

**CITY OF BEREA, OHIO**

**MINUTES OF A REGULAR COUNCIL MEETING  
HELD MARCH 16, 2009**

Council of the City of Berea, Ohio, met in the Council Chamber on March 16, 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, Jim Maxwell, Dean W. Van Dress. Absent: Margarette S. Key. 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.

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Moved by Haschka, seconded by Van Dress that the Minutes of the March 2, 2009 Regular Meeting be approved as circulated. Vote the motion was all ayes and no nays. The motion carried.

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**MAYOR'S ADMINISTRATIVE REPORT**

Mayor Kleem thanked American Legion Post 91 for their \$1,000 donation to the Police Department and \$1,000 donation to the Fire Department.

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**Gregory M. Sponseller, Director of Law and Prosecutor**

Mr. Sponseller wished everyone a Happy St. Patrick's Day.

**R. James Brown, Director of Public Service**

Mr. Brown updated Council on the property on Adams Street that had been identified legislatively for nuisance abatement by the City. His department has discussed this property and anticipated taking of care this situation by the of this month, weather permitting.

Mr. Capellas said he appreciated that update because he had received calls from some of the residents in that neighborhood about this property. He asked if shrubs could be planted in the public right-of-way to help make the area look nicer.

Mayor Kleem reported on a similar situation on Center Street by saying that some structures had been razed. The house on that property did sell and was bought

by a long-time Berea resident, so that home will now be owner occupied.

In response to Mr. Maxwell's question about the property on Prospect Street, the Mayor said he would check with Matt Madzy on that nuisance property.

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PETITIONS - None

AUDIENCE PARTICIPATION

**John Weaver**, addressed Council with his concerns about the ongoing problem with the backup of storm water and raw sewage into his basement when it rains. He said as homeowners they have done everything that the City has asked them to do but are still experiencing problems when it rains. He said this situation is deteriorating the value of his home and questioned the timeframe and cost of the proposed project on Parkway Drive that is to help this situation in his neighborhood.

Mayor Kleem and Law Director Sponseller discussed the easement with the Metroparks and the budgeted amount to help alleviate this problem. Councilman Maxwell said that this project is long overdue and that legislation authorizing bids and contracts for this project will be read for second reading later in the meeting.

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COUNCIL COMMITTEE REPORTS AND COMMITTEE ANNOUNCEMENTS - None

LEGISLATION

The following Ordinance was read by title for third 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)

Moved by Capellas, seconded by Haschka that the Ordinance be adopted. Vote on motion to adopt was ayes: Brown, Capellas, Haschka, Lange, Maxwell, Van Dress. Nays: none. Motion carried. Ordinance No. 2009-23 passed.

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The following Ordinance was read by title for third 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)

Moved by Lange, seconded by Van Dress that the Ordinance be adopted. Mr. Lange stated that Baldwin-Wallace College is donating \$200,000 and the City is receiving a CDBG grant for \$300,000 for this project. Vote on motion to adopt was ayes: Brown, Capellas, Haschka, Lange, Maxwell, Van Dress. Nays: none. Motion carried. Ordinance No. 2009-24 passed.

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The following Ordinance was read by title for third 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)

Moved by Haschka, seconded by Van Dress that the Ordinance be adopted. Vote on motion to adopt was ayes: Brown, Capellas, Haschka, Lange, Maxwell, Van Dress. Nays: none. Motion carried. Ordinance No. 2009- 25 passed.

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The following Ordinance was read by title for third 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)

Moved by Capellas, seconded by Haschka that the Ordinance be adopted. Vote on motion to adopt was ayes: Brown, Capellas, Haschka, Lange, Maxwell, Van Dress. Nays: none. Motion carried. Ordinance No. 2009- 26 passed.

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The following Ordinance was read by title for third 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)

Moved by Lange, seconded by Haschka that the Ordinance be adopted. Vote on motion to adopt was ayes: Brown, Capellas, Haschka, Lange, Maxwell, Van Dress. Nays: none. Motion carried. Ordinance No. 2009- 27 passed.

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The following Ordinance was read by title for second 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, the Service Director said the City is currently awaiting EPA approval for this project which takes a number of weeks. In response to Mr. John Weaver, the Service Director said soil borings have to be taken after the easement is recorded and then be sent to the EPA. He estimated that it would take approximately six weeks to hear from the EPA.

In response to Mr. Maxwell, Mr. Sponseller said the easement agreement has been signed by the City. The Mayor added that they have not received the agreement back from the Metroparks and that is what the City is waiting on.

Moved by Lange, seconded by Capellas that the three reading rule be suspended in order to help speed up this project. Vote on motion to suspend was ayes: Brown, Capellas, Haschka, Lange, Maxwell, Van Dress. Nays: none. Motion carried.

Moved by Capellas, seconded by Van Dress that the Ordinance be adopted. Vote on motion to adopt was ayes: Brown, Capellas, Haschka, Lange, Maxwell, Van Dress. Nays: none. Motion carried. Ordinance No. 2009 – 28 adopted under suspension.

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The following Resolution was read by title for second 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)

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

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The following Resolution was read by title for first reading:

A RESOLUTION URGING THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO TAKE RESPONSIBILITY FOR, AND UTILIZE ITS OWN FUNDS FOR, THE DEMOLISHING AND RAZING OF ABANDONED OR CONDEMNED HUD PROPERTIES. (3-3)

In response to Mr. Maxwell, Mayor Kleem explained that the specific structures are owned by HUD and that cities across the country are passing similar legislation to encourage HUD to take action regarding their properties. Because of the current housing market, HUD has taken back a lot more homes than they have in the past. In many cases they haven't done anything to those properties which causes problems in some of the neighborhoods. The Mayor said HUD should be helping the City with those properties and this legislation is encouraging them to take this issue more seriously.

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

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The following Ordinance was read by title for first reading:

AN ORDINANCE SUPPLEMENTING ORDINANCE 2008-27 TO PROVIDE FOR A ONE-YEAR EXTENSION OF THE REAL ESTATE TAX ABATEMENT PROGRAM ON QUALIFYING CONSTRUCTION OF SINGLE FAMILY HOMES. (3-4)

Mayor Kleem said when the legislation was first introduced it was designed to be a stimulus to the housing market. He said it did work and stated that Berea was the number one homebuilder in Cuyahoga County even though county-wide construction was down. The City received approximately \$400,000 to \$500,000 in permit fees last year. He also commented that he was not aware of any negative aspects of this abatement program and hoped Council would consider this to help further stimulate the housing market in Berea.

Proposed Ordinance No. 3-4 stands on first reading.

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## REPORTS

James J. Brown, President of Council

Mr. Brown recognized and thanked the Boy Scouts and their leaders that were in

attendance at the meeting this evening.

Mary K. Brown, Ward 5

Mrs. Brown thanked the Mayor Kleem for giving his State of the City speech to the Berea Chamber of Commerce at last week's breakfast meeting.

George Capellas, Ward 4

Mr. Capellas reported on the Eastland Road project and changes in the project schedule. He said that the installation of water and storm sewer lines is scheduled to be done by the end of May. The railroad grade overpass portion of the project has been put on hold and will be done last instead of part of the second phase. The plan is to complete the concrete pavement from Bagley Road to First Avenue by the end of this year. The work on the temporary bridge will begin in April this year and then the permanent bridge will be started in July. The tentative completion date is October/November 2010.

Nick Haschka, Ward 2

Mr. Haschka thanked the Mayor for the very informative talk at the Chamber of Commerce breakfast.

Dale A. Lange, At-Large

Mr. Lange announced that there would be a St. Patrick's Day luncheon tomorrow at St. Paul's Lutheran Church where they are anticipating 120 people to attend. There is also luncheon scheduled for this Thursday at Berea Lake Towers.

He congratulated Akron for making the NCAA tournament and also wished the Mayor a happy birthday.

Dean W. Van Dress, At-Large

Mr. Van Dress congratulated Reverend Leroy McCreary on being selected to receive the Grindstone Award this year. He also commented that Reverend McCreary is a member of the City's Ethics Commission and helped the Council committee when they were discussing the ethics legislation.

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CORRESPONDENCE

The President of Council noted that a listing of correspondence received by Council for the period of February 26, 2009 through March 11, 2009 has been provided to Council and the referenced material is on file in the office of the Clerk and available for public inspection.

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 8:14 p.m.

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James J. Brown  
President of Council

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Kathleen Russell Olmeda, MMC  
Clerk of Council

CERTIFICATE OF COMPLIANCE

The regular meeting of Council of the City of Berea, Ohio, held on the 16<sup>th</sup> day of March 2009, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

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Kathleen Russell Olmeda, MMC  
Clerk of Council