

SPECIAL SESSION

June 18, 2009

The Council and Planning Commission of the City of Chardon met in a joint Special Session on Thursday, June 18, 2009 at 6:30 P.M. in Council Chambers of the Chardon Municipal Center.

Philip King, Vice-President of Council, and Ken Miller, Chairman of Planning Commission, presiding.

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

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

Members of Council absent: Mary Bramstedt, Karen Simpson.

Members of Planning Commission present: Leslie Bednar, Andrew Blackley, Gary Hanlon, Philip King, Nancy McArthur, Ken Miller.

Members of Planning Commission absent: William Niehus.

Others present: City Manager David Lelko, Law Director James Gillette, Planning & Zoning Administrator John Sheehan, Assistant City Manager Randy Sharpe, Clerk of Council Amy Day, Kevin Westbrooks, David Hartt, Don Lannoch, Manjula Boyina, Ken Ovark.

**Regarding the Chardon pedestrian and bicycle trail plan proposed alignments and options,** Mr. Hartt distributed an agenda which included discussion concerning the fundamental philosophy of the project and the advantages and disadvantages of different paths and try to reach consensus.

Mr. King stated that he gathered from Council and Planning Commission members that there was some strong feeling to address immediate concerns first and then use the document as a visionary plan for future development. Primary consideration given to connect Woods of Burlington with sidewalk paths and other distant areas of the community that need some type of connection including the connection of the maple highlands trail and putting off as a last resort is going into the front or back yards of residents.

Mr. Hartt stated that he was viewing the plan as a long term vision from which some practical things could be selected to implement. It is up to Council to decide what components of the vision should never be pursued and which will be difficult to pursue.

Mr. Lannoch stated that not permitting a path in front or backyards of property owners is a big change and does not leave any other options.

Mr. Campbell stated that signs and striped lanes are still a possibility.

Mr. Hanlon stated that striped lanes would require a widening of the road which would include the removal of part of the tree lawn.

Mr. Campbell stated that he would consider this as an option only for connecting the Maple Highlands Trail. This is because in many instances in the City, there is a very small right of way which would end up locating the path very close to homes. Mr. Campbell expressed concern about the removal of trees that would occur with putting a path in the right of way, specifically on North Street.

Mr. King stated that there are some areas that this application would be appropriate and others where it will not in which case there will be other alternatives to choose from in the document which D.B. Hartt provided.

Mr. Lannoch stated that their revised preferences include sidepaths almost entirely on the wide right of ways.

Mr. King stated that if connecting the Maple Highlands Trail is a priority, then it will most likely have to go on North Street.

Mrs. Bednar stated that she supported the side paths if they are in locations that it would work. She noted that with education and building awareness, people's minds change. Their reaction now may be different than 10 years from now. She stated that she would like to make sure that the plan covers the possibilities with the right prioritization.

Mr. Lannoch noted that if they would go through the preferred plan in detail, they would see the impacts on homeowners. He provided a few statistics to the group:

There are only 8 houses where the trail would be on the private property and they could see it.

In the preferred corridors, 31% would be on public right of way 32% private property but vacant land, 11% on public land, and 9% on unimproved back land of private property.

There would be 57 homes that would have the trail in the right of way in the front yard.

Mr. Hartt distributed modifications to the preferred route. He stated that designating a specific route should be avoided but rather, adopt a philosophy about how the plan may materialize.

Mr. Campbell inquired about connecting the Woods of Burlington to the system.

Mr. Lannoch stated that there is not enough room in the right of way on South Street to install a 10' bike path the entire way.

Mr. King asked how a sidewalk and a pedestrian path can connect the woods of Burlington to where presently sidewalks exist.

Mr. Lannoch stated that connections would have to be made in the areas designated on the map in dark blue.

Mr. Hanlon stated that Burlington Oval is a private development so to run a connector off of Brandon Court will not work.

Mrs. Bednar noted that Woods of Burlington paths are not for public use.

Discussion occurred regarding the use of Woods of Burlington paths and connecting public walkways to their private paths. Conclusion was made that communication with the homeowners association would be necessary to discuss the use of the paths.

Mr. King asked for further comments.

Mr. Miller stated that there needs to be a visionary plan. There needs to be direction from the taxpayers what they would like. He stated that he wants to see a plan, adopt it and then try to implement it over a number of years. He added that there needs to be some overall coordination of bikes, trees, and traffic which is what he thought the meeting was for.

Mrs. Reiter asked Mr. Miller if he thought public input would occur before the plan is made.

Mr. Miller stated that he thought that public input was needed before the plan is adopted.

Mrs. Reiter stated that she felt that a plan and priorities are necessary.

Mrs. McArthur questioned at what point the public would look at the plan.

Mr. Cromwell stated that he felt that a specific plan to address

the priorities identified should be presented to the public.

Significant discussion occurred regarding what to present to the public for their consideration.

Mr. Hartt explained how he supported the idea which Mrs. Bednar had suggested regarding setting up a bicycle advisory committee to act as a sounding board for the ideas before it is presented in a public forum.

Mr. Miller stated that more groundwork needs done before a public forum can be held. The members of the groups are not united yet on the outlook for the project and he feels it is essential not to be divided. He wants a complete plan to be presented to the public.

Mrs. Bednar recommended the creation of a committee that is temporary that works on the plan and a bicycle advisory board that is permanent that makes sure that the plan is carried out.

Mrs. Reiter stated that she is concern that the committee may end up like the Heritage House Committee.

Mr. King stated that he felt that if D.B. Hartt meets with the group, they can get the public's input and come back to Planning Commission and Council.

Mr. Hanlon asked what would be presented because the plan as it is will not work.

Mr. Hartt stated that he would present to them that Chardon asked them to present a visionary bicycle and pedestrian plan for the City. They looked at various paths to best meet the target users and this is what they have come up with - a set of objectives and criteria that they want the path to satisfy. It has 5 components to make it work and here is how they think the path can be constructed to reasonably meet the objectives.

Mr. Hartt stated that they could present the information to the focus group initially and they could develop the citizen participation process. To do this right, it needs to be presented often and in many places.

Discussion occurred regarding how the focus group would be comprised.

Mrs. Bednar stated that the focus group should review the plan, and provide feedback before going to a public forum.

Mr. Lannoch stated that the focus group should hear all of the details of the plan.

Mrs. Reiter moved and Mr. Cromwell seconded to create an ad-hoc committee comprised of Leslie Bednar and Nancy McArthur to select citizens to form a focus group by September 18, 2009 for the Chardon Pedestrian and Bicycle Trail Plan.

Mr. Hartt stated that 25-30 people are needed to make sure that there is enough diversification of opinions.

Mr. Hanlon asked that the Board of Directors of homeowners associations not be overlooked.

Upon voice vote the motion passed unanimously.

Mr. Blackley suggested that the City engineer prepare cost estimates to connect the Woods of Burlington since it seems like a priority.

Mrs. Bednar stated that some of the costs have been done. She thought that cost was approximately \$650,000.

Mr. King requested that the Service Committee make sure that they move this issue along.

Mr. Lannoch asked if the homeowners associations would be willing to make the connection on their own.

Mr. Hanlon stated that he did not think that Burlington Oval would want to make the connection since they already have a connection to the sidewalk system.

Mrs. McArthur stated that she did not think that the Woods of Burlington homeowners association would want to make their own connection.

Mrs. Bednar stated that she would take the suggestion to the Service Committee.

**PLANNING COMMISSION EXECUTIVE SESSION - none**

**ANY OTHER BUSINESS TO COME BEFORE PLANNING COMMISSION**

Mr. Hanlon reported that he notified the Planning and Zoning Department that two businesses were added to the Maple Leaf Plaza sign.

**PLANNING COMMISSION ADJOURNMENT**

Mr. Hanlon moved and Mrs. McArthur seconded to adjourn Planning Commission.

Planning Commission adjourned at 8:38 P.M.

**RESOLUTION NO. 18-09**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE CITY OF CHARDON FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN was read for the first time by title only.

Mrs. Bednar 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.

Resolution No. 18-09 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. 18-09.

Mr. Cromwell questioned the word voluntary in the legislation.

Mr. Gillette stated that the term voluntary assessment and/or sewer charges were added by the finance director to cover all scenarios.

Upon roll call vote the motion passed unanimously.

**RESOLUTION NO. 19-09**

A RESOLUTION THAT THE CITY OF CHARDON COUNCIL IS NOT OPPOSED TO THE TRANSFER OF C CLASS LIQUOR PERMITS FOR OHIO SPRINGS, INC. FOR AN ECONOMIC DEVELOPMENT PROJECT FOR THE SITE AT 425 WATER STREET, CHARDON, OHIO 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. 19-09 was then read for the second and third time by title only.

Mr. Cromwell moved and Mrs. Bednar seconded for the adoption of Resolution No. 19-09.

Mr. Gillette stated that the resolution formalizes Council's decision made at their last meeting regarding the transfer of liquor permits for Ohio Springs, Inc.

Upon roll call vote the motion passed unanimously.

**COUNCIL EXECUTIVE SESSION - none.**

**ANY OTHER BUSINESS TO COME BEFORE COUNCIL**

Mrs. Bednar reported that some of the City's leases are coming due and requested the City do something to support the tenants.

Mr. Sharpe stated that he is requesting no increase in rent for 3 tenants for a 12 month period. The amount that the City would not be collecting would total \$769.20.

Mr. Cromwell asked if these 3 tenants requested no increase.

Mr. Sharpe stated that the 3 tenants have not all requested no increase in rent.

Various members of Council expressed concern about only giving this forgiveness to only these tenants and not all and discussion continued regarding this topic.

Mrs. Reiter moved and Mr. Campbell seconded to forgive rental income for the tenants of City properties commencing on the date of increase for 1 year. Upon roll call vote the motion passed unanimously.

Mr. King asked Mr. Sharpe to report to Council in July as to the total amount of money which will be granted to the City's 14 tenants resulting from the no increases in rent.

Mr. King noted that the Water and Sewer Committee have been considering the proposals for how to apportion the costs for the Wilson Mills Road Sanitary Sewer Project and the question has been raised whether this raises a conflict of interest because he now lives on Wilson Mills Road. He noted that he planned not to vote when the assessment is presented to Council because he did not want there to be any appearance of impropriety. The Law Director had told him that if he planned to do this, then he should withdraw himself early-on in the process.

Mr. Gillette reviewed the process he took to investigate if it was necessary for Mr. King to remove himself and noted that at the time he did not believe that there was an ethics violation because Mr. King is not getting any individual, particular benefit from the installation from the project. However, he contacted the Ethics Commission and they indicated that there may be some reason for concern because it is something that would cause either a benefit or detriment to the property where Mr. King lives. After reviewing the information the Ethics Commission provided him, he still did not feel that it was not an ethics violation.

Mr. King stated that he did not want to any diversion from the true benefit of the project and did not want there to be any question about if he benefitted from the project. He recommended that the Legislative Committee work with Councilman Campbell to continue reviewing the project and make a recommendation to Council.

Mrs. Bednar thanked Mr. King for his forthrightness and foresight and as Chairperson of the Legislative Committee, it is a good solution.

Mr. Cromwell stated that as member of the Legislative Committee he is fine with the decision and asked Mr. Campbell for his comments.

Mr. Campbell stated that he is fine with the decision. Many issues were already discussed by Council and the remaining issue is the timeframe of when the assessment will be paid back and some logistical issues.

Mr. Cromwell moved and Mrs. Bednar seconded to create a special Ad-hoc committee comprised of Mr. Campbell and the members of the Legislative Committee to make a recommendation to Council on the assessment to be made to the property owners on Wilson Mills Road for the Wilson Mills Road Sanitary Sewer Project.

Upon roll call vote the motion passed unanimously.

**ADJOURN**

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

The meeting adjourned at 8:30 P.M.

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PHILIP KING, Vice-Mayor  
Vice-President of Council

Attest:

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AMY DAY  
Clerk of Council

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KENNETH MILLER  
Planning Commission Chairman

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JACKIE BURKLEY  
Secretary