

REGULAR SESSION

October 8, 2009

The Council of the City of Chardon met in Regular Session Thursday, October 8, 2009 at 6:30 P.M. in the Chardon Municipal Courtroom located at 111 Water Street.

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, Ken Ovarck, Paul Ovarck, Bill Hess, Diane Ryder, Marilyn Fisher, Joyce Campbell, Jeff Campbell, Sr., Sue Schade, Richard & Sharon Haynes, Joe Perry, Karen Baptie, Sally Robertson, Larry Gaspar, Jim Adams, Nancy McArthur, Paula Noyes, Dan Bowyer, Jan Miller, Dennis Pavella, Ken Miller, Arlene Hill, Ed Ferrall, Molly Nikkila, Dean Peska, Jaclyn Campbell, Richard Wrenn, Richard Rosfelder.

APPROVAL OF MINUTES

Mr. King moved and Mr. Cromwell seconded to approve the minutes of the September 10, 2009 Regular Session as presented.

Mrs. Reiter noted a correction that the Chardon Kiwanis was a sponsor to the Corn Roast instead of the Chardon Rotary.

Mr. King and Mr. Cromwell concurred with the amendment to the minutes.

Upon roll call vote the motion passed unanimously.

Mr. King moved and Mrs. Bednar seconded to amend the agenda to discuss the IRG Investigative Report. Upon roll call vote the motion passed unanimously.

Mr. Gillette noted that IRG's agreement with the City requires that the report and discussions with the report remain confidential. Therefore, before Council takes part in conversation with Mr. Wrenn, he asked Council to waive the confidentiality of the report.

Mr. Cromwell moved and Mr. King seconded to authorize Council to discuss the report by IRG Inc. and waive the confidentiality of the report. Upon roll call vote the motion passed unanimously.

Mr. Cromwell asked Dick Wrenn for a synopsis of his background in the area of investigation.

Dick Wrenn, representing IRG, Inc., introduced himself and owner, Richard Rothsfelter, stated that he conducted investigations while employed with the Bureau of Investigations from 1971-2002 and conducted investigations as an employee of IRG since 2003.

Mr. Cromwell asked Mr. Wrenn about the validity of the information provided by two people that pointed the investigation in one particular direction.

Mr. Wrenn stated that he felt that the information provided by the two sources was quite credible. The information was provided prior to the announcement of a reward. During the course of the investigation, he found no signs of deception. He had no reason to doubt the validity of what they had to say and based on information they provided.

Mr. King asked what two individuals Mr. Cromwell is referring to.

Mr. Wrenn stated that they are referring to Phyllis Schlay and Emily Matty.

Mr. Cromwell asked Mr. Wrenn why a polygraph was not used for Phyllis Schley and Emily Matty.

Mr. Wrenn stated that polygraphs are used very selectively and are not used with regularity. They are not foolproof and are costly. In addition, he did not feel it necessary to give a polygraph to Phyllis Schley and Emily Matty because he interviewed them independently on the same day and they offered similar information and it did not appear that they had spoken to each other in order to provide similar information.

Mrs. Reiter asked if Mr. Wrenn felt the women were credible even though Ms. Matty contacted Mr. Lelko and mentioned a payback.

Mr. Wrenn stated that at that time, Ms. Matty came to Mr. Lelko to discuss a domestic problem and it appeared that the focus was not on the information she provided related to the leak of Executive Session material as much as it was to discuss the domestic incident.

Mrs. Reiter asked if Mr. Wrenn still feels that the investigation was inconclusive.

Mr. Wrenn stated that he has not stated that the investigation was inconclusive. He believes that his role as the investigator was to gather facts and develop evidence and conduct interviews and to reduce those interviews to a form that can be understood by others to read. He does not make a determination about guilt or innocence. This is up for Council to make that determination based on the results of the interviews.

Mrs. Reiter asked if there is any physical evidence.

Mr. Wrenn stated that his evidence is in the form of interviews but there is no physical evidence.

Mrs. Reiter asked how long IRG, Inc. been in business.

Mr. Wrenn stated that IRG, Inc. has been in business in excess of 15 years.

Mrs. Reiter asked if Mr. Wrenn is an employee or independent contractor of IRG, Inc.

Mr. Wrenn stated that he is an employee of IRG, Inc.

Mr. Campbell asked what circumstances would warrant the use of a polygraph.

Mr. Wrenn stated that he would recommend a polygraph when he believes the information provided to him is lacking in credibility, when he receives inconsistent information or when people have weak answers or vacillate. He believes that there are two people who should have taken a polygraph who did not.

Mr. Campbell asked if Mr. Wrenn had wished that Andrew Bartholomew had taken a polygraph exam.

Mr. Wrenn stated that Mr. Bartholomew brought up taking a polygraph and then when he approached Mr. Bartholomew later about taking a polygraph, he originally said yes and then later came up with an excuse that is not atypical of what people say when they refuse to take a polygraph exam such as is not legal or admissible in court or they have a medical reason not to. He is not in the position to be able to make someone take a polygraph. He agreed to give two polygraph examinations and as the date got closer, both individuals declined to give polygraphs.

Mr. Campbell asked Mr. Wrenn to clarify if when the individuals refused to affirmatively answer Mr. Wrenn, this is one of the reasons that it was important for a polygraph to be taken.

Mr. Wrenn stated that it is one of any number of considerations.

Mr. Campbell stated that Mr. Bartholomew flatly denies that he gave Mrs. Bramstedt anything which is a very affirmative answer.

Mr. Wrenn stated that as adamant as Mr. Bartholomew was, he was not believable because of the information that he had received through the information provided by other individuals and he felt that it was necessary for him to be given a polygraph. The polygraph is a tool and his experience is that during a pre-polygraph test, a person may more forthcoming and cooperative.

Mr. Campbell asked what evidence Mr. Wrenn had that made him believe that Mr. Bartholomew was not telling the truth.

Mr. Wrenn stated that information provided by Ms. Schley, Ms. Matty, the union attorney, the City's attorney as well as Mr. Bartholomew's poor attitude made him believe that Mr. Bartholomew was not telling the truth. He was angry and non-compliant.

Mr. Campbell stated that typically in a domestic incident, individuals would be angry.

Mr. Wrenn stated that Mr. Bartholomew's relationship with Ms. Matty had been over for some time and in addition, Mr. Bartholomew was not being asked about his relationship with Ms. Matty but was asked about his relationship with a member of City Council.

Mr. Campbell stated that Mr. Bartholomew was concerned about his girlfriend and her mother attacking him and making allegations against him which would make him upset.

Mr. King stated that Council is questioning Mr. Wrenn's interpretation of the report. He has stated the facts. He felt that it is up to Council to look at the report and draw their own conclusions. Mr. Wrenn will get a different sense than others because he was there and he doesn't want Mr. Wrenn to have to defend what he has put in writing.

Mr. Campbell stated that if Council is going to convict someone of some crime or some action, he thinks that the facts of how the interview was conducted and what he remembers are just as important as the facts that are on paper.

Mrs. Bednar stated that what has happened is not a crime.

Mr. Campbell stated that he was glad to hear Mrs. Bednar say this.

Mrs. Bednar stated that she never said that it was a crime.

Mr. Campbell stated that it was referenced.

Mrs. Bednar stated that what is being discussed is about a code of ethics which is just as important to her as a crime would be. She stated that she had a question about a polygraph because it was disturbing to her that there was a lack of cooperation with the investigation. She asked Mr. Wrenn if he has experienced someone suffering medically from a polygraph exam.

Mr. Wrenn stated that yes, there have been instances, depending on the type of medication a person is taking, they may not be able to polygraph. The medications that were identified to him he provided to the polygraph examiner. The examiner felt that there was a potential for the test to be done but it could be a problem but he needed to discuss this with the person being investigated but he did not have the chance to do this.

Mr. Wrenn stated that part of the polygraph examination is getting the person in a room so that the investigator can pursue the investigation and many times people under pressure will elect to provide the information that is believed that they had access to that they were unwilling to provide previously.

Mrs. Bednar asked if Mr. Wrenn is referring to a pressure on their conscience.

Mr. Wrenn stated that yes, he was referring to a pressure on their conscience.

Mayor Simpson asked Mr. Wrenn if he has any doubt that there was a leak of Executive Session material.

Mr. Wrenn stated that he has no doubt that there was a leak of Executive Session material which was referenced by the union labor attorney.

Mrs. Reiter stated that she had read the report and was trying to keep a scorecard of who said what to whom. She asked Mr. Wrenn to clarify that he had no doubt that a leak occurred.

Mr. Wrenn stated that he had no doubt that a leak occurred.

Mr. Campbell stated that one of the things he thought about when he read the report was how the comment "one of the three" but was referenced a few different ways.

Mr. Wrenn stated that there were a number of different instances in which people had different things to say about this; however, it is clear after interviewing staff and the City's labor attorney, that Mark Davis conveyed that he had information concerning the subject of longevity to be discussed during the course of the negotiations between the City and the union. Mr. Wrenn stated that in order to understand it fully, it is all in the report which is up to Council to read and evaluate the content.

Mr. Campbell asked Mr. Wrenn if he believes the comment of Dave Lewanski who suggested that it was bargaining tactic by the union attorney.

Mr. Wrenn stated that he does not believe this statement based on the other developments.

Mr. Campbell stated that Mr. Lewanski's story was very similar to that of the vice-president of the union.

Mr. Wrenn stated that he thinks it is irrelevant.

David Lelko, City Manager, asked if it is true that Mark Davis never denies that he received the information but he changed his mind on how he received it.

Mr. Wrenn stated that he changed his mind about how he got it and the substance of what he received; however, he does acknowledge that he received information that he shouldn't have been given.

Mr. Campbell asked who Mr. Wrenn thinks would have left a note on Mr. Davis's car.

Mr. Wrenn stated that he does not believe the scenario that a note was left on Mr. Davis's car based on what he said earlier not only to the City's labor attorney but also because of statements made to City staff.

Mr. Campbell asked if Mr. Wrenn tried to substantiate his comments at all.

Mr. Wrenn stated that based on Mr. Davis's own admissions to the City's attorney and City staff, he believes there is no validity to what he had to say concerning a note being left on his vehicle.

Mr. Cromwell asked Mr. Wrenn if he feels the report is inconclusive.

Mr. Wrenn stated that it depends on who's definition. If people are looking for an admission, it is not there. Confessions or admissions are often not provided. The information that is provided during the course of the investigation has to be dealt with. You have to look at it and evaluate it and make a decision. He stated that he does not think that the report is inconclusive.

Mr. King thanked Mr. Wrenn for the thoroughness of his report.

Mr. Gillette stated that he would like to discuss the Executive Session, the meeting with Mark Davis, discuss what happened after the meeting with Mark Davis, discuss the investigation, probably comment on portions of the interviews then propose to Council what alternatives they have.

Mr. Gillette stated that the matter deals with an Executive Session that occurred on June 12, 2008 as part of the regular meeting of Council to discuss collective bargaining. During that Executive Session, longevity was discussed among the issues of concern regarding longevity were eliminating it and if that was not likely to occur then extending it to future hires.

Mr. Gillette reviewed various people involved in the report.

Mr. Gillette summarized events leading up to the investigation and portions of details of the investigation.

Mr. Gillette stated that at the end of the investigation what is left with are essentially are the statements of two people who are making allegations who were told this by one of the parties involved so what is being talked about is legally known as heresay.

Mr. Gillette stated that in the event that there is an allegation or a question of whether one of the standards of ethical conduct has been violated, a Board of Ethics Review was created and exists and if a matter is referred to the Board and they shall render an advisory opinion. The advisory opinion shall be rendered pursuant to the written request by any member of Council or public official of the City.

Mr. Gillette added that removal is not an issue because Council can not remove another member of Council.

Mr. Gillette noted that Council could take no action if they felt it was appropriate.

Mrs. Reiter asked Mr. Gillette if he thinks that the investigation was ethical. From the beginning, the investigation pointed in one direction but it was said in open session of Council that it was "one of the three" which put her out there and has left a cloud over three Councilmen. So she said the investigation was tainted from the beginning which is why she questioned Mr. Wrenn whether he believed that a leak occurred. She is upset that staff and Council let that go on when from January of 2009 she was not even considered.

Mr. Gillette stated that he felt that neither was anyone else.

Mr. Gillette stated that it was on the advise of legal counsel while the investigation was going on. The topic of "one of the three" did not arise from the Mayor or Manager, it came from Mark Davis.

Mrs. Reiter stated that then they kept fishing and anyone can find any evidence they want if they keep fishing.

Mr. Gillette stated that Mrs. Reiter questioned whether there was a leak in the first place. Mr. Davis acknowledges there was a leak.

Mrs. Reiter stated that she is still upset that she was included as "one of the three" from the beginning. One inference of "one of the three" was made and she has had to live with that and she questions the whole process.

Mr. King stated that now Mrs. Reiter has been vindicated. The investigation does not point to her.

Mr. King moved and Mrs. Bednar seconded to direct the Law Director to make a written request to the Board of Ethics Review under Ordinance No. 2419 for their consideration of the matter and report back to Council by the next regular session of Council.

Mrs. Bednar stated that there is a process in place for the Board of Ethics review to address this matter.

Mrs. Reiter asked if the investigation can be investigated.

Mr. King stated that it is not under their authority.

Mrs. Bramstedt spoke to state that what disturbed her mostly was that Mr. Wrenn is calling her a liar. She stated that when she was questioned by Mr. Wrenn, she was very open to anything that he or Mr. Rosfelder wanted to ask her and she answered directly. She stated that she is an honest person and she told Mr. Wrenn that she did not know if she said anything but she really did not think that she had. She said that she told him that she should study it some more because in her mind she could not recall saying anything because she is not big on unions and does not understand the jargon. And almost everyone in the report that was at the meeting said they did not recall much about the meeting and left it to the professionals who were also in attendance which exactly what she told him. Mr. Wrenn came back the next day where they had talked for several hours and they had talked for several hours and the same thing occurred again and she said that she is not perfect and at night she prayed asked the same question to herself and the answer has always come back to her that no, she did not say anything about negotiations. She offered to take a polygraph to Mr. Wrenn and then the point came out that she allegedly gave letters and then later, it was a card. She stated that that anyone who knows her knows that they would be lucky to get one card let alone many and money is not an issue with her because she does not have any. So when Mr. Wrenn made the comment about letters, she never sent any letters and never sent any money. Also, she allegedly put letters in Mr. Bartholomew's mailbox during the day without any postage but she

knows it is against federal law to do this. In addition, she does not know where Mr. Bartholomew lives so how could she put something in his mailbox, yet this is the accusation that was made by a girl that she hardly knows at all and that this Council would take this girl's testimony as pure credence when Council has known her (Mary) for 8 years or more. She stated that she hopes Council has known her to be very open and fair at Council meetings and she is not known to be a liar. So when this girl's statement was made, she said that she wanted to see the evidence of cards and Mr. Wrenn stated that there are no letters. She said that whoever signed them no matter how the word Mary was on them, she called that forgery. She asked if Council is going to investigate if forgery took place. She stated that there are flaws that exist that made her feel right away that this investigation is a house of cards and that after all the unfounded allegations are being directed at her, all she can do is let it play itself out to a point that she can defend herself and her reputation and her integrity to the best of her ability. She stated that during her mother's passing, it was a difficult time for her and she visited the cemetery daily and yet at Council meetings she kept her head and was very professional in announcing that as Service Committee Chairman her requirement was to go to the cemetery not only for her mother but also as a duty of the Service Committee and she walked the Cemetery with the City Manager and she had no body language from her that showed she should not be there with him. She was very relaxed whenever they discussed the cemetery and announced at meetings of how well the cemetery was being care for and she would not have made those remarks if she had something to hide. She asked Mr. Lelko if this is true.

Mr. Lelko stated that yes, Mrs. Bramstedt had made comments publically of how well the cemetery was cared for but he does not recall her body language.

Mr. Campbell read a prepared statement in which he stated that when the investigation was first discussed, he was concerned that nothing positive would have come from it and today he can say that he was right. He regrets that the City wasted \$25,000 on an inconclusive report that does not prove that a member of Council was responsible for any leak. The Ethics Code that was adopted in 2007 attempted to create an atmosphere of mutual respect and a positive work environment. Instead, the investigation has created an atmosphere of disrespect among some members of Council, City Management and workers. In addition, the reputation of the City has been tarnished. He fears that the damage the investigation has caused will be felt for some time. He has provided a copy of the report at his cost to the library for residents to read and form their own opinion. As far as further action by Council, he implores Council to put the issue behind them and move forward to work together on issues that matter to the residents.

Mr. King asked if the report can be put on the City's website.

Mrs. Day stated that it can be put on the website.

Mayor Simpson asked Mr. Campbell to clarify if he believes there was a leak of information from Executive Session.

Mr. Campbell stated that he does not believe that it has been proven that a member of Council has leaked any information. As far as a leak occurring, he is not going to judge that but there is no proof in the report, to his satisfaction, that a member of Council leaked information.

Mayor Simpson stated that she hopes that every resident who is interested in the matter reads the report. She challenged residents to come to their own conclusions. She thinks it speaks for itself.

Results of the roll call vote:

Bednar:	Yes	King:	Yes
Bramstedt:	No	Reiter:	No
Campbell:	No	Simpson:	Yes
Cromwell:	Yes		

Motion passed.

Mrs. Reiter asked if the cost for the investigation that was estimated by Mr. Smock is the final cost for the investigation.

Mr. Smock stated that the cost will be slightly higher than the cost of \$25,791.67 he has estimated thus far to cover the cost of Mr. Wrenn's services for this evening's meeting.

MANAGER'S REPORT

City Manager David Lelko reported that Council has been provided the conditions which outline the donation of a Christmas train display from Mark Ross.

Mr. King moved and Mrs. Bramstedt seconded to adopt the receipt of the donation of a Christmas train display from Mark Ross. Upon roll call vote the motion passed unanimously.

Mr. Lelko reported that according to his research, as long as there is a public access channel operating, the City's Cable Television Commission is still left with some responsibility and should continue.

Mr. Lelko reported that he has provided Council with a draft of the 2010-2014 Capital Improvement Program. Included in the report is a list of projects which staff has identified to be considered. However, no dollar amounts have yet been assigned to the projects. He asked for Council's input on the timeframe for the projects or if there are project not listed that should be. At a later time, the financial components will be discussed.

Mr. Campbell asked when the Downing Drive and local street repaving projects will go to bid.

Mr. Lelko stated that he would like to discuss the local street repavings during the 2010 budget process.

City Engineer Doug Courtney stated that he anticipates bidding the Downing Drive Sewer Project at the beginning of 2010 so that construction can begin when the weather breaks.

Mr. Lelko briefly described the local streets to be considered for repaving and noted the he is hesitant to bid the Downing Drive Project right away and suggested that the project not be bid until it is determined how it fits into the priority along with street repaving projects.

Mr. Campbell expressed concern that he did not want to wait too long to begin these projects.

Mr. King asked if the money is available, will there be enough time to allow for all the projects to be completed before the fall of 2010 once the budget is adopted.

Mr. Lelko stated that they will have a better idea of how the project costs look before the budget is finalized and can possibly proceed with engineering work prior to the budget being finalized.

PLANNING COMMISSION REPORT

Mrs. Bednar reported that Planning Commission approved the construction of steps at the Chalet.

Mrs. Bednar reported that Planning Commission recommended a complaint be filed against Chardon Park Inc. for working without an occupancy permit.

Mrs. Bednar reported that Planning Commission moved to consider enforcement action based on the failure to comply with the terms and conditions for a stream re-location by Mentor Lumber and Supply Co. The problem is that Planning Commission needs a good description showing the re-location of the stream.

Mrs. Bednar reviewed numerous issues that Planning Commission considered related to Chardon Park Inc.

COUNCIL COMMITTEE REPORTS

Safety -

Mr. Campbell reported that the Committee is working on a crosswalk issue from the student parking lot at the High School.

Mr. Campbell reported that the Committee and staff are continuing to investigate deer crossing issues.

Fire Chief Chief Gaspar reported on the upcoming Fire Levy.

Chief Gaspar reported on recent events of the Fire Department.

Mr. Cromwell asked Chief Gaspar to review the grants which the Fire Department received.

Chief Gaspar stated that since 2003, the Department has received \$416,000 in grants and reviewed the types of grants that were received.

Mr. Campbell asked Chief Gaspar to report on the grant the Fire Department received for portable and mobile radios.

Chief Gaspar reviewed the Department's need for radios and the FEMA grant for \$156,000 that was received.

Members of Council spoke in support of the Fire Department.

Service -

Mrs. Bramstedt reported that the Service Committee expects to meet before the November Council meeting.

Mrs. Bramstedt stated that the Committee will be pursuing discussions pertaining to a single trash hauler and noted that the issue can be placed on the ballot.

Mayor Simpson stated that she heard that it was clear from the residents that there was not enough interest in pursuing a single refuse hauler. She was hoping that there would be a recommendation from the Service Committee to table the issue.

Mrs. Bramstedt stated that she would consider tabling the issue but felt the City should pursue it at some point in the future. She has heard support both for and against it. If there could be a cost savings of 50%, people may support it.

Mr. King stated that he would like to see the issue come to a resolution. He does not want to see the City spending money and to send the issue to bid only to reject all bids. He felt that the issue should be tabled for one to two years.

Mrs. Bednar stated that opinions voice by a majority of people at the public forum and through written correspondence expressed an interest in having choice over the potential savings of having 1 hauler.

Mr. King moved and Mrs. Bednar seconded to table the trash hauling issue for up to one year.

Mrs. Bednar stated that the majority of feedback that was received was that people wanted to have their choice rather than savings that would have been provided by a contract with one hauler of the City.

Mrs. Reiter suggested that a survey be added to the City's newsletter.

Upon roll call vote the motion passed unanimously.

Water/Sewer -

Doug Courtney reported that the Wilson Mills Sanitary Sewer Project is close to complete. Paving will be completed in 2010.

Park/Recreation -

Mrs. Reiter thanked Lake Erie Video for putting on the movie Willy Wonka on Chardon Square.

Mrs. Reiter reported that the Park and Recreation Board discussed Michael Ibold Park.

Mrs. Reiter reviewed current Park and Recreation programs.

Mrs. Reiter reported that Mel Harder Park parking continues to be a safety concern.

Mrs. Reiter distributed a plan for revised parking which had been prepared by Doug Courtney.

Doug Courtney reviewed the plan noting that the original plan had the driveway following the gravel path; however, the park and recreation board felt that it was too close to the ballfields. A revised plan was developed to relocate the driveway and going straight to the back of the park which would require the relocation of the existing gazebo.

Council continued general discussion about the plan and requested Mr. Courtney draft a cost estimate for improving the driveway and parking lot at Mel Harder Park.

Legislative -

Mrs. Bednar reported on the Bicycle and Pedestrian Trail Plan public forum held on September 29, 2009. Comments were received from bicyclists who want the two trailheads of the Maple Highlands Trail to be connected and would like to have a way for cyclists to get to the Square. A joint meeting of Council and Planning Commission will be held on November 9, 2009 to review a master plan being put together by David Hartt.

Finance -

Finance Director Jeffrey Smock provided a summary of his memorandum to Council which requested Council authorize the income tax clerk's position to be continued and increased to 32 hours per week.

Mrs. Reiter asked for clarification if \$2 million in income generated the \$42,000 in income tax which has been identified.

Mr. Smock stated that it is not only 2008 income and the percentage would depend on what residents' work tax rate is.

Mrs. Reiter asked how much tax revenue has been collected.

Mr. Smock stated that money is just starting to come in. He noted that what has been found is just the tip of the iceberg and he hopes to collect all that has been identified.

Mrs. Reiter asked if CCA will do more work.

Mr. Smock stated that much of the work is identifying who is residing in the City and most of this information comes from landlords' renter lists. Staff has identified most the current tenants but work still needs done to identify tenants that moved out of the City.

Mrs. Reiter stated that while she is concerned about going door to door, she asked if onsite visits have been made.

Mr. Smock stated that the tax clerk was out a few times; however, during the day, most residents are not home. Additional hours for the clerk may allow for more flexibility in going door to door.

Mrs. Reiter asked if the proposed hours by Mr. Smock would be for income tax work only.

Mr. Smock stated that the requested hours would be for income tax work only.

Mr. Cromwell complemented tax clerk Barb Raikes for the work she has done; however, he is not comfortable that the majority of the tax money is collectable. So until there is a better handle on the collectability of the money, he would like to keep the hours to 16. Until enough money has been collected to pay for the position, he is not willing to expand the hours.

Mrs. Reiter noted that the position was created under the premise that it would pay for itself.

Mr. Smock stated that he does not have a doubt that the money will eventually be collected.

Mr. Cromwell stated that he would consider the issue again in the coming months.

Members of Council concurred with Mr. Cromwell.

Mrs. Bednar while she is unsure about the safety of going to the homes of residents, she suggested that a Saturday visitation be made to residents in order to see if an improved response could be found.

Mrs. Reiter moved and Mr. Campbell seconded to continue the income tax clerk position of 16 hours per week for one year with review in 3 months. Upon roll call vote the motion passed unanimously.

HEARING OF PERSONS BEFORE COUNCIL

THOSE PERSONS ON THE AGENDA

Mayor Simpson stated that a representative from the Department on Aging who was to discuss an upcoming 1-mill replacement levy, had asked to be removed from the agenda.

Jim Adams, representing the Board of mental Health and Recover Services, spoke to discuss an upcoming .7 mill levy and reviewed the services they provide to the community.

Mayor Simpson stated that the Focus Chardon Committee was postponing their presentation of the Focus Chardon survey results at the November Regular Session of Council.

GENERAL PUBLIC

Tim Kempffer, 130 Court Street, spoke in support of Mrs. Bramstedt and her character.

OLD BUSINESS

ORDINANCE NO. 2557

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JOSEPH H. WEISS, JR. FOR SERVICES AS AN ASSISTANT POLICE PROSECUTOR.

Mr. King moved and Mr. Cromwell seconded the rules be suspended and the Ordinance be read for the third time by title only. Upon roll call vote the motion passed unanimously.

Ordinance No. 2557 was then read for third time by title only.

Mr. King moved and Mr. Cromwell seconded for the adoption of Ordinance No. 2557.

Mr. King asked if there is any increase to the salary or compensation of Mr. Weiss.

Mr. Gillette stated that there is no proposed increase for Mr. Weiss.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 2558

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DENNIS COYNE FOR SERVICES AS AN ASSISTANT POLICE PROSECUTOR.

Mr. King moved and Mr. Cromwell seconded the Ordinance be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Ordinance No. 2558 was then read for the second and third time by title only.

Mr. Cromwell moved and Mr. King seconded for the adoption of Ordinance No. 2558.

Mr. King asked if there is any increase to the salary or compensation of Mr. Coyne.

Mr. Gillette stated that there is no proposed increase.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 2559

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS FOR THE SERVICES OF JAMES M. GILLETTE AS LAW DIRECTOR.

Mr. King moved and Mr. Cromwell seconded the Ordinance be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Ordinance No. 2559 was then read for the second and third time by title only.

Mr. Cromwell moved and Mr. King seconded for the adoption of Ordinance No. 2559.

Mr. King asked if there is any increase to the salary or compensation.

Mr. Gillette stated that there is no proposed increase.

Upon roll call vote the motion passed unanimously.

NEW BUSINESS

Regarding the disposal of equipment which is of no use or value to the City, Mr. King moved and Mrs. Bramstedt seconded to authorize an online auction of property items included in the memorandum from the Clerk of Council dated October 1, 2009.

Mrs. Bramstedt asked how it would be determined which items would be sold and which items would be discarded.

Mr. Gillette stated that which items would be discarded would be determined by the Police Chief.

Mrs. Bramstedt stated that she is happy to see this issue which she had brought up come to fruition.

LEGISLATION - none.

REVIEW OF EXPENDITURES

Mr. Cromwell reported that all expenditures were in order.

EXECUTIVE SESSION

Mr. King moved and Mr. Campbell seconded to adjourn to Executive Session at 8:53 P.M. for the purpose of discussing personnel regarding members of Council, Police Department and Park and Recreation Board, property acquisition, and appointments to Boards and Commissions.

Upon roll call vote the motion passed unanimously.

Discussion occurred regarding the hiring of Police Department dispatchers.

Discussion occurred regarding the acquisition of property for recreation.

Discussion occurred regarding Council conduct.

Discussion occurred regarding attendance of park and recreation board members.

Discussion occurred regarding the acquisition of a right of way off Water Street.

Discussion occurred regarding appointment of members to Cable Television Commission and Park and Recreation Board.

The meeting reconvened to open session at 9:50 P.M.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Mr. Campbell moved and Mrs. Reiter seconded to appoint Kimberly Mattson as a part-time dispatcher. Upon roll call vote the motion passed unanimously.

Mr. Campbell moved and Mrs. Reiter seconded to appoint Lindsey Spidalieri as a part-time dispatcher. Upon roll call vote the motion passed unanimously.

Council set meeting dates on October 26, 2009 and November 16, 2009 for joint sessions of Council and Planning Commission to discuss updating of the planning and zoning code.

Mayor Simpson thanked those who participated in putting on the Fall Fest held on October 3, 2009

Mayor Simpson noted that she attended the Chagrin River Watershed Partnership meeting at which the City of Chardon was identified as a member of the Chagrin River growth plan. She noted that there is also no increase for the dues for 2010.

Mayor Simpson reported that the Board of Mental Health is struggling with severe budget cuts as was reported at the Family First Council Meeting.

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

The meeting adjourned at 10:01 P.M.

Attest:

KAREN S. SIMPSON, Mayor
President of Council

AMY DAY
Clerk of Council