

**CITY OF BEREA, OHIO**

**MINUTES OF A REGULAR COUNCIL MEETING  
HELD JUNE 15, 2009**

Council of the City of Berea, Ohio, met in the Council Chamber on June 15, 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 Lange that the Minutes of the April 6, 2009 Regular Meeting be approved as circulated. Vote on the motion was all ayes and no nays. The motion carried.

-----

Moved by Haschka, seconded by Lange that the Minutes of the April 20, 2009 Regular Meeting be approved as circulated. Vote on the motion was all ayes and no nays. The motion carried.

-----

Moved by Haschka, seconded by Van Dress that the Minutes of the June 1, 2009 Regular Meeting be approved as circulated. Vote on the motion was all ayes and no nays. The motion carried.

-----

**MAYOR'S ADMINISTRATIVE REPORT**

Mayor Kleem announced that the Prospect project was almost finished and should be completed in the next couple of weeks.

He reported that NOACA has approved additional funding for the City of Berea for the Front Street Railgrade Project. The City will be receiving approximately \$1.2 million in the year 2009.

Gregory M. Sponseller, Director of Law and Prosecutor

Mr. Sponseller reported that the City is continuing to negotiate for one last parcel relating to the Front Street Railgrade Project. A trial date would be held later this summer.

**PETITIONS** - None

**AUDIENCE PARTICIPATION** - None

-----  
**LEGISLATION**

The following Ordinance was read by title for third reading:

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR CITY ADMINISTRATORS TO ENTER INTO A COMMUNITY REINVESTMENT AREA ("CRA") AGREEMENT WITH AFR PROPERTIES AND DECLARING AN EMERGENCY. (4-12)

Moved by Van Dress, seconded by Lange that the Ordinance be amended by substitution with Ordinance No. 4-12(a). In response to Mr. Maxwell, Mr. Sponseller reviewed the changes including a correction in the agreement that originally read a 3,000 sq. ft. structure which was changed to a 5,000 sq. ft. structure. He said subsequent to last week's Work Session, instead of the proposed tax abatement of 100% for 1-15 years, now reads 50% abatement for 1-10 years.

Vote on motion to amend was ayes: Van Dress, Brown, Capellas, Haschka, Key, Lange, Maxwell. Nays: none. The motion carried.

Moved by Van Dress, seconded by Lange that the Ordinance be adopted as amended. Vote on motion to adopt as amended was ayes: Van Dress, Brown, Haschka, Key, Lange. Nays: Capellas, Maxwell. The motion carried. Ordinance No. 2009-55 passed as amended.

-----  
The following Ordinance was read by title for third reading:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO ONE OR MORE LICENSE AGREEMENTS WITH DOWNTOWN BEREA LOCAL SHOPS AND/OR RESTAURANTS FOR USE OF AREAS OF THE CITY SIDEWALK FOR OUTDOOR CUSTOMER SERVICE. (5-9)

Moved by Lange, 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. 2009-56 passed.

-----  
The following Ordinance was read by title for third reading:

AN ORDINANCE APPROPRIATING FROM THE VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENDITURES AND OTHER EXPENSES OF THE CITY OF BERA FOR THE FISCAL YEAR ENDING DECEMBER 31, 2009, AND EXPRESSLY REPEALING ORDINANCE NO. 2009-20. (5-10)

Moved by Haschka, seconded by Key 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. 2009-57 passed.

-----

The following Resolution was read by title for third reading:

A RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF BERA FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2010, AND SUBMITTING THE SAME TO THE CUYAHOGA COUNTY AUDITOR. (5-11)

Moved by Haschka, seconded by Maxwell that the Resolution be adopted.

Mr. Sponseller announced that a public hearing had been held prior to the Regular Council Meeting. Mrs. Kavander said she discussed the 2010 Tax Budget during the referenced Public Hearing.

Vote on motion to adopt was ayes: Van Dress, Brown, Capellas, Haschka, Key, Lange, Maxwell. Nays: none. Motion carried. Resolution No. 2009-58 passed.

-----

The following Ordinance was read by title for second reading:

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR AND SELL AT PUBLIC AUCTION CERTAIN PERSONAL PROPERTY AND VARIOUS ITEMS OF OBSOLETE EQUIPMENT NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND DECLARING AN EMERGENCY. (6-1)

Proposed Ordinance 6-1 stands on second reading.

-----

The following Ordinance was read by title for second reading:

AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE TO CERTIFY TO THE AUDITOR OF CUYAHOGA COUNTY UNPAID WATER AND/OR SEWER RENTAL CHARGES AND/OR OTHER

MISCELLANEOUS CHARGES FOR LEVY AND COLLECTION ACCORDING TO LAW, AND DECLARING AN EMERGENCY. (6-2)

Mrs. Kavander said this Ordinance is done every year for unpaid water/sewer charges. Payments are collected through the end of this month and then the final report is presented to Council at the first meeting in September.

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

-----

The following Ordinance was read by title for first reading:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE APPLICATION FOR, AND, IF AWARDED, TO ACCEPT FEDERAL STIMULUS FUNDS FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT (STIMULUS FUNDS) PROGRAM FOR A POLISH VILLAGE NEIGHBORHOOD ROAD RESURFACING AND SIDEWALK PROGRAM, AND DECLARING AN EMERGENCY. (6-3)

Mr. Lange said this Ordinance was discussed at length at the recent Work Session. The deadline for applications is July 2<sup>nd</sup>. It was then moved by Lange, seconded by Van Dress that the three reading rule be suspended.

In response to Mrs. Key, Mayor Kleem said the streets identified in the Polish Village neighborhood are: resurfacing Berea Street from Depot to Bagley; building new sidewalks on High, Runn and Pulaski Streets.

Mr. Maxwell said this was discussed at great length at the recent Work Session and commended Rebecca Corrigan, the BCDC Executive Director, for doing an excellent job in identifying various projects. He is supporting the motion to suspend the three reading rule because of the July 2<sup>nd</sup> application deadline.

Vote on motion to suspend was ayes: Van Dress, Brown, Capellas, Haschka, Key, Lange, Maxwell. Nays: none. The motion carried.

Moved by Haschka, seconded by Key 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 - 59 passed under suspension.

-----

The following Ordinance was read by title for first reading:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE APPLICATION TO, AND IF AWARDED, TO ACCEPT FROM, THE DISTRICT ONE PUBLIC WORKS INTEGRATING COMMITTEE FOR THE DISTRIBUTION OF "ISSUE 2" FUNDS IN CONNECTION WITH THE NEED TO CONDUCT INFRASTRUCTURE

INSTALLATION AND REPAIRS IN THE CITY OF BEREA AND DECLARING AN EMERGENCY. (6-4)

Proposed Ordinance No. 6-4 stands on first reading.

-----

REPORTS

James J. Brown, President of Council

Mr. Brown wished everyone a safe summer.

Dean W. Van Dress, At-Large

Mr. Van Dress reported he had attended the presentation by the Advance Placement History class at Berea High School History on the Adams Street Cemetery. They are applying for a Historical Marker for the Cemetery and were looking for sponsors to help with the cost of the application. At the end of the video presentation, the Berea City Club said they would be donating the funds needed for the application and maintenance fee.

Mary K. Brown, Ward 5

Mrs. Brown announced the Master Plan Committee would be meeting this Wednesday, June 17<sup>th</sup> at 7:00 p.m. in the Berea Room.

Nick Haschka, Ward 2

Mr. Haschka reminded everyone of the upcoming classic car show that will be held on Father's Day on the triangle on Sunday, June 21<sup>st</sup>. He thanked the Berea Merchants Association for all their help and support.

Margarette S. Key, Ward 1

Mrs. Key encouraged the residents to support the local businesses and especially the businesses on the north end. She also encouraged everyone to drive carefully and be patient and to have a nice summer.

Dale A. Lange, At-Large

Mr. Lange had several announcements:

He had attended the official closing of Fairwood Elementary School last Thursday. Asbestos removal from the building structure will begin in July.

He had attended the Flag Day ceremonies at the American Legion Post 91 yesterday. He also announced that the first of the summer band concerts will be held this Friday.

Mr. Lange announced that the all-Berea classes reunion would be held on July 17<sup>th</sup> where the band "New Century Beatniks" would play.

On July 30<sup>th</sup>, the Senior Fish Fry would be held at Berea Lake Towers. Proceeds from the fish fry will benefit the City's Senior program. The Senior Picnic sponsored by Mayor Kleem will be held on July 31<sup>st</sup>.

Lastly, Mr. Lange thanked News Sun reporter Jaime Anton for her reporting on City Hall events and wished her well as she will be going on maternity leave.

Jim Maxwell, Ward 3

In response to Mr. Maxwell, the Mayor confirmed that the 4<sup>th</sup> of July parade would be held on Friday, July 3<sup>rd</sup> in the evening.

Mr. Maxwell, on behalf of his constituents, commended Karen Ortiz of the Service Department and the Police Dispatchers for their help.

He announced that the contract had been awarded for the Turnpike's noise barrier test. It was stressed that this is a test. The Turnpike anticipated that the test should be completed by the end of July.

Mr. Maxwell said he had received a copy of letter from a resident on Beeler announcing a Zoning Appeal Meeting for the City of Olmsted Falls to discuss an application from St. Andrews Presbyterian Church for four classrooms to be used as temporary shelter for four homeless families August 23 to August 29<sup>th</sup>. He said he would be attending the meeting scheduled for Wednesday, June 17<sup>th</sup> at 7:30 p.m.

-----

CORRESPONDENCE

The President of Council noted that a listing of correspondence received by Council for the period of May 28, 2009 through June 10, 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

Moved by Haschka, seconded by Key that Council recess for the months of July and August. Vote on the motion was ayes: Van Dress, Brown, Capellas, Haschka, Key, Lange, Maxwell. Nays: none. The motion carried.

-----

Mr. George Everiss addressed Council to discuss his concerns with having to repair the sidewalks in front of his house and the cost of obtaining a permit. Mr. Sponseller said the maintenance of the sidewalk is the homeowner's responsibility and that the City tries to incorporate sidewalk renovation in various road projects. Mr. Van Dress said the Master Plan and Neighborhood Committee had discussed the issue of repairing sidewalks throughout the City. The cost of an extensive sidewalk project could total approximately four million dollars and stressed that the City of Berea is one of a few cities that includes sidewalk renovation with no cost to the residents when a road project is done. President of Council Brown recommended that Mr. Everiss contact Service Director to discuss this matter further.

-----

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 President of Council declared the meeting adjourned at 8:13 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 15th day of June, 2009, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

---

Kathleen Russell Olmeda, MMC  
Clerk of Council