

MINUTES OF A REGULAR COUNCIL MEETING
March 20, 2023 – 7:30p.m.

Council of the City of Berea, Ohio, met in regular session in the Council Chamber on March 20, 2023 and the meeting was called to order by President of Council Jim Maxwell at 7:48p.m. Present: Mary K. Brown, Erika Coble, Leon R. Dozier, Sr., Chris McManis, Rick Skoczen, Lisa Weaver and Gene Zacharyasz. Also present: Mayor Cyril M. Kleem. 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.

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 had no report.

Tony Armagno – Director of Public Service:

Mr. Armagno stated that Phase 2 of the Barberry project is moving along well on Barberry and Woodlawn Circle. The waterline has been installed and the contractor is now working on storm sewer replacement. Residents have been kept in the loop with the progression of the project.

Marty Compton – Director of Recreation:

Mr. Compton was not present.

COMMENDATIONS: **NONE**

PETITIONS: **NONE**

AUDIENCE PARTICIPATION:

Dave Conley, Regional External Affairs Representative from First Energy, was present this evening. He stated that his role is to be a liaison between First Energy and elected officials and

Service Departments. He explained that he covers 17 communities and attempts to update City Officials if and when inclement weather and storm situations are occurring. First Energy has meteorologists on staff and storm preparations begin as early as a week before a storm is due to occur. The way they manage storms is by prioritizing the management and mitigation of hazards first, before progressing on to power restoration of critical facilities, and then largest outage down to smallest. If a report is made, service workers will be out, and updates are available. He emphasized that the main thing to do if power is lost is let the Illuminating Company know. If the company knows, they will be out. He emphasized that he can and should be used as a resource.

Mrs. Brown complimented the electric company on speed of service and their model of efficiency.

Honestor Davidson informed Council that People's Community Church celebrated their 50th Anniversary on Saturday night and he offered his congratulations to them.

COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:

Berea Shade Tree Commission – Erika Coble

Mrs. Coble stated that the City is applying for a grant that will help with a tree inventory, and the Commission is in the process of updating the reimbursement program for those who want to plant new trees on treelawns or in front yards. Mrs. Coble concluded by stating that the Commission is also working on a list of recommended trees to be planted.

LEGISLATION – THIRD READING:

ORDINANCE NO. 2-5: AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2023 ENERGIZED COMMUNITY GRANT, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

Moved by Mrs. Brown, seconded by Mr. Dozier, that Ordinance No. 2-5 be adopted. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

ORDINANCE NO. 2-6: 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, 2023, AND EXPRESSLY REPEALING ORDINANCE NO. 2022-70.

The Clerk read the title of the Ordinance.

Mr. Skoczen stated that the budget exhibit was reviewed in detail in a Finance Committee meeting, but reminded everyone that the numbers are fluid and appropriations changes may occur throughout the year.

Mrs. Brown inquired about the river intake engineering allocation, and Mr. Armagno explained that the river intake is the location where the river enters the water treatment plant, thus producing the raw water source. The pipe that brings the water to the pre-sedimentation pond onsite requires an upgrade due to debris and erosion. The \$40,000 allocation is for an initial assessment and engineering study to determine what needs to be done.

Moved by Mrs. Brown, seconded by Mr. Skoczen, that Ordinance No. 2-6 be adopted. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

LEGISLATION – SECOND READING:

ORDINANCE NO. 2-4: AN ORDINANCE AMENDING SECTION 304.06, SPECIFIC STANDARDS FOR EACH CONDITIONAL USE, AND REPEALING AND REPLACING SECTION 203.02, PERMITTED USES, SECTION 200.07, LAND USE MATRIX (TABLE 1), AND CHAPTER 400, DEFINITIONS, OF THE ZONING CODE OF THE CITY OF BEREA TO ALLOW LIMITED COMMERCIAL ACTIVITIES IN A MULTI-FAMILY RESIDENTIAL ZONING DISTRICT AND TO ESTABLISH A MIXED-USE EVENT VENUE IN A MULTI-FAMILY RESIDENTIAL ZONING DISTRICT.

The Clerk read the title of the Ordinance.

Proposed Ordinance No. 2-4 stands on second reading.

ORDINANCE NO. 3-2: 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.

In response to a question from Mr. Skoczen, Mr. Armagno responded that there is money in the budget for some concrete slab repairs and other repairs on the Front Street bridge.

In response to an inquiry from Mr. McManis, Mr. Armagno explained that the provided list is specific to the road program contract. This contract does not include roads that will be repaired with grant funding because, typically, those projects have different rules and requirements and must be bid out separately.

Mr. Armagno continued by noting that the Administration is aware of the road conditions in Longbrooke, but as those repairs will require more than slab work and resurfacing, and likely a rehabilitation project, they would be handled under a separate contract, as well. In short, the list provided does not include all the road work that will occur, but simply what is slated for the road program contract.

Mr. McManis suggested that all road repairs be included on the list, or at least the email, in the future. He then asked what is referred to as the North Phase of Sandstone, and Mr. Armagno

stated that it is the phase of Sandstone Ridge that was constructed first, adding that these roads are almost 20 years old and the goal is to keep up with repairs as opposed to allowing them to degrade and then be forced to do a major rehabilitation project.

Mr. McManis wondered if Park Place could be considered for road work, and Mr. Armagno responded that it can definitely be considered, as the 2024 list is just a projection. In addition, the City can handle some road repairs in-house.

Mayor Kleem stated that he asked Mr. Armagno to provide a two year projection, and reminded Council that all road project allocations are included in the annual budget.

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

ORDINANCE NO. 3-3: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACTS FOR THE REMOVAL, DISPOSAL AND REPLACEMENT OF THE BARRETT ROAD CONVEYANCE BRIDGE, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Ordinance.

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

LEGISLATION – FIRST READING:

RESOLUTION NO. 3-4: A RESOLUTION URGING THE LEGISLATIVE BRANCHES OF THE FEDERAL GOVERNMENT AS WELL AS THE STATE OF OHIO TO ENACT LEGISLATION TO FURTHER PROTECT THE CITIZENS OF THE CITY OF BEREA, OHIO FROM THE INHERENT DANGERS OF A TRAIN DERAILMENT ON THE TRACKS LOCATED IN OR NEAR OUR CITY, AND DECLARING AN EMERGENCY.

The Clerk read the title of the Resolution.

Mr. Maxwell explained that this Resolution urges State and Federal Officials to do more to help alleviate some of the safety issues, in addition to various other issues, that have been viewed in the news recently.

Mrs. Jones added that the Ohio Municipal Attorneys Association, in conjunction with the Ohio Municipal League, asked Cities to approve something similar to this Resolution with the hope that some incremental change may occur. The recent train derailments have identified some fallacies with regard to how the railroads operate, and presented Cities with an opportunity to demand change. Mrs. Jones noted that, in addition to this Resolution, residents are encouraged to reach out with concerns and complaints as well, and contact information will be posted on the City website and the City's Facebook page.

Moved by Mrs. Brown, seconded by Mr. Zacharyasz, that Resolution No. 3-4 be approved. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL

Mr. Maxwell had no report.

REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL

Mr. McManis had no report.

Mr. Skoczen had no report.

Mrs. Weaver had no report.

Mr. Zacharyasz had no report.

Mrs. Brown thanked Mayor Kleem and the Administration for attending this morning's ribbon cutting at El Torito Tacos, adding that the food is authentic and delicious and the atmosphere is beautiful. She encouraged everyone to patronize the establishment.

Mrs. Coble thanked a team of her neighbors who helped a fellow neighbor address some exterior maintenance issues. It was a great opportunity to get come together and help a neighbor.

Mr. Dozier announced that he is holding a Ward 1 meeting on April 22, 2023, and additional information is forthcoming. He hopes to use Mt. Zion as the location, but it is dependent on capacity.

CORRESPONDENCE

The March 2, 2023 – March 15, 2023 Correspondence is available in the Clerk's office.

OTHER BUSINESS:

Mrs. Esson, on behalf of herself and her family, thanked everyone for the outpouring of love and support, and made it abundantly clear that her Mom loved enormously and is enormously loved and adored!

Moved by Mr. Skoczen, seconded by Mr. Dozier, that Council move into Executive Session in accordance with Section 121.22 of the Ohio Revised Code in order to discuss the disposition of unneeded property, where premature disclosure of certain information would give an unfair or competitive or bargaining advantage to a person whose personal, private interest may be adverse to the general public, pursuant to O.R.C. Section 121.22(G)(2) and Codified Ordinance Chapter 109. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried and President Maxwell called a brief recess at 8:38p.m. to allow members of the press and public time to leave the Chamber.

Mrs. Coble and Mrs. Weaver recused themselves from the Executive Session.

Council resumed Regular session at 9:24p.m.

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 9:25p.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 20th day of March, 2023, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Alycia Esson
Clerk of Council