

CITY OF BEREHA, OHIO

MINUTES OF A REGULAR COUNCIL MEETING HELD FEBRUARY 2, 2009

Council of the City of Berea, Ohio, met in the Council Chamber on February 2, 2009, and was called to order at 7:30 p.m. by President of Council James J. Brown, with Mary K. Brown, George Capellas, Nick Haschka, Dale A. Lange, Margarett S. Key, Jim Maxwell, Dean W. Van Dress. Absent: none. The Pledge of Allegiance followed.

The Clerk's certificate of compliance with C.O. Section 109 and Section 121.22 of the Ohio Revised Code was filed with Council records in the Clerk's office.

Moved by Key, seconded by Haschka that the Minutes of the January 20, 2009 Regular Meeting be approved as circulated. President of Council Brown asked for a roll call vote on the motion which resulted in ayes: Lange, Maxwell, Van Dress, Brown, Capellas, Haschka, Key. Nays: none. The motion carried and the minutes were approved.

MAYOR'S ADMINISTRATIVE REPORT

Mayor Kleem referred to proposed Resolution 2-5 that is on the agenda tonight for first reading relating to the Ohio Department of Transportation's overlay project on Prospect (State Route 237). He said the City had just received the documentation and that ODOT is requesting that the signed documents be returned to them by February 16, 2009. Based on that, he will be requesting that Council consider approval of the legislation by suspending the three reading rule.

He said the City wants to make an application to the Ohio Department of Natural Resources for funding to do some restrooms and other improvements at Coe Lake. Legislation will be introduced at the next Council Meeting. The deadline for this application has been changed from April 1st to March 1st, so he will be requesting at that time that Council consider approval of the legislation under suspension of the three reading rule to meet the March 1st application deadline.

The Mayor reported on the Front Street Railroad project. A pre-construction meeting with ODOT is scheduled for this Wednesday. He said this would be the second meeting and hopefully from this meeting they will be able to get a construction schedule and timeline to share with Council and the public. After that there will be some public meetings to talk about the project. Mayor Kleem said the project is tentatively ready to start in March or April and they are still on schedule for that.

Mayor Kleem said several months ago they talked about the third part of the ethics piece and he asked Council to give the Administration until February to come back with some written ideas and some of the reasons for putting that piece of legislation together for the third part of the ethics legislation. He said they are ready to

bring that forward and said whatever the ethics sub-committee would like the Administration to do, just let him know. He said if the committee would like it for the work session that would be fine. They are planning to give everyone the information they have in writing so if there is a meeting, assuming it is a work session, everyone would hopefully be on the same page and they can start from the same starting point. He asked Council to let him know what they would want to do.

He announced that the Division of Housing and Social Services received information that the City would be getting a grant from Cuyahoga County, from both the Department of Development as well the Department of Health. The City will receive approximately \$25,000 to perform some safety assistance in the homes of seniors. He said the City started this program last year with a local grant of \$5,000 from the Berea City Club. Because the City had its own program, the County added the City to their program. The City will be able to help seniors in need by providing grab bars; tack down their flooring or rugs so they are not trip hazards. The seniors' lighting will be increased and handrails would be installed throughout the home. Also their homes will be upgraded with GFI's and smoke detectors. It is anticipated that \$1,000 per home would be spent so approximately twenty-five homes can be done this coming year.

Mayor Kleem said the Master Planning Committee meetings started last month. The first meeting was an organizational meeting. They also had their first meeting of the Housing & Neighborhood Committee which is mostly comprised of residents. Their job right now is to focus on a comprehensive city-wide sidewalk program, which is something that the City has struggled with for years.

The Mayor reported on last year's exterior maintenance numbers. Enforcement had been increased last year and the total number of contacts with the public, including letters of violation, follow-up letters, grass letters, letters for paint violations as well as door hangers. Last year (2008) there were 1,013 contacts with the public which was a combination of all the above. In 2007, there were 343 contacts. In response to Mr. Capellas' question about how many of these wind up in Court, Mayor Kleem said he did not have that information readily available. The Mayor said of that number, only 292 were actual notices of violation because most people take care of the problems without actually getting a violation – they get a warning letter first. He said he would find out.

He next reported on the Rec Department by stating that citizens Rec Committee had been created last summer. The Committee met three or four times and gave their recommendations to the Administration on things that could be done for the operations of the Rec Center. The Administration followed up on some of recommendations which included improving the look of the Rec Center. He said the City has decided to move forward with raising the bowling alley. A study had been done a few years ago that said that the bowling alley should be raised shortly. The City decided to move on that even though that study was a few years old. The City has hired Osborne Engineering to develop the construction documents so the City could move forward with the demolition of the building. One of the problems the City has anticipated is that there is a common wall between the bowling alley and the Rec Center, so an interior wall will eventually be an exterior wall. CTG Environmental will also be performing a survey on the building.

Mayor Kleem said one of the other recommendations was to improve the programs at the Rec Center and that has been done. In the months of January and February, fourteen new programs have been started at the Rec Center for all age groups. This month they are also bringing on a personal trainer. There is also someone who is performing some other instructional courses for physical fitness training. One of the other recommendations was to make the Center more of a community center and the City is opening the Active Senior Network office in the Rec Center this month. The Rec Center has experienced an increase in membership because, most likely, because of more programs for families. There has been a significant increase in membership in comparison to last year at this time with the biggest increase coming from families with five members or more. That number increased by 130% from last January to now. The Mayor said there was also an increase across the board in all categories.

Lastly, the Mayor announced that last year the City of Berea was the number one homebuilder in Cuyahoga County with 83 new housing starts. Berea was the only city in the County to actually have an increase in housing starts with other cities experiencing significant decreases. In 2007, the City of Berea had 80 starts. He said the City of Cleveland was #2 last year with 48 housing starts compared to 194 the previous year. Strongsville had about 40 starts last year compared to 73 the year before. Olmsted Township was down from 46 to 19. Westlake was down from 73 to 15. Everyone went down significantly except the City of Berea. He attributed this in part to the abatement legislation that Council had approved. One of the reasons behind the abatement was that the City could improve its housing stock in spite of the sluggish housing market.

Dana J. Kavander, Director of Finance

Mrs. Kavander announced that the 2007 Financial Statements have been released by the Auditor of State's office and will be posted to the City's website. A copy will also be provided to the Berea library for the public.

Gregory M. Sponseller, Director of Law and Prosecutor

Mr. Sponseller reminded the residents of the City's ordinance regarding keeping sidewalks free of snow. He urged the residents to keep their sidewalks free of snow especially around the schools because it puts the children in jeopardy if they have to walk in the street. He said the Mayor is looking into a volunteer network to help with the cleaning and clearing of the sidewalks.

COMMENDING LEGISLATION

The following Resolution was read in full for first reading:

RESOLUTION NO. 2009-10 HONORING AND COMMENDING THE WINNERS OF THE 2009 ROEHM MIDDLE SCHOOL/CUYAHOGA COUNTY PUBLIC LIBRARY (BEREA BRANCH) MARTIN LUTHER KING, JR. ART AND ESSAY CONTESTS. (2-1)

Moved by Maxwell, seconded by Haschka that the Resolution be approved. Council members and Mayor Kleem commended and congratulated the winners. Vote on the motion to adopt was ayes: Lange, Maxwell, Van Dress, Brown, Capellas, Haschka, Key. Nays: None. Motion carried. Resolution No. 2009-10 adopted.

On behalf of Council and the Administration, the President of Council presented an official copy of the Resolution to all the art and essay contest winners.

Donna Meyers, Branch Manager of the Berea Branch of the Cuyahoga County Public Library, thanked the Mayor and members of Council for their support of the library's efforts and for recognizing the creativity of the talented students.

President of Council Brown announced that both Resolution 2-2 and 2-3 would be postponed until the next Regular Council Meeting due to both persons not being able to be at tonight's meeting.

PROPOSED RESOLUTION 2-2 HONORING AND COMMENDING NICHOLAS JAMES HAAS FOR HIS ACHIEVEMENT IN ATTAINING THE RANK OF EAGLE SCOUT. (2-2)

PROPOSED RESOLUTION 2-3 HONORING AND COMMENDING ADRIAN MALDONADO FOR HIS SERVICES TO THE CITY OF BEREA AS A MEMBER OF THE CITY COUNCIL. (2-3)

PETITIONS - None

AUDIENCE PARTICIPATION

James Bryan, said he came to the Council meeting to talk about snow removal on the sidewalks. Now that he knows there is an ordinance, he asked if anything could be done, mainly with the houses and businesses along the highways to comply with the ordinance.

Mr. Sponseller said it is a difficult enforcement provision. He said a significant number of residents comply and shovel their sidewalk. He said a citation could be given, but there could be all kinds of reasons why a homeowner couldn't get their sidewalk shoveled, i.e. they were out of town or they are elderly. The Mayor said next year the City would look into notifying everyone before the season that they do have a responsibility and an obligation to shovel their snow. For the people who can't, the City is starting a volunteer network this year and someone volunteered today to take care of some of the sidewalks around one of the schools.

LEGISLATION

The following Ordinance was read by title for second reading:

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BEREA BY REZONING A CERTAIN AREA OF LAND AT 372 FRONT STREET FROM RESIDENTIAL OFFICE (R-O) DISTRICT TO RESIDENTIAL SINGLE FAMILY "B" (RSFB) DISTRICT. (1-6)

Mr. Maxwell said the Municipal Planning Commission would be discussing this legislation at their meeting this Thursday.

Moved by Van Dress, seconded by Maxwell that the Ordinance be tabled to a date certain of March 2, 2009. Vote on the motion to table was ayes: Lange, Maxwell, Van Dress, Brown, Capellas, Haschka, Key. Nays: none. The motion carried.

Proposed Ordinance No. 1-6 stands on second reading and is tabled to the March 2, 2009 Regular Council Meeting.

The following Ordinance was read by title for second reading:

AN ORDINANCE ESTABLISHING A UTILIZATION CHARGE FOR EMERGENCY MEDICAL SERVICES PROVIDED BY THE BEREA FIRE DEPARTMENT, AUTHORIZING A COLLECTION POLICY AND PROCEDURES THEREFOR, EXPRESSLY REPEALING ORDINANCE 96-19, AND DECLARING AN EMERGENCY. (1-7)

In response to Mr. Lange's question if these increases are in line with what hospitalization plans will pay, Mr. Sponseller said the City uses a third party collection company. They had made this recommendation based on what most other cities are charging and collecting. In response to Mr. Maxwell, Mr. Sponseller said the City collects approximately 90% of those costs.

Proposed Ordinance No. 1-7 stands on second reading.

The following Ordinance was read by title for second reading:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE APPLICATION FOR, AND, IF AWARDED, TO ENTER INTO ANY AND ALL AGREEMENTS FOR UTILIZATION OF CERTIFIED LOCAL GOVERNMENT PROGRAM FUNDS MADE AVAILABLE BY THE U. S. SECRETARY OF INTERIOR THROUGH THE OHIO OFFICE OF HISTORIC PRESERVATION, AND DECLARING AN EMERGENCY. (1-8)

Proposed Ordinance No. 1-8 stands on second reading.

The following Ordinance was read by title for second reading:

AN ORDINANCE ESTABLISHING AND RECONSTITUTING FUNDS AND AMOUNTS FOR CERTAIN PETTY CASH AND CHANGE FUNDS, AND EXPRESSLY REPEALING ORDINANCE NO. 2008-11 AND DECLARING AN EMERGENCY. (1-10)

Proposed Ordinance No. 1-10 stands on second reading.

The following Ordinance was read by title for first reading:

AN ORDINANCE AUTHORIZING, RATIFYING AND AFFIRMING THE DIRECTOR OF PUBLIC SERVICE ENTERING INTO A SANITARY SEWER EASEMENT AGREEMENT WITH THE CLEVELAND METROPARKS FOR PURPOSES OF FACILITATING THE PARKWAY DRIVE SANITARY OUTLET SEWER REPLACEMENT PROJECT, APPROPRIATING FUNDS THEREFOR, AND DECLARING AN EMERGENCY. (2-4)

In response to Mr. Maxwell, Service Director Brown said this is being done to help alleviate flooding in the Westbridge neighborhood. Mayor Kleem said this would be included in the proposed capital budget that would be presented to Council in the near future.

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

The following Resolution was read by title for first reading:

FINAL RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO ONE OR MORE AGREEMENTS WITH THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PLANING, OVERLAY AND OTHER IMPROVEMENTS TO STATE ROUTE 237, APPROPRIATING FUNDS THEREFOR, AND DECLARING AN EMERGENCY. (2-5)

Moved by Capellas, seconded by Haschka that the three reading rule be suspended. In response to Mr. Maxwell, Mayor said this is a project between the City and ODOT and it is anticipated to start sometime this year. In reply to Mrs. Key, the Mayor said there would be public meetings to inform the residents of this project along with mailings and signage so everyone is aware of the change in traffic patterns. The Mayor said that ODOT had moved this project up in their schedule and he anticipates that it would start in early spring. Vote on motion to suspend was ayes: Lange, Maxwell, Van Dress, Brown, Capellas, Haschka, Key. Nays: none. The motion carried.

Moved by Lange, seconded by Van Dress that the Resolution be adopted. Vote on motion to adopt was ayes: Lange, Maxwell, Van Dress, Brown, Capellas, Haschka, Key. Nays: none. Motion carried. Resolution No. 2009-11 was adopted under suspension.

REPORTSJim Maxwell, Ward 3

Mr. Maxwell thanked Service Director Brown and members of his department for the work they did last week during the snow storm.

Dean W. Van Dress, At-Large

Mr. Van Dress said anyone having any problems with foreclosures can contact the State of Ohio for help. This program is free and is called "Save the Dream". Anyone interested can call 888-404-4674 for more information or visit their website at www.savethedreamohio.gov.

Mary K. Brown, Ward 5

Mrs. Brown reported that she was part of the Master Planning Committee that had met on January 21st. The next meeting is scheduled for February 18th.

George Capellas, Ward 4

Mr. Capellas reported that the members of the Berea Court Committee along with Judge Comstock, Mayor Kleem, and some members of the community had met on January 31st. He said the majority of the meeting was spent going over the individual funds that the City and the Court establish for the operation of the Court, how much money was in those funds, and how the funds operate. The Judge had transferred some money to the City to help offset some of the Court's deficit. Mr. Capellas said this Committee would continue to meet and monitor the operations of the Court and its budget.

In response to Mr. Van Dress, Mr. Capellas said the final deficit was \$60,000 after \$24,000 was transferred by the Court. Mrs. Kavander said the satellite cities in the Court District would help cover the deficit prorated on their case counts. Mr. Capellas said the City of Berea's portion is the largest share which is forty per cent because the City has the biggest case count. Mr. Maxwell added that this deficit is carried to the end of the year and the fine monies that the neighboring communities have collected will cover their portion of the deficit. Mr. Maxwell said the Committee had asked the Judge to further look in his budget for the deficit balance of \$60,000.

Nick Haschka, Ward 2

Mr. Haschka also commended the Service Director and the members of his department for the excellent job they did with snow removal last week.

Margarette S. Key, Ward 1

Mrs. Key thanked the library for recognizing the children for their creative projects.

CORRESPONDENCE

The President of Council noted that a listing of correspondence received by Council for the period of January 16, 2009 through January 28, 2009 has been provided to Council and the referenced material is on file in the office of the Clerk and available for public inspection.

OTHER BUSINESS

President of Council Brown said the Ad Hoc Committee looking at the ethics legislation and the Finance Committee would be meeting at the February 9, 2009 Work Session.

There being no further business to come before Council, moved by Capellas, seconded by Haschka to adjourn the meeting. Vote on the motion to adjourn was all ayes and no nays. The motion carried.

The meeting was adjourned at 8:11 p.m.

James J. Brown
President of Council

Kathleen Russell Olmeda, MMC
Clerk of Council

CERTIFICATE OF COMPLIANCE

The regular meeting of Council of the City of Berea, Ohio, held on the 2nd day of February, 2009, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Kathleen Russell Olmeda, MMC
Clerk of Council