

REGULAR SESSION

February 14, 2019

The Council of the City of Chardon met in Regular Session Thursday, February 14, 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, Nancy McArthur, Daniel Meleski, Jeffrey Smock.

Members of Council absent: none.

Others Present: City Manager Randy Sharpe, Finance Director Mate Rogonjic, Clerk of Council Amy Day, Law Director James Gillette, Police Chief Scott Niehus, City Engineer Doug Courtney, Community Development Administrator Steve Yaney, Public Service Director Paul Hornyak, Amy Patterson, Heather Means, Denali Selent, Joe Koziol, Bill Hess, Vicki Pallat, Vince Crawford.

**APPROVAL OF MINUTES**

Mr. Blackley moved and Mr. Grau seconded to approve the minutes of the January 10, 2019 Regular Session as presented.

Results of the roll call vote:

Blackley: Yes  
Chuha: Yes  
Grau: Yes  
Lelko: Yes  
McArthur: Abstain  
Meleski: Yes  
Smock: Yes

Motion passed.

Mr. Blackley moved and Mr. Grau seconded to approve the minutes of the January 22, 2019 Special Session as presented.

Results of the roll call vote:

Blackley: Yes  
Chuha: Yes  
Grau: Yes  
Lelko: Yes  
McArthur: Yes  
Meleski: Abstain  
Smock: Yes

Motion passed.

**RESOLUTION NO. 3-19**

A RESOLUTION OF APPRECIATION FOR VICKI PALLAT was read for the first time in its entirety.

Mr. Blackley moved and Mrs. McArthur 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. 3-19 was then read for the second and third time by title only.

Mr. Grau moved and Mr. Meleski seconded for the adoption of Resolution No. 3-19.

Members of Council and staff thanked Ms. Pallat for her years of service and wished her well in her retirement.

Upon roll call vote the motion passed unanimously.

#### **MANAGER'S REPORT**

Mr. Sharpe reported that the Illuminating Company began the installation of the first 133 LED street lights.

Mr. Sharpe reported that the position of Parks & Recreation Director is currently being advertised.

Mr. Sharpe reported that the bid opening for the 2019 Street Maintenance Program will be held on March 8, 2019 at 11:00 a.m.

Mr. Sharpe reported that Omar Williams has been hired as a Maintenance Worker in the Street Department.

Mr. Sharpe reported on the status of capital projects.

#### **PLANNING COMMISSION REPORT**

Mr. Blackley reported that Planning Commission met and approved the Comprehensive Plan Update.

Mr. Blackley reported that Planning Commission heard an informal presentation for a distillery on Cherry Avenue from representatives of Seven Brothers Distillery.

#### **COUNCIL COMMITTEE REPORTS**

##### **Safety Committee**

Mr. Grau reported that the Committee met and discussed the removal of signs prohibiting left turns onto East King Street from South Hamden Street. After hearing a report from the Police Chief, the Committee recommended the signs be removed and turns be permitted.

Mr. Blackley noted that the Committee had been waiting for the completion of East King Street construction before making a recommendation.

Mr. Grau reported that the City's Emergency Operations Plan is continuing to be worked on.

##### **Service Committee**

Mr. Blackley reported that the Committee met and discussed the 2019 Street Maintenance Program.

Mr. Blackley reported that the Committee discussed cost-sharing with the County for the repaving of a small portion of Mentor Road.

Mr. Blackley reported that ODOT is exploring the possibility of an electric vehicle recharging station in the City.

Mr. Blackley reported that the Committee discussed the repair of the gazebo.

#### **Water/Sewer Committee**

Ms. Chuha reported that legislation is on the agenda for the purchase of a sewer jet truck which the Committee has recommended.

#### **Finance Committee**

Mr. Meleski reported that the Committee met and reviewed Council salaries. The Committee recommended the salaries remain at their current levels and the Finance Committee review salaries every other year, at least 120 days prior to Council elections.

#### **HEARING OF PERSONS BEFORE COUNCIL**

##### THOSE PERSONS ON THE AGENDA

Heather Means introduced Denali Selent who addressed Council to request permission to install a Little Free Food Pantry at 106 Water Street as a Girl Scout Gold Award Project.

Ms. Means explained that the food pantry would be accessible 24 hours/day and would be maintained by both the Girl Scouts and Chardon Square Association.

Mayor Smock questioned the effect the change in temperature would have on the contents of the food pantry.

Ms. Means stated that the pantry would be well maintained by both organizations.

Mr. Grau expressed his support for the food pantry.

Mrs. Chuha moved and Mr. Meleski seconded to authorize a Free Little Food Pantry at 106 Water Street. Upon roll call vote the motion passed unanimously.

##### GENERAL PUBLIC

Vince Crawford, representing Waste Management, commented on the legislation Council will be considering regarding a single hauler for trash and recycling. He stated that all cities that have a single hauler contract through Waste Management, offer both trash and recycling services. He stated that the vast majority of residents will utilize recycling, and in addition, drop-off locations are closing which will limit recycling options for residents.

Mrs. McArthur asked Mr. Crawford to respond to concerns from people who are anticipating that Waste Management will increase their prices.

Mr. Crawford stated that the prices are contracted and set for the next 5 years.

**OLD BUSINESS** - none.

**NEW BUSINESS**

The 2019 annual budget meeting was set for March 21, 2019 at 6:30 p.m.

**LEGISLATION**

Mr. Grau moved and Mr. Blackley seconded to remove AN ORDINANCE REPEALING THE PROHIBITION OF TURNING LEFT FROM SOUTH HAMB DEN STREET TO EAST KING STREET IN THE CITY OF CHARDON, OHIO DURING THE HOURS OF 6:00 A.M. AND 8:30 A.M. from the table. Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 3052**

AN ORDINANCE REPEALING THE PROHIBITION OF TURNING LEFT FROM SOUTH HAMB DEN STREET TO EAST KING STREET IN THE CITY OF CHARDON, OHIO DURING THE HOURS OF 6:00 A.M. AND 8:30 A.M. was read for the first time by title only.

Mrs. McArthur 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. 3052 was then read for the second and third time by title only.

Mr. Grau moved and Mr. Blackley seconded for the adoption of Ordinance No. 3052.

Chief Niehus stated that a resident had expressed that the prohibition to turn left onto East King Street was causing problems for him and other residents. The intersection was investigated and he does not believe that removing the prohibition will cause any concerns.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 3053**

AN ORDINANCE ADOPTING THE COMPREHENSIVE PLAN UPDATE DATED JANUARY 7, 2019 was read for the first time by title only.

Mr. Meleski moved and Mrs. Chuha 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. 3053 was then read for the second and third time by title only.

Mr. Blackley moved and Mrs. McArthur seconded for the adoption of Ordinance No. 3053.

David Hartt, Senior Advisor for CT Consultants, explained the process taken to update the Comprehensive Plan including joint meetings and public forums. He stated that in going through the process of updating the plan, there were little changes desired from the 2008 plan. He stated that the City continues to work

towards being a complete small town and he reviewed five main takeaways from the review of the plan which include:

- Continued focus on the Importance of the Square
- Promoting diverse housing
- Allowing more flexibility in zoning districts
- Ensuring residential densities that are economically effective.
- Pursuing economic development more aggressively.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 3054**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN AN EXCLUSIVE CONTRACT WITH WASTE MANAGEMENT OF OHIO, INC. TO PROVIDE WEEKLY SOLID WASTE AND REFUSE COLLECTION AND DISPOSAL SERVICES AND BI-WEEKLY RECYCLING SERVICE TO THE RESIDENTS OF THE CITY OF CHARDON AND TO PROVIDE SOLID WASTE COLLECTION AND DISPOSAL SERVICES FOR THE CITY OF CHARDON was read for the first time by title only.

Mrs. McArthur 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. 3054 was then read for the second and third time by title only.

Mr. Blackley moved and Mrs. McArthur seconded for the adoption of Ordinance No. 3054.

Mr. Meleski stated that his recommendation would be to enter into a contract that includes recycling because the cost is minor and it gives residents the opportunity to recycle easily.

Mr. Blackley concurred with Mr. Meleski's comment.

Mr. Grau spoke in support of this ordinance that includes recycling services.

Mrs. McArthur stated that she supports the ordinance that includes recycling and noted that having curbside recycling will be a great benefit and value to residents.

Mr. Lelko stated that he does not support this ordinance that includes recycling services for the following reasons:

- He does not believe payment for recycling should be forced on residents when only 35% of Waste Management customers in the City currently contract for curbside recycling.
- Those using a bag service will be charged a monthly amount for recycling.
- Not all residents have space for a second tote.
- Geauga-Trumbull Solid Waste Management District is in the process of constructing a recycling site just outside the City.

Mayor Smock stated that he supported the ordinance because he wants to encourage recycling and residents will still be saving a lot of money under the single hauler contract with recycling.

Mrs. McArthur asked if residents who do not wish to recycle will be forced to recycle.

Mayor Smock stated that recycling is not a requirement but the

recycling cost will be included in the monthly rate.

Mrs. Chuha stated that the residents she spoke with had split opinions about whether they would recycle.

Results of the roll call vote:

Blackley: Yes  
Chuha: Yes  
Grau: Yes  
Lelko: No  
McArthur: Yes  
Meleski: Yes  
Smock: Yes

Motion passed.

General discussion occurred regarding the initiation of the single hauler trash and recycling program.

Mrs. McArthur moved and Mr. Meleski seconded to remove item 12D, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN AN EXCLUSIVE CONTRACT WITH WASTE MANAGEMENT OF OHIO, INC. TO PROVIDE WEEKLY SOLID WASTE AND REFUSE COLLECTION AND DISPOSAL SERVICES AND OPTIONAL BI-WEEKLY RECYCLING SERVICE TO THE RESIDENTS OF THE CITY OF CHARDON AND TO PROVIDE SOLID WASTE COLLECTION AND DISPOSAL SERVICES FOR THE CITY OF CHARDON from the agenda. Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 3055**

AN ORDINANCE ENACTING NEW CHAPTER 947 OF THE CODIFIED ORDINANCES TO PROVIDE REGULATIONS FOR THE CITY OF CHARDON REFUSE COLLECTION SERVICES FOR RESIDENTIAL PROPERTIES, AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. McArthur 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. 3055 was then read for the second and third time by title only.

Mrs. McArthur moved and Mr. Blackley seconded for the adoption of Ordinance No. 3055.

Mayor Smock asked for clarification regarding the City's responsibility for delinquent accounts.

Mr. Gillette stated that if someone does not make payment to Waste Management, Waste Management can institute collection proceedings or the City could file a complaint against the homeowner for failing to pay the cost of refuse collection.

Mayor Smock asked if Waste Management can force the City to try to collect for non-payment.

Mr. Gillette stated that no, any criminal action is at the discretion of the City.

Mr. Lelko stated that he does not want the City getting involved in bill collecting.

Mr. Gillette stated that the penalty in the ordinance is for violation of any section.

Discussion occurred regarding how uncollected garbage will be addressed.

Mr. Gillette stated that uncollected garbage will be declared a nuisance and will be subject to the penalties in Section 945.13.

Mayor Smock asked if the City will be a retailer of approved refuse bags.

Mr. Yaney stated that the intent is not for the City to be a retailer for the bags; however if there are not any local retailers available to sell the bags, the City would need to be available to sell them.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 3056**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTION AND TO EXECUTE ALL AGREEMENTS TO ACCEPT A NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Blackley 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. 3056 was then read for the second and third time by title only.

Mrs. McArthur moved and Mr. Meleski seconded for the adoption of Ordinance No. 3056.

Mr. Sharpe stated that the City is eligible to apply for and receive a NOPEC grant that the City would use for LED street lighting conversion.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 3057**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LPA FEDERAL ODOT-LET PROJECT AGREEMENT WITH THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION BE USED FOR THE CONSTRUCTION OF A SECTION OF THE MAPLE HIGHLANDS MULTI PURPOSE TRAIL AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. McArthur 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. 3057 was then read for the second and third time by title only.

Mrs. Chuha moved and Mr. Grau seconded for the adoption of Ordinance No. 3057.

Mr. Sharpe stated that the ordinance would allow the City to enter into an agreement with ODOT to oversee the construction of the second phase of the Maple Highlands Trail.

Mr. Lelko expressed concern if the City is not happy with the quality of the work when it has been approved by ODOT inspectors.

City Engineer Doug Courtney stated that if the City is not satisfied with the project, the City can take the issue up with ODOT.

Mr. Hornyak stated that ODOT gives final approval but the City, as the client, has the final say.

Mr. Lelko asked what happens if substandard work is performed during construction.

Mr. Hornyak stated the work being done is based on ODOT criteria.

Mr. Blackley stated that the City does not have much choice because most consultants do not have ODOT pre-qualified inspectors on staff.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 3058**

AN ORDINANCE APPROVING THE SOLID WASTE MANAGEMENT PLAN OF THE GEAUGA TRUMBULL SOLID WASTE MANAGEMENT DISTRICT AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Blackley moved and Mrs. McArthur 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. 3058 was then read for the second and third time by title only.

Mrs. McArthur moved and Mrs. Chuha seconded for the adoption of Ordinance No. 3058.

Mr. Hornyak stated that the Geauga Trumbull Solid Waste Management District is required to update their plan which needs ratified by 60% of the political subdivisions.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 3059**

AN ORDINANCE AMENDING APPROPRIATIONS IN THE CITY OF CHARDON TREASURY FOR 2019 AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Blackley 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. 3059 was then read for the second and third time by title only.

Mrs. McArthur moved and Mrs. Chuha seconded for the adoption of Ordinance No. 3059.

Mr. Rogonjic stated that the amended appropriations would increase appropriations to allow for the purchase of a new sewer jet truck as recommended by the Water and Sewer Committee.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 3060**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT/AGREEMENT WITH MTECH COMPANY FOR THE PURCHASE OF ONE (1) DYNA-JET 8025 JET TRUCK THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES AND WITHOUT BID PURSUANT TO SECTION 125.04(B) OF THE OHIO REVISED CODE AND THE SALE OF ONE (1) 1999 STERLING SEWER JET TRUCK AS A TRADE-IN AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. McArthur 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. 3060 was then read for the second and third time by title only.

Mr. Blackley moved and Mrs. McArthur seconded for the adoption of Ordinance No. 3060.

Mr. Hornyak stated that the City's sewer jet truck's pump and apparatus is in need of replacement. A demo model was located and \$8,500 was offered as a trade-in amount.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 3061**

AN ORDINANCE ACCEPTING AND APPROVING THE RAILROAD TRUNK SEWER AND CHERRY AVENUE IMPROVEMENTS, PROJECT NO. 6-137 AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. McArthur 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. 3061 was then read for the second and third time by title only.

Mrs. McArthur moved and Mr. Blackley seconded for the adoption of Ordinance No. 3061.

Mr. Courtney stated that the project is complete and final quantities are agreed to with the exception of trees and grass that need planted.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 3062**

AN ORDINANCE AMENDING CHAPTER 923 OF THE CODIFIED ORDINANCES CREATING THE INDUSTRIAL PARKWAY SERVICE AREA OF THE RAILROAD TRUNK SANITARY SEWER DISTRICT, REQUIRING PROPERTY OWNERS TO CONNECT TO THE SANITARY SEWER, AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. McArthur 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. 3062 was then read for the second and third time by title only.

Mrs. Chuha moved and Mr. Blackley seconded for the adoption of Ordinance No. 3062.

Mr. Gillette stated that the ordinance creates a service area for the Railroad Trunk Sanitary Sewer District so that the City can require the developed parcels to connect to the trunk sewer by March 1, 2020 and so that tap-in fees can be imposed for these properties.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 3063**

AN ORDINANCE AMENDING CHAPTER 923 OF THE CODIFIED ORDINANCES, LEVYING A TAP-IN FEE FOR CERTAIN USER CONNECTIONS IN THE INDUSTRIAL PARKWAY SERVICE AREA OF THE RAILROAD TRUNK SANITARY SEWER DISTRICT AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. McArthur 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. 3063 was then read for the second and third time by title only.

Mrs. McArthur moved and Mr. Chuha seconded for the adoption of Ordinance No. 3063.

Mr. Gillette stated that the ordinance allows the City to charge a tap-in fee to the new users of the Railroad Trunk Sewer for their proportionate share of the construction cost of the sewer. The specific tap-in fee costs are listed in the ordinance and will be paid at the time each of the property owners apply for a zoning permit prior to the start of construction (except Park Leasing Group) or in the alternative, if they are existing users, they must pay the fee by the time they connect prior to March 1, 2020.

Mr. Rogonjic provided a brief history about how the fees were determined and explained that the cost for current customers was based on usage history and the cost for new users was based on zoning and EPA requirements.

Mrs. McArthur asked if the only time a tap-in fee is charged is when the parcel is developed.

Mr. Gillette stated that yes, the only time they incur a tap-in fee is when the parcel is developed.

Mr. Meleski asked if the property owners are aware of the tap-in fees and are somewhat in agreement to them.

Mr. Rogonjic stated that the businesses are not aware of the actual costs because up until this point, the costs were estimates.

Upon roll call vote the motion passed unanimously.

**REVIEW OF EXPENDITURES**

Mr. Meleski reported that expenditures were in order. He noted that he discussed the use of the "Then and Now" stamps for subscriptions in the first quarter with the Finance Director.

Mr. Sharpe stated that the importance of having a purchase order in place prior to first quarter membership and subscription invoices was discussed with staff.

Mrs. McArthur asked if the "Then and Now" stamp affects the City's audits.

Mr. Rogonjic stated that the auditors main focus is that the "Then and Now" stamp was appropriately certified by the Fiscal Officer.

**EXECUTIVE SESSION**

Mr. Meleski moved and Mrs. McArthur seconded to adjourn to Executive Session at 8:31 p.m. for the purpose of discussing threatened litigation involving the County, pending litigation involving Sage vs. City of Chardon, personnel involving the City Manager's contract and collective bargaining involving the OPBA and invite Scott Niehus into the session.

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

Discussion occurred regarding collective bargaining involving the OPBA.

Discussion occurred regarding threatened litigation involving the County.

Discussion occurred regarding personnel involving the City Manager's contract.

Meeting reconvened at 9:48 p.m.

**ANY OTHER BUSINESS TO COME BEFORE COUNCIL - none.**

**ADJOURN**

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

The meeting adjourned at 9:51 p.m.

Attest:

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JEFFREY L. SMOCK, Mayor  
President of Council

\_\_\_\_\_  
AMY DAY  
Clerk of Council