

REGULAR SESSION

January 14, 2010

The Council of the City of Chardon met in Regular Session Thursday, January 14, 2010 at 6:30 P.M. in Council Chambers of the Chardon Municipal Center.

Philip King, President of Council presiding.

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

Members of Council present: Leslie Bednar, Robert Cromwell, Mitch Hewitt, Philip King, John Mallen, Nancy McArthur, Deborah Reiter.

Members of Council absent: none.

Others present: City Manager David Lelko, Finance Director Jeffrey Smock, Law Director James Gillette, Planning and Zoning Administrator John Sheehan, Clerk of Council, Amy Day, Police Chief Tim McKenna, Assistant City Manager Randy Sharpe, City Engineer Doug Courtney, Public Service Director Gayland Moore, William Hess, Jr., Ken Ovarik, Marci Mondello-King, George Dragon, Chet Loos, Ken Miller, Bill Jackson, Arlene Hill, William Hess, Jr., Dan Bowyer, Sue Schade, Hank Penttila, Greg Martin, Karen Hewitt, Paula Noyes, John Eltzroth, Betsy Scott, Mia Moore, Ted Theofrastous.

ELECTION OF COUNCIL PRESIDENT

Mr. King asked for nominations for President of Council.

Mr. Cromwell nominated and Mrs. Reiter seconded to elect Philip King as President of Council.

Mrs. Bednar moved and Mr. Cromwell seconded that the nominations be closed. Upon roll call vote the motion passed unanimously.

Upon roll call vote, the motion to elect Philip King as President of Council passed unanimously.

ELECTION OF COUNCIL VICE PRESIDENT

Mayor King asked for nominations for Vice-President of Council.

Mr. Cromwell nominated and Mrs. Reiter seconded to elect Mrs. Bednar as Vice President of Council.

Mrs. Reiter moved and Mr. Cromwell seconded that the nominations be closed. Upon roll call vote the motion passed unanimously.

Upon roll call vote, the motion to elect Leslie Bednar as Vice-President of Council passed unanimously.

EXECUTIVE SESSION

Mrs. Reiter moved and Mr. Cromwell seconded to adjourn to executive session at 6:33 P.M. for the purpose of discussing appointments to Council Committees.

Upon roll call vote the motion passed unanimously.

Discussion occurred regarding appointments to Council Committees.

The meeting reconvened to open session at 6:45 P.M.

APPOINTMENT OF COMMITTEES

Mayor King announced his appointments to the Council Committees as follows:

LEGISLATIVE (Records, Insurance, Cable & Property)

Mallen, John - Chairman

McArthur, Nancy

PUBLIC SAFETY

Hewitt, Mitch - Chairman

Reiter, Deborah

SERVICE (Streets, St. Lighting, Cemetery, Sidewalks & Storm Sewers)

Cromwell, Robert - Chairman

Hewitt, Mitch

WATER & SEWER (Water, Wastewater, & Sanitary Sewers)

Bednar, Leslie - Chairman

Mallen, John

PARKS & RECREATION

Reiter, Deborah - Chairman

Cromwell, Robert

FINANCE

McArthur, Nancy - Chairman

Bednar, Leslie

Mrs. Bednar moved and Mr. Cromwell seconded to approve the Council Committee appointments as presented. Upon roll call vote the motion passed unanimously.

APPROVAL OF MINUTES

Mr. Cromwell moved and Mrs. Reiter seconded to approve the December 10, 2009 Regular Session as presented. Upon roll call vote the motion passed unanimously.

MANAGER'S REPORT

City Manager David Lelko reported that the City's annual trash day can be held on either May 8, 2010 or June 26, 2010 and asked for Council's preference.

Council concurred to hold the trash day on Saturday, June 26, 2010.

A Special Session of Council was scheduled for February 10, 2010 at 6:00 p.m. for a Council orientation.

Mr. Lelko requested Council provide their travel schedules for February and March in order to schedule meetings to discuss the budget.

Mr. Lelko stated that if Council is interested in pursuing federal appropriation funding, he recommended that the City look towards construction funding for the Wilson Mills Road/Park Avenue intersection project. Federal funding was already received for engineering for the project.

Mr. Sharpe stated that the City would be responsible for at least 25% of the project cost if federal funding was received. The project is expected to cost \$1.7 million.

Members of Council expressed their interest in pursuing federal funding for the project.

Mayor King stated that the Park and Recreation Board has recommended that Council address the parking at Mel Harder Park. The City Engineer has looked at a preliminary design to do that at a cost of approximately \$180,000. He asked if the Service Committee could explore options to improving the parking at Mel Harder Park in 2010 at a cost of \$80,000-\$100,000 by the March, 2010 Regular Meeting so that the safety issue can begin to be addressed by the summer of 2010.

PLANNING COMMISSION REPORT - none.

COUNCIL COMMITTEE REPORTS

Safety - none.

Service - none.

Water/Sewer - none.

Park/Recreation -

Debbie Reiter reported that the Park and Recreation Board met and discussed a wetlands study for Michael Ibold Park.

Debbie Reiter reported that the Park and Recreation Board will be meeting on January 30, 2010 to walk Ibold Park and discuss the master plan.

Mrs. Reiter reported that Kris Christian who designed the community calendar is no longer able to continue updating it but Jeff Allenby and Jeff Campbell, Jr. volunteered to keep it updated.

Mrs. Reiter reviewed the content of the calendar and noted that Mr. Allenby is in the process of discussing the content with the City Manager.

Mrs. Reiter reported that the basketball court equipment is being researched by the Board.

The school board ad hoc meeting will be held Monday, February 1, 2010.

Mrs. Retier reported on the 6th grade boys basketball tournament and thanked various volunteers.

Legislative - none.

Finance - none.

HEARING OF PERSONS BEFORE COUNCIL

THOSE PERSONS ON THE AGENDA -

John Eltzroth, representing Chardon Heritage Committee, presented a revised drawing for the Heritage House and requested approval of the design by Council.

Mr. Eltzroth reviewed the timeline for the project and reviewed their budget for 2010.

Mr. Cromwell spoke in support of the design. He asked about access to the porch on the structure.

Mr. Eltzroth stated that it would either be hardpressed stone or pavement underneath the porch which would extend out to the street.

Mr. Cromwell asked about landscaping.

Mr. Eltzroth stated that the landscaping has not been discussed.

Mrs. McArthur inquired if the plan will come back to Council after it is reviewed by Planning Commission.

Mr. Gillette stated that it may have to come back to Council for final approval for the construction on City property.

Mrs. Bednar moved and Mr. Cromwell seconded to approve the plans as presented by the Heritage Committee.

Mrs. McArthur inquired about the color of the exterior.

Mr. Eltzroth stated that they discussed having colors consisting of beige to tan but not darker than beige.

Mariel Rouru, 320 Irma Drive, inquired about the use of solar panels or skylights.

Mr. Eltzroth stated that solar panels or skylights were not considered in the design of the structure which are more of a contemporary use of lighting.

Mrs. Rouru expressed concern of potential vandalism to the windows.

Upon roll call vote the motion passed unanimously.

Mrs. Reiter thanked Council for their approval of the design which will help the structure proceed with being constructed.

Ted Theofrastus, representing Chardon Tomorrow provided a Power Point presentation on the organization's activities planned for 2010 and the support they desire from Council to launch the Main Street Program.

Mayor King asked for further information regarding requiring the City to make an annual contribution.

Mr. Theofrastus stated that the contribution needs to be a meaningful level of participation by each of the sectors, public, private and philanthropy. They are looking to the City for a range of \$20,000-\$40,000 per year for support.

Mr. Cromwell stated that the City's investment is really in the first few years because if it is successful, additional revenue will be generated and it could eventually pay for itself.

Mrs. Reiter expressed that a program such as this takes time to see results.

Mr. King asked when Mr. Theofrastus he would be ready to ask Council to invest and when a concrete plan would be in place.

Mr. Theofrastus stated that they are asking the City to invest now and would be ready with a concrete plan possibly in March, 2010.

Mayor King asked Mr. Theofrastus to come back to Council in March, 2010 with a plan for Council to consider.

Mrs. McArthur asked at what point a program director would be hired.

Mr. Theofrastus stated that he would anticipate hiring a program director in 2010.

GENERAL PUBLIC - none.

OLD BUSINESS

Regarding A RESOLUTION DECLARING THE INTENT OF THE CITY TO APPROPRIATE A PORTION OF THE REAL PROPERTY KNOWN AS GEAUGA COUNTY

AUDITOR'S PARCEL NO. 10-047300 IN ORDER TO CONSTRUCT AN EXTENSION TO MEADOWLANDS DRIVE, AND DECLARING AN EMERGENCY, Mayor King asked John Sheehan to provide an overview of the project before Council considers a third reading of the Resolution.

Planning and Zoning Administrator John Sheehan reviewed the history surrounding the City's interest in constructing an extension of Meadowlands Drive through Parcel No. 10-047300 in order to reduce traffic around the square, reduce pass-through traffic, improve flow of traffic on the main streets and to reduce cut-through traffic in residential areas.

Mr. Sheehan stated that issue that is before Council is whether or not to adopt the resolution to proceed with eminent domain not in order to take the property but rather to get a reasonable price to purchase the property.

Mrs. Reiter asked for clarification if a portion of the Chardon Hills Apartments is necessary for the completion of the road.

Mr. Sheehan stated that a portion of Chardon Hills Apartments is necessary for the completion of the road.

Mayor King asked how it was determined that the road would go through the parcel 10-047300.

Mr. Sheehan stated that it is the most desirable location as it would connect Meadowlands Drive.

Kevin Westbrook, traffic engineer for URS, concurred that the location is the best, most efficient location.

Mayor King asked how the loop will alleviate traffic in the future.

Mr. Westbrook stated that traffic will not get lighter especially as residential developments occur. This connection is a great opportunity to put in the bypass that has been discussed for years.

Mrs. Bednar stated that the City's previous thinking had been let developers do the infrastructure; however, the City has not received any plan for the development of the parcel 10-047300 that indicate similar thinking so it is an opportune time to proceed with obtaining the strip of land. Because if the City does not own the strip of land for a road, the developer could put a structure in an area that the road would be.

Mr. Cromwell stated that he has to balance his apprehension regarding the concept of eminent domain with the increase in traffic that he sees. He asked if a traffic study has been done to determine how many vehicles are pass-through that would use the bypass.

Mr. Westbrook stated that a traffic model was done as part of the Comprehensive Plan but an origin-destination study has not been done. They could make some estimates or do a study for the City.

Members of Council spoke in support of having a study done.

Mr. Westbrook stated that the cost would be under \$5,000.

Mrs. Reiter inquired about the ability of the Meadowlands Drive to handle the additional traffic.

Mr. Courtney stated that the pavement is in good condition and has the capacity to handle medium truck traffic.

Mr. Sheehan stated that under the City's existing ordinance, large trucks will still have to remain on the State routes.

Mayor King recommended that Council consider tabling the third reading of the Ordinance to allow Council to ask additional questions and to allow time for a traffic study to be completed.

Mr. Gillette concurred with Mayor King's recommendation and suggested that Council consider other alternatives to the acquisition of the property by eminent domain because of the cost of eminent domain and some reservations of members of Council to use eminent domain. He recommended that the City Engineer and Kevin Westbrooks investigate other options along the Water Street corridor.

Mrs. Reiter asked if negotiations would continue with the property owner to acquire the property.

Mr. Gillette stated that he would further like to discuss the issue in executive session since there is pending, threatened litigation.

Ken Miller, Planning Commission Chairman, provided a history of a bypass in Chardon.

Mr. Cromwell stated that he feels it is the last opportunity to address the bypass issue.

Mr. Hewitt stated that regardless of the traffic study, he is not so much opposed to the result as he is to the process of obtaining the property. He stated that he would like to see the negotiation process carried out.

Mrs. Reiter stated that she would like to see a good-faith effort to negotiate with the property owner because owning property is a fundamental right.

Mrs. Reiter moved and Mr. Cromwell seconded to authorize the completion of a traffic study and review of alternate routes along the Water Street corridor by URS, Inc. at an amount not to exceed \$5,000.

Mr. Mallen asked if the study would include projections into the future.

Mr. Westbrooks stated that it would.

Upon roll call vote the motion passed unanimously.

Mrs. Bednar moved and Mr. Cromwell seconded to table the third reading of A RESOLUTION DECLARING THE INTENT OF THE CITY TO APPROPRIATE A PORTION OF THE REAL PROPERTY KNOWN AS GEAUGA COUNTY AUDITOR'S PARCEL NO. 10-047300 IN ORDER TO CONSTRUCT AN EXTENSION TO MEADOWLANDS DRIVE, AND DECLARING AN EMERGENCY until the March Regular Session of Council.

Upon roll call vote the motion passed unanimously.

Regarding an Announcement of Decision regarding the Chardon Bikeway and Pedestrian Trail Plan (11/13/2009), Mr. Sharpe reported that NOACA has granted the City an extension to April 30, 2010 for the

adoption of the plan. He recommended Council and Planning Commission meet with David Hartt to discuss changes that need to be made to the plan.

Mr. Cromwell felt that there was no need to meet again because the priorities that need to be made to the plan were clear.

Mr. King stated that he thought that the idea to meet was to ensure that all the various references in the plan to backyard development were removed.

Mrs. Bednar stated that she believed that David Hartt needs to discuss the changes with Council so that it is specific how the final document should be prepared.

Mr. Cromwell stated that he would like the time and costs to be kept to a minimum. He asked that the revised plan be given to Council and Planning Commission before the meeting.

A Special Session was set on January 28, 2010 at 6:30 P.M. with Council and Planning Commission to review the plan with David Hartt.

Mrs. Reiter moved and Mrs. Bednar seconded to table Announcement of Decision regarding the Chardon Bikeway and Pedestrian Trail Plan (11/13/2009) to the April Regular Session of Council. Upon roll call vote the motion passed unanimously.

NEW BUSINESS

Regarding any objections to new liquor permit for Main Street 141 LLC, no member of Council had any objections.

Regarding granting of license for PNC bank signs in South Street right-of-way, Mr. Sheehan stated that signs that mark the entrance and exits are being changed to the new bank identity from National City. National City was granted a license to allow signs in the right of way. The new sign regulations preclude permanent signs from being located in the right of way so PNC has requested a license to allow the signs to remaining in their current location with a change to the identity of the bank name.

Mr. Cromwell asked how far back the sign would be located if it had to be located behind the sidewalk and out of the right of way.

Mr. Sheehan stated that the distance would be approximately 25 feet.

George Dragon, national installer of the sign for National City, stated that PNC is asking for just a change in the name of the sign. The replacement sign would be the same size and location.

Mrs. Bednar moved and Mrs. McArthur seconded to grant the license for PNC bank signs in South Street right-of-way. Upon roll call vote the motion passed unanimously.

LEGISLATION

ORDINANCE NO. 2571

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.

Mrs. Reiter moved and Mrs. Bednar 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. 2571 was then read for the second and third time by title only.

Mr. Cromwell moved and Mrs. Bednar seconded for the adoption of Ordinance No. 2571.

Mr. Lelko stated that this annual insurance renewal has been recommended by the City's Insurance Consultant.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 1-10

A RESOLUTION REQUESTING THE COUNTY AUDITOR TO MAKE TAX ADVANCES DURING THE YEAR 2010 AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Cromwell moved and Mrs. Reiter 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. 1-10 was then read for the second and third time by title only.

Mrs. Bednar moved and Mrs. McArthur seconded for the adoption of Resolution No. 1-10.

Mr. Smock stated that the Resolution would allow him to receive tax advances from the County Auditor so that the City would receive the money earlier than it would otherwise.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 2572

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT/AGREEMENT WITH BOBCAT CO. FOR THE PURCHASE OF ONE COMPACT TRACK LOADER AND DECLARING AN EMERGENCY 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. 2572 was then read for the second and third time by title only.

Mr. Cromwell moved and Mrs. Bednar seconded for the adoption of Ordinance No. 2572.

Mr. Lelko stated that the equipment is to replace the sidewalk snowplow that was damaged in the Street Department Garage fire.

Mr. Moore explained how the rubberized track is expected to cause less lawn damage than the previous machine.

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. Cromwell seconded to adjourn to executive session at 9:30 P.M. for the purpose of discussing pending, threatened litigation regarding the Iafelice property, the acquisition of property and appointments to boards and commissions and invite David Lelko and Doug Courtney into the session.

Upon roll call vote the motion passed unanimously.

Discussion occurred regarding pending, threatened litigation regarding the Iafelice property.

Discussion occurred regarding the acquisition of property.

Discussion occurred regarding appointments to boards and commissions.

The meeting reconvened to open session at 10:25 P.M.

APPOINTMENTS TO BOARDS AND COMMISSIONS

| | <u>New Term</u> |
|---|-----------------|
| <u>PLANNING COMMISSION</u> - | |
| Robert Cromwell - (Council Representative) | 1/1/10-12/31/11 |
| Leslie Bednar (Council Representative) | 1/1/10-12/31/11 |
| Al Hunziker | 1/1/10-12/31/13 |
| Mary Jo Stark | 1/1/10-12/31/13 |
| William Niehus | 1/1/10-12/31/13 |
| <u>SHADE TREE COMMISSION</u> | |
| Robert Cromwell | 1/1/10-12/31/12 |
| <u>CIVIL SERVICE COMMISSION</u> | |
| David Lowe | 1/1/10-12/31/12 |
| <u>PUBLIC POWER COMMISSION</u> | |
| John Mallen | 1/1/10-12/31/11 |
| Mitch Hewitt | 1/1/10-12/31/11 |
| <u>PERSONNEL BOARD</u> | |
| Nancy McArthur | 1/1/10-12/31/10 |
| <u>AUDIT COMMITTEE</u> | |
| Betty Kimbrew | 1/1/10-12/31/12 |
| <u>ADA COMPLIANCE COMMITTEE</u> | |
| Philip King (Mayor) | 1/1/10-12/31/11 |
| John Mallen (Legislative Committee Chairman) | 1/1/10-12/31/11 |
| Mitch Hewitt (Safety Committee Chairman) | 1/1/10-12/31/11 |
| <u>BOARD OF ETHICS REVIEW</u> | |
| John Park | 1/1/10-12/31/12 |
| <u>BOARD OF INCOME TAX REVIEW</u> | |
| Robert Cromwell | 1/1/10-12/31/11 |
| Philip King (Mayor) | 1/1/10-12/31/11 |
| <u>OPWC DISTRICT 7 INTEGRATING COMMITTEE</u> | |
| Robert Cromwell (Service Committee Chairman) | 1/1/10-12/31/12 |
| <u>ENTERPRISE ZONE NEGOTIATING COMMITTEE</u> | |
| Randy Sharpe | 1/1/10-12/31/11 |
| Philip King (Mayor) | 1/1/10-12/31/11 |

GEAUGA COUNTY COMMUNITY IMPR. CORPORATION

David Lelko 1/1/10-12/31/10
Philip King (Mayor) 1/1/10-12/31/10

GEAUGA COUNTY FAMILY FIRST COUNCIL

Karen Simpson 1/1/10-12/31/10

Results of the roll call vote:

| | | | |
|-----------|-----|-----------|-----|
| Bednar: | Yes | Mallen: | Yes |
| Cromwell: | Yes | McArthur: | Yes |
| Hewitt: | Yes | Reiter: | No |
| King: | Yes | | |

Motion passed.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Regarding Focus Chardon recommendations, Randy Sharpe reviewed the seven (7) recommendations which include:

1. Composing an introduction letter from the Focus Chardon team to be given to entities building a new building, remodeling a tenant space and/or starting a new business.
2. Creating a customer service survey to be distributed to planning and zoning customers that obtain a permit.
3. Purchase the Synchronist-CRTS Software system and begin a retail business visitation program.
4. Investigate other potential methods to the on-site inspection process for private development currently adopted by the City and review planning & zoning fees and approval process.
5. Encourage communication between the business community, Council, and City Staff through semi-annual mixers.
6. Create a Starting a Business in Chardon Guide to outline permits/steps that may be necessary.
7. Continue industrial business visitation program.

Mrs. Bednar asked about the cost of the software.

Mr. Sharpe stated that the cost of the software would be \$2,400 with an annual license of \$275 (\$600-\$325 credit).

Mrs. Reiter asked if the recommendation of a Starting a Business in Chardon Guide has been discussed with the Planning and Zoning Administrator who had previously expressed objection to this.

Mr. Sharpe stated that the recommendations have not been discussed with staff.

Mr. Cromwell expressed concern with the cost of the software which could be done using an existing program that the City already has. Mr. Sharpe stated that the software puts information into an Excel Spreadsheet and it also contains the questionnaire, tracks comments and retains the company's contact information.

Mrs. Bednar moved and Mrs. Reiter seconded to purchase the Synchronist-CRTS Software system in the amount of \$2,400. Upon roll call vote the motion passed unanimously.

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

The meeting adjourned at 10:50 P.M.

Attest:

PHILIP G. KING, Mayor
President of Council

AMY DAY
Clerk of Council