

CITY OF BEREA, OHIO

**MINUTES OF A REGULAR COUNCIL MEETING
HELD TUESDAY, JANUARY 19, 2010**

Council of the City of Berea, Ohio, met in the Council Chamber on January 19, 2010, and was called to order at 7:30 p.m. by President of Council James J. Brown, with Cheryl A. Banaszak, Nick Haschka, Margarett S. Key, Richard T. Malott, Jim Maxwell, Dean W. Van Dress. Absent: Dale A. Lange. 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 Haschka, seconded by Van Dress that the Minutes of the November 16, 2009 Regular Council Meeting be approved as circulated. Vote on the motion was all ayes and no nays. The motion carried.

Moved by Maxwell, seconded by Haschka that the Minutes of the December 7, 2009 Regular Council Meeting be approved as circulated. Vote on the motion was all ayes and no nays. The motion carried.

Moved by Haschka, seconded by Key that the Minutes of the December 14, 2009 Special Council Meeting be approved as circulated. Vote on the motion was all ayes and no nays. The motion carried.

MAYOR'S ADMINISTRATIVE REPORT

Mayor Kleem acknowledged and thanked the Berea Police Department and ATF for apprehending the alleged shooter in the Prospect Road vicinity. He said everything indicates that they have the right guy.

Gregory M. Sponseller, Director of Law and Prosecutor

Mr. Sponseller reported he had attended a pre-trial meeting this morning regarding the Berea Hardware appropriation case. The trial date is set for February 10th.

PETITIONS - None

AUDIENCE PARTICIPATION

Alice Habernak said she and her neighbors were very relieved to hear about the apprehension of the alleged shooter. She also thanked Mayor Kleem for the senior activities.

COUNCIL COMMITTEE REPORTS AND COMMITTEE ANNOUNCEMENTS - None

LEGISLATION

The following Ordinance was read by title for second 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)

Mr. Sponseller said they had anticipated having the Collective Bargaining Agreement to be finalized and agreed to by the Firefighters Union; however, they have not yet reviewed the final draft. They did vote to accept the findings of the fact-finder. He anticipated that the contract would be completed before it is read for third reading.

Moved by Maxwell, seconded Key to refer proposed Ordinance No. 1-2 to the February 8, 2010 Work Session. Vote on the motion was ayes: Key, Maxwell. Nays: Haschka, Malott, Van Dress, Banaszak. The motion failed.

Proposed Ordinance No. 1-2 stands on second reading.

The following Ordinance was read by title for second reading:

AN ORDINANCE APPROVING AND RATIFYING A THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BEREA AND THE BEREA POLICE DISPATCHERS REPRESENTED BY THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, PURSUANT TO CHAPTER 4117 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY. (1-3)

Moved by Van Dress, seconded by Haschka to refer proposed Ordinance No. 1-3 to the Coordinating Committee at the February 8, 2010 Work Session. Vote on the

motion was ayes: Haschka, Key, Malott, Maxwell, Van Dress, Banaszak. Nays: none.
The motion carried.

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

The following Ordinance was read by title for first reading:

AN ORDINANCE ENACTING NEW SECTION 731.44 "TEXT MESSAGING PROHIBITED WHILE DRIVING" OF TITLE SEVEN, TRAFFIC CODE, OF THE CODIFIED ORDINANCES. (1-4)

President of Council Brown and Councilwoman Banaszak asked to be added as sponsors of this piece of legislation.

Proposed Ordinance No. 1-4 stands on first reading.

The following Ordinance was read by title for first reading:

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

Proposed Ordinance No. 1-5 stands on first reading.

The following Ordinance was read by title for first reading:

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

Proposed Ordinance No. 1-6 stands on first reading.

The following Resolution was read by title for first 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)

Proposed Resolution No. 1-7 stands on first reading.

The following Ordinance was read by title for first 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)

Proposed Ordinance No. 1-8 stands on first reading.

REPORTS

James J. Brown, President of Council

Mr. Brown commended the Police Department for the excellent job they did in apprehending a suspect in the shooting incident.

Nick Haschka, Ward 2

Mr. Haschka commended the Service Department employees for the fine job they are doing in removing the snow and salting the streets.

Margarette S. Key, Ward 1

Mrs. Key thanked the Mayor and her fellow Council persons who attended the MLK, Jr. breakfast yesterday. She also thanked the members of the Berea City Club for recognizing people who have volunteered to help our community. Lastly, she gave a "shout out" to the members of the Berea Police Department.

Richard T. Malott, Ward 5

Mr. Malott also thanked and commended the members of the Berea Police Department for the great job they did in apprehending a suspect in the recent shooting incidents.

Jim Maxwell, Ward 3

Mr. Maxwell announced that there will be a fundraiser for Cookie Fisher this coming Saturday at the Father Keller Center at St. Adalbert's Church. He said Cookie Fisher and her family are long-time residents of Berea. The fundraiser is being held to raise money to help her with the medical costs in her battle against cancer.

He reminded the members of Council of the ceremonies at the Berea Public library on Wednesday where the winners of the MLKing, Jr. Art and Essay Contest will be announced.

Dean W. Van Dress, At-Large

Mr. Van Dress thanked the congregation at First Baptist Church for the event they have on Monday to celebrate the legacy of Martin Luther King.

He announced that the Berea Rotary Club will be holding their annual Reverse Raffle and Silent Auction on Friday, February 26th for their Scholarship program.

He reported that he and several members of the Berea City Council had attended a Town Hall Meeting on January 14th sponsored by Representative Matt Patten. The next meeting will be held in Strongsville.

Lastly, he referred to the recent minutes and the \$5 motor vehicle tax and its help in obtaining grant money. In response to Mr. Van Dress, Mayor Kleem said the City was recommended by the District One Public Works Integrating Committee to the State of Ohio for funding for several projects including the Westbridge Street bridge replacement and the Beech Street waterline improvement project. The Mayor said in regards to the Westbridge Street bridge, the recommendation was for a grant for \$598,300 and a zero percent loan of \$202,650. The City's estimated participation would be \$164,050. In regards to the Beech Street waterline improvement project, it was recommended that the City receive a \$451,000, a zero percent loan of \$102,500. The City's participation portion would be \$246,500. Baldwin-Wallace College participation would be \$225,000. The Mayor said the first project is a \$965,000 project with the City being responsible for \$164,000 and the second project is a \$1,000,000 project where the City is responsible for approximately \$146,000. Lastly, he said when these recommendations go to the State it usually ratified by the State.

Cheryl A. Banaszak, Ward 4

Mrs. Banaszak said she wanted to echo everyone's sentiments regarding the apprehension of the suspect in the Prospect area shootings.

She commended the City Club and the Mayor and his staff for the program at the recent community service banquet.

CORRESPONDENCE

The President of Council noted that a listing of correspondence received by Council for the period of December 31, 2009 through January 13, 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 Haschka, seconded by Banaszak to adjourn the meeting. Vote on the motion to adjourn was all ayes and no nays. President of Council 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 19th day of January, 2010, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

Kathleen Russell Olmeda, MMC
Clerk of Council