

REGULAR SESSION

August 13, 2009

The Council of the City of Chardon met in Regular Session Thursday, August 13, 2009 at 6:30 P.M. in the Municipal Courtroom located on the first floor 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: Leslie Bednar, Mary Bramstedt, Jefferey Campbell, Jr., Robert Cromwell, Philip King, Deborah Reiter, Karen Simpson.

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, Police Chief Tim McKenna, Assistant City Manager Randy Sharpe, City Engineer Doug Courtney, Clerk of Council Amy Day, Sue Schade, Bill Hess, Diane Ryder, Ken Ovarik, Ken Miller, Sara Brougher, John Eltzroth, Arlene Hill, Nancy McArthur, Glen Miller.

**APPROVAL OF MINUTES**

Mr. Campbell moved and Mr. King seconded to approve the minutes of the July 9, 2009 Regular Session and July 16, 2009 Special Session as presented.

Mayor Simpson noted a correction to the date for the Special Session of Council referenced in the minutes of the July 9, 2009 Regular Session. In addition, the roll call vote for the reading of Ordinance No. 2540 should reflect Mrs. Simpson voting yes and Mrs. Reiter voting no.

Jeffrey Smock noted that the minutes of the July 16, 2009 meeting should reflect that he was not in attendance.

Mr. Campbell and Mr. King concurred with the amendments to the minutes.

Upon roll call vote the motion passed unanimously.

**MANAGER'S REPORT**

City Manager David Lelko reported that Johnstone Supply has been retained to examine a number of motors in the Wastewater Treatment Plant and the Water Treatment Plant to determine if more efficient units would be cost-effective.

Mr. Lelko reported that staff is investigating the possibility of additional federal funding for the Wilson Mills Road /Park Avenue Intersection Improvement Project.

Mr. Lelko reported that he is putting together requests for proposals for the service garage.

Mr. Campbell inquired about the length of time it will take.

Mr. Lelko stated that it is complex and will take some time but he expects to have the proposals by the end of the year and hopes to award something by the end of the year as well.

Mr. Lelko reported that the Wilson Mills Sanitary Sewer Project construction is expected to begin August 24, 2009 and be completed by the middle of October.

Mr. Lelko reported that the Heritage House Committee has proposed a fundraiser in the fall.

John Eltzroth, representing the Heritage House Committee, requested approval for a Corn Roast event which they would like to hold on September 12, 2009. As part of the event, they would like Short Court Street closed and need approval for placement of signs around the City for the event from August 22 until the event. They are planning to place tents, and need trash barrels and the committee will arrange for clean-up.

Mr. Lelko noted that St. Mary's Church is holding their centennial celebration that same day which may coordinate well with this event.

Mr. Lelko noted that there is a permit process that needs to be followed.

No member of Council had any objections to the Corn Roast event.

Mr. King asked if the City sponsors the Concerts in the Park series.

Mr. Lelko stated that the City pays the bands for the Concerts in the Park.

Mr. King stated that he has not heard it announced at the concerts that the City sponsored the event.

Mr. Cromwell asked about feedback regarding the Farmer's Market that has been held during the Concerts in the Park.

Mr. Lelko noted that the feedback he has received has been positive. He noted that they would like more signage during the week.

Mr. Sharpe stated that Farmer's Market vendors are aware that building the event will take time.

Mr. Lelko noted that a 911 event will be held on September 11, 2009 at the Courthouse at 8:00 a.m.

#### **PLANNING COMMISSION REPORT**

Mrs. Bednar reported that a field change request was approved by Planning Commission for Chardon Park Inc. for some after the fact revisions.

Mrs. Bednar reported that that Planning Commission approved the release of the performance surety bond for Aldi's.

Mrs. Bednar reported that Planning Commission approved the request by Hidden Glen for a renewal and extension of the previously approved concept plan.

Mrs. Bednar reported that Planning Commission approved the construction documents for the parking lot expansion at the Chalet.

Mayor Simpson noted that the vacancy on the Planning Commission will be advertised.

#### **COUNCIL COMMITTEE REPORTS**

Safety -

Mr. Campbell reported that the Committee met and discussed issues regarding Police Department staffing levels. More part-time patrolmen and dispatchers will be sought in order to reduce overtime.

Mr. Campbell reported that the Committee also discussed speeding enforcement.

Mr. Campbell noted that the Committee discussed Police Department coverage at the end of the school day. Mrs. Reiter has offered to discuss this issue with the school jointly at a future ad-hoc meeting with the school board.

Mr. King stated that the ad-hoc committee was created to discuss recreational issues and he did not feel this was an appropriate topic for this committee to address. He felt that the Safety Committee should address the issue.

Mrs. Reiter stated that she felt that the ad-hoc committee was going to be the beginning of a coordination effort with the school.

Mr. Campbell stated that he thought that it would be more efficient for the ad-hoc committee to discuss the issue.

Mrs. Bramstedt spoke in support of the ad-hoc committee discussing the issue because she felt it was important to reach out to discuss many issues between the school and the City.

Mrs. Bednar stated that the concern is whether the ad-hoc committee should address the issue since it was created for recreational discussions.

Mr. King stated that he did not want two committees addressing the same issue and he did not want more involvement than is necessary with a topic that should be addressed by the Police Chief and City Manager.

Chief McKenna suggested that a small group of 5 to 6 people to discuss the issue would be most efficient.

Mrs. Reiter stated that a smaller group could be done.

#### Service -

Mrs. Bramstedt reported that the committee met and discussed a City-wide refuse collection program. Residents have expressed both interest and opposition to the program and more public feedback is necessary.

Mrs. Bramstedt reported that the committee discussed repair of existing sidewalks and having residents work collectively to obtain a discounted cost by a contractor.

Mrs. Bramstedt reported that the committee discussed connecting sidewalks on South Street and is continuing to discuss this issue.

Mrs. Bednar noted that the sidewalk connections on South Street will be a costly project and consideration needs to be given to saving for this project.

Mr. King asked when public meetings would be held to discuss the refuse collection.

Committee members reviewed some outstanding issues that should be discussed at the public meeting.

A meeting was set for September 9, 2009 at 6:30 p.m. to discuss a City-wide refuse collection program.

Mr. Lelko noted that a Service Committee meeting should be held prior to that meeting to provide Randy Sharpe with direction regarding the type of program the City will be pursuing.

Water/Sewer -

Mr. Campbell reported that the Committee met and discussed the cost distribution for the Wilson Mills Sanitary Sewer Project. Planning and Zoning Administrator, John Sheehan, presented the costs the homeowners could expect to pay for the project.

Members of Council thanked Mr. Sheehan for his efforts in the presentation.

Park/Recreation -

Mrs. Reiter reported on the Park and Recreation Committee Meeting at which discussion occurred regarding the planning for the Michael Ibold Park.

Mrs. Reiter reported that Mel Harder Park has seen an increase in usage and parking needs to be addressed.

Mrs. Reiter noted that the Fall Fest will be held on October 3<sup>rd</sup>. She added that Council and staff's assistance is needed for the event.

Mrs. Reiter reported that the Board discussed the outdoor basketball courts with the City Engineer on August 7, 2009.

Mr. King inquired about the status of the land exchange with the school board.

Mr. Lelko stated that the school has the paperwork and are suggesting some minor changes but it is going through its regular approval process.

Mr. Gillette stated that the school had some concerns regarding the storm sewer easement but some changes have been made and it will be forwarded on to the school for their approval.

Mr. King requested to be kept up to date on the status of the land exchange.

Legislative -

Mrs. Bednar reported on the bicycle and pedestrian plan focus group meeting held on August 12<sup>th</sup>.

Mrs. Bednar noted that staff was not asked to come in order to encourage free-flowing of ideas by the participants.

Mrs. Bednar reported on the Focus Chardon Group is in the process of organizing and is committed to the historic preservation and the economic strength of the Square and outlying areas.

Finance -

Mr. Cromwell reported that the auditors are preparing their report but thus far, they have only had positive things to say about the City.

Mr. Cromwell asked Mr. Smock to provide an update on the income tax collection process.

Mr. Smock stated that approximately \$35,000 in tax revenue has been identified and collection is being pursued.

**HEARING OF PERSONS BEFORE COUNCIL**

THOSE PERSONS ON THE AGENDA - none.

## GENERAL PUBLIC

Ken Miller, 112 Court Street, asked if Council would be discussing his suggestion that Executive Session not be held until the leak of union negotiation information from Executive Session has been identified.

Bill Hess, 115 North Street, asked if the sidewalk project will begin in 2009.

Mr. Lelko stated that the sidewalk repair issue would be addressed in the fall newsletter informing residents to contact the City if they would like to be put on a list that would be interested in a quote by a contractor. This list would then be given to contractors.

Mr. Cromwell asked why the City can not be more proactive to identify sidewalk that is in need of repair and inform the property owners as such and let provide them a name of a contractor that may provide a discount. This was done for him back in the 1980s.

Mr. Campbell asked Mr. Cromwell if he wants to force the residents to repair their sidewalks.

Mr. Cromwell stated that this was done in the past.

Mr. Campbell stated that he has great concern with this.

Mrs. Bramstedt stated that the Service Committee has not recommended enforcement at this time because of the current economic climate.

Mr. Cromwell asked if this would bring liability back to the City.

Mrs. Bednar stated that this would not bring liability to the City as homeowners are still responsible for repair of their sidewalks. She added that if the City gets involved, then the cost may become so high that prevailing wages would become an issue. In addition, the committee felt it was not a time for enforcement. The property owners will be notified when a complaint has been filed with the City and if they are interested, they can contact the City who will compile a list of residents interested in prices to repair their sidewalks that will be available for contractors.

## OLD BUSINESS

Mrs. Bednar requested an update on the status of the investigation into the leak of Executive Session material because she felt the public needed an accountability of the money that has been spent on the investigation.

Mr. Gillette stated that he would prefer to wait until the conclusion of the investigation but he could provide Council with an interim report if that is desired.

Mr. Campbell asked what the timeframe is for the conclusion of the investigation.

Mr. Gillette stated that he does not know when the investigation will be concluded.

Mrs. Reiter stated that she had requested a status of the investigation and was told that it was an ongoing investigation.

Mrs. Bednar stated that since some bills have been paid, Council should know what has been paid.

Mr. Gillette stated that he and the City Manager met with the investigator earlier in the week and he could provide a synopsis of that discussion.

Mr. King asked if providing an interim report is advisable.

Mr. Gillette stated that eventually, a detailed report will be available that will be a public record.

Mrs. Bednar stated that she does not need details but wants a general accountability.

Mrs. Reiter asked how much has been spent.

Mr. Gillette stated that close to \$14,000 has been spent.

Mr. Cromwell stated that there must be accountability in government. He stated that he has been approached by many people and all have been in favor of the investigation and no one has asked how much money has been spent.

Mrs. Reiter stated that she just had someone ask her how much has been spent.

Mr. King stated that Council authorized the expenditure of \$25,000 and he feels that a report will be completed soon and does not want any information before that time. He would like to see the report by Council's September meeting as long as it does not jeopardize the results.

Mr. Campbell asked that the report be given to Council prior to a meeting where it will be discussed.

Mr. Gillette stated that as soon as he receives the report, he will make sure Council receives a copy of it.

Mrs. Reiter stated that the issue to her is that bills should not be paid without knowing what is being paid.

Mrs. Bednar asked if the Law Director feels that providing a summary of the number of hours and interviews will jeopardize the investigation.

Mr. Gillette stated that it probably would not. He met with the investigator and received a summary of the investigation so far.

Mrs. Bednar asked Mr. Gillette to share what he feels is appropriate.

Mayor Simpson concurred that she feels Mr. Gillette should only share the information that he feels is appropriate.

Mr. Campbell moved and Mrs. Bednar seconded to request the Law Director share what information he feels is appropriate from the summary received from the investigator.

Mr. King stated that he does not want to hear any information and would like to wait for the report from the investigator.

Mr. Gillette stated that he can provide the number of people that have been interviewed and the cost. 22 people have been interviewed and the cost totals approximately \$14,000. Any additional information would jeopardize the investigation.

The motion made by Mr. Campbell and seconded by Mrs. Bednar was withdrawn.

#### **NEW BUSINESS**

Regarding a variance extending the concept plan for "Hidden

Glen", a proposed residential planned unit development; located at the northeast corner of Wilson Mills Road and Thwing Road Intersection, Mr. Sheehan noted that a four year extension has been requested by the developer. The result of the approval would allow the concept plan to remain in effect for the next four years even if there are changes of a design nature to the City's zoning code. He noted that staff has recommended approval of the extension based on the justification for the request which is the present housing market.

Mr. King moved and Mrs. Bramstedt seconded to grant a variance extending the concept plan for "Hidden Glen", a proposed residential planned unit development; located at the northeast corner of Wilson Mills Road and Thwing Road Intersection. Upon roll call vote the motion passed unanimously.

Regarding a transfer of a C1 trex liquor permit from Snack Box, Inc., DBA Snack Box Food Mart, 104 S. Main St., Baltimore, Ohio to Ohio Springs, Inc., DBA Sheetz Convenience Store, 425 Water Street, Chardon, Ohio, no member of Council had any objections.

No member of Council had any objections to all liquor permit renewals expiring October 1, 2009.

## **LEGISLATION**

### **RESOLUTION NO. 21-09**

A RESOLUTION TRANSFERRING FUNDS IN THE CITY OF CHARDON TREASURY AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. Bramstedt moved and Mr. Campbell 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. 21-09 was then read for the second and third time by title only.

Mr. King moved and Mr. Cromwell seconded for the adoption of Resolution No. 21-09.

Mr. Smock noted that the fund transfer is necessary to continue the Downing Drive project and payments on loan agreements.

Upon roll call vote the motion passed unanimously.

### **ORDINANCE NO. 2549**

AN ORDINANCE AMENDING APPROPRIATIONS IN THE CITY OF CHARDON TREASURY 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. 2549 was then read for the second and third time by title only.

Mr. Lelko noted that the first appropriation is for the purchase of road salt under the State bid and filling up the salt storage area rather than waiting until purchasing salt at the beginning of the year. The other appropriation is to continue the site work for the new street garage.

Members of Council asked about the quantity and cost for salt in the previous winter season.

Mr. Lelko stated that the City used approximately 4,000 tons of salt the previous winter season and the cost was much higher when salt was not available.

Mr. King moved and Mrs. Reiter seconded for the adoption of Ordinance No. 2549. Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 2550**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT/AGREEMENT WITH MORTON SALT FOR THE PURCHASE OF ROAD SALT AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. Bramstedt 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. 2550 was then read for the second and third time by title only.

Mr. King moved and Mr. Campbell seconded for the adoption of Ordinance No. 2550.

Mr. Lelko noted that the City normally awards two bidders but is not doing that this year because the second supplier will be arranged through the State of Ohio's joint purchasing program which will save approximately \$1 per ton.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 2551**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH GEAUGA COUNTY FOR RENTAL OF PREMISES AT 223 CENTER STREET TO BE USED AS A MUNICIPAL SERVICE GARAGE 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. 2551 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. 2551.

Upon roll call vote the motion passed unanimously.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTACT WITH JOSEPH H. WEISS, JR. FOR SERVICES AS AN ASSISTANT POLICE PROSECUTOR was read for the first time by title only.

Mr. Gillette recommended that the second and third reading of the ordinance be done at the next Council meeting so that he can provide Council with a copy of the agreement.

No member of Council had any objections.

**REVIEW OF EXPENDITURES**

Mr. Cromwell reported that all expenditures were in order.

**EXECUTIVE SESSION**

Mayor Simpson asked the Law Director about how Council would proceed if they did not wish to go into executive session.

Mr. Gillette stated that anything that Council would want to discuss would have to be done in open session.

Mr. King asked if Council had ever not suspended its executive sessions.

Mr. Gillette reviewed an instance in which Council did not go into executive session due to a Charter amendment that was needed. Besides that instance, he was not aware of Council suspending its executive sessions.

Mr. Cromwell stated that there are issues that need to be discussed in executive session and he is not willing to compromise the operations of the City because one person leaked information from executive session.

Mrs. Bednar stated that no matter the outcome of the investigation, Council members will have to respect each other because Council can not function without that.

Mr. King moved and Mrs. Bednar seconded to adjourn to executive session at 8:20 P.M. for the purpose of discussing police department personnel and appointments to boards and commissions and invite the Police Chief to remain.

Upon roll call vote the motion passed unanimously.

Discussion occurred regarding the promotion of Russell White to Police Sergeant.

Discussion occurred regarding the hiring of part-time patrolmen.

Discussion occurred regarding the hiring of a part-time dispatcher.

The meeting reconvened to open session at 8:30 P.M.

**ANY OTHER BUSINESS TO COME BEFORE COUNCIL**

Mr. Campbell moved and Mrs. Reiter seconded to hire Russell White to Police Sergeant. Upon roll call vote the motion passed unanimously.

Mr. Campbell moved and Mrs. Reiter seconded to hire Jason Pitt as part-time patrolman. Upon roll call vote the motion passed unanimously.

Mr. Campbell moved and Mrs. Reiter seconded to hire Allan Frantz as part-time patrolman. Upon roll call vote the motion passed unanimously.

Mr. Campbell moved and Mrs. Reiter seconded to hire Susan Janu as part-time dispatcher. Upon roll call vote the motion passed unanimously.

Mrs. Bramstedt reported on an Ohio Public Works Commission meeting.

Mr. Sharpe reported that the history of the discussion regarding single trash haulers and draft recommendations from the Service Committee is available.

Mr. Campbell suggested the information be posted on the City's website.

Mr. Campbell inquired about the status of the zoning code update.

Mr. Gillette reported that he has been in the process of reviewing the zoning code and is approximately 1/3 of the way completed. He expects the zoning code will be ready for Council adoption by the end of the year.

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

The meeting adjourned at 8:36 P.M.

Attest:

KAREN S. SIMPSON, Mayor  
President of Council

AMY DAY  
Clerk of Council