

REGULAR SESSION

January 10, 2019

The Council of the City of Chardon met in Regular Session Thursday, January 10, 2019 at 6:30 P.M. in Council Chambers of the Chardon Municipal Center.

Jeffrey Smock, President of Council presiding.

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

Members of Council present: Andrew Blackley, Deborah Chuha, Chris Grau, David Lelko, Daniel Meleski, Jeffrey Smock.

Members of Council absent: Nancy McArthur.

Others Present: City Manager Randy Sharpe, Finance Director Mate Rogonjic, Clerk of Council Amy Day, Law Director James Gillette, City Engineer Doug Courtney, Community Development Administrator Steve Yaney, Public Service Director Paul Hornyak, Amy Patterson, Bill Hess, P. David Carlson, Rafe Proctor, Andrew Proctor, Joe Koziol, Hannah Sekas, Brad Sekas, Colin Wantz, Mark Wallach, Ben Chojnacki.

APPROVAL OF MINUTES

Mrs. Chuha noted a grammatical correction to page 9 of the Regular Session minutes.

Mr. Lelko noted a spelling correction to page 3 of the Joint Special Session minutes.

Mayor Smock noted Mrs. McArthur should be added to members of Council present at the Joint Special Session. Also the Regular Session minutes should reflect that the Resolution Nos. 26-18 and 27-18 were read by title only and the member of Council who seconded the motion to suspend the rules for Resolution No. 27-18 needs to be identified.

Mrs. Chuha moved and Mr. Grau seconded to approve the minutes of the December 5, 2018 Joint Special Session, December 13, 2018 Public Hearing and December 13, 2018 Regular Session as amended.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 1-19

A RESOLUTION OF APPRECIATION FOR ANDREW KRAGE was read for the first time in its entirety.

Mr. Blackley moved and Mrs. Chuha 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. 1-19 was then read for the second and third time by title only.

Mr. Blackley moved and Mr. Meleski seconded for the adoption of Resolution No. 1-19.

Upon roll call vote the motion passed unanimously.

Members of Council thanked Mr. Krage for his years of dedication to the Shade Tree Commission.

EXECUTIVE SESSION -

Mr. Meleski moved and Mrs. Chuha seconded to adjourn to Executive Session at 6:39 p.m. for the purpose of discussing pending litigation involving Loreto Development vs.

the City of Chardon and invite legal counsel and Doug Courtney into the session. Upon roll call vote the motion passed unanimously.

Discussion occurred regarding pending litigation involving Loreto Development vs. the City of Chardon.

Meeting reconvened at 7:36 p.m.

MANAGER'S REPORT

Mr. Sharpe reported that the 2018 Heritage Home Program fielded 9 inquiries, conducted 4 site visits, and held 1 regional public information session.

Mr. Sharpe reported that an ordinance authorizing the City Manager to enter into a contract with Pease-Kerr Insurance Partners for property and liability insurance is on the agenda under Legislation. The premium of \$122,179 represents an increase of \$2,723 more than the expiring premium. Included in the renewal pricing is a 2% adjustment in both the property and inland marine limits to account for building cost inflation and \$250,000 for traffic signals.

Mr. Sharpe reported on the status of public works projects.

Mr. Sharpe reported that Jessica Gillenwater has been hired as Vicki Pallat's replacement as Finance Accounting Clerk, Mike Butt has been selected as Chris Moore's replacement as Lands and Buildings Supervisor, and Derek Carlson has been appointed as Mike Shaw's replacement as School Resource Officer.

Mr. Sharpe reported on a recent school facilities advisory committee meeting where future facilities continued to be discussed.

Mr. Sharpe reported that the Shade Tree Commission met and reviewed the Law Director's opinion on the City's responsibility for property damage and injury resulting from fallen trees and limbs. The Commission concurred and supported the Law Director's opinion regarding the process for the removal of a hazard on private property.

Mr. Sharpe reported on the leaf collection amounts for the last four (4) years and noted that 112 loads of leaves were collected this season.

PLANNING COMMISSION REPORT

Community Development Administrator Steve Yaney reviewed the 4th quarter economic development report.

COUNCIL COMMITTEE REPORTS

Legislative

David Lelko reported that the Committee discussed issues related to Charter amendments which are on the agenda under Legislation.

HEARING OF PERSONS BEFORE COUNCIL

THOSE PERSONS ON THE AGENDA - none.

GENERAL PUBLIC - none.

OLD BUSINESS -

Regarding the review of bid specifications for refuse collection and disposal, Law Director James Gillette provided a summary of the bid results received from four (4) waste haulers.

Steve Yaney provided a history about the single refuse collection program being considered.

Mr. Yaney reviewed staff's recommendation for the best bid which is a base bid by Waste Management for trash and bi-weekly recycling at an average price of \$17.49/month over a 5-year period. He added that the cost for bag service would be \$2.70 per bag.

Mr. Sharpe stated that a second option for Council to consider includes weekly trash service with subscription recycling at an average cost of \$13.43/month for trash only and \$21.67/month for trash and subscription recycling.

Mayor Smock stated that he would like to have some consensus by Council so that legislation can be prepared for February.

Members of Council asked general questions about the prices in the bids.

Mr. Grau asked general questions about the bag service.

Mr. Meleski asked if any administrative and additional charges will be added to the bid prices. He also spoke in support of a recycling program.

Mr. Yaney stated that all the fees are included in the bid price.

Mr. Smock stated that the base bid with bi-weekly recycling would mean a savings of almost \$250/year for him and so the program saves money. He added that this program will also save the City money because an additional amount will not be charged for the annual trash day.

Mr. Blackley stated that he believes the base bid option with bi-weekly recycling is a valuable option.

Mayor Smock asked members of Council which service they prefer.

Mr. Lelko stated that he would like to see ordinances for both the base bid and alternate presented to Council in February.

Mr. Blackley stated that he is in favor of the base bid.

Mr. Meleski stated that he is in favor of the base bid.

Mr. Grau stated that he is leaning towards the alternate bid.

Mr. Lelko stated that he is also leaning towards the alternate bid.

Mr. Gillette stated that he can prepare two ordinances for Council to consider in February.

NEW BUSINESS

Regarding the consideration of a revised job description for the Parks and Recreation Director, Mr. Sharpe reviewed changes being proposed to the job description.

Mrs. Chuha moved and Mr. Meleski seconded to approve the revised job description for the Parks and Recreation Director as presented.

Mr. Grau asked if the job description should include the development of a comprehensive recreation plan.

Mr. Sharpe stated that this can be communicated during the interview process but he did not think it was necessary to include in the job description.

Upon roll call vote the motion passed unanimously.

LEGISLATION

RESOLUTION NO. 2-19

A RESOLUTION AUTHORIZING THE DISPOSITION OF PROPERTY UNNEEDED, OBSOLETE OR UNFIT FOR MUNICIPAL PURPOSES BY INTERNET AUCTION SALE AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Meleski moved and Mrs. Chuha 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. 2-19 was then read for the second and third time by title only.

Mr. Blackley moved and Mr. Grau seconded for the adoption of Resolution No. 2-19.

Mr. Sharpe stated that the Ohio Revised Code requires the City enact the legislation annually in order for the City to dispose of property that is no longer needed.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3049

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT/AGREEMENT WITH PEASE-KERR INSURANCE PARTNERS FOR THE PROPERTY, INLAND MARINE, EDP, CRIME, BOILER AND MACHINERY, AUTOMOBILE LIABILITY, COMPREHENSIVE MUNICIPAL LIABILITY, LAW ENFORCEMENT LIABILITY, PUBLIC OFFICIALS LIABILITY AND UMBRELLA EXCESS LIABILITY COVERAGES, AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Meleski moved and Mr. Grau 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. 3049 was then read for the second and third time by title only.

Mrs. Chuha moved and Mr. Meleski seconded for the adoption of Ordinance No. 3049.

Mr. Sharpe stated that the City's insurance broker has recommended Pease-Kerr Insurance Partners which has reliably provided the City's coverage for many years.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3050

AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE CITY OF CHARDON THE QUESTION OF AMENDING SECTION 11.01 METHODS AND PROCEDURES OF THE CITY CHARTER TO REQUIRE THE NUMBER OF SIGNATURES ON A CHARTER INITIATIVE PETITION TO BE 10% OF THE NUMBER OF ELECTORS IN THE CITY OF CHARDON WHO VOTED FOR GOVERNOR AT THE MOST RECENT GENERAL ELECTION AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Meleski moved and Mr. Grau 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. 3050 was then read for the second and third time by title only.

Mr. Blackley moved and Mrs. Chuha seconded for the adoption of Ordinance No. 3050.

Mr. Gillette stated that there are two constitutional provisions that address the number of signatures required for an initiative petition. One addresses an initiative petition in general and the other addresses an initiative petition for an amendment to the Charter. A decision had been made by the Ohio Supreme Court that it should be 10% of the electors who voted in the last gubernatorial election and it was also the opinion of the County Prosecutor and the Board of Elections. As a result, he felt it was appropriate to amend the City Charter to be consistent with the Supreme Court decision whenever there is an initiative petition to amend the Charter.

Hannah Sekas, 390 Park Avenue, questioned if the number should be based on those who voted in the last general election or the number who voted for the governor.

Mr. Gillette stated that it should be 10% of the voters who voted at the last gubernatorial election.

Mr. Lelko noted that the Legislative Committee reviewed the issue and has recommended its approval.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3051

AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE CITY OF CHARDON THE QUESTION OF AMENDING VARIOUS SECTIONS OF THE CITY CHARTER TO: PROVIDE FOR A MAYOR TO BE ELECTED BY THE CITY'S ELECTORATE IN 2021 AND TO ALSO SERVE AS A SEVENTH COUNCIL MEMBER; TO PROVIDE FOR THE AUTHORITY, DUTIES AND COMPENSATION OF THE MAYOR; TO PROVIDE FOR SIX OTHER ELECTED COUNCIL MEMBERS; TO PROVIDE FOR A VICE-MAYOR TO BE RECOMMENDED BY THE MAYOR AND AFFIRMED BY THE MEMBERS OF COUNCIL AND TO ACT AS MAYOR IN THE MAYOR'S ABSENCE OR INABILITY TO SERVE AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Grau moved and Mr. Meleski 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. 3051 was then read for the second and third time by title only.

Mr. Meleski moved and Mr. Blackley seconded for the adoption of Ordinance No. 3051.

Mr. Gillette explained that the Legislative Committee discussed and recommended various amendments to the City Charter to add back in some of the language that was inadvertently removed from the Charter as a result of the passage of Issue 14.

Mr. Gillette began by reviewing a proposed amendments to Section 2.01 - Form of Government and Section 3.01 Compensation and Terms. He stated that the proposed Charter amendment would add back some of the language from the Charter that was not included in the petition.

Mr. Gillette reviewed changes to Section 3.03 - The Mayor. He explained that the amendment proposes to shift the election of a Mayor to 2021 instead of 2019 so that all terms will be 4-year terms. In addition, the proposed change would require the Mayor preside over all meetings of Council rather than all meetings.

Mr. Gillette reviewed changes to Section 3.04 - The Vice-Mayor. He explained that the amendment proposes that at Council's organizational meeting following each municipal election, the Mayor will recommend a Vice-Mayor for a 2-year term which at least four (4) members of Council must affirm. In addition, a

Vice-Mayor will serve as acting Mayor until a new one is elected if the Mayor is not able to serve.

Mr. Gillette reviewed changes to Section 3.11 - Salaries and Compensation, which includes some language that was inadvertently omitted from the petition. In addition, it provides for compensation for the Vice-Mayor.

Mr. Gillette reviewed changes to Section 3.12 - Vacancies which includes some language that was inadvertently omitted from the petition. In addition, it provides that if the Mayor's position becomes vacant, the Vice-Mayor shall be acting Mayor until a successor is elected.

Mr. Lelko noted that if the Vice-Mayor becomes acting Mayor, their seat on Council will remain open until a new Mayor is elected.

Mr. Meleski noted that due to the unbalanced staggering of Council terms, the election of a Mayor is being proposed to move from 2019 to 2021.

Hannah Sekas noted that all of the language from the Codified Ordinances was submitted with the initiative petition she submitted to the City.

Mayor Smock asked if Ms. Sekas and members of her group were in support of the proposed Charter amendments.

Ms. Sekas stated that she supports the proposed Charter amendments.

Mayor Smock stated that Mrs. McArthur has indicated that she is also in agreement with the proposed Charter amendments.

Upon roll call vote the motion passed unanimously.

REVIEW OF EXPENDITURES

Mr. Meleski reported that expenditures were in order.

EXECUTIVE SESSION -

Mr. Meleski moved and Mr. Grau seconded to adjourn to Executive Session at 9:05 p.m. for the purpose of discussing threatened litigation involving the Geauga County Commissioners, pending litigation involving Sage vs. the City of Chardon, and appointments to Boards and Commissions. Upon roll call vote the motion passed unanimously.

Discussion occurred regarding threatened litigation involving the Geauga County Commissioners.

Discussion occurred regarding pending litigation involving Sage vs. the City of Chardon.

Discussion occurred regarding appointments to Boards and Commissions.

Meeting reconvened at 10:27 p.m.

APPOINTMENTS TO BOARDS AND COMMISSIONS

The Clerk read the proposed appointments to Boards and Commissions:

SHADE TREE COMMISSION - 3 year term ending 12/31/2021

Tvergyak, Jr., Michael

CIVIL SERVICE COMMISSION - 3 year term ending 12/31/2021
Lowe, David

BOARD OF ETHICS REVIEW -3 year term ending 12/31/2021
Yeomans, Edward

AUDIT COMMITTEE - 3 year term ending 12/31/2021
Kimbrew, Betty

BOARD OF INCOME TAX REVIEW - 2 year term ending 12/31/2020
Wantz, Colin

GEAUGA COUNTY COMMUNITY IMPROVEMENT CORPORATION - 1 year term ending 12/31/19
Smock, Jeffrey (Mayor)

PARK AND RECREATION BOARD - unexpired term ending 12/31/21
Dielman, Michael

Mrs. Chuha moved and Mr. Meleski seconded to approve the Board and Commission appointments as presented. Upon roll call vote the motion passed unanimously.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Mr. Blackley moved and Mr. Grau seconded to hire Richard Bowen and Associates to perform a study of the County’s continued use of the Courthouse and some additional property on the Square for their proposed move at a cost of \$8,400 to be completed in a 3-4 week timeframe. Upon roll call vote the motion passed unanimously.

Mr. Grau provided an update on the activities of the Geauga Lyric Theater Guild.

ADJOURN

Mrs. Chuha moved and Mr. Meleski seconded to adjourn. Upon voice vote the motion passed unanimously.

The meeting adjourned at 10:36 p.m.

Attest:

JEFFREY L. SMOCK, Mayor
President of Council

AMY DAY
Clerk of Council