

REGULAR SESSION

June 13, 2019

The Council of the City of Chardon met in Regular Session Thursday, June 13, 2019 at 6:27 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, Law Director James Gillette, Finance Director Mate Rogonjic, Clerk of Council Amy Day, Police Chief Scott Niehus, City Engineer Doug Courtney, Community Development Administrator Steve Yaney, Public Service Director Paul Hornyak, Bill Hess, Jessica Martin, Kyle Martin, Paul Pawlak, Bill Dufur, Kathy Dufur, Jan Gipson, Bob Majka, Kay Majka, Randall Darling, Fred Dively, Pilard Carlson, Amy Patterson, Joe Koziol, Thalia Hutter, Kevin Westbrooks, David Jevnikar.

**APPROVAL OF MINUTES**

Mrs. McArthur moved and Mr. Grau seconded to approve the minutes of the May 9, 2019 Regular Session minutes as presented.

Upon roll call vote the motion passed unanimously.

**RESOLUTION NO. 8-19**

A RESOLUTION OF APPRECIATION FOR JOSEPH RODRIGUEZ was read for the first time in its entirety.

Mrs. Chuha 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. 8-19 was then read for the second and third time by title only.

Mr. Grau moved and Mrs. McArthur seconded for the adoption of Resolution No. 8-19.

Upon roll call vote the motion passed unanimously.

Members of Council and staff thanked Mr. Rodriguez for his years of service to the City.

**MANAGER'S REPORT**

Mr. Sharpe reported that the micro-surfacing portion of the 2019 Street Maintenance Program is anticipated to start June 24 and take up to two days to complete. The plan is to complete the work on Irma Drive first, then work on Meadowlands Drive and Fifth Avenue in the evening.

City Engineer Doug Courtney explained the micro-surfacing process to be used which is an overlay technique used to maintain pavement and extend its life 8-10 years.

Mr. Sharpe reported that legislation is included in the packet to authorize the City Manager to submit an application to NOACA for Congestion Mitigation and Air Quality (CMAQ) funds for a city-wide traffic signal upgrade. Kevin Westbrook, representing GPD Group will discuss the project in more detail when the legislation is being considered by Council.

Mr. Sharpe reported that the 2020-2024 Capital Improvement Plan is being developed for Council's approval in October and the 2020 budget will begin to be developed starting in September.

Mr. Sharpe reported on the status of Public Works Projects.

Mr. Blackley moved and Mrs. McArthur seconded to add the Planning Commission Report to the agenda. Upon roll call vote the motion passed unanimously.

#### **PLANNING COMMISSION REPORT**

Mr. Blackley reported that Planning Commission met and approved the changes to the sign regulations which are being considered by Council later in the meeting.

Mr. Blackley reported that Planning Commission also approved the Concept Plan review for Maple Highlands Trail Phase 2.

Mr. Blackley reported that Planning Commission approved the Concept Plan to allow for the remodel of the building at 206 Center Street.

Mr. Blackley reported that Planning Commission approved the reconstruction of the building of Chardon Square Auto Body that was damaged by fire.

Mr. Blackley reported that Planning Commission approved the construction of a new accessory building at 129 Court Street.

Mr. Blackley reported that Planning Commission heard a presentation by Geauga Faith Rescue Mission for an emergency shelter/transitional building on Wilson Mills Road. While Planning Commission was sympathetic to their mission, they were not in favor of the project at the proposed location.

#### **COUNCIL COMMITTEE REPORTS -**

##### Service

Mr. Blackley reported that the Service Committee discussed the gazebo renovation.

Mr. Blackley reported that the Service Committee discussed the OPWC funding for Chardon Avenue and Canfield Drive which will be discussed during legislation.

Mr. Blackley reported that the Service Committee discussed the regrading of the gravel parking lot behind the Geauga Theater.

Mr. Blackley reported that the Service Committee discussed a CMAQ grant to revise the traffic signals in the City.

Retail Business Grant Committee

Mrs. McArthur reported that the Economic Development and Finance Committee Chairman met jointly and approved a request for a \$5,000 retail business grant for Polished Salon and Boutique.

Park and Recreation Board

Mr. Grau reported that the Park and Recreation Board discussed facilities and summer programs.

Mr. Grau reported on a meeting between the City and school to discuss gym time at the school's facilities.

Mr. Smock noted that the new benches are being utilized at the swimming pool.

Safety

Mr. Grau reported that the Committee met and continued discussions regarding the City's Emergency Preparedness Plan.

**HEARING OF PERSONS BEFORE COUNCIL**

THOSE PERSONS ON THE AGENDA

Jessica Martin, Chief Clinical Officer for WomenSafe, addressed Council to request permission to host a Stop the Silence Event on October 6, 2019 in the Square. She reviewed plans for the event which included giveaways, music, family-friendly activities and noted that as part of the event, they are requesting permission to close Short Court and allow for the sale of t-shirts with proceeds going back to the organization.

Mrs. McArthur moved and Mr. Grau seconded to authorize the Stop the Silence Event on October 6, 2019 on the Square. Upon roll call vote the motion passed unanimously.

Bob Majka, former member of Chardon Square Association, spoke to express his concerns regarding the City's past and proposed repairs to the Bandstand. He introduced Randy Darling, who originally installed the steel for the bandstand.

Randy Darling stated that in reading through the engineer's report, he feels that the repairs are overdesigned and there are more economical ways to fix the bandstand problems. He added that the current problem with the bandstand is neglect.

Mayor Smock asked the Chardon Square Association to meet with City staff to review the bandstand blueprints and discuss the ways (options) to address the necessary repairs.

Dave Jevnikar, representing Geauga TV, spoke to explain how G-TV is funded with a video service provider fee. He explained funding challenges and the services they are able to provide.

GENERAL PUBLIC - none.

**OLD BUSINESS** - none.

**NEW BUSINESS**

A public hearing was set for July 11, 2019 at 6:25 PM to provide the public an opportunity to comment regarding the City of Chardon's proposed budget for fiscal year 2020.

## LEGISLATION

### ORDINANCE NO. 3073

AN ORDINANCE AMENDING CHAPTER 1129 SIGN REGULATIONS OF THE CODIFIED ORDINANCES 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. 3073 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. 3073.

Mr. Yaney reviewed the proposed changes in sections of the sign code in order to comply with a Supreme Court ruling which changed the standard by which the City can regulate signs. He added that in addition to the sign code changes, regulations regarding the permitting of electronic message centers has been added to the ordinance which Planning Commission has recommended.

Mr. Gillette added additional details regarding sign code regulations that were added by the City's consultants.

Mrs. McArthur asked when the new sign regulations would take effect.

Mr. Gillette stated that the new sign regulation would take effect in 30 days; however, it would not impact signs already in place.

Mayor Smock asked for clarification if any signs will be permitted in the right-of-way.

Mr. Yaney stated that signs will not be permitted in the right-of-way with the exception of traffic signs.

Mayor Smock asked about the regulation that allows one (1) temporary sign at a time exclusive of political signs.

Mr. Yaney stated that only one (1) temporary sign is permitted at any time on a residential property.

Mr. Lelko stated that over the years, signs have been permitted and not permitted in the right-of-way. His opinion is that enforcement of signs in the right-of-way is difficult and he is satisfied with the decision that is most suitable for the Planning and Zoning Department to enforce.

Mr. Yaney stated that he would prefer that signs be prohibited in the right-of-way for safety reasons and it is easiest to enforce.

General discussion occurred regarding clarification about the types of temporary signs that are permitted.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 3074**

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO PREPARE AND SIGN AN APPLICATION FOR CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROJECT FUNDS AND SIGN A CONTRACT WITH ODOT IF FUNDING IS APPROVED AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. McArthur moved and Mr. Blackley 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. 3074 was then read for the second and third time by title only.

Mr. Blackley moved and Mr. Grau seconded for the adoption of Ordinance No. 3074.

Mr. Hornyak stated that the City's traffic signalization system will not be supported in the near future. NOACA is offering grant money for 2025 and the City has asked Kevin Westbrooks of GPD Engineering to assist in applying for grant funds and to begin a plan to upgrade the City's signalization system.

Kevin Westbrooks, representing GPD Engineering, explained that while the traffic poles and much of the signalization infrastructure can remain, controllers for the signalization will not be supported in future years. He added that the grant is an 80/20 match and Council's support to proceed with the grant application is being requested.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 3075**

AN ORDINANCE AUTHORIZING THE COMMUNITY DEVELOPMENT DIRECTOR TO APPROVE AN APPLICATION FOR A ZONING CERTIFICATE AND ISSUE A ZONING PERMIT TO DIGERONIMO GROUP LLC AND PAUL MENDOLERA ALLOWING AN OUTDOOR DINING AREA WITHIN THE MUNICIPAL RIGHT-OF-WAY AT 141 MAIN STREET 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. 3075 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. 3075.

Mr. Yaney stated that Square Bistro has requested permission to allow outdoor dining in front of their business but because the front of their business is in the right-of-way, a license is required. He noted that once the license is granted, it is renewed annually as long as there are no issues.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 3076**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT/REVOCABLE LICENSE TO STACY KASTER TO USE AN EXISTING METAL SIGN POLE LOCATED WITHIN THE MUNICIPAL RIGHT-OF-WAY AT 206 CENTER STREET 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. 3076 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. 3076.

Mr. Yaney explained that Stacy Kaster is making exterior renovations to her property at 206 Center Street and has requested re-use of an existing pole structure that has been unused for a number of years by previous tenants of the property. He added that the pole is currently in the right-of-way and Ms. Kaster has requested to move the pole further from the sidewalk to reduce visibility and safety issues for pedestrians.

Mr. Lelko asked what the justification is for Council to approve the pole sign when pole signs are no longer permitted.

Mr. Yaney explained that because they would lose a number of parking spaces and there would be visibility issues with a ground sign, Ms. Kaster is requesting to re-use the existing pole sign. He added that because the sign is in the right-of-way, Planning Commission is not able to rule on it but Council must.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 3077**

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.

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. 3077 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. 3077.

Finance Director Mate Rogonjic reviewed proposed amendments to appropriations.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 3078**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH THE C.W. COURTNEY COMPANY TO PROVIDE PROFESSIONAL SERVICES FOR THE CHARDON AVENUE AND CANFIELD DRIVE PROJECT 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. 3078 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. 3078.

Mr. Rogonjic stated that the passage of this ordinance will allow the C.W. Courtney Co. to begin preliminary design and other related work in 2019 for the Chardon Avenue and Canfield Drive Project and engineering work for the project in 2020.

Upon roll call vote the motion passed unanimously.

**REVIEW OF EXPENDITURES**

Mr. Meleski reported that expenditures were in order.

**EXECUTIVE SESSION**

Mr. Blackley moved and Mr. Grau seconded to adjourn to Executive Session at 9:03 p.m. for the purpose of discussing appointments to Boards and Commissions, the dismissal of a City employee and the replacement of the Law Director.

Discussion occurred regarding appointments to Boards and Commissions.

Discussion occurred regarding the dismissal of a City employee.

Discussion occurred regarding the replacement of the Law Director.

Meeting reconvened at 10:23 p.m.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

Mr. Grau moved and Mrs. McArthur seconded to appoint Robert Faehnle to the Family First Council to fill the unexpired term ending December 31, 2019. Upon roll call vote the motion passed unanimously.

**ANY OTHER BUSINESS TO COME BEFORE COUNCIL**

Members of Council reported on upcoming events in the City.

**ADJOURN**

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

The meeting adjourned at 10:26 p.m.

Attest:

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JEFFREY L. SMOCK, Mayor  
President of Council

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AMY DAY  
Clerk of Council

