

REGULAR SESSION

September 12, 2019

The Council of the City of Chardon met in Regular Session Thursday, September 12, 2019 at 6:25 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, Public Service Director Paul Hornyak, Clerk of Council Amy Day, Police Chief Scott Niehus, City Engineer Doug Courtney, Community Development Administrator Steve Yaney, Ben Chojnacki, Bill Hess, Hannah Sekas, Colin Wantz, Joe Koziol, Melissa Ricco, Heather Means, Sylvia McGee, Melanie Scanlon, Dr. Michael Hanlon, Barbara Simkoff.

APPROVAL OF MINUTES

Mrs. Chuha moved and Mr. Meleski seconded to approve the minutes of the August 8, 2019 Regular Session as presented.

Upon roll call vote the motion passed unanimously.

MANAGER'S REPORT

Mr. Sharpe reported that Kevin Casey O'Conner has been hired in the Division of Streets, Cemeteries and Parks as a Maintenance Worker.

Mr. Sharpe reported that bids for the 2019 Sidewalk Maintenance and South Street Sidewalk Connectivity Project were opened on Friday, August 16, 2019. The Engineer's recommendation is to award the contract to A & J Cement Contractors for \$171,795.48.

Mr. Sharpe reported that sink holes were discovered on both Cherry Avenue and Center Street in the vicinity of where the Railroad Trunk Sewer was installed. The cause of the sinkholes has not been determined, but the area will continue to be monitored for future problems.

Mr. Sharpe reported that Reclamite will be applied to various City streets in the next week.

Mr. Sharpe reported on the status of capital projects.

PLANNING COMMISSION REPORT

Mr. Blackley reported that Planning Commission met and tabled discussion regarding Tim Horton's request for a Conditional Use approval for a drive-thru facility.

Mr. Blackley reported that Planning Commission approved a use variance for Geauga Faith Rescue Mission to open an emergency shelter at 339 Washington Street.

Mr. Blackley reported that Planning Commission recommended a zoning code classification of "S" (Special) for property recently annexed into the City at 12499 Claridon Road.

Mr. Blackley reported that Planning Commission granted concept approval to the infill sidewalks on South Street.

COUNCIL COMMITTEE REPORTS

Economic Development Committee

Mrs. McArthur reported that the Committee met and discussed the creation of a Thistle Creek Incentive District. She explained that Sommers Development Co. has proposed a 30-home subdivision on North Hambden Street and the City is looking to create a Tax Incentive District to generate payments in lieu of taxes to pay for infrastructure improvements. She reviewed the process for creating the district.

Mr. Sharpe added that tax incentive districts are an economic development tool that would generate service payments in lieu of taxes which will be used to pay for infrastructure improvements to benefit or serve the properties within the Thistle Creek Incentive District. He explained that the infrastructure improvements include:

- Water line extension from 433 N. Hambden St. to E. Park St.,
- Water main improvements from Grant St. to 433 N. Hambden St.
- North Hambden/Huntington/Maple Intersection Improvements

Mrs. McArthur moved and Mr. Grau seconded to authorize the City Manager to continue exploring and pursuing creating a TIF for the projects mentioned, which would be brought to Council at a later date. Upon roll call vote the motion passed unanimously.

Service Committee

Mr. Blackley reported that the Committee discussed installing a water and sewer line on Canfield Drive with the Water and Sewer Committee; however, the Committee concluded that the sewer cost would be too high to pursue at this time. However, staff was asked to update the capital budget to include the installation of a water main on Canfield Drive.

Mr. Blackley reported that the Committee also discussed cleaning up various ordinances and recommended the City be responsible for water, storm and sanitary sewer lateral repairs in the right-of-way.

Mr. Blackley reported that the Committee also discussed amendment to the various fees in C.O. §900.18 that is on the agenda under Legislation.

Mr. Blackley reported that the Committee also discussed options for parking behind Main Street. While there was no resolution made, stakeholders were asked to make recommendations to the Committee.

Mr. Lelko stated that a working group of those affected by Main Street parking is being established to get their input on a solution.

Mr. Grau asked if there has been a new issue with Main Street parking since overnight tenant parking was discussed and resolved recently.

Mr. Blackley stated that there are some shop owners who wish to lease parking spaces closer to the alley. In addition, due to the increase in apartments on Main Street, the City needs to look at parking needs.

Mr. Blackley reported that the Service Committee also discussed Main Street tree lighting.

Mr. Lelko stated that the City budgeted \$20,000 for Main Street tree lighting and Chardon Square Association also pledged \$20,000. The Service Committee reviewed the project and the Law Director recommended Council approve the project before it goes any further because it is a permanent improvement to the Square.

Melissa Ricco, representing Chardon Square Association, briefly reviewed the tree lighting project and noted that the purpose is to light the trees on the west side of Main Street year round with small string lights to create an inviting ambiance on the Square.

Mr. Blackley moved and Mrs. Chuha seconded to approve the Main Street tree lighting project.

General questions were asked about the lights and the project timeline.

Upon roll call vote the motion passed unanimously.

Water/Sewer Committee

Mrs. Chuha reported that the Committee met and discussed revisions to the codified ordinances pertaining to the Littin properties. The City Engineer will provide details during Council's consideration of the legislation.

Park and Recreation Board

Mrs. McArthur reported that the Board met and discussed needed repairs of the gazebo at Mel Harder Park.

Mrs. McArthur reported that the Board reviewed maintenance of recreational facilities and the status of fall program registrations.

HEARING OF PERSONS BEFORE COUNCIL

THOSE PERSONS ON THE AGENDA

Dr. Michael Hanlon, Chardon Schools Superintendent, provided a Power Point regarding an upcoming 5.3 mill bond issue for the construction of a new grade 6-12 middle school/high school campus. He discussed the state of the district's facilities and how the levy will affect property values.

Melanie Scanlon, representing Citizens 4 Chardon Schools, spoke to ask Council members to support the levy on the November ballot.

Members of Council spoke in support of the school and the levy.

Heather Means and Sylvia McGee, Representing Chardon Square Association, addressed Council and requested they consider a gift of 12 benches for the Square park.

Members of Council thanked the Chardon Square Association for their donation.

Mr. Grau moved and Mr. Meleski seconded to accept the donation of benches from the Chardon Square Association. Upon roll call vote the motion passed unanimously.

Ms. Means and Ms. McGee addressed Council and explained their interest in purchasing nine (9) snowburst pole mounts for the light poles and a walkthrough display in the Square park.

General questions were asked and answered about the functionality of the lights.

Mr. Blackley moved and Mr. Grau seconded to authorize the Chardon Square Association to install holiday decorations on the Square as presented. Upon roll call vote the motion passed unanimously.

Ms. Means thanked Lands and Buildings Supervisor, Mike Butt, for his assistance in repairing vandalism damage to the wall of the Giving Garden.

GENERAL PUBLIC -

Bill Hess, 115 North Street, inquired about the City's knowledge of dead grass on his treelawn.

Public Service Director Paul Hornyak explained that the dead grass was a result of the City's overspray of herbicide applied to curbs. He has addressed the issue with City staff.

OLD BUSINESS - none.

NEW BUSINESS - none.

LEGISLATION

RESOLUTION NO. 11-19

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR was read for the first time by title only.

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. 11-19 was then read for the second and third time by title only.

Mr. Blackley moved and Mrs. McArthur seconded for the adoption of Resolution No. 11-19.

Mr. Rogonjic stated that the Resolution is the last step in the tax budget process that specifies the property tax rates for collection by the County in 2020.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 12-19

A RESOLUTION PROVIDING FOR THE CONTROL OF BLIGHT AND DISEASE OF SHADE TREES WITHIN PUBLIC RIGHTS OF WAY AND FOR PLANTING, MAINTAINING, TRIMMING AND REMOVING SHADE TREES IN AND ALONG THE STREETS OF THE CITY OF CHARDON; AUTHORIZING THE SHADE TREE COMMISSION TO SO PROVIDE DURING THE YEAR OF 2019; ESTABLISHING A SINGLE DISTRICT FOR SAID PURPOSE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 727.011, OHIO REVISED CODE; PROVIDING THE ASSESSMENT OF THE COST AND EXPENSE OF SUCH PLANTING, MAINTAINING, TRIMMING AND REMOVING UPON BENEFITTING PROPERTY IN SAID DISTRICT, 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 Resolution be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Resolution No. 12-19 was then read for the second and third time by title only.

Mr. Blackley moved and Mrs. McArthur seconded for the adoption of Resolution No. 12-19.

Mr. Rogonjic stated that the proposed assessment will not change from its current amount of \$70,000.

Mr. Sharpe stated that the funds from the assessment are used for the removal and trimming of treelawn trees and if funds remain, trees will be purchased for planting. He noted that a chipper is in the 2020 budget which would be used by the Street Department for brush collection in lieu of paying an independent contractor.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 13-19

A RESOLUTION OF NECESSITY FOR THE ASSESSMENT OF STREET LIGHTING 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 Resolution be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Resolution No. 13-19 was then read for the second and third time by title only.

Mrs. McArthur moved and Mr. Meleski seconded for the adoption of Resolution No. 13-19.

Mr. Rogonjic stated that the proposed assessment will not change from its current amount and will be used to pay for street lighting and for the replacement of street lights with LED bulbs.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 14-19

A RESOLUTION OF NECESSITY FOR THE ASSESSMENT OF SIDEWALKS 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 Resolution be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Resolution No. 14-19 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. 14-19.

Mr. Rogonjic stated that the proposed assessment will not change from its current amount of \$100,000. He noted that the assessment will be used to pay for sidewalk repair and maintenance, or new sidewalk.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3083

AN ORDINANCE AMENDING SECTION 900.18 C.O. SCHEDULE OF FEES 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. 3083 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. 3083.

Mr. Hornyak stated that the Ordinance is being proposed to set a \$350 fee for the City Engineer's time to review plans for utilities that include street opening.

Mr. Blackley asked if this fee structure would apply to large utility projects.

Mr. Courtney stated that these instances are more service connections while main line replacements would fall under a full plan review.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3084

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT/AGREEMENT WITH A & J CEMENT CONTRACTORS FOR THE CONSTRUCTION OF SIDEWALKS AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Grau 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. 3084 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. 3084.

Questions were asked about the 19-day completion provided by the contractor.

Mr. Courtney explained that he has been assured that the contractor will complete the work in 19 days.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3085

AN ORDINANCE AMENDING CHAPTER 923.42 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 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. 3085 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. 3085.

Mr. Courtney stated that the ordinance pertains to property owned by Steve Littin, 310 Industrial Parkway. He explained that during construction of the Railroad Trunk Sewer, it was discovered that 310 Industrial Parkway was still connected to a septic system and was not connected to the Park Drive Lift Station as was shown on 1986 as-built plans. Consideration was given to extending the sewer main to serve 310 Industrial Parkway; however, it was cost prohibitive. Staff is recommending to revise C.O. Chapters 923 and 925 to remove Littin Properties, LLC from the Railroad Trunk Sewer Project and allow the property owner to tie in once their septic system fails or the property redevelops.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3086

AN ORDINANCE AMENDING CHAPTER 923.46 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.

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. 3086 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. 3086.

Mr. Courtney stated that this ordinance would remove the tap-in fee within the Industrial Parkway Service Area for 310 Industrial Parkway.

Mr. Meleski asked if the costs for the other property owners remain the same.

Mr. Courtney stated that the costs for the other property owners has not changed.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3087

AN ORDINANCE ENACTING THE 2019 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY OF CHARDON AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Grau 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. 3087 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. 3087.

Clerk of Council Amy Day stated that the supplement is an update to the City's Codified Ordinances that includes legislation passed throughout the year by Council.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3088

AN ORDINANCE ACCEPTING THE ANNEXATION OF APPROXIMATELY 1.0 ACRE OF LAND IN HAMB DEN TOWNSHIP TO THE CITY OF CHARDON 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. 3088 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. 3088.

Mr. Gillette stated that County Commissioners authorized the annexation of the property of 12499 Chardon Windsor Road from Hambden Township to the City. The ordinance is the next step in the annexation of the property.

Upon roll call vote the motion passed unanimously.

REVIEW OF EXPENDITURES

Mr. Meleski reported that expenditures were in order.

EXECUTIVE SESSION

Mr. Grau moved and Mrs. Chuha seconded to adjourn to Executive Session at 8:11 p.m. for the purpose of discussing the sale of property and threatened litigation and invite Ben Chojnacki and Steve Yaney into the session. Upon roll call vote the motion passed unanimously.

Discussion occurred regarding the sale of property.

Discussion occurred regarding threatened litigation.

Meeting reconvened at 8:48 p.m.

ORDINANCE NO. 3089

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AND SIGN AN OPTION TO PURCHASE AND PURCHASE AGREEMENT FOR THE SALE OF TWO PARCELS OF LAND OF APPROXIMATELY ONE ACRE EACH OWNED BY THE CITY OF CHARDON, PPN: 10-700800 AND PPN: 10-709568, TO SOMMERS REAL ESTATE GROUP LLC 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. 3089 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. 3089.

Mr. Sharpe explained that the property being discussed is located at 223 Center Street which the City acquired from the County when the bike path was being constructed.

Mrs. Chuha inquired about the terms of the agreement.

Mr. Gillette explained that there are options for Sommers Real Estate Group to purchase two parcels of property from the City. Sommers Real Estate Group has requested 360 days to do their due diligence and determine whether they want to proceed with the purchase of this land.

Upon roll call vote the motion passed unanimously.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL - none.

ADJOURN

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

The meeting adjourned at 8:54 p.m.

Attest:

JEFFREY L. SMOCK, Mayor
President of Council

AMY DAY
Clerk of Council