

**CITY OF BEREA, OHIO**

**MINUTES OF A REGULAR COUNCIL MEETING  
HELD OCTOBER 5, 2009**

Council of the City of Berea, Ohio, met in the Council Chamber on October 5, 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.

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Moved by Van Dress, seconded by Lange to correct the clerical error of the date of the minutes that were approved at the September 21, 2009 Regular Meeting to September 8, 2009. Vote on the motion was all ayes and no nays. The motion carried.

Moved by Haschka, seconded by Lange that the Minutes of the September 21, 2009 Regular Meeting as corrected be approved. Vote on the motion was all ayes and no nays. The motion carried.

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**MAYOR'S ADMINISTRATIVE REPORT**

Mayor Kleem reminded Council that the Bagley Road repair and resurfacing project will start October 12<sup>th</sup> or the 13<sup>th</sup> and is the project where Council agreed to waive the City's noise ordinance to allow work on this project to occur at night. The project entails the repair and resurfacing of Bagley Road from Lindberg Boulevard to North Rocky River Drive and will take approximately three weeks. In response to Mr. Maxwell, Service Director Brown said they would not be working on the weekends.

He announced that the City is now taking applications for its leaf raking program and the senior snow removal program. The leaf raking day will be Saturday, November 7<sup>th</sup> from 9:00 a.m. to 1:00 p.m. Anyone interested in volunteering or wanting their yard raked can call 891-3316. Eligible residents have to be 60 years or older or disabled, make \$28,000 a year and complete an application.

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

Director Brown reminded everyone that the City will begin its leaf collection program on Monday, October 12<sup>th</sup>.

**PETITIONS** - None

AUDIENCE PARTICIPATION - None

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COUNCIL COMMITTEE REPORTS AND COMMITTEE ANNOUNCEMENTS

Economic Development Committee

Mrs. Brown announced that the Economic Development Committee meeting scheduled for October 12, 2009 would have to be re-scheduled for November 9, 2009.

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LEGISLATION

The following Ordinance was read by title for third reading:

AN ORDINANCE AUTHORIZING, RATIFYING AND AFFIRMING THE MAYOR ENTERING INTO A REAL ESTATE PURCHASE AGREEMENT FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 757 FRONT STREET, APPROPRIATING FUNDS THEREFOR, AND DECLARING AN EMERGENCY. (9-1)

Moved by Haschka, seconded by Lange that the Ordinance be adopted. In response to Mr. Maxwell, Mr. Sponseller said there had been discussion about having an environmental assessment done but it was determined that the risk was negligible. If the City did sell the property and there was found an issue, he said the "chain of title" would be looked at. In response to Mr. Capellas, Mr. Sponseller said the building was looked over and there wasn't any indication of asbestos or other environmental issues associated with the building. Mrs. Key said this is a good move for the City and a win-win situation for all involved.

Vote on motion to adopt was ayes: Haschka, Key, Lange, Maxwell, Van Dress, Brown, Capellas. Nays: none. Motion carried. Ordinance No. 2009-64 passed.

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The following Ordinance was read by title for third reading:

AN ORDINANCE FINDING AND DECLARING THE EXISTENCE OF NUISANCE CONDITIONS AT 30 SPRAGUE ROAD, BEREA, OHIO, AUTHORIZING AND DIRECTING THE ABATEMENT OF THE SAME, AND DECLARING AN EMERGENCY. (9-2)

President of Council Brown noted that the date of the report referenced in the legislation for Ordinance No. 9-2 was September 2, 2009 and not August.

Moved by Van Dress, seconded by Haschka that the Ordinance be adopted. Mr. Maxwell asked about the Adam Street property that had been previously abated. Mayor Kleem said the property had been sold at Sheriff's sale and a new house is being proposed

to be built at that site. The construction of a new structure would abate the nuisance situation which still exists.

Vote on motion to adopt was ayes: Haschka, Key, Lange, Maxwell, Van Dress, Brown, Capellas. Nays: none. Motion carried. Ordinance No. 2009-65 passed.

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The following Ordinance was read by title for third reading:

AN ORDINANCE FINDING AND DECLARING THE EXISTENCE OF NUISANCE CONDITIONS AT 79 HARTMAN STREET, BEREA, OHIO, AUTHORIZING AND DIRECTING THE ABATEMENT OF THE SAME, AND DECLARING AN EMERGENCY. (9-3)

President of Council Brown noted that the date of the report referenced in the legislation for Ordinance No. 9-3 was September 2, 2009 and not August 31, 2009.

Moved by Haschka, seconded by Lange that the Ordinance be adopted. Vote on motion to adopt was ayes: Haschka, Key, Lange, Maxwell, Van Dress, Brown, Capellas. Nays: none. Motion carried. Ordinance No. 2009-66 passed.

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The following Ordinance was read by title for third reading:

AN ORDINANCE AMENDING SECTION 181.06(a), "PART TIME, TEMPORARY AND SEASONAL EMPLOYEES" OF THE PERSONNEL PLAN OF THE CODIFIED ORDINANCES TO PROVIDE FOR COMPENSATION OF TEMPORARY RECREATION DEPARTMENT INSTRUCTORS, AND DECLARING AN EMERGENCY. (9-4)

Moved by Lange, seconded by Van Dress that the Ordinance be adopted. In response to Mr. Capellas, Mr. Sponseller said these instructors would become employees of the City and be covered under the City's liability policy.

Vote on motion to adopt was ayes: Haschka, Key, Lange, Maxwell, Van Dress, Brown, Capellas. Nays: none. Motion carried. Ordinance No. 2009-67 passed.

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The following Ordinance was read by title for third reading:

AN ORDINANCE AMENDING SECTION 175.09, "CLASSIFICATION SCHEDULE" OF THE PERSONNEL PLAN OF THE CODIFIED ORDINANCES TO RE-ESTABLISH AND PROVIDE FOR THE POSITION OF DIRECTOR OF PUBLIC SAFETY, AND DECLARING AN EMERGENCY. (9-5)

Mr. Lange said the omission of this position in the schedule was an oversight. It was then moved by Lange and seconded by Van Dress that the Ordinance be adopted. In response to Mr. Maxwell, Mr. Sponseller explained that this position is called out in the City's Charter. When the position of Safety/Service Director had been eliminated, it was an oversight that the position of Safety Director was not included in the Classification Schedule. Also in response to Mr. Maxwell, the Mayor said he did not anticipate hiring a Safety Director in the near future. The Mayor said there are multiple positions in the Classification Schedule that are not filled and are not budgeted for at this time.

Vote on motion to adopt was ayes: Haschka, Key, Lange, Maxwell, Van Dress, Brown, Capellas. Nays: none. Motion carried. Ordinance No. 2009-68 passed.

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The following Ordinance was read by title for second reading:

AN ORDINANCE ENACTING NEW CHAPTER 1362, "ABANDONED RESIDENTIAL PROPERTY REGISTRATION" OF PART THIRTEEN, "BUILDING CODE," OF THE CODIFIED ORDINANCES OF THE CITY TO PROVIDE FOR REGISTRATION, SECURITY, MAINTENANCE AND ABATEMENT OF ABANDONED RESIDENTIAL PROPERTIES. (9-6)

Proposed Ordinance No. 9-6 stands on second reading.

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The following Ordinance was read by title for first reading:

AN ORDINANCE ADOPTING AND RATIFYING THE CITY OF BEREA IDENTITY THEFT PREVENTION PROGRAM, AND DECLARING AN EMERGENCY. (10-1)

Mrs. Kavander explained that the policy also known as the "red flag rule" deals with identity theft and protecting resident information that is used for water billing or credit card payments through the Municipal Court. She said the rules are required to be in place by November 1, 2009 so she will be requesting suspension of the three reading rule on second reading in order to meet this federal deadline.

In response to Mr. Maxwell, she said some of the training has already been done including advising the employees to keep their file cabinets locked and not to leave sensitive information sitting out over night on their desk. In response to Mr. Capellas, Mrs. Kavander said once documents are approved for destruction through the Records Commission, the City has a company that shreds those documents.

Mr. Lange said he understood that Mr. Haschka would not be at the next regular meeting and he might not be there either, so it was moved by Lange, seconded by Haschka that the three reading rule be suspended in order that the legislation be approved by November 1<sup>st</sup>. Vote on motion to suspend was ayes: Haschka, Key, Lange, Van Dress, Brown, Capellas. Nays: Maxwell. The motion carried.

Moved by Haschka, seconded by Key that the Ordinance be adopted. Vote on motion to adopt was ayes: Haschka, Key, Lange, Maxwell, Van Dress, Brown, Capellas. Nays: none. The motion carried. Ordinance No. 2009 -69 passed under suspension.

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The following Ordinance was read by title for first reading:

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, 2009, AND EXPRESSLY REPEALING ORDINANCE NO. 2009-57. (10-2)

Proposed Ordinance No. 10-2 stands on first reading.

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The following Resolution was read by title for first reading:

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. (10-3)

Mrs. Kavander explained that this is the resolution the City receives as a result of its Tax Budget that was prepared last summer. She said she received the Resolution this past Friday and that the County is requiring it by November 2<sup>nd</sup>. She would be asking Council to consider passage under suspension of the three reading rule. This legislation formalizes the documents and rates as stated in the Tax Budget.

Moved by Lange, seconded by Haschka that the three reading rule be suspended. Vote on motion to suspend was ayes: Haschka, Key, Lange, Van Dress, Brown, Capellas. Nays: Maxwell. The motion carried.

Moved by Haschka, seconded by Key that the Resolution be adopted. Vote on motion to adopt was ayes: Haschka, Key, Lange, Maxwell, Van Dress, Brown, Capellas. Nays: none. The motion carried. Ordinance No. 2009 -70 was adopted under suspension.

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### REPORTS

#### Dale A. Lange, At-Large

Mr. Lange announced that the Rotary Club of Berea and the Sun News are co-sponsoring their 9<sup>th</sup> annual Employee Courtesy Award. Posters will be displayed throughout the City.

He reminded everyone of the October 15<sup>th</sup> luncheon at Berea Lake Towers.

Mary K. Brown, Ward 5

Mrs. Brown reminded everyone that the Berea Chamber of Commerce is hosting their Biz Expo on Tuesday, October 20<sup>th</sup> at Polaris Vocational School from 5:00 p.m. to 7:00 p.m.

George Capellas, Ward 4

Mr. Capellas reminded Council of the upcoming Woodvale Joint Council Meeting that will be held on Wednesday, October 14, 2009 at 7:30 p.m. in the Berea City Council Chamber.

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CORRESPONDENCE

The President of Council noted that a listing of correspondence received by Council for the period of September 17, 2009 through September 30, 2009 has been provided to Council and the referenced material is on file in the office of the Clerk and available for public inspection.

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OTHER BUSINESS

Moved by Capellas, seconded by M. Brown that the Work Session scheduled for October 12, 2009 be cancelled due to a lack of Committee business. Vote on the motion was all ayes and no nays. The motion carried.

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. President of Council Brown declared the meeting adjourned at 8:01 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 5<sup>th</sup> day of October, 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