

CITY OF BEREA, OHIO

**MINUTES OF A REGULAR COUNCIL MEETING
HELD MARCH 2, 2009**

Council of the City of Berea, Ohio, met in the Council Chamber on March 2, 2009, and was called to order at 7:31p.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.

There were no minutes available for approval tonight.

MAYOR'S ADMINISTRATIVE REPORT

Mayor Kleem commented on the rough condition of parts of Bagley Road by West Valley Plaza. The Cuyahoga County Engineer's office has informed the City that they are hiring a third party testing agency to test that asphalt. The asphalt relatively new and should not be lifting the way it is. The Mayor said this had been a County project a few years ago and once the test results are returned, then the County will make a decision as to what they will do next. He said it seems as though that they will make some repairs or redo the project, but they need the test results to tell them for certain.

He said the City did apply for three projects for the Federal Stimulus Money. The City is still finalizing some of that information which has to be completely finalized by March 5. The City applied for the Front Street project and the Water Plant and the Cuyahoga County Engineer's applied for the Bridge Street bridge project which they are committed to doing next year, but they are just trying to get some other funding to help cover the costs.

Lastly, the Mayor announced the passing of former Councilman and former Safety/Service Director John Jones who battled with cancer for a long time. He said the City would miss him because he was a big part of the community including the Cuyahoga County Fairgrounds. The Mayor extended condolences to the Jones family

Gregory M. Sponseller, Director of Law and Prosecutor

Mr. Sponseller reflected on the life of John Jones and his involvement in the

community. He said he would be missed by the community, his neighbors and his friends. He expresses special condolences to John Jones' daughter, Barbara Jones, who works for the City in the Law Department and helps in the Service Department.

R. James Brown, Director of Public Service

Mr. Brown expressed his condolences to the family of John Jones and to Barbara Jones.

PETITIONS - None

AUDIENCE PARTICIPATION - None

COUNCIL COMMITTEE REPORTS AND COMMITTEE ANNOUNCEMENTS - None

LEGISLATION

The following Ordinance was read by title for third 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)

Moved by Capellas, seconded by Lange that the Ordinance be adopted. Mr. Sponseller stated that a public hearing had been held earlier this evening regarding this legislation. He also stated that the Municipal Planning Commission had reviewed the re-zoning request and had recommended its approval.

Vote on motion to adopt was ayes: Van Dress, Brown, Capellas, Haschka, Key, Lange, Maxwell. Nays: none. Motion carried. Ordinance No. 2009-21 passed.

The following Ordinance was read by title for third 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)

Moved by Maxwell, seconded by Haschka that the Ordinance be adopted. Vote on motion to adopt was ayes: Van Dress, Brown, Capellas, Haschka, Key, Lange, Maxwell. Nays: none. Motion carried. Ordinance No. 2009-22 passed.

The following Ordinance was read by title for second reading:

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PURCHASE THROUGH THE ODOT STATE CONTRACT PROGRAM AND/OR THE STATE OF OHIO PURCHASING PROGRAM, OR ALTERNATIVELY, TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACT(S) FOR THE PURCHASE OF MOTORIZED VEHICLES, EQUIPMENT, MACHINERY, MATERIALS, SUPPLIES OR OTHER ARTICLES UNDER STATE CONTRACT FOR USE IN ONE OR MORE CITY DEPARTMENTS, AND DECLARING AN EMERGENCY. (2-6)

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

The following Ordinance was read by title for second reading:

AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACTS FOR THE SEMINARY STREET, GRAND STREET, SCHOOL STREET, CENTER STREET, AND W. ALLEY REVITALIZATION PROJECT, APPROPRIATING FUNDS THEREFOR, AND DECLARING AN EMERGENCY. (2-9)

Proposed Ordinance No. 2-9 stands on second reading.

The following Ordinance was read by title for second reading:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT WITH THE ADJOINING PROPERTY OWNER WITHOUT PUBLIC BIDDING FOR THE SALE OF CERTAIN UNIMPROVED PARCELS OF REAL ESTATE NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE LOCATED NEAR THE BAGLEY ROAD RAILROAD UNDERPASS AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO EFFECTUATE THE SAME. (2-11)

Moved by Capellas, seconded by Maxwell that proposed Ordinance No. 2-11 be referred to the Coordinating Committee for the April 13, 2009 Work Session. Vote on the motion was ayes: Van Dress, Brown, Capellas, Haschka, Key, Lange, Maxwell. Nays: none. The motion carried.

Proposed Ordinance No. 2-11 stands on second reading and is referred to the Coordinating Committee.

The following Ordinance was read by title for second reading:

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$95,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY A PORTION OF THE COSTS OF ACQUIRING EQUIPMENT FOR USE IN CITY DEPARTMENTS, INCLUDING COMPUTERS AND AMBULANCE RELATED AND OTHER FIRE DEPARTMENT EQUIPMENT, AND DECLARING AN EMERGENCY. (2-13)

In response to Mr. Capellas, Mayor Kleem said the Fire Department did receive a grant for some EKG machines which was approved in the Capital Budget at the last Council Meeting. The grant would pay for half of the items and some of the other capital items could be paid for out of this.

Proposed Ordinance No. 2-13 stands on second reading.

The following Ordinance was read by title for second reading:

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$175,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY A PORTION OF THE COSTS OF ACQUIRING CITY VEHICLES FOR USE IN CITY DEPARTMENTS, AND DECLARING AN EMERGENCY. (2-14)

Proposed Ordinance No. 2-14 stands on second reading.

The following Ordinance was read by title for second reading:

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$730,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY A PORTION OF THE COSTS OF RESURFACING AND RECONSTRUCTING PORTIONS OF CERTAIN CITY STREETS TO BE APPROVED BY CITY COUNCIL, TOGETHER WITH ALL WORK INCIDENTAL THERETO, AND DECLARING AN EMERGENCY. (2-15)

Proposed Ordinance No. 2-15 stands on second reading.

The following Ordinance was read by title for first reading:

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACTS FOR THE CONSTRUCTION OF THE PARKWAY DRIVE SANITARY OUTLET SEWER REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY. (3-1)

In response to Mr. Lange, Service Director Brown said this is part of the project identified in the capital project as the Westbridge Sanitary project. He said they are waiting for final EPA approval and then they will go out for bids on this project. In response to Mr. Maxwell, Mr. Brown said once they get EPA approval, they would advertise shortly thereafter. He anticipated that the project could then be done in the early part of the construction season.

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

The following Resolution was read by title for first reading:

A RESOLUTION URGING THE EXPENDITURE OF FEDERAL ECONOMIC STIMULUS DOLLARS ON PRODUCTS, PARTS AND SERVICES MANUFACTURED OR PERFORMED IN THE UNITED STATES OF AMERICA. (3-2)

Mrs. Key said she was glad to be part of this resolution and more details would be forthcoming.

Proposed Resolution No. 3-2 stands on first reading.

REPORTS

James J. Brown, President of Council

President of Council Brown extended his condolences to the family of John Jones.

Mary K. Brown, Ward 5

Mrs. Brown reported that the second meeting of the Master Planning Committee was held on February 17th where the changes in census information had been discussed. She said the committee would be meeting on a monthly basis and she would report to Council the discussions at those meetings.

George Capellas, Ward 4

Mr. Capellas said he had received phone calls about the conditions of the roads and asked if there was a schedule for patching the roads. Service Director Brown said they are working three shifts on cold patching the streets, weather permitting. They are cold patching the main streets on third shift for safety reasons. When the weather warms up, the hot asphalt plants will open and then more permanent repairs can be made to the streets.

Mr. Capellas commented on the 2008 Annual Fire Department Report prepared by Chief Novak. He said the statistics were consistent with those from 2007 and commended the Fire Department for averaging five runs per day and lowering their response time.

Nick Haschka, Ward 2

Mr. Haschka announced there would be a benefit Car Show on Sunday, June 21st on the triangle to benefit the Berea Childrens' Home and promote the downtown businesses.

Margarette S. Key, Ward 1

Mrs. Key cautioned everyone to be careful when driving north on Front Street because of the start pf construction for the Front Street Railgrade Separation Project.

Dale A. Lange, At-Large

Mr. Lange also commented on the passing of John Jones by stating that he knew Mr. Jones for many years since Mr. Jones worked at Ohio Bell. Mr. Jones was involved in many activities in the community. Mr. Lange expressed his condolences to his family.

CORRESPONDENCE

The President of Council noted that a listing of correspondence received by Council for the period of February 12, 2009 through February 25, 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

In response to Mr. Sponseller, it was determined that the Council Ad Hoc Committee would discuss the proposed ethics legislation at the Work Session on March 9th.

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. President of Council Brown declared the meeting adjourned at 7:55 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 March 2009, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Kathleen Russell Olmeda, MMC
Clerk of Council