

REGULAR SESSION

April 11, 2019

The Council of the City of Chardon met in Regular Session Thursday, April 11, 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, Fire Chief Larry Gaspar, Joe Koziol, Amy Patterson, Jonathan Schneider, David Conley, Marci Mondello King, Susan Parker, Ken Ovark, Paul Ovark, Jim McClintock, Stacia Clawson.

APPROVAL OF MINUTES

Mrs. McArthur moved and Mrs. Chuha seconded to approve the minutes of the February 14, 2019 Regular Session and February 20, 2019 Special Session minutes.

Mayor Smock noted that the Regular Session minutes should reflect that discussion during Executive Session involved threatened litigation involving the County.

Mr. Blackley noted that the Regular Session minutes should reflect that during the Service Committee report, ODOT rather than the City, is exploring the possibility of an electric vehicle recharging station.

Mr. Lelko asked that the Regular Session minutes be amended to reflect that one of his objections to the inclusion of recycling in the single trash hauler contract was because he did not believe that payment for recycling should be forced on residents.

No member of Council had any objections to the corrections.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 4-19

A RESOLUTION OF APPRECIATION FOR STEVEN BORAWSKI was read for the first time in its entirety.

Mr. Grau moved and Mr. Meleski 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. 4-19 was then read for the second and third time by title only.

Mrs. McArthur moved and Mrs. Chuha seconded for the adoption of Resolution No. 4-19.

Upon roll call vote the motion passed unanimously.

Mr. Borawski thanked Council, staff and residents for the opportunity to serve the community for 24 years.

Members of Council and staff thanked Mr. Borawski for his years of service.

RESOLUTION NO. 5-19

A RESOLUTION OF APPRECIATION FOR CHRISTIAN GIZA was read for the first time in its entirety.

Mrs. McArthur moved and Mr. Meleski 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. 5-19 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. 5-19.

Upon roll call vote the motion passed unanimously.

Members of Council and staff thanked Christian Giza for the work he put forth on the renovation of the Community Room.

MANAGER'S REPORT

Mr. Sharpe reported on the hiring process for the Parks & Recreation Director.

Mr. Sharpe reported that the first residential brush collection pick-up is scheduled for Monday, May 6, 2019 in order to avoid conflict with the Maple Festival. The schedule will move to the first Monday of each month May through October. When a holiday falls on the first Monday of the month, the collection would start the following day on Tuesday. Guidelines can be found on the City's website and will be included in the spring newsletter.

Mr. Sharpe reported that a Memorandum of Understanding will be entered into between the City and the Geauga County Board of Commissioners for the improvement of Mentor Road. The estimated cost for the City's portion of the work is \$15,324.85.

Mr. Sharpe reported that the Chardon Community Action Team is requesting the use of the Municipal parking lot at 106 Water Street on Friday, Saturday and Sunday of the Maple Festival to park cars. They are willing to work with other non-profits that may want to use the parking lot.

No member of Council had any objections to allowing the Chardon Community Action Team to use the parking lot at 106 Water Street to park cars during the weekend of the Maple Festival.

Mr. Sharpe reported on the bids for the 2019 Street Maintenance & Repair Project.

Mr. Sharpe reported that the Parks and Recreation Director has requested a modification to the daycamp director positions for the 2019 season.

Joe Rodriguez, Parks and Recreation Director, addressed Council and requested that they designate two staff members as daycamp co-directors rather than designating one as director and one as assistant director. He explained that both staff members have similar qualifications and experience and the hourly rate for the co-directors would be a blending of the director and co-director' rates so there would be no additional cost.

Mr. Lelko moved and Mrs. Chuha seconded to designate co-directors for the daycamp program. Upon roll call vote the motion passed unanimously.

Mr. Sharpe provided an update on the status of capital projects.

PLANNING COMMISSION REPORT

Mr. Grau reported that Planning Commission met and granted a use variance for an indoor automobile/recreational vehicle sales business on Cherry Avenue.

Mr. Grau reported that Planning Commission granted a variance to reduce the minimum side yard setback for a patio that had already been constructed without a permit at a residence on Center Street.

Mr. Grau reported that Planning Commission had an informal discussion with Geauga Faith Rescue Mission for emergency shelter/transitional housing in a commercial property at 339 Washington Street. Concerns were raised regarding parking, safety and capacity and he anticipated more conversations will be held about this topic.

Discussion occurred regarding the homeless population in the area.

COUNCIL COMMITTEE REPORTS -

Safety

Mr. Grau reported that the Committee met and continued their efforts to develop an Emergency Operations Plan for the City. Monthly meetings to develop the plan are anticipated.

Water/Sewer

Mrs. Chuha reported that the Committee met and discussed a request by Sommers Development for the cost-sharing of Burlington Lift Station improvements.

City Engineer Doug Courtney explained that Sommers Development is looking to develop a parcel on South Street for a residential development. In order to accommodate the increased sanitary sewer flow, Sommers Development would need to upgrade the Burlington Lift Station to accommodate the additional flow from the development. The lift station was analyzed and the cost for upgrades is estimated to total \$156,000 with the City's portion estimated to be \$20,000 and Sommer's Development portion estimated at \$136,000. The Committee considered staff's recommendation to have Sommer's Development participate financially and recommended the costs for the Burlington Lift Station upgrades be shared with the developer with the City's responsibility at \$20,000 and the Developer's responsibility at \$136,000.

Mr. Gillette stated that action by Council is not necessary.

HEARING OF PERSONS BEFORE COUNCIL

THOSE PERSONS ON THE AGENDA - none.

GENERAL PUBLIC

Mr. Yaney reported that Peebles in the Maple Leaf shopping center will be closing and will be replaced with a Gordman's.

Mr. Yaney provided an update on the single trash hauler contract and stated that Waste Management has indicated that residential customers on bag service that do not wish to receive a recycling tote, will not be charged for recycling.

OLD BUSINESS - none.

NEW BUSINESS - none.

LEGISLATION

ORDINANCE NO. 3064

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN THE "DECLARATION OF RESTRICTIVE COVENANTS AND ACTIVITY AND USE RESTRICTIONS AND LIMITATIONS" LIMITING THE CITY'S USE AND ACTIVITIES UPON A PARCEL OF VACANT LAND ON PARK AVENUE IDENTIFIED AS PPN: 10-900018 IN THE CITY OF CHARDON, OHIO 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. 3064 was then read for the second and third time by title only.

Mr. Lelko moved and Mr. Grau seconded for the adoption of Ordinance No. 3064.

Mr. Gillette stated that the property being purchased from CSX is going to be part of the Maple Highlands Trail. There is a concern that there may be petroleum contaminants in the soil and federal EPA requires that anyone who has owned the property and has contributed to the contamination of the soil is responsible for remediation regardless of when they have owned it. The restrictive covenants prohibit the City from disturbing the soil in any manner that could cause any contaminants to surface.

Mrs. McArthur asked if the anticipated improvements to the property would be impeded by these use restrictions.

Mr. Gillette stated that the City will be doing minimal earth movement and grading and will not be doing any significant subsurface excavation.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3065

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CLEAN OHIO TRAIL FUND STATE/LOCAL PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES TO BE USED FOR THE CONSTRUCTION OF A SECTION OF THE MAPLE HIGHLANDS MULTIPURPOSE TRAIL 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. 3065 was then read for the second and third time by title only.

Mrs. McArthur moved and Mr. Grau seconded for the adoption of Ordinance No. 3065.

Mr. Sharpe stated that the legislation authorizes him to enter into an agreement with the ODNR to receive grant funds for a portion of the Maple Highlands Trail project. The City was awarded a 75%/25% matching grant for funds up to \$435,991 that will be used for the trail project.

Mrs. McArthur asked when the project will be complete.

Mr. Sharpe stated that the project will begin in the fall and is expected to be completed before winter.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3066

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT/AGREEMENT WITH BARBICAS CONSTRUCTION COMPANY, INC. FOR THE SOUTH HAMB DEN STREET IMPROVEMENTS PROJECT #6-145 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. 3066 was then read for the second and third time by title only.

Mrs. McArthur moved and Mr. Grau seconded for the adoption of Ordinance No. 3066.

Mr. Courtney stated that after reviewing the bids and references, he is recommending the contract be awarded to Barbicas Construction Co. He noted that if awarded, this project will be the first project for Barbicas in the City.

Mr. Meleski inquired about the scope of the project.

Mr. Courtney stated that the project will be similar to the Claridon Road Project.

Mr. Meleski noted that communication with the school will be important for bus traffic.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3067

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT/AGREEMENT WITH BURTON SCOT CONTRACTORS, LLC FOR THE CITY OF CHARDON 2019 STREET MAINTENANCE AND REPAIR PROJECT, CITY OF CHARDON PROJECT #6-148 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. 3067 was then read for the second and third time by title only.

Mrs. McArthur moved and Mr. Grau seconded for the adoption of Ordinance No. 3067.

Mr. Courtney stated that Burton Scot submitted the lowest and best bid and the contract is recommended to be awarded to them. He noted that Burton Scot had some issues completing the 2018 Street Maintenance Project; however, discussions have been had with them about completing the 2018 work and staying on schedule for the 2019 project. They have agreed that they can finish the 2018 work and move into the 2019 work.

Mr. Smock asked when the work will begin.

Mr. Courtney stated that Burton Scot anticipates finishing last year's work in early May.

Mr. Blackley asked if he needs to abstain from voting because his brother is an employee of Burton Scot.

Mr. Gillette stated that there is no conflict with Mr. Blackley voting.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3068

AN ORDINANCE AUTHORIZING PARTICIPATION IN ODOT COOPERATIVE PURCHASING PROGRAM AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. McArthur 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. 3068 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. 3068.

Mr. Gillette recommended the adoption of this ordinance because both salt, asphalt and asphalt maintenance products are expected to exceed \$100,000 during 2019 and 2020.

Mr. Courtney explained that various streets in the 2019 street maintenance program are planned to be micro-surfaced through State bid pricing.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3069

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE WITH POLISHED SALON AND BOUTIQUE, LLC, AN OHIO LIMITED LIABILITY COMPANY, FOR PROPERTY LOCATED AT 111 SOUTH STREET, CITY OF CHARDON, OHIO, 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. 3069 was then read for the second and third time by title only.

Mrs. McArthur moved and Mr. Grau seconded for the adoption of Ordinance No. 3069.

Community Development Administrator Steve Yaney provided Council an overview of the company and reviewed the lease terms.

Upon roll call vote the motion passed unanimously.

REVIEW OF EXPENDITURES

Mr. Meleski reported that expenditures were in order.

EXECUTIVE SESSION -

Mrs. McArthur moved and Mr. Meleski seconded to adjourn to Executive Session at 7:42 p.m. for the purpose of discussing appointments to Boards and Commissions and the purchase of property. Upon roll call vote the motion passed unanimously.

Discussion occurred regarding appointments to Boards and Commissions.

Discussion occurred regarding the purchase of property.

Meeting reconvened at 8:46 p.m.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Meleski moved and Mrs. McArthur seconded to appoint Jason Collette to the Shade Tree Commission to fill an unexpired term ending 12/31/19. Upon roll call vote the motion passed unanimously.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Mr. Lelko asked if there is any Council interest in support of the Governor's proposed .18 gas tax increase. The last gas tax increase was done in 2005. The House passed a .107 increase and the Senate has not taken any action yet. If the governor's proposal is passed, it is anticipated that the City would receive an increase of approximately \$400,000 per year.

Mr. Blackley spoke in support of a gas tax increase because of the improvements that can be made to the City's streets.

Mayor Smock stated that he is in favor of expressing support for the Governor's proposed gas tax increase of \$.18.

Mrs. McArthur spoke in support of an increase but stated that she is in support of \$.107 increase but not \$.18.

Mr. Meleski spoke in support of a \$.18 increase.

Mr. Lelko spoke in support of a \$.18 increase.

Mayor Smock asked the Law Director to prepare legislation for Council to consider on April 21, 2019 in support of an \$.18 gas tax increase.

Mayor Smock reported that a Special Session of Council will be held on March 26, 2019 at 6:30 p.m. to hear a presentation on a 4th option from R.L. Bowen relative to the relocation of County offices.

Mr. Meleski noted that a protest is scheduled on Chardon Square related to a coyote hunt planned in Hambden Township and he clarified that the event is not related to the City and the City is not a participant in that event.

Mrs. McArthur reported on an upcoming theater production.

ADJOURN

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

The meeting adjourned at 8:46 p.m.

Attest:

JEFFREY L. SMOCK, Mayor
President of Council

AMY DAY
Clerk of Council