

REGULAR SESSION

March 12, 2009

The Council of the City of Chardon met in Regular Session Thursday, March 12, 2009 at 6:30 P.M. in Council Chambers of the Municipal Center

Karen Simpson, President of Council presiding.

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

Members of Council absent: none.

Others present: City Manager David Lelko, Assistant City Manager Randall Sharpe, Zoning Administrator John Sheehan, City Engineer Doug Courtney, Ken Ovark, Jeff Miller, Erik Heatwolf, Bill Hess, Larry Gaspar, Steven Kenyan, Nate Ramos, Jon Gehring, Paula Noyes, Mike Butt, Shelley Yaeger, Dan Day, Betsy Scott, Mark H. Burr and Arlene Hill.

Mrs. Simpson welcomed three Members of St. Mary's Troop 190 and invited them to lead Council in the Pledge of Allegiance.

Approval of Minutes

Mr. King moved and Mr. Cromwell seconded the motion to approve minutes of February 12, 2009.

Per the Chardon Square Association's request, Mr. Campbell said he'd like to amend the minutes to reflect that the letter from the CSA states that they are apposed to the Heritage House design.

Mrs. Bednar asked if it should be under correspondence, and if so she wanted to make a public note that they do receive correspondence, and as this is noted with some explanation, though brief, she would suggest doing the same with all future correspondence received.

Mrs. Simpson stated that it has been the practice in the past that Council not read the letters even though they all get a copy, and if someone wants to have their letter read publicly, she suggested they come in and read it by being put on the agenda or under General Public. In this case it was inadvertently noted that a letter was given to Council and she agrees that it be put under correspondence in this situation, but she personally would like to adhere to the practice of not reading letters.

Mrs. Bednar agreed with what Mrs. Simpson outlined, and said she thinks Mr. Campbell just wanted to make a note that a letter was given with a brief summary, but if we are going to do it for them, it should be done for all correspondence.

Mrs. Reiter stated that she recently has had people say to her that they sent a letter, and we never know about it.

Mr. Smock said that as a matter of policy, a number of years ago, Council voted to not read correspondence at meetings because you could spend half the night just reading letters. They chose by motion and a vote to discontinue the reading of letters at meetings.

Mr. Cromwell said let's get back to the question at hand; in this letter there was an opinion offered, we've got one Council person who would like to see a summary of that opinion in the minutes, we have a previous action by Council that says these letters will not be read, but we have read them in the past. Let's just pick an avenue and go down it. Will we, or will we not read letters. He noted that his opinion is if someone wants to be heard there's the podium.

Mr. Campbell stated that he's comfortable with what Mrs. Bednar suggested, that we should add them if they are dealing with an issue in front of Council. That way there's an official record that the letter was received.

There was further discussion regarding letters to Council.

Mr. King stated that he would agree with Mr. Cromwell that if they want their letter to be read, then they should come before Council and read it.

It was decided that the Legislative Committee will examine this issue and make a recommendation to Council.

Upon roll call vote motion passed to approve minutes with amendments.

EXECUTIVE SESSION

Mr. King moved and Mr. Cromwell seconded to go into Executive Session. Upon roll call vote, motioned passed unanimously.

At 6:55 p.m. Council went into executive session regarding personnel and the sale of parcels to the Pilgrim Christian Church. Mr. Sharpe and Mr. Jeff Miller were invited to attend.

Discussion occurred regarding union negotiations.

Discussion occurred regarding the sale of property to the Pilgrim Christian Church.

Meeting reconvened to regular session at 7:15 p.m.

FACT FINDING REPORT BETWEEN THE CITY OF CHARDON AND AFSCME OHIO COUNCIL 8, LOCAL 3824.

Mr. King moved and Mrs. Reiter seconded to approve the fact finding report. Upon roll call vote motion passed.

CORRESPONDENCE

Mrs. Simpson made note of the Geauga Trumbull Solid Waste Management District 2009 schedule of collection events. Appliance collection will be April 18th, and the household hazardous waste collection on April 25th.

Mrs. Simpson stated that the Ohio Vietnam Veteran's Memorial Park in Clinton, Ohio sent a DVD to the City requesting funds. It is not the practice of the City to do funding for these kinds of organizations, but she invited anyone who would care to look at the DVD and/or make private donations to do so. The DVD can be picked up at the Manager's office.

MANAGER'S REPORT

Mr. Lelko reported:

A resolution needs to be officially passed for an ordinance on the purchasing of salt.

We received notification from Time Warner Cable, that they are terminating our franchise agreement, which would have terminated in November, it's now being terminated at this point. This is a new State law and they are permitted to cancel our agreement. The new franchise fee would go into effect the beginning of the second quarter of this year.

Mr. Campbell asked what our franchise fee is now.

Mr. Lelko said 3%, we don't anticipate a full 2% increase it will probably be a little less. We expect that things that are provided free now, will no longer be free to the City. We just don't know what those things are.

Leaf pickup schedule: We are asking people now, to have their leaves out and ready for pickup by March 30th. A press release will be sent out.

Mrs. Simpson said she wanted to mention the water break on South Street the night before. She got a chance to stop and meet some of the crew and she wanted to thank them for repairing the break so quickly.

PLANNING COMMISSION REPORT

Mr. King reported:

1. The Planning Commission met on February 16th.
2. A subdivision by St. Mary's Church has been approved to consolidate and re-divide the land, and a house for Habitat for Humanity has been approved.
3. Consideration discussion was held on the Chagrin River Watershed Partners Growth Plan.
4. Housekeeping amendments to our new sign regulations.

SAFETY COMMITTEE REPORT

Mr. Campbell reported that the Safety Committee has not met. They will be working on putting information together for the new fire levy, they have some good news and Chief Gaspar reported on that.

Chief Gaspar reported:

1. Number of calls for 2008 – 908. That number is down from 935 in 2007.
2. Service Garage fire was on St. Patty's Day.
3. September 14th a storm came through with hurricane winds.
4. February 29th and September 17th – Fires at Rhein Chemie on Parker Court.
5. April 19th garage fire.
6. Seventy percent of calls were rescue.
7. FEMA Grant – he received a call from Washington asking if we would take a reduction in what we applied for. We applied for about \$156,000.00 for new digital radios and equipment. Geauga County is going to switch over from analog to digital in 2011. All fire and police departments will have to upgrade their systems. We put in for 36 walkie-talkies and 12 mobile radios. Washington asked if we'd take a reduction to 30 walkie-talkies and 11 mobile radios. The Chief said yes. Congressman LaTourette's office called last week and said we got a grant for \$133,000.00 and some change, we will have to pay for about 5% (about \$6,700.00).
8. The 2010 and 2014 budget and strategic plan has already been built for the Fire Department.
9. A lot of PR has been planned for the Fire Levy.
 - A fire-fighter for the day has been donated for two organizations and possibly for more organizations this year.
 - They are planning on having a table or booth in the fire station during the Maple Festival.
 - Will probably have an open house sometime in October.

SERVICE COMMITTEE

Mrs. Bramstedt reported that the Service Committee did not meet this month, but they are planning on meeting again soon.

WATER AND SEWER COMMITTEE REPORT

Mr. King reported that they have not meet, but they will be meeting shortly because we have entered into a contract with a new construction company for Wilson Mills Road.

PARK AND REC COMMITTEE REPORT

Mrs. Reiter reported that they have had quite a few meeting over the past month. They met on Saturday at the volleyball courts to start discussing possibly putting basketball courts there. They then went over to Mel Harder Park to get an idea of where to put the restroom facility. It was really just a meeting to discuss different options.

After that Saturday they met with the School Board.

Mr. King reported that Dean Peska, Blake Rear, Deborah Wilson and several Park and Rec Board members met to open up dialog with the school board as to mutual projects, what we could begin to look at favorably. One of the primary focuses of that meeting was the establishment of basketball courts where the volleyball court is. We asked the school board to consider the movement of the volleyball court, which is very important for community residents, because it is used quite a bit, a little bit further to the East. In that discussion, because we would be making permanent improvements on the land, the idea of the possibility of the school system donating a parcel of land to put our basketball and volleyball court on was mentioned. They were rather favorable of the idea and they are going to take it to the school board, discuss it, and our plan is to meet again on April 7th to formalize plans on moving ahead on the basketball court and moving the volleyball courts.

Other mutual interests were also discussed one in particular was the new land we acquired and what the school needs are for the future.

Mr. King said they also discussed the possibility of bringing in other townships as time goes on, his responsibility will be to contact Chardon Township trustees to see if they are interested. Chardon Schools not only provide service to the City, but also to Chardon Township and Hambden Township.

Mr. King stated it was a very fruitful discussion and he thinks we'll see positive results.

Mrs. Reiter added that two athletic booster club members were there also. Down the road they may want to get involved as they see what's going on.

Mrs. Bramstedt reported that the Park and Recreation Board met on the previous night and the first thing discussed was Lake Erie Video's proposal of movie nights this summer on Chardon Square. There was one last summer free to the public. It was very well received. The question was if any money can be donated through the City, possibly a \$500.00 donation, as a sponsor. There will be other major sponsors in the City to compensate for the \$3,600.00 fee it will cost to get the projector and the film. Lake Erie Video will come back in a week to talk to Mr. Lelko about whether they want to hook up with the City of Chardon for a \$500.00 donation as a sponsor.

Mr. Sharpe and Mr. Rodriguez will meet Tuesday at the Lake Metro Park with John Grantham to investigate restroom facilities that are concrete formed and shipped in.

Mr. Sharpe reported that Council gave the approval to go ahead and sign the Nature Work Grant money contracts and they have been sent out to the ODNR, we need to wait for them to sign off on them and get them back to us before we can move forward.

Mrs. Bramstedt added that there was also discussion on the following:

- Rec Board Member attendance - Legislative and Council as a whole will look at the policy on absenteeism.
- A number of Rec Board members would like to have a table at the Maple Festival to take an expanded survey to see what the people of Chardon would like for our Rec proposals for future use of our properties.
- The inheritance tax was discussed.
- The placement of the new restroom facility at Mel Harder Park was discussed.
- There was a purchase order for picnic tables. These are a poly-steel type of table at \$650.00 each. The order will be placed and in Mel Harder Park in May of this year.
- Drainage at Mel Harder Park was discussed.
- Jeff Allenby brought up that his father lives in Bridgewater and he's going to try to get a group together to do some computer research to see if there may be grant money out there that Park and Rec could access.

Mrs. Reiter said that on February 28th they had their estate planning class and fifteen people attended, and she thanked Kris Christian for all her efforts.

Mr. Lelko mentioned that Ms. Christian’s community calendar has now been posted on our website.

LEGISLATIVE COMMITTEE REPORT

Mrs. Bednar stated she was pleased to report the Legislative Committee met and have done due diligence on the contractor registration issue. Council will be addressing the issue tonight with three ordinances.

FINANCE COMMITTEE REPORT – none.

PERSONS BEFORE COUNCIL

Ken Ovark spoke in regards to contractor permits. Mr. Ovark made phone calls to several construction companies and asked them if they would mind registering to work in Chardon. Every one of them said they think registering is a good idea.

OLD BUSINESS – None

NEW BUSINESS

Consider any objections to a liquor permit transfer from Game Keepers Hospitality, Inc. DBA Bass Lake Taverne, 426 South Street & Patio to South Street Hospitality Inc. DBA Bass Lake Taverene, 426 South Street & Patio.

No objections were made by Council.

LEGISLATION

ORDINANCE NO. 2510

Consider the second and third reading of AN ORDINANCE AMENDING ORDINANCE NO. 2445 REQUIRING A CONTRACTOR TO REGISTER WITH THE CITY OF CHARDON BEFORE PERFORMING WORK WITHIN THE MUNICIPALITY AND ESTABLISHING REQUIREMENTS FOR THE ISSUANCE AND SUSPENSION OF A CONTRACTOR’S CERTIFICATE OF REGISTRATION.

Mrs. Bednar moved and Mr. Campbell seconded for the adoption of Ordinance No. 2510.

Mr. Campbell noted that while he did not agree with all of the changes, he was happy that it would assist in the collection of City income tax.

Upon roll call vote motion carried to adopt Ordinance Number 2510 with amendments.

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

ORDINANCE NO. 2511

AN ORDINANCE AMENDING SECTION 1103.191 (C) OF THE CODIFIED ORDINANCES TO REQUIRE A DEPOSIT TO GUARANTEE THAT A CONTRACTOR WILL SUBMIT A CLOSEOUT SHEET WHEN THE PROJECT IS COMPLETED was read for the first time by title only.

Mr. Campbell moved and Mr. Cromwell 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. 2511 was then read for the second and third time by title only.

Mr. King moved and Mrs. Bramstedt seconded to adopt Ordinance No. 2511.

Upon roll call vote, motion passed.

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

ORDINANCE NO. 2512

AN ORDINANCE TO AMEND ORDINANCE NO. 2496 BY ADDING AND REVISING CERTAIN RESTRICTIONS ON SIGNS was read for the first time by title only.

Mrs. Reiter 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. 2512 was then read for the second and third time by title only.

Mr. King motioned and Mrs. Bednar seconded for adoption of Ordinance No. 2512.

Upon roll call vote motion passed unanimously.

ORDINANCE NO. 2513

AN ORDINANCE AMENDING SECTION 1113.13 APPLICATION AND ISSUANCE OF (ZONING) CERTIFICATE TO REQUIRE PROOF OF CURRENT LIABILITY INSURANCE COVERAGE AND WORKERS' COMPENSATION CERTIFICATE was read for the first time by title only.

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

Ordinance No. 2513 was then read by title only for the second and third time.

Mrs. Bednar moved and Mr. Cromwell seconded for the adoption of Ordinance No. 2513.

Mr. Gillette stated that per his discussion with Mr. Campbell there needs to be a minor amendment in regards to the insurance issue, and what he would suggest is "the applicant shall provide proof of current contractor liability insurance coverage or substitute for insurance approved by the Law Director and a current workers compensation certificate before a zoning permit shall be issued".

Mr. Gillette requested the motion be amended to include this paragraph.

Mrs. Bednar amended her motion and Mr. Cromwell seconded.

Upon roll call vote motion was passed to adopt Ordinance No. 2513 as amended.

ORDINANCE NO. 2514

AN ORDINANCE AMENDING ORDINANCE NO. 2452 AND THE COMPREHENSIVE PLAN OF THE CITY OF CHARDON was read for the first time by title only.

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

Ordinance No. 2514 was read for the second and third time by title only.

Mrs. Bramstedt moved and Mrs. Bednar seconded for the adoption of Ordinance No. 2514.

Mrs. Bednar stated that this comes with the recommendation of the Planning Commission, and that they all heard the program by the Chagrin River Watershed Partners. It is very straight forward, the areas of the City have been identified as primarily development areas or primarily conservation areas, it is not binding, however it shows are intention and it is a useful document to have conversations with developers and shows our support of the Chagrin River Watershed Partners Balance Growth Plan.

Mr. Cromwell stated that there is a counter point to that and he continues to wonder if this is not just another layer of bureaucracy, are we not as leaders of the City of Chardon, capable of drawing our own map and having our own priorities.

He said that he wonders why time and effort goes into this when these are things that we should be, and have been doing on our own for a number of years, and asked what does this add to what we already have.

Mrs. Bednar said she would compare this to a letter of recommendation, and one of the benefits to us is it will position us for potential grant money.

Upon roll call vote motion to adopt Ordinance No. 2514 was passed.

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

ORDINANCE NO. 2515

AN ORDINANCE AUTHORIZING PARTICIPATION IN ODOT COOPERATIVE PURCHASING PROGRAM AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. King moved and Mrs. Reiter seconded for suspension of rules and the ordinance be read for the second and third time by title only.

Upon roll call vote motion passed unanimously.

Ordinance No. 2515 was read for the second and third time by title only.

Mr. King moved and Mr. Cromwell seconded for the adoption of Ordinance No. 2515.

Upon roll call vote the motion to adopt Ordinance No. 2515 passed unanimously.

ORDINANCE NO. 2516

AN ORDINANCE TO MAKE ANNUAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF CHARDON, STATE OF OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2009 AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. Bramstedt moved and Mrs. Bednar seconded the rules be suspended and the Ordinance be read for the second and third time by title only.

Ordinance No. 2516 was read for the second and third time by title only.

Mrs. Bednar moved and Mr. Campbell seconded for the adoption of Ordinance No. 2516.

Upon roll call vote the motion to adopt Ordinance No. 2516 passed unanimously.

Mr. Campbell moved and Mrs. Bednar seconded that an easement for Pilgrim Christian Church Access be drafted.

Upon roll call vote motion passed unanimously.

EXPENDITURES REVIEW –

Mr. Cromwell reported that all expenditures were in order.

EXECUTIVE SESSION – None

ANY OTHER BUSINESS TO COME BEFORE COUNCIL – None

ADJOURNMENT

Mr. Campbell moved and Mrs. Bramstedt seconded the motion to adjourn.

Upon voice vote motion passed unanimously.

Meeting adjourned at 8:50 P.M.

Attest:

KAREN S. SIMPSON, Mayor
President of Council

KIMBERLY L. FOLEY
Clerk Pro Tem