinance could also simply stand on third reading, making it easier to keep the process going.

General discussion commenced concerning the best course of action, and Mrs. Jones clarified that the Ordinance can be amended or re-written, depending on the degree of the alterations.

Mrs. Smith withdrew her motion.

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

ORDINANCE NO. 2-7: AN ORDINANCE ENACTING NEW SECTION 183.22, PAID PARENTAL LEAVE, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA TO PROVIDE PAID PARENTAL LEAVE BENEFITS FOR FULL-TIME AND PART-TIME EMPLOYEES OF THE CITY OF BEREA.

The Clerk read the title of the Ordinance.

Moved by Mr. Maxwell, seconded by Mrs. Smith, that Ordinance No. 2-7 be adopted. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

ORDINANCE NO. 2-8: AN ORDINANCE APPROPRIATING FROM THE VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENDITURES AND OTHER EXPENSES OF THE CITY OF BEREA FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021, AND EXPRESSLY REPEALING ORDINANCE NO. 2020-63.

The Clerk read the title of the Ordinance.

Mr. Maxwell explained that the Finance Committee met last week and discussed the budget in great detail, noting the substantial shortfall in Court operations which will likely surpass \$300,000. Representatives from the Court have been contacted and a meeting was held with members of the Court Communities. The consensus was that nothing could be resolved by tonight, but since the City is obligated to pass a balanced budget, he suggested moving forward with adoption of the Ordinance, with the understanding that Council will continue to work with the Administration and the Court to address the deficit.

Mrs. Morris stated that the Court is willing to meet and discuss ways to make reductions in operations, adding that the City advanced them \$190,000 last year which must be repaid, and the deficit this year is \$191,000. The Court Communities will be billed \$94,000, but the Court Committee will be meeting next week to discuss ways to repay the advance. She did note that the Court is ramping up their collection efforts by partnering with the Ohio Attorney General’s office.

Mayor Kleem stated that he is hopeful, based on past history, that Judge Comstock and Clerk of Court Wohl will help.

Moved by Mr. Maxwell, seconded by Mr. McManis, that Ordinance No. 2-8 be adopted. Vote on the motion was ayes: DeVito, Dozier, Maxwell, McManis, Skoczen, Smith and Zacharyasz. Nays: None. The motion carried.

LEGISLATION – SECOND READING:

ORDINANCE NO. 3-1: 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.

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

ORDINANCE NO. 3-2: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA (“CRA”) AGREEMENT WITH DNS TECHNOLOGIES, INC. and CASTAWAY PROPERTIES, LLC. AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance. Mr. McManis recused himself from discussion of this Ordinance, and thus turned off his video feed.

Proposed Ordinance No. 3-2 stands on second reading.

LEGISLATION – FIRST READING: NONE

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mr. Dettmer announced that he has chosen not to run for Council President for the 2022-2024 term, adding that the pandemic has helped him to clarify his priorities, and he has elected to focus on his business, health and family. Having said that, much of the year remains to get things done, and he is looking to bring some or all members back over the next few months. He thanked Mr. Anzalone for all the progress that has been made in the Council Chamber, noting that a lot of dust still remains, but adding that he is happy to see covid numbers trending downward, but does not want to jump too soon on anything. Mr. Dettmer stated that he is excited to work toward getting everyone back, and preparations are underway so long as the positive trends continue.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mrs. Smith thanked Mr. Anzalone and the Service Department for taking care of the ailing trees on Adams Streets, and also thanked the City's Safety Forces for keeping everyone safe during a highly tense and stressful situation. She concluded by wishing everyone a Happy St. Patrick's Day.

Mr. Zacharyasz had no report.

Mr. DeVito apologized for the recent technology troubles that kept him jumping in and out of past Zoom meetings. He explained that there are cable and wiring issues on Edgewood, and while frustrating, his issues seem to have been resolved. If anyone is experiencing similar problems, he encouraged them to contact him for help.

Mr. Dozier announced that he is scheduled to receive his vaccination soon!

Mr. Maxwell stated that there was a serious house fire in Longbrooke last Friday and, on behalf of the community, he expressed his appreciation to the Berea Fire Department, as well as the Fire Departments from surrounding communities that came to assist. The response time for the first unit was less than 7 minutes, and while there was significant damage to the house, no one was hurt! He stated that it is wonderful to live in a community with such awesome Safety Services!

Mr. McManis had no report.

Mr. Skoczen stated that he would certainly be willing to help if the Longbrooke family who lost their house in the fire is in need of any assistance.

Mr. Skoczen noted that, with regard to unwanted newspapers being thrown in driveways, a resident called the Plain Dealer and they stated that they would not do anything to help. Mr. DeVito said that he contacted the Plain Dealer, as well, and nothing much changed. Mrs. Jones stated that the Plain Dealer does not respond well, even to mass requests, but perhaps the City can get creative and help. Mr. Maxwell noted that he would be willing to sponsor legislation that would hold the appropriate party responsible for the litter, as it could fall in to sewers, thus creating problems. Mr. Dozier said that he would co-sponsor such an amendment.

Mayor Kleem responded that not every issue can be remedied, and any change to the Ordinance must be enforceable.

Mr. Skoczen concluded his report by congratulating two Berea-Midpark High School wrestlers, Pino Dipierro and Shane Heil, who earned their tickets to the State Wrestling Championship.

CORRESPONDENCE

The February 25, 2021 – March 10, 2021 Correspondence is available in the Clerk's office.

OTHER BUSINESS:

Mrs. Esson reminded Council Members to submit their financial disclosures, stated that the City is so very lucky to have such incredible Safety Forces, and wished everyone a blessed and Happy Easter!

There being no further business before Council, it was moved by Mr. DeVito and seconded by Mr. Skoczen, that the Regular Council Meeting be adjourned. Vote on the motion was all ayes and no nays. The motion passed and President Dettmer declared the meeting adjourned at 8:40p.m.

Jeff Dettmer
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 15th day of March, 2021, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson, Clerk of Council