

CITY OF BEREA, OHIO

**MINUTES OF A REGULAR COUNCIL MEETING
HELD TUESDAY, FEBRUARY 16, 2010**

Council of the City of Berea, Ohio, met in the Council Chamber on February 16, 2010, and was called to order at 7:30 p.m. by President of Council James J. Brown, with Cheryl A. Banaszak, Nick Haschka, Dale A. Lange, Margarette S. Key, Richard T. Malott, 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 Van Dress, seconded by Haschka that the Minutes of the December 21, 2009 be amended to correct the motion on page 3 for Ordinance No. 2009-79. Vote on the motion was all ayes, no nays, motion carried.

Moved by Haschka, seconded by Key that the Minutes of the February 21, 201009 be approved as circulated. Vote on the motion was all ayes, no nays, motion carried.

MAYOR'S ADMINISTRATIVE REPORT

Mayor Kleem reported that were twelve bids received for the demolition of the bowling alley. The engineer's estimated cost of the project was \$255,000. The apparent low bidder was Baumann Enterprises at \$142,680.

R. James Brown, Director of Public Service

Director Brown reminded the residents that snow removal from sidewalks is part of snow maintenance. In response to Councilman Maxwell, Mr. Brown said he would research snow piled up on sidewalks at the corner of Wyleswood and Cranston. Mr. Van Dress said the Service Department employees have done a fantastic job

AUDIENCE PARTICIPATION

Renee DeTullio and Jenny Cholky addressed Council to discuss the radon issues at the Sandstone Ridge Development and requested that the building code be

amended to incorporate radon resistance efforts. They provided a copy of an article on radon to the Clerk of Council to be copied for Council.

COUNCIL COMMITTEE REPORTS AND COMMITTEE ANNOUNCEMENTS

Woodvale Union Cemetery Board of Trustees

Mr. Maxwell reported the Trustees would be having more frequent meetings and that Council would be receiving minutes more often. He invited members of Council to visit the Cemetery in order to meet the staff and see the grounds.

Finance Committee

Chairman Lange reported he had attended a recent Directors meeting when yearend results were discussed. Overall, the City ended the year with a \$1.4 million surplus that included \$300,000 reserve set aside for retirements, etc. This is in spite of an approximate \$500,000 drop in revenue compared to the prior year.

LEGISLATION

The following Ordinance was read by title for third reading:

AN ORDINANCE APPROVING AND RATIFYING A THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BEREA AND THE BEREA FIREFIGHTERS REPRESENTED BY LOCAL 1836 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, PURSUANT TO CHAPTER 4117 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY. (1-2)

In response to Mr. Van Dress, the Mayor said as of last Friday, the members were ready to sign but had not signed the contract yet.

It was then moved by Van Dress, seconded by Banaszak to table proposed Ordinance No. 1-2 to a date certain of March 1, 2010 for third reading. Vote on the motion was ayes: Lange, Malott, Maxwell, Van Dress, Banaszak, Haschka, Key. Nays: none. The motion carried and proposed Ordinance No. 1-2 was tabled to a date certain of March 1, 2010

The following Ordinance was read by title for third reading:

AN ORDINANCE DESIGNATING PUBLIC DEPOSITORY OF ACTIVE DEPOSITS.
(1-5a)

Moved by Lange, seconded by Van Dress that the Ordinance be adopted. Vote on motion to adopt was ayes: Lange, Malott, Maxwell, Van Dress, Banaszak, Haschka, Key. Nays: none. Motion carried. Ordinance No. 2010-5 passed.

The following Ordinance was read by title for third reading:

AN ORDINANCE DESIGNATING AWARDING FOR INTERIM DEPOSITS. (1-6a)

Moved by Lange, seconded by Van Dress that the Ordinance be adopted. Vote on motion to adopt was ayes: Lange, Malott, Maxwell, Van Dress, Banaszak, Haschka, Key. Nays: none. Motion carried. Ordinance No. 2010-6 passed.

The following Resolution was read by title for third reading:

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE THE STREETS OF THE CITY OF BEREA BY SUPPLYING THE SAME WITH ELECTRIC LIGHTING, INCLUDING TRAFFIC CONTROL LIGHTING, BY FIXING THE VALUE OF INTERSECTIONS NOT ASSESSED FOR TAXATION, AND AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE AND FILE TENTATIVE ASSESSMENTS TO EFFECT THE SAME, AND DECLARING AN EMERGENCY. (1-7)

Moved by Haschka, seconded by Maxwell that the Resolution be adopted. Vote on motion to adopt was ayes: Lange, Malott, Maxwell, Van Dress, Banaszak, Haschka, Key. Nays: none. Motion carried. Ordinance No. 2010-7 was adopted.

The following Ordinance was read by title for third reading:

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF THE STREETS IN THE CITY OF BEREA BY SUPPLYING THE SAME WITH ELECTRIC LIGHTING, INCLUDING TRAFFIC CONTROL LIGHTING, AND TO LEVY ASSESSMENTS THEREFOR, AND DECLARING AN EMERGENCY. (1-8)

Moved by Haschka, seconded by Key that the Ordinance be adopted. Vote on motion to adopt was ayes: Lange, Malott, Maxwell, Van Dress, Banaszak, Haschka, Key. Nays: none. Motion carried. Ordinance No. 2010-8 was adopted.

The following Ordinance was read by title for second reading:

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$750,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY A PORTION OF THE COSTS OF ACQUIRING REAL ESTATE FOR MUNICIPAL FACILITIES, AND DECLARING AN EMERGENCY. (2-3)

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

The following Ordinance was read by title for second reading:

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$2,500,000 NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF ACQUIRING PROPERTY TO BE USED FOR VEHICLE MAINTENANCE AND STORAGE FOR THE SERVICE DEPARTMENT, THE FRONT STREET RAILGRADE SEPARATION PROJECT AND OTHER MUNICIPAL PROJECTS, AND DECLARING AN EMERGENCY. (2-4)

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

The following Ordinance was read by title for second reading:

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE PRINCIPAL AMOUNT OF \$2,725,000 TO PAY A PORTION OF THE COSTS OF (i) ACQUIRING EQUIPMENT FOR USE IN CITY DEPARTMENTS, INCLUDING COMPUTERS AND AMBULANCE RELATED AND OTHER FIRE DEPARTMENT EQUIPMENT, (ii) ACQUIRING CITY VEHICLES FOR USE IN CITY DEPARTMENTS, (iii) RESURFACING AND RECONSTRUCTING PORTIONS OF CERTAIN CITY STREETS TO BE APPROVED BY CITY COUNCIL, AND (iv) CONSTRUCTING A THREE BRIDGE OVERPASS ON FRONT STREET, INCLUDING ALL WORK INCIDENTAL THERETO, AND DECLARING AN EMERGENCY. (2-5)

Proposed Ordinance No. 2-5 stands on second reading.

The following Ordinance was read by title for first reading:

AN ORDINANCE FORMALLY ESTABLISHING AND CONSTITUTING THE CITY OF BEREA TAX INCENTIVE REVIEW COUNCIL PURSUANT TO STATE LAW, EXPRESSLY REPEALING ORDINANCE 2009-77, AND DECLARING AN EMERGENCY. (2-6)

In response to Mr. Maxwell, Mayor Kleem said the state changed the requirements regarding who serves on the committee. City Council had adopted those changes late last year but it had recently been brought to the City's attention by the Cuyahoga County, Department of Development, that changes needed to be made. He referred to Exhibit "A" of the previous legislation and new Exhibit "A". The Mayor requested that this legislation be passed as soon as possible because the meeting for this commission will be held around March 22nd and in addition to the request for the three members from the County, Council would need to confirm the two appointments made by the Mayor.

It was then moved by Lange, seconded by Van Dress that the three reading rule be suspended. Vote on the motion to suspend was ayes: Lange, Malott, Maxwell, Van Dress, Banaszak, Haschka, Key. Nays: none. The motion carried

Moved by Van Dress, seconded by Haschka that the Ordinance be adopted under suspension. Vote on motion to adopt was ayes: Lange, Malott, Maxwell, Van Dress, Banaszak, Haschka, Key. Nays: none. Motion carried. Ordinance No. 2010-9 was adopted under suspension.

The following Ordinance was read by title for first reading:

AN ORDINANCE SUPPLEMENTING ORDINANCE NO. 2008-69 (WHICH AUTHORIZED A COOPERATION AGREEMENT WITH THE BOARD OF COMMISSIONERS OF CUYAHOGA COUNTY FOR THE REHABILITATION OF WEST BRIDGE STREET BRIDGE NO. 256) REQUESTING THE COUNTY ENGINEER TO PROCEED WITH THE REHABILITATION OF THE WEST BRIDGE STREET BRIDGE NO. 256, AND PROVIDING THAT THE CITY OF BEREA SHALL BE RESPONSIBLE FOR 100% OF THE ENGINEERING AND CONSTRUCTION COSTS FOR A NEW WATERLINE FOR THE PROJECT, AND DECLARING AN EMERGENCY. (2-7)

Proposed Ordinance No. 2-7 stands on first reading.

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, 2010, AND EXPRESSLY REPEALING ORDINANCE NO. 2009-83. (2-8)

Mr. Lange said Council would be receiving the hard copy of the budget the first of March and before the Work Session on March 8th. He anticipated that it would then be approved at the March 15, 2010 Council Meeting. He stressed that it needs to be

approved by the end of March.

Proposed Ordinance No. 2-8 stands on first reading.

REPORTS

Dale A. Lange, At-Large

Mr. Lange said he had attended the recent Senior Luncheon at the Rec Center where the Mayor gave is "State of the City" report.

He extended condolences to the family of Dr. David Pearson who recently passed away.

Richard T. Malott, Ward 5

Mr. Malott reminded Council that this past summer, the cities of Berea, Brook Park and Middleburg Heights had celebrated the 200th anniversary of the settling of Middleburg Township. He read a congratulatory letter he had received from President Barack Obama recognizing that celebration..

Jim Maxwell, Ward 3

Mr. Maxwell reported that the recent fundraiser for Cookie Fisher resulted in a sell-out crowd and commented that it was a great cause and supported by the whole community.

He announced there will be a Longbrooke Homeowners Association meeting on Sunday, February 21 at 1:00 p.m. at Smith Elementary School.

Lastly, he thanked Mrs. Staykar, a first grade school teacher at Smith School, for giving him the opportunity to be part of her mystery reader program.

CORRESPONDENCE

The President of Council noted that a listing of correspondence received by Council for the period of January 28, 2010 through February 10, 2010 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 Van Dress, 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 8:12 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 16th day of February, 2010, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Kathleen Russell Olmeda, MMC
Clerk of Council