

REGULAR SESSION

May 14, 2009

The Council of the City of Chardon met in Regular Session Thursday, May 14, 2009 at 6:30 P.M. in Council Chambers of the Chardon Municipal Center.

Philip King, Vice-President of Council presiding.

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

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

Members of Council absent: Leslie Bednar, Mary Bramstedt (6:35 p.m.), Karen Simpson.

Others present: 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, Sue Schade, Ken Ovark, Joe Rodriguez, Paula Noyes, Betsy Scott, David Combs, Andy Wyatt.

APPROVAL OF MINUTES

Mr. Campbell moved and Mr. Cromwell seconded to approve the minutes of the April 2, 2009 Regular Session as presented.

Mr. Campbell noted that Mrs. Bramstedt, who was not yet in attendance, had a correction to the minutes.

Mr. Cromwell moved and Mr. Campbell seconded to table the approval of minutes. Upon roll call vote the motion passed unanimously.

MANAGER'S REPORT

Assistant Manager Randy Sharpe reported that the Public Service Director is still investigating sidewalk snowplow options and is not prepared to offer a recommendation at this time.

Mr. Sharpe reported that staff is working with the Ohio EPA to obtain information regarding obtaining stimulus money for the Wilson Mills sewer project.

Mr. Sharpe reported that the City Manager and Mayor are in Washington D.C. to request additional federal funding.

Mrs. Bramstedt arrived (6:35 p.m.)

APPROVAL OF MINUTES

Mr. Campbell moved and Mr. Cromwell seconded to approve the minutes of the April 2, 2009 Regular Session as presented.

Mrs. Bramstedt noted a correction to the minutes of April 2, 2009 on page 4.

Mr. Campbell and Mr. Cromwell amended the motion to approve the minutes of the April 2, 2009 Regular Session as amended.

Upon roll call vote the motion passed unanimously.

PLANNING COMMISSION REPORT

Mr. King stated that Planning Commission reviewed and approved the plans for the municipal building renovation.

COUNCIL COMMITTEE REPORTS

Safety -

Mr. Campbell reported that the Safety Committee met and discussed the Fire Department budget for the next 5 years. The next meeting on June 10, 2009 will discuss how much the levy will need to be as well as the details of the contract.

Service -

Mrs. Bramstedt reported on the removal of trees at the cemetery.

Water/Sewer -

Mr. King stated that the Water & Sewer Committee met and reviewed the need to purchase filtration material for the filter at the water treatment plant due to the fact that the production of the material in the future is unknown. The Committee is recommending the purchase of enough material for one changeover and additional material in the case of a washout.

Park/Recreation -

Mrs. Reiter reported that a request had been made for the City to sponsor a travel basketball team. The Board voted not to sponsor a team as it would set a precedent for future requests.

Mrs. Reiter reported that the Board discussed plans to develop basketball courts.

Mr. King reported on a meeting with the school board and the recreation board which discussed the development of basketball courts. It was concluded that the best solution to create the courts is for the City and school board to exchange portions of their properties. The volleyball courts will need to be moved to the school property and a license prepared to use the land.

Mr. Campbell moved and Mrs. Reiter seconded to authorize Doug Courtney to begin engineering studies for the basketball and volleyball courts. Upon roll call vote the motion passed unanimously.

Mrs. Reiter moved and Mrs. Bramstedt seconded to authorize the City Engineer to prepare legal descriptions and the Law Director to prepare deeds for the exchange of land with the school district. Upon roll call vote the motion passed unanimously.

Mr. King asked if the volleyball courts are moved, should a license or lease be prepared now or is more information needed.

Mr. Gillette stated that he would like to see the engineering study from Mr. Courtney prior to proceeding with preparing a license.

Mrs. Bramstedt reported that the recreation board elected officers and thanked the Service Department for their assistance at Mel Harder Park.

Mrs. Bramstedt reported on renovations made to the pool and bath house.

Mrs. Reiter reported that some items that are going to be raffled off as part of the Mel Harder Park celebration on June 14, 2009.

Mr. Gillette stated that because the items are City property and will be given away, Council should provide their approval.

Mrs. Reiter moved and Mr. Campbell seconded to authorize the distribution of gifts at the June 14, 2009 celebration of Mel Harder Park. Upon roll call vote the motion passed unanimously.

Legislative - none.

Finance -

Mr. Cromwell reported that the committee met to discuss the progress of collection of income tax money.

Mr. Smock reported that his office has compiled a list of names of potential individuals who have not filed municipal income tax returns. Approximately 200 letters will be sent out in the following few days to request income tax records from those individuals.

Mr. King noted that the Finance Director will report to Council monthly for the next 6 months as to the status of the collections.

HEARING OF PERSONS BEFORE COUNCIL

THOSE PERSONS ON THE AGENDA

Andy Wyatt, President of the Geauga Lyric Theater Guild, spoke to discuss a proposal for the development of an art center and building renovation of the City's property at 106 Water Street.

Mr. Wyatt reviewed proposed plans for the art center.

Mr. Wyatt noted that the Theater's lease of the property is due to expire in July, 2009.

Mrs. Reiter inquired about approval of the renovations made to the building and how this is different than other leases the City has with other tenants.

Members of Council stated that each lease can be different with the different tenants.

Mr. Gillette stated that any renovation would have to be approved by Planning Commission and Council and any permanent renovation would become the property of the City.

Mrs. Reiter suggested that the theater investigate the resources that may be available through the Main Street Program.

The Theater will discuss the renovation plan and lease details with Council in June.

GENERAL PUBLIC - none.

OLD BUSINESS -

Regarding removing from the table AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 1323 FLOOD DAMAGE PREVENTION TO UPDATE THE REGULATORY REQUIREMENTS AND STANDARDS FOR FLOOD HAZARD REDUCTION TO CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY REQUIREMENTS, Mr. Sheehan noted that there necessary changes that still needed to be made to the Ordinance.

Council concurred to discuss the Ordinance during their Special Joint Session of Council on May 21, 2009.

NEW BUSINESS - none.

LEGISLATION

RESOLUTION NO. 12-09

A RESOLUTION TRANSFERRING FUNDS IN THE CITY OF CHARDON TREASURY 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. 12-09 was then read for the second and third time by title only.

Mr. Cromwell moved and Mr. Campbell seconded for the adoption of Resolution No. 12-09.

Mr. Smock stated that as has been recommended by the Auditors, the Resolution is necessary to authorize the transfer of funds.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 2527

AN ORDINANCE AMENDING APPROPRIATIONS IN THE CITY OF CHARDON TREASURY 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. 2527 was then read for the second and third time by title only.

Mr. Cromwell moved and Mr. Campbell seconded for the adoption of Ordinance No. 2527.

Mr. Smock stated that the Ordinance will transfer funds out of a capital account into an operating account which requires Council approval. In addition, he has received a court order from the Chardon Municipal Court judge who is ordering the payment of \$7,343.75 in legal services for preparation of the legal opinion that was given to Council during the budget process.

Mr. King asked if the payment is from the court's funds.

Mr. Smock stated that the payment will be from the account that was earmarked for the municipal center building renovation.

Mrs. Bramstedt asked if the judge needed authorization to obtain the legal opinion or if he did it on his own.

Mr. Gillette stated that he obtained the legal advice on his own. He stated that sometimes the judge refers issues to him for review, but in this matter he wanted outside council opinion.

Upon roll call vote the motion passed unanimously.

Mrs. Bramstedt requested Council receive a copy of the bill.

ORDINANCE NO. 2528

AN ORDINANCE AMENDING APPROPRIATIONS IN THE CITY OF CHARDON TREASURY 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. 2528 was then read for the second and third time by title only.

Mrs. Reiter moved and Mr. Campbell seconded for the adoption of Ordinance No. 2528.

Mr. Smock stated that the money is for additional funds needed to pay for the union contracts, additional funds for entrance signs and additional funds for economic development grant with Chardon Tool which were omitted from the budget.

Mrs. Bramstedt inquired about the entrance signs.

Mr. Sharpe described the entrance signs to be constructed.

Mr. Campbell asked how much will be spent on the signs.

Mr. Sharpe stated that the cost for the entrance signs is approximately \$7,000.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 2529

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT/AGREEMENT WITH QUALITY CONTROL INSPECTION, INC. FOR PROVIDING MUNICIPAL INSPECTION SERVICES 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 Ordinance be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Ordinance No. 2529 was then read for the second and third time by title only.

Mr. Campbell moved and Mrs. Reiter seconded for the adoption of Ordinance No. 2529.

Mrs. Bramstedt inquired about the 3% increase in fees proposed by QCI.

Harold Miller, Director of Operations of QCI, stated that the fee is charged per hour and generally, a 4% increase is charged to most communities.

Mr. Smock noted that the fee is charged to the developer of a property.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 2530

AN ORDINANCE AMENDING §505.14 DOGS IN PARKS TO BE ON LEASH; EXCREMENT REMOVAL; PROHIBITED ON PUBLIC SQUARE DURING THE MAPLE FESTIVAL 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. 2530 was then read for the second and third time by title only.

Mr. Campbell moved and Mrs. Reiter seconded for the adoption of Ordinance No. 2530.

Mr. Gillette noted that because of the change in dates of the Maple Festival, the previous ordinance needed to be amended.

Mr. Smock asked for clarification on the times that dogs are prohibited in the park.

Chief McKenna reviewed the times in which dogs are prohibited and noted that there are times in which dogs are permitted on the Square to accommodate residents who wish to walk their dogs.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 2531

AN ORDINANCE AMENDING §1501.11 RESIDENTIAL SMOKE DETECTORS BY ELIMINATING THE REQUIREMENT OF A SMOKE DETECTOR EMERGENCY LIGHT was read for the first time by title only.

Mrs. Bramstedt 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. 2531 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. 2531.

Mr. Sheehan stated that the State has adopted a uniform building code and the County Building Department, who the City uses to enforce the smoke detector light requirement, has informed the City that they are prohibited under the new code from requiring the emergency light on smoke detectors.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 2532

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A CHANGE ORDER FOR THE WATER TREATMENT PLANT CONSTRUCTION PROJECT NO. 04-119 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. 2532 was then read for the second and third time by title only.

Mrs. Reiter moved and Mr. Cromwell seconded for the adoption of Ordinance No. 2532.

Mr. King noted that the Ordinance is related to the purchase of the additional filter media from Kinetico.

Mr. Campbell inquired about how the media will be paid for.

Mr. Smock stated that if it is run through the EPA loan, it would cost approximately \$21,800 if the media costs \$100,000. If the City pays for it, it would cost the City a loss of approximately \$22,130 in interest at a minimum. He felt it would be preferable to use the loan to pay for the media.

Upon roll call vote the motion passed unanimously.

REVIEW OF EXPENDITURES

Mr. Cromwell reported that all expenditures were in order.

EXECUTIVE SESSION

Mrs. Bramstedt moved and Mr. Campbell seconded to adjourn to executive session at 7:47 P.M. for the purpose of discussing Chardon Police Department labor negotiations. Upon roll call vote the motion passed unanimously.

Discussion occurred regarding Chardon Police Department labor negotiations.

The meeting reconvened to open session at 7:55 P.M.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Mrs. Reiter reported that she requested a copy of the Planning Commission Executive Summaries and Mr. Lelko had suggested that the remainder of members of Council be asked if they were interested in receiving copies electronically in the future.

Members of Council expressed interest in receiving the Executive Summaries.

Mr. King noted that Council had requested the Law Director investigate whether the municipalities of Burton and Middlefield are able to establish their own Mayor's Court and asked him what information he had found.

Mr. Gillette stated that the State of Ohio still permits Mayor's Courts and are regulated by the Ohio Supreme Court. He asked Council for direction.

Mr. Campbell stated that he would like to proceed with pursuing Municipal Court delinquencies by charging back the appropriate municipalities.

Mr. Campbell moved and Mrs. Bramstedt seconded to begin assessing the fair share statutory assessments to the municipalities that are part of Chardon Municipal Court. Upon roll call vote the motion passed unanimously.

Mr. Cromwell asked Council to proceed with an architectural review as part of the planning process as a result of a building recently remodeled in an unsightly manner. He suggested this be done soon rather than waiting for the complete zoning code update.

Mr. King stated that the drawings submitted did not represent what was constructed.

Mr. Campbell stated that he is in support of the architectural review process but felt that there were other items in the zoning code that are also under review that he felt were also important and he wanted to proceed with these items as well.

Mr. Gillette stated that the architectural review process will go to Planning Commission then will be considered by Council.

Mr. Campbell asked how all of the other issues will be addressed.

Mr. Gillette stated that now it is up to him to go through the land planning and zoning code to make changes which is very time consuming.

Mrs. Reiter expressed the importance of not only completing sections but rather the entire code.

Council asked for revisions to be drafted for Council's review in 60 days.

Mrs. Reiter stated that the plans for the municipal center renovation seemed to be incomplete and revisions to the architectural review may change that.

Council discussed the plans for the municipal center renovation.

Mr. Sharpe reported that the City's annual trash day will be held on Saturday, May 16, 2009.

Mrs. Bramstedt reported that the Chardon High School Arts Show will be on display at Heinen's until Monday, May 18, 2009.

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

The meeting adjourned at 8:10 P.M.

Attest:

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

AMY DAY
Clerk of Council