

REGULAR SESSION

January 8, 2009

The Council of the City of Chardon met in Regular Session, Thursday, January 8, 2009 at 6:30 P.M. in Council Chambers of the Chardon Municipal Center.

Karen Simpson, President of Council presiding.

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

Members of Council present: Mary Bramstedt, Jefferey Campbell Jr., Robert Cromwell, Philip King, Debbie Reiter and Karen Simpson

Members of Council absent: Leslie Bednar

Others present: City Manager Dave Lelko, Assistant Manager Randy Sharpe, Finance Director Jeffrey Smock, Law Director James Gillette, Police Chief McKenna, Clerk Pro Tem Kim Foley, Planning and Zoning Administrator John Sheehan, City Engineer Doug Courtney, Ken Ovark, Jordan Steve of Best Sand, Ryan Christopher of Best Sand, Terri of Best Sand, Howard Huebner of O.D.O.T., Chuck Strazinsky, Connie Luhta of Concord Township, Paula Noyes, John Mallen, Jim Rayle, Glenn Miller and Arlene Hill

APPROVAL OF MINUTES

Mr. King moved and Mr. Campbell seconded to approve minutes from the December 11, 2008 Regular Session Council Meeting.

Discussion was held.

Mrs. Reiter stated that content is missing in the regular session Park and Rec Report regarding the inheritance taxes, and she would like the minutes to reflect everything that was said.

Mrs. Simpson asked Mr. Smock (the former Clerk of Council), how this should be handled.

Mr. Smock replied that if there's concurrence with Council to do that, Kim could go back and redo this portion from the tape.

Mrs. Simpson asked if we say verbatim or do we just expand it.

Mr. Gillette stated that basically it would be a transcription of the minutes on that item.

Mrs. Reiter said she would like that.

Mr. Campbell commented that he was wondering about that himself, he said the paper had more information than our minutes did.

Mr. King stated, so we expand our minutes because of the newspaper.

Mr. King asked Mr. Gillette if there is any reason for us not to do it.

Mr. Gillette responded that it is up to Council to determine what portion of the tape they want in the minutes.

Mr. Smock stated that normally minutes are only meant to reflect summaries of what transpired that lead up to a decision. He added that these are probably accurate, but if you want more we can do that.

Mrs. Reiter said she would appreciate that.

Mrs. Bramstedt said there was some ambiguity on what was said, and she would agree with Mrs. Reiter's recommendation.

Mr. Gillette stated that we do keep the tape recordings of the meetings of Council, BZA and the Planning Commission indefinitely, the tapes are always available if someone wants to go back to listen to them.

Mr. King said he can understand the interest in having the words in there, but minutes are not a verbatim record, there is a tape, we are looking to reduce costs, this adds to cost and there's just more paper. He asked to consider the opposite as well.

Mr. Campbell asked if the minutes are still posted on the website.

Mr. Smock said they're supposed to be, but Amy was the one that did that and he doesn't know who's going to do that in the interim.

Mr. Campbell said if a resident would like to go online to see a complete record of the minutes it will not require any more paper.

Mr. Smock stated that transcribing a fifteen minute conversation could take an hour.

Mr. Lelko asked if it could wait until Amy gets back, because she can do it much quicker than Kim.

Mrs. Reiter said that would be fine.

Mr. Campbell amended Mr. King's motion to approve the minutes.

Mr. King said he would amend his motion to allow for the transcription of the Park and Rec Board portion. Upon roll call vote the motion passed unanimously.

RESOLUTIONS OF APPRECIATION

- Chardon Township
- Concord Township
- Geauga County Engineer's Office
- City of Lyndhurst
- Ohio Department of Transportation
- County Coyotes, Hare Raisers and the Totally Dogs Youth Groups

CORRESPONDENCE

Mrs. Simpson asked if everyone had a chance to look over the letter from Greg Pribulsky, Vice President of the Geauga Lyric Theater Guild, requesting a Resolution of Support.

Mr. Campbell stated that he most definitely supports the Theater Guild and suggested inviting them to next month's meeting to present it to them, and at that time they could talk about their future plans.

All Council members were in favor of inviting them to the February 12th Council Meeting.

Mrs. Simpson stated they will be invited and a Resolution of Support would be drafted.

Mrs. Reiter said she believed the Heritage Committee will be at the next meeting to make their report as to how they're doing on fund raising, and it would be good to have them both there.

MANAGERS REPORT

Mr. Lelko reported:

Regarding the Fifth Avenue Center Street Realignment Project, we were just notified approximately a week ago, that this project can not be a local project. In other words it can not be bid by the City, it must be bid by the State. The reason for that is because it's on the Federal Highway System. He said he didn't know the full ramification yet, but initially the project was supposed to be advertised yesterday, and obviously that's not going to happen. He added that we had hoped to be under construction by the end of April, first of May, now we're looking at June at best, more likely July, maybe later.

We have been talking to the School Board Superintendent and we are looking for when we could schedule a joint Council/School Board meeting, over the next six weeks or so. This would be to talk about joint efforts in the area of recreation facilities.

Discussion was held on the Main Street Program.

Mr. Sharpe stated that we want to bring all the groups together for a presentation by Heritage Ohio regarding the Main Street Program. Possibly in February or March.

Mrs. Bramstedt inquired as to which groups.

Mr. Sharpe answered any one identified as an interested party but specifically the Chardon Square Association, Chamber of Commerce, Council and anyone else you think we should invite.

There was discussion on the scheduling of a Joint Planning Commission/Council Meeting.

Joint P & Z/Council Meeting was tentatively set for January 19, 2009

March 19, 2009 tentative date for Main Street Meeting.

February 19th and 26th two other possible dates.

Mrs. Bramstedt requested a report with the names of the companies they've met with, along with a list of who they plan to meet with in 2009.

Mr. Sharpe stated that there really is no plan, it's as we make the appointments, however he will provide a list of who they've met with so far.

Mrs. Reiter inquired if it's thirteen different companies, or just thirteen different meetings.

Mr. Sharpe replied thirteen different companies.

Mrs. Bramstedt asked if the Chamber will have it's annual meeting this month and Mr. Sharpe responded yes, January 20, 2009.

PLANNING COMMISSION REPORT

Mr. King reported that the big item on last month's agenda was the final review of the Sheetz Gas Station. The City Planning Commission approved the concept plan.

Mr. Sheehan added that they also discussed the Balanced Growth Program, recommended by the Chagrin River Water Shed partners.

Mr. Campbell enquired about the results of the Balanced Growth Program.

Mr. Sheehan replied that the Planning Commission felt it was worthwhile to pursue, and that a presentation would be made to Council.

Mrs. Bramstedt asked how the Balanced Growth Program works.

Mr. Sheehan explained that the Balanced Growth Program is something developed by the Chagrin River Water Shed Partners and that the advantage is that participation in the program among other things make additional funds available for certain structural purposes.

COUNCIL COMMITTEE REPORTS

Safety - None

Service

Mrs. Bramstedt reported that they have not met, there has been some difficulty getting together as a group, and she asked Mr. Lelko if we are responsible to follow up on pot holes in business parking lots.

Mr. Lelko answered no, that's private property.

Mrs. Bramstedt stated that they are trying to get a meeting together soon.

Mr. Lelko said they do need to meet to discuss: traffic signals on the square, cross walks and waste collection.

Mrs. Bramstedt thanked all those who came out for the Resolutions of Appreciation.

Water and Sewer

Mr. King reported that he and Mr. Campbell met on December 30, 2008. He suggested approving an ordinance entering into negotiations with the second bidder of the Wilson Mills Road Project. It is felt that they can do the job, and it's a quicker and less expensive than to rebid. The City is also under an EPA deadline to get the project under way by May of 2009. He stated that he and Mr. Campbell are in agreement that this seems like the best way to go at this time.

Mr. King also reported that the Maximus study has been reviewed by the City Staff and Mr. Lelko. The sludge contract is being looked at and currently our waste is being tested to see if it's possible to be disbursed over land.

Mr. Lelko stated that the test will be done next week. He commented that one thing that is interesting to note, is that in theory, our sludge could have higher concentrations of waste that may not be able to be land applied, because we're taking it out of the water, so the iron and arsenic is not being sent into the system. Instead, it's being taken out of the water and is sent directly into the water as a waste product, which is fine, but it could impact the sludge. The main issues with sludge is industrial. Contact has been made with EPA and we've been made aware of a few companies that act as a go between, between the City and the farmers. That's one more avenue to look at as things progress.

Mr. King added that the important thing to note is that they are going to continuously look at different ways to reduce costs that were identified in the Maximus study and that energy audits were also discussed and will continue to be reviewed.

Mr. Campbell noted that possible funding from the Obama stimulus package was discussed and that he did receive word back from the office of the Governor that the Wilson Mills Sewer Project on the list for possible funding.

Mr. Bramstedt stated that the school district did an audit and it did cost them a considerable amount of money, but in the long run it saved them tons of money. She said if we don't want to spend a lot of money on an energy audit format or guidelines, she believes the government may have guidelines we could follow without having to pay for it.

Mr. Lelko said that because we're concentrating on a wastewater treatment plant it's different than the typical energy audit.

Park and Rec

Mrs. Reiter reported that the Rec Board did not meet because board member Mr. Allenby's mother passed away and calling hours were that night. The meeting has been rescheduled for next Wednesday, January 14th at 6:00 P.M. She added that her condolences go out to the Allenby family.

Mrs. Reiter stated that the only other thing she wanted to mention from Park and Rec is that there's a boys 6th grade basketball tournament this weekend at Chardon Middle School.

Mrs. Reiter was at the High School Tuesday night during the ice storm and she complimented the City for how well everything was handled. She also thanked Police Chief McKenna.

Legislative – None

Finance

Mr. Cromwell reported that the Finance Committee did not meet, however, as the representative of the committee, he did attend the inaugural Audit Committee meeting. The new members were sworn in and we now officially have an Audit Committee. He thanked everyone that volunteered and were selected, and all who came to the meeting that night and fought their way back home. He stated that now that the Audit Committee is in place, they will be getting together to meet with the State Auditors.

HEARINGS OF PERSONS BEFORE COUNCIL

Those Persons On The Agenda - None

General Public – None

OLD BUSINESS – None

NEW BUSINESS – None

LEGISLATION

ORDINANCE NO. 2503

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT/AGREEMENT WITH GEAUGA COUNTY MAPLE FESTIVAL, INC. FOR THE 2009 MAPLE FESTIVAL AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Campbell moved and Mr. King 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. 2503 was then read for the second and third time by title only.

Mr. Campbell moved and Mrs. Bramstedt seconded for the adoption of Ordinance No. 2503 Upon roll call vote the motion to adopt Ordinance No. 2503 was approved.

ORDINANCE NO. 2504

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT/AGREEMENT WITH PEASE-KERR-CANFIELD INSURANCE AGENCY INC. FOR THE PROPERTY, INLAND MARINE, EDP, CRIME, AUTOMOBILE LIABILITY, COMPREHENSIVE MUNICIPAL LIABILITY, LAW ENFORCEMENT LIABILITY, PUBLIC OFFICIALS LIABILITY AND UMBRELLA EXCESS LIABILITY COVERAGE, AND DECLARING AN EMERGENCY was read for the first time by title only.

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

Ordinance No. 2504 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. 2504.

Mrs. Simpson suggested taking some time to read over the letter from Mr. Sutton for discussion.

Mr. Smock reported that the premium this year compared to last year is \$16,386, which is about eighteen percent.

Mr. Campbell stated that his understanding is that Mr. Sutton believes this increase is due to the increase in property value and not because of the claims from the fire.

Mr. Smock said yes he believes Mr. Suttons feelings are that most of it's due to the property values going up, the bulk of that being the water treatment plant. In the last paragraph he recommended that one cost savings would be to increase the deductible on property from \$2,500 to \$10,000. Providing we don't have another big property claim, we'll save.

Mrs. Bramstedt wanted to know if something were to happen to the building we rent, would we be responsible.

Mr. Gillette stated that the County is responsible for the structure and the City would be responsible for the contents.

Mrs. Bramstedt then asked if there is an alarm, if not could, we install a system. She also suggested the Police Department checking in every couple of hours.

Mr. King stated that he thinks we should go with the higher deductible, the odds of having another fire of that nature are not that great.

Mr. Lelko said he thinks we should be out of the County Building by May 1, 2009, and in these winter months we have people in those buildings twenty-four hours a day.

Mrs. Bramstedt will address this matter in the next Service Committee Meeting.

Upon roll call vote the motion to adopt Ordinance No. 2504 was approved.

ORDINANCE NO. 2505

AN ORDINANCE AMENDING §351.03 (c)(1), PROHIBITED STOPPING OR PARKING PLACES (SIDEWALK, CURB OR STREET (TREE) LAWN) was read for the first time by title only.

Mr. King 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. 2505 was then read for the second and third time by title only.

Mr. King moved and Mr. Cromwell seconded for the adoption of Ordinance No. 2505. Upon roll call vote the motion to adopt Ordinance No. 2505 was approved.

Mr. Gillette then requested a motion be made to amend the agenda to move item D – AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASE AGREEMENT TO SELL REAL PROPERTY OWNED BY THE CITY OF CHARDON LOCATED AT 206 SOUTH HAMB DEN STREET TO PILGRIM CHRISTIAN CHURCH FOR \$100,000, AND DECLARING AN EMERGENCY to after the Executive Session.

Mrs. Reiter moved and Mr. Campbell seconded to move item D to after the Executive Session. Upon roll call vote, motion was carried.

RESOLUTION NO. 8-09

A RESOLUTION REQUESTING THE COUNTY AUDITOR TO MAKE TAX ADVANCES DURING THE YEAR 2009 AND DECLARING AN EMERGENCY.

Mr. Campbell moved and Mrs. Bramstedt 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. 8-09 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. 8-09. Upon roll call vote the motion to adopt Resolution No. 8-09 was approved.

EXECUTIVE SESSION

Mrs. Bramstedt moved and Mr. Campbell seconded to adjourn to executive session at 8:05 P.M. for the purpose of discussing the sale of 206 South Hambden Street and to invite Mr. Jim Rayle of the Pilgrim Christian Church into the session. Upon roll call vote the motion passed unanimously.

Discussion was held regarding the sale of 206 South Hambden Street

The meeting reconvened to open session at 8:43 P.M.

Mr. Campbell moved and Mr. Cromwell seconded to table the ordinance regarding the sale of 206 South Hambden Street to the next meeting of Council. All were in favor.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mrs. Reiter moved and Mr. King seconded to reappoint all those members whose terms are expiring to Boards and Commissions. Upon roll call vote the motion passed unanimously.

OTHER BUSINESS

In regards to the letter regarding Court personnel classifications:

Mr. Campbell stated that he was disappointed that no one from the court was in attendance. He had some questions he wanted to ask them about overall budget, and he would like them to appear at one of our meetings for further discussion.

Mr. Cromwell said that reading the last paragraph of the letter and assuming it's accurate "A portion of the employee wage and any additional compensation will be paid entirely out of the Court Computer Fund and not from the General Fund and at no expense to the City".

Mrs. Bramstedt asked if that includes pension and everything else, and are there ramifications if it's an increase in salary.

Mr. Smock stated that this individual is paid out of the General Fund in its entirety, but they're supplementing that by transferring money out of the Court Computer Fund back into the General Fund to offset this expense. The additional salary will be paid for by a transport from the Court Computer Fund to Reimburse the General Fund.

Mr. King stated that we have a letter from the Court that says "no expense to the City" that's pretty clear to him.

Mr. Campbell said his concern is about the overall budget in general. They've had some years where they were behind in collecting a lot of the revenue that they should have collected.

Mr. King stated that he's always taken the position of letting the Judge run his own Court.

Mrs. Simpson suggested some of Mr. Campbell's concern on the Court's expenses could be addressed to the Court at another time, separate from this.

Mr. Campbell stated that he'd like to hear from them before we act on this. He said he has some questions as to what this person does.

Mr. King said he does not think we should be telling the Court what to do with its employees.

Mr. Campbell said yes, if they're costing us money.

Mr. King stated that he thinks Mr. Campbell is creating an issue where there is no issue.

Mr. Gillette said that the Court is becoming a lot more aggressive in the collection of outstanding fines, because they are now using a collection agency.

Mr. King moved and Mr. Cromwell seconded to approve the request.

Mrs. Bramstedt stated that at no cost to the City is a blanket statement, and does that include if there's an increase in salary for this individual, does it include their pension and any other enhancements that may come along. She wanted to know if all ramifications are covered in this blanket statement.

Mrs. Simpson stated "a portion of the employees wage and any additional compensation" is pretty clear.

Mr. Campbell asked what the fund's purpose is.

Mr. Gillette answered to take care of purchasing software, hardware, maintenance, training and pretty much anything that has to do with the computerization of the court.

Mr. Campbell stated, in theory, this money may be needed for some other computer need they may have in the future.

Mr. Gillette said he doesn't know how much is actually in the fund.

Mr. Smock reported that in 2008 they took in \$127,847 in the Court Computer Projects Fund, \$81,000 was spent, so their balance went from \$141,000 in the beginning of the year to \$188,000 at the end of the year.

Mr. King stated that we won't know anything more if we meet with them in a couple of weeks, other than them saying it's not going to cost us any money. They have the money, and we need to give the Court their own discretion, and we don't need to micromanage the Court's budget. It's not going to cost us any money, we're just delaying something they want to do.

Mrs. Bramstedt said that she'd like to see a contract in writing as a legal document stating that they will not ask for any additional money in the future.

Mr. Cromwell stated that we always have the opportunity to turn them down.

Mrs. Bramstedt said she'd vote yes, but she would like to see those numbers.

Mr. Gillette stated that we can not require the Court to sign a contract that they're not going to come in and ask for any expenditures.

Mr. Campbell stated that if they were here they'd able to answer our questions.

Mr. Lelko said that they are willing to come in.

Mrs. Reiter stated that if they are willing to come in, let's make them come in on January 19th to get some of this out of the way.

Mr. King said that we're just wasting time, and said what questions will we ask Judge Hassett that will make our decision different today to then, and that we're just delaying the inevitable.

Mrs. Bramstedt asked why the numbers weren't put down in writing.

Mr. King replied what difference does it make, if it's one dollar or twenty dollars, it say's no cost.

Mrs. Bramstedt said it could be ten thousand, we don't know.

Mr. Campbell stated that based on the letter in the packets from Mr. Lelko, someone from the Court would be in attendance, he said he saved his questions for this meeting and that he could have called them ahead of time, but he didn't because he thought they'd be here. He added that he'd prefer they come before Council as a group when they're asking for money, just like any other department. He wants to know what their future plans are, and that he doesn't want them spending money now and then coming back to Council in the future asking for something they absolutely have to have. Sometimes they require upgrades that are very costly, and he wants to know that there aren't any of those things out there.

Mrs. Simpson asked Mr. Campbell if he's basing his vote on a what if in the future.

Mr. Campbell's response was yes, that it's very important to him to know that in a year from now we're not sitting here and they're \$120,000 behind.

Mrs. Reiter said two weeks is a fair compromise, if they're willing to come in, and maybe Mr. Smock will have more information for us at that time.

Mrs. Bramstedt agreed

Mrs. Simpson said we have a motion on the floor.

Upon roll call vote, motion failed.

Mr. Campbell – No
Mr. Cromwell – Yes
Mr. King – Yes
Mrs. Reiter – No
Mrs. Simpson – Yes
Mrs. Bramstedt – No

Mr. Campbell moved and Mrs. Bramstedt seconded to make a motion that they attend the meeting on January 19, 2009.

Mrs. Bramstedt stated that we support what they want to do, we just want some clarification of some of their requests.

Mr. Cromwell said he can not wait to ask the Municipal Court Judge if what he wrote in this letter is really true.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Mr. Smock stated that the Municipal Court renovation project has been pushed back a little, and will have to go to the Planning Commission. The Planning Commission may ask if Council has blessed the project.

Mrs. Reiter asked if this kind of project usually goes to the Planning Commission.

Mr. Smock said yes, because it's City property it's not a typical development project.

Mr. Lelko explained that this is a different situation because the way the Planning Commission is written they have the authority over City properties and facilities. Normally it would be things like if we built a park or a service garage, but the way Mr. Sheehan is interpreting this is that it also means an internal office renovation. Mr. Lelko stated that he doubts if this was the original intent, but we will need Mr. Gillette to take a look at this.

Mr. Gillette will check out and report back.

Mrs. Bramstedt asked if we got the letter from OML city salary survey, an if it would be sent back by the February 1st deadline, she also asked when it will be completed.

Mr. Smock's response was yes, we've received it, and that it should be completed sometime in January, but it does depend on Vicki Hess' schedule.

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

The meeting adjourned at 9:05 P.M.

Attest:

KAREN S. SIMPSON, Mayor
President of Council

Kim Foley
Clerk Pro Tem

