

REGULAR SESSION

October 8, 2020

The Council of the City of Chardon met in Regular Session Thursday, October 8, 2020 at 6:30 P.M. via video-conferencing service, Zoom (Meeting ID: 831 4893 2922).

Daniel Meleski, 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, Nancy McArthur, Heather Means, 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 Benjamin Chojnacki, Police Chief Scott Niehus, City Engineer Doug Courtney, Community Development Administrator Steve Yaney, Public Service Director Paul Hornyak, Ann Wishart, Brian Doering, Catherine Leonello, Majeed Makhoulf.

APPROVAL OF MINUTES

Mayor Meleski noted a correction to the minutes related to the City Engineer's response to signs related to the installation of a stop sign at the Grant Street and South Hambden Street intersection.

Mr. Smock moved and Mrs. Chuha seconded to approve the minutes of the September 10, 2020 Regular Session as amended.

Upon roll call vote the motion passed unanimously.

Mr. Blackley moved and Mr. Grau seconded to approve the minutes of the October 1, 2020 Special Session.

Results of the roll call vote:

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

Motion passed.

MANAGER'S REPORT

Mr. Sharpe reported that the annual Residential Curbside Trash Collection Program was held on Saturday, September, 26, 2020. Twenty loads of trash were collected totaling 96.09 tons.

Mr. Sharpe reported that the structural work at the Gazebo has been completed by Ayrshire Inc., and J.P. Interiors, Inc. continues to work on the renovations.

Mr. Sharpe reported that the 2020 Sidewalk Maintenance and Sidewalk Connectivity Program is substantially complete. Minor restoration work remains to be completed.

Mr. Blackley inquired about the status of a crosswalk and stop signs will be done at the intersection of Grant and South Hambden Street.

Mr. Courtney stated that he is waiting to hear from the contractor on the status of the improvements to the intersection.

Mr. Sharpe reported that the City is requesting the Ohio Facilities Construction Commission grant an extension to the Theater construction project. There is currently a balance of \$4,813.19 of the grant remaining. If the construction date is extended, these funds will be applied to the construction of the new steel stairwell on the outside of the building which is estimated to cost \$20,000.

Mr. Grau noted that the stairwell lands on the property of the adjacent property owner, Jan Farinacci, and suggested that the City contact him before completing the stairwell replacement.

Mr. Sharpe reported that Compass Minerals America was the low bidder for the 2020-2021 ODOT Cooperative Salt Purchasing Program for Geauga County. Their bid was \$47.97/ton, which is \$16.42/ton less than the 2019-2020 price. The City has committed to approximately 2,500 ton for the upcoming season.

Mr. Sharpe reported that due to the negative economic impacts of the COVID-19 pandemic, some restaurants have requested that outdoor dining in the public right-of-way be extended past November 1 until the weather becomes inclement. He requested Council's consideration to give him, or his designee, authority to determine when outdoor dining in the public right-of-way is no longer permitted in 2020.

No member of Council had any objection to extending the outdoor dining past November 1.

Mr. Sharpe reported that the City has not had any applicants for the 2nd shift operator position in the Division of Water and Wastewater. As a result, the position will be advertised again in other publications.

Mr. Sharpe reported on the status of capital improvement projects.

PLANNING COMMISSION REPORT

Mr. Blackley reported that Planning Commission met and informally discussed Rollin Cooke's preliminary concept plan drawings for a car dealership at 400 Water Street.

Mr. Blackley reported that Planning Commission approved a concept plan by Redwood USA for a development of 91-unit, single family attached dwelling units. Approval was also given by Planning Commission for a lot split for the property.

Community Development Administrator Steve Yaney gave the 3rd quarter economic development report.

COUNCIL COMMITTEE REPORTS -

Water/Sewer Committee

Mr. Smock reported that the Committee met and continued their discussion regarding water and sewer rates. The Committee had some concerns with how the rates would affect fund balances. They requested the Finance Director review rates again to provide more stability to the water and sewer operating fund balance in particular. The Committee will meet again before making a recommendation to Council.

Mr. Smock stated that the Committee also reviewed the Capital Improvement Plan dealing with water and sewer projects.

Service Committee

Mr. Blackley reported that the Service Committee met and reviewed the Capital Improvement Plan and discussed the Chardon Avenue and Canfield Drive Project.

Finance Committee

Mrs. McArthur reported that the Finance Committee met and discussed municipal court finances. Previously the Committee made a recommendation to pursue charging the villages and townships for the deficit in the municipal court's deficit in the General Fund; however, it was discovered that the townships can not be charged since they are not a limited home rule government. The Committee also discussed the possibility of an increase in the County's contribution for the Police Prosecutor's costs. The City is currently paying for 80% of the Prosecutor costs, yet only has 10% of the caseload of the Prosecutor.

Mr. Rogonijc asked if Council is still comfortable going forward with the chargeback process even though it will only affect the villages, and if Council also wants to discuss the County's contribution to the police prosecutor with the County.

Mrs. McArthur stated that the Committee recommended pursuing both actions.

No member of Council objected to pursuing both actions recommended by the Committee.

Mrs. McArthur reported that the Committee also discussed refinancing the street garage debt. Legislation is on the agenda for Council's consideration.

HEARING OF PERSONS BEFORE COUNCIL

THOSE PERSONS ON THE AGENDA - none.

GENERAL PUBLIC - none.

Mrs. McArthur moved and Mr. Grau seconded to amend the agenda to add an Executive Session as agenda item #9. Upon roll call vote the motion passed unanimously.

EXECUTIVE SESSION

Mr. Blackley moved and Mrs. Chuha seconded to adjourn to Executive Session at 7:09 p.m. for conferences with the attorney for the public body concerning disputes involving the public body that are the subject of pending or eminent court action, and invite Majeed Makhlof into the session. Upon roll call vote the motion passed unanimously.

Discussion occurred regarding conferences with the attorney for the public body concerning disputes involving the public body that are the subject of pending or eminent court action.

Meeting reconvened at 7:58 p.m.

OLD BUSINESS - none.

NEW BUSINESS

Mr. Rogonjic reviewed the September 2020 financials and the impact of Covid-19 on the City's budget. He reported that water and sewer and income tax collections continue to trend in a positive direction and are more favorable than projected.

Mr. Rogonjic stated that due to the favorable year-to-date revenues, he is recommending that the remaining three budget items be taken off of the "On-Hold" list including:

- ¾ ton truck with a plow for the Lands and Buildings Department (\$33,000)
- Citywide camera system upgrade (\$38,000)
- New VOIP phone system (\$40,000)

Mrs. Chuha moved and Mr. Blackley seconded to remove the items recommended by the Finance Director from the "On Hold" list. Upon roll call vote the motion passed unanimously.

Regarding adoption of 2021-2025 Capital Improvement Plan, Mr. Rogonjic reviewed updates to the plan from the prior year including new projects and equipment that were added to the plan. He also reviewed projections for fund balances. He noted that an issue that he is watching is the impact that COVID-19 has had on the General Capital Improvement Fund. The last 2 years of projections, the fund balance is projected to be negative. Once the year is over, he will come back to that and update it after the actual income tax collections for the year are known. In addition, the water and sewer operating funds look better if Council proceeds with rate adjustments. However, the last two years, the fund balances are still projected to be in the negative and so this is also being looked at more closely.

Mr. Rogonjic noted that staff is keeping an eye on the Fire and EMS Levy funds since there have not been new levy dollars since 2012 and from projections, it looks like there will be a need for new dollars in 2022. He noted that staff is also keeping an eye on the Police Operating Levy which has been at the same level since 1978.

Mr. Sharpe stated that many of the projects are tied to loans and grants and the ability to go forward with them will depend on receipt of those funds.

Mr. Blackley moved and Mr. Smock seconded to adopt the 2021-2025 Capital Plan. Upon roll call vote the motion passed unanimously.

Regarding any objections to all liquor permits expiring December 1, 2020, no member of Council had any objections.

A Special Session to discuss employee medical insurance and pre-budget was set for November 19, 2020 at 6:30 PM.

LEGISLATION

Regarding removing from the table AN ORDINANCE ENACTING CHAPTER 1321 OF THE CODIFIED ORDINANCES TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE, Mayor Meleski asked Mr. Yaney to report on the status of the ordinance.

Mr. Yaney reported that a draft agreement with Inspection Solutions has been finalized. They are waiting for the City to adopt the 2021 edition of the IPMC, which is expected to be available in October. He suggested that the City wait to adopt the legislation until November when the 2021 edition is available.

ORDINANCE NO. 3140

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED EMPLOYMENT CONTRACT FOR THE SERVICES OF BENJAMIN G. CHOJNACKI AS LAW DIRECTOR 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. 3140 was then read for the second and third time by title only.

Mr. Smock moved and Mr. Grau seconded for the adoption of Ordinance No. 3140.

Mr. Sharpe stated that the amendment to Mr. Chojnacki's employment agreement reflects a 4% increase in compensation as the City is happy with Mr. Chojnacki's representation over his first year as Law Director.

Members of Council spoke in support of Mr. Chojnacki's representation.

Upon roll call vote the motion passed unanimously.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO FIRST AMENDMENT TO OPTION TO PURCHASE REAL ESTATE CONTRACT WITH SOMMERS DEVELOPMENT CORPORATION, INC., 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.

The Ordinance was then read for the second and third time by title only.

Mrs. McArthur moved and Mr. Smock seconded for the adoption of the Ordinance.

Mr. Chojnacki stated that in September 2019 an agreement was entered between the City and Sommers Development for the option to purchase 223 Center Street. Sommers Development is interested in extending the agreement to the end of 2020 and the legislation would allow the arrangement to persist until the end of 2020 for the sum of \$2,000.

Mr. Blackley stated that there is another party that may be interested in purchasing the property and suggested it be discussed more in Executive Session.

Mr. Yaney stated that there has been an inquiry into the purchase of the property by another party, but there has been no other action beyond the inquiry.

Mr. Blackley moved and Mrs. McArthur seconded to table the vote to adopt the Ordinance until after Executive Session. Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3142

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF MUNICIPAL SERVICE FACILITIES GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF CHARDON, OHIO, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$4,250,000 TO REFUND THE CITY'S OUTSTANDING BONDS ISSUED IN 2012; AND DECLARING AN EMERGENCY was read for the first time by title only.

Ms. Means 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. 3142 was then read for the second and third time by title only.

Mr. Smock moved and Mr. Blackley seconded for the adoption of Ordinance No. 3142.

Mr. Rogonjic stated that the City is able to refinance the Street Garage debt based on where the interest rates are. The City's financial advisors researched rates and estimate the City will save approximately \$210,000. They are advising the City to issue the debt through a private placement through a competitive bidding process with banks instead of refinancing the debt service through a public offering. The private placement should save time and money.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 12-20

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY FOR FUNDING THROUGH THE TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE (TLCI) FOR PARTIAL FUNDING OF THE CITY OF CHARDON CENTER STREET SIDEWALK INFILL PROJECT AND DECLARING AN EMERGENCY.

Mr. Grau 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. 12-20 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. 12-20.

Mr. Yaney stated that the legislation would authorize the City Manager to apply for the 2021 TICI Implementation Grant for the Center Street Sidewalk Infill Project. If the funds are granted, the City's portion for the project would be 20%, which is approximately \$32,891.

Upon roll call vote the motion passed unanimously.

REVIEW OF EXPENDITURES

Mrs. McArthur reported that expenditures were in order.

EXECUTIVE SESSION

Mr. Smock moved and Mrs. Chuha seconded to adjourn to Executive Session at 8:38 p.m. to consider the purchase of public property for a public purpose or the sale of public property at competitive bidding, and for conferences with the attorney for the public body concerning disputes involving the public body that are the subject of pending or eminent court action, and invite Steve Yaney into the session.

Upon roll call vote the motion passed unanimously.

Discussion occurred regarding the purchase of public property for a public purpose or the sale of public property at competitive bidding.

Discussion occurred regarding conferences with the attorney for the public body concerning disputes involving the public body that are the subject of pending or eminent court action.

Meeting reconvened at 9:45 p.m.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Mr. Blackley moved and Ms. Means seconded to remove ORDINANCE NO. 3141, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO FIRST AMENDMENT TO OPTION TO PURCHASE REAL ESTATE CONTRACT WITH SOMMERS DEVELOPMENT CORPORATION, INC., AND DECLARING AN EMERGENCY from the table. Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3141

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO FIRST AMENDMENT TO OPTION TO PURCHASE REAL ESTATE CONTRACT WITH SOMMERS DEVELOPMENT CORPORATION, INC., AND DECLARING AN EMERGENCY.

Upon roll call vote the motion passed unanimously.

ADJOURN

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

The meeting adjourned at 9:48 p.m.

Attest:

DANIEL MELESKI, Mayor
President of Council

AMY DAY
Clerk of Council