

REGULAR SESSION

September 10, 2009

The Council of the City of Chardon met in Regular Session Thursday, September 10, 2009 at 6:30 P.M. in the Chardon Municipal Courtroom located at 111 Water Street, Chardon, Ohio.

Philip King, Vice-President of Council presiding.

The meeting opened with the pledge of allegiance and roll call.

Members of Council present: Leslie Bednar, Mary Bramstedt, Jefferey Campbell, Jr., Robert Cromwell, Philip King, Deborah Reiter.

Members of Council absent: Karen Simpson.

Others present: City Manager David Lelko, Finance Director Jeffrey Smock, Law Director James Gillette, Planning and Zoning Administrator John Sheehan, Police Chief Tim McKenna, Assistant City Manager Randy Sharpe, City Engineer Doug Courtney, Ken Ovark, Dennis Pavella, Ed Ferrall, Nancy McArthur, Paula Noyes, Arlene Hill, Shelden McCartney, Betsy Scott, Ken Miller, John Mallen, Joyce Campbell.

APPROVAL OF MINUTES

Mrs. Reiter moved and Mr. Campbell seconded to approve the minutes of the July 9, 2009 Public Hearing, July 20, 2009 Special Session and August 13, 2009 Regular Session. Upon roll call vote the motion passed unanimously.

MANAGER'S REPORT

City Manager David Lelko reported that a 911 ceremony will be held on September 11, 2009 at 8:30 a.m. at the Courthouse on the Square.

Mr. Lelko reported that the EPA has approved the loan for the Wilson Mills Sanitary Sewer Project.

Mr. Lelko reported that trick-or-treat will be celebrated on October 31, 2009 from 5:30 p.m. to 7:30 p.m.

Mr. Lelko reported that Mike Andre has resigned from the Park and Recreation Board and the vacancy will be advertised.

Mr. Lelko reported that staff met with representatives from the Chardon School District to discuss various issues. One outstanding issue that needs addressed is the school's request for a mid-block crosswalk from the student parking lot to the high school.

Council concurred that the Safety Committee should review the issue.

PLANNING COMMISSION REPORT

Mr. King reported that at the Planning Commission meeting, a variance for the Maple Leaf Plaza sign was tabled.

Mr. King reported that Planning Commission took no action on a request for approval for a new roof at 325 Center Street. Planning Commission requested that some symmetry modifications be made to the plan.

Mr. King reported that the Woods of Burlington Homeowners Association requested a variance to install a permanent restroom at their park. The issue will be reconsidered at a later date

because planning Commission felt that because a sewer line runs through the area, the issued needs looked into further.

Mr. King reported that a proposal for a stream relocation by Mentor Lumber was approved.

Mr. King reported that Planning Commission approved plans for the basketball and volleyball courts.

COUNCIL COMMITTEE REPORTS

Safety - none.

Service -

Mrs. Bramstedt reported on a public forum which was held on September 9, 2009 to discuss refuse collection. The forum entailed Randy Sharpe making a power point presentation reviewing options of the program and members of the public providing feedback. She noted that many residents expressed their right to choose a particular refuse hauler above a possible discount.

Mrs. Bramstedt noted that the program is still in the exploratory stage.

Mrs. Bednar noted that the majority of people present were opposed to a city-wide refuse collection program and she felt that Council is faced with a decision whether to go to bid or not.

Mr. Lelko noted that the Law Director determined that an advisory vote could be taken on the issue.

Mr. King recommended that the Service Committee meet one more time to discuss the issue and decide if Council should take action.

Discussion continued regarding how City-wide refuse hauling is conducted in other communities.

Water/Sewer - none.

Park/Recreation -

Mrs. Reiter reported that the Board reviewed preliminary concept drawings for Michael Ibold Park at their last meeting.

Mrs. Reiter reported that the Park and Recreation Board is in the process of discussing additional parking at Mel Harder Park.

Mr. Lelko reported that the Geauga Park District is favorable to allowing the use of their parking lot; however, access to the parking lot is an issue.

Mrs. Reiter reported that a basketball evaluation study was completed by Board member Jeff Allenby.

Mrs. Reiter reported that the Fall Fest will be held on Saturday, October 3rd.

Mrs. Reiter reported that the first annual Corn Roast will be held on Saturday, September 12th sponsored by the Heritage Committee, Chamber of Commerce and Chardon Kiwanis.

Mr. King asked about the status of property exchange with the School Board.

Mr. Gillette stated that he received paperwork prepared by the City Engineer and he will provide the City Manager with the final documents.

Mrs. Reiter asked if the School Board had to take action.

Mr. Lelko stated that the School Board has not taken any action yet but needs to.

Legislative - none.

Finance -

Finance Director Jeffrey Smock reported on the status of the income tax collection process. Currently staff is pursuing people who are not cooperating fully. \$38,700 in uncollected tax has been identified thus far.

Mr. Smock noted that in October he would like Council to discuss extending the income tax clerk's employment which was to be reviewed after one year.

Mr. Campbell asked if CCA has a percentage for collection.

Mr. Smock stated that he is not aware of a percentage but he thinks that it would be fairly high as long as there is persistence in the collection effort.

Mr. King asked if the \$38,700 is realized or potential income.

Mr. Smock stated that it is potential income. Concentration by staff has been to identify uncollected tax. Once bills are sent to the taxpayers, he expects that approximately ½ of that amount will be paid quickly.

Mrs. Bramstedt inquired how much has been collected.

Mr. Smock stated that approximately \$2,000 has been collected because most bills have not been received yet. Staff is still in the process of calculating the tax that is owed and has run into some delay due to receiving information from landlords.

HEARING OF PERSONS BEFORE COUNCIL

THOSE PERSONS ON THE AGENDA - none.

GENERAL PUBLIC

Paula Noyes, 308 South Street, spoke to express her concern with the care taken to her husband's grave in the cemetery.

Mr. King recommended Mrs. Noyes meet with the City Manager to address her concerns.

OLD BUSINESS -

Regarding AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JOSEPH H. WEISS, JR. FOR SERVICES AS AN ASSISTANT POLICE PROSECUTOR, Mrs. Bramstedt moved and Mrs. Bednar seconded to read the Ordinance for the second and third time by title only.

Mr. Gillette requested the Ordinance be read for the second time only.

Mrs. Bramstedt and Mrs. Bednar amended the motion to have the Ordinance read for the second time by title only. Upon roll call vote the motion passed unanimously.

The Ordinance was read for the second time by title only.

Mr. King stated that the Law Director put together a memo clarifying that the Mayor/President of Council is the representative of Council at funerals and other functions of official business unless Council acts otherwise.

NEW BUSINESS

LEGISLATION

Regarding AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DENNIS COYNE FOR SERVICES AS AN ASSISTANT POLICE PROSECUTOR, Mr. Gillette requested that the Ordinance be read for the first time by title only.

The Ordinance was read for the first time by title only.

Mr. King asked about the costs for the contracts for the Law Director and Assistant Police Prosecutors.

Mr. Gillette stated that the same amount of money has been asked requested for Mr. Weiss and Mr. Coyne and his salary and expenses will remain the same.

Regarding AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS FOR THE SERVICES OF JAMES M. GILLETTE AS LAW DIRECTOR, Mr. Gillette requested that the Ordinance be read for the first time by title only.

The Ordinance was read for the first time by title only.

ORDINANCE NO. 2552

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT/AGREEMENT WITH E.H. SUTTON INSURANCE AGENCY, INC. FOR THE PURPOSE OF PROVIDING INSURANCE CONSULTING SERVICES AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Campbell moved and Mrs. Bramstedt seconded the rules be suspended and the Ordinance be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Ordinance No. 2552 was then read for the second and third time by title only.

Mrs. Bednar moved and Mr. Campbell seconded for the adoption of Ordinance No. 2552.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 2553

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE WITH LAKE ERIE VIDEO PRODUCTIONS, INC., FOR PROPERTY LOCATED AT 101 SOUTH STREET, CITY OF CHARDON, OHIO, AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. Bednar moved and Mrs. Bramstedt seconded the rules be suspended and the Ordinance be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Ordinance No. 2553 was then read for the second and third time by title only.

Mrs. Bramstedt moved and Mrs. Reiter seconded for the adoption of Ordinance No. 2553.

Mr. Campbell asked if the rental rate includes a freeze on an increase for the first year.

Mr. Sharpe stated that it does.

Mrs. Reiter thanked Lake Erie Video for their movie presentation on the Square.

Upon roll call vote the motion passed unanimously.

LEGISLATION

RESOLUTION NO. 22-09

A RESOLUTION OF NECESSITY FOR THE ASSESSMENT OF STREET LIGHTING AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Campbell moved and Mr. Cromwell seconded the rules be suspended and the Resolution be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Resolution No. 22-09 was then read for the second and third time by title only.

Mrs. Bramstedt moved and Mr. Cromwell seconded for the adoption of Resolution No. 22-09.

Mrs. Bramstedt inquired about the type of lights used on City streets.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 23-09

A RESOLUTION PROVIDING FOR THE CONTROL OF BLIGHT AND DISEASE OF SHADE TREES WITHIN PUBLIC RIGHTS OF WAY AND FOR PLANTING, MAINTAINING, TRIMMING AND REMOVING SHADE TREES IN AND ALONG THE STREETS OF THE CITY OF CHARDON; AUTHORIZING THE SHADE TREE COMMISSION TO SO PROVIDE DURING THE YEAR OF 2009 ESTABLISHING A SINGLE DISTRICT FOR SAID PURPOSE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 727.011, OHIO REVISED CODE; PROVIDING THE ASSESSMENT OF THE COST AND EXPENSE OF SUCH PLANTING, MAINTAINING, TRIMMING AND REMOVING UPON BENEFITTING PROPERTY IN SAID DISTRICT, AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Cromwell moved and Mrs. Bednar seconded the rules be suspended and the Resolution be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Resolution No. 23-09 was then read for the second and third time by title only.

Mrs. Bednar moved and Mr. Cromwell seconded for the adoption of Resolution No. 23-09.

Mr. Cromwell thanked Urban Forester Ken Miller for his years of voluntary service to the Shade Tree Commission.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 24-09

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 was read for the first time by title only.

Mrs. Bramstedt moved and Mr. Campbell seconded the rules be suspended and the Resolution be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Resolution No. 24-09 was then read for the second and third time by title only.

Mrs. Bramstedt moved and Mr. Campbell seconded for the adoption of Resolution No. 24-09.

Mr. Smock stated that the Resolution authorizes the County Auditor to collect the property taxes for the City.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 2554

AN ORDINANCE AMENDING APPROPRIATIONS IN THE CITY OF CHARDON TREASURY AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. Bramstedt moved and Mr. Campbell seconded the rules be suspended and the Ordinance be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Ordinance No. 2554 was then read for the second and third time by title only.

Mrs. Bednar moved and Mr. Campbell seconded for the adoption of Ordinance No. 2554.

Mr. Smock stated that the appropriation is for additional funds for office furniture and carpeting on the second floor that are not part of the Municipal Court Renovation Project.

Mr. Cromwell recommended that staff look into a discount furniture store for used furniture.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 2555

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1103.187(b) SIGN PERMIT FEES, REQUIRING ONE FEE FOR EACH CLASSIFICATION OF SIGN was read for the first time by title only.

Mr. Cromwell moved and Mrs. Reiter seconded the rules be suspended and the Ordinance be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Ordinance No. 2555 was then read for the second and third time by title only.

Mrs. Bramstedt moved and Mr. Campbell seconded for the adoption of Ordinance No. 2555.

Mr. Sheehan stated that the Ordinance aligns fees for signs to coincide with the changes that Council made to the sign regulations.

Mr. Campbell asked if Mr. Sheehan felt that the fees will cover administrative costs.

Mr. Sheehan stated that he felt at the present time the fees would cover the administrative costs.

Mr. Cromwell questioned if the cost for each type of sign is necessary.

Mrs. Bednar stated that the fees are to cover the City's costs.

Mr. Sheehan stated that there are separate reviews for the different types of signs.

Mrs. Reiter asked if a business owner decided to add a sign at a later time if they would be charged another fee for the new sign.

Mr. Sheehan stated that they would have to pay the fee again.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 2556

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1113.11 ZONING CERTIFICATES, ALLOWING ONE RENEWAL OF A ZONING CERTIFICATE, AND SECTION 1103.19(a) ZONING CERTIFICATE AND PERMIT FEES, ADOPTING A FEE FOR A ZONING CERTIFICATE RENEWAL was read for the first time by title only.

Mr. Cromwell moved and Mrs. Reiter seconded the rules be suspended and the Ordinance be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Ordinance No. 2556 was then read for the second and third time by title only.

Mr. Campbell moved and Mr. Cromwell seconded for the adoption of Ordinance No. 2556.

Mrs. Bramstedt asked what the Ordinance refers to regarding an accessory antenna.

Mr. Sheehan stated that the ordinance refers to a new antenna being placed on a telecommunications tower. The only change is to the zoning certificate.

Mr. Sheehan explained that it has begun to occur that projects are started and not completed and extensions are being requested for residential projects. Therefore, staff is recommending the provision to assist everyone, both residential and commercial, with renewing zoning permits for small projects. The fee to renew the zoning permit would be \$40.

Mr. Sheehan stated that there are currently no provisions that allow for zoning certificates to be renewed in the manner which is being proposed. The only way to get a longer time period to complete a job is to file for an extension before the permit expires and typically go to Planning Commission for approval.

Upon roll call vote the motion passed unanimously.

REVIEW OF EXPENDITURES

Mr. Cromwell reported that all expenditures were in order.

EXECUTIVE SESSION

Mrs. Reiter moved and Mr. Campbell seconded to adjourn to executive session at 7:58 P.M. for the purpose of discussing appointments to Boards and Commissions and invite Mr. Smock and Mr. Lelko to remain.

Upon roll call vote the motion passed unanimously.

Discussion occurred regarding appointments to Boards and Commissions.

Discussion occurred regarding pending litigation regarding the acquisition of property.

The meeting reconvened to open session at 8:09 P.M.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mrs. Bednar moved and Mr. Campbell seconded to appoint Mary Jo Stark to the Planning Commission to fill the unexpired term of Gary Hanlon expiring December 31, 2009. Upon roll call vote the motion passed unanimously.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Mr. Smock reported that residents in the City have begun paying a 5% franchise fee as part of their cable bill. This money should generate additional revenue for the City. Currently, the City pays 3% to G-TV and asked if it is Council's intention to continue paying G-TV 3% and asked if the remaining 2% should be retained to pay for possible improvements for media equipment.

Members of Council inquired if the money will be earmarked for media expenses.

Mr. Smock stated that the franchise fee now goes into the General Fund and it is appropriated as part of the budget process, to pay G-TV.

Mr. Campbell stated that he is fine with paying G-TV 3% and the remainder should specifically be used for media expenses.

Mr. King stated that he does not want to earmark it for something if it is not going to be spent and it could be spent for something else.

Mr. Smock stated that it can be put in the General Fund but still be tracked separately so that there is a running total so that it is known how much is there.

Mrs. Bramstedt asked about the money that is generated.

Mr. Smock stated that the 3% had generated approximately \$32,000 per year.

Mrs. Bednar expressed that the additional 2% needs to be spent on media-based equipment.

Members of Council concurred.

Mr. Cromwell moved and Mrs. Bramstedt seconded to adjourn. Upon voice vote the motion passed unanimously.

The meeting adjourned at 8:15 P.M.

Attest:

PHILIP G. KING, Vice-Mayor
Vice-President of Council

AMY DAY
Clerk of Council