

REGULAR SESSION

October 10, 2019

The Council of the City of Chardon met in Regular Session Thursday, October 10, 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 Benjamin Chojnacki, Police Chief Scott Niehus, City Engineer Doug Courtney, Community Development Administrator Steve Yaney, Public Service Director Paul Hornyak, Park and Recreation Director Adam Rogers, Don Rice, Joe Koziol, Hannah Sekas, Amy Patterson, Barbara Simkoff, Heather Means, John Grapa.

APPROVAL OF MINUTES

Mayor Smock noted that Paul Hornyak's name was missing from others present in the September 12, 2019 Public Hearing and Regular Session minutes.

Mr. Blackley moved and Mr. Grau seconded to approve the minutes of the September 12, 2019 Public Hearing and Regular Session as amended.

Upon roll call vote the motion passed unanimously.

MANAGER'S REPORT

Mr. Sharpe reported that a letter was mailed to the County Commissioners on September 20, 2019 regarding the creation of the Thistle Creek TIF District. The Commissioners responded and have certified a resolution objecting to both the number of years and the percentage of exemption. He is waiting for direction from the City's legal counsel on how to proceed.

Mr. Sharpe reported that the District 7 OPWC Executive Committee met to review the Round 34 preliminary slate of projects. The slate which includes the Chardon Avenue/Canfield Drive Improvements has been recommended for approval by the Integrating Committee which will meet in November.

Mr. Sharpe reported that Doug Million, a maintenance worker in the Street Department, separated employment with the City on September 19, 2019.

Mr. Sharpe reported that David Lewanski, an employee of the Street Department, passed away on September 18, 2019. His hard work and dedication to the City will be missed.

Mr. Sharpe reported that interviews have been conducted to fill the two open positions in the Street Department.

Mr. Sharpe reported that the City received notification that the Department of the Army Corps of Engineers approved the City's permit to place fill within 0.295 acre of wetlands as part of the construction of Mel Harder Park Phase II in exchange for the City's purchase of 0.6 acres of wetlands credits.

Mr. Sharpe reported that notice was received from the Bureau of Justice Assistance that the City will receive a grant award in the amount of \$3,824.69 to be used for armored vests.

Mr. Sharpe reported that the 2019 Sidewalk Repair Program and South Street Sidewalk Infill Project has begun and is expected to be completed by October 30, 2019.

Mr. Sharpe reported on the status of capital projects.

Mr. Grau inquired about the cost for wetlands credits.

Mr. Rogonjic stated that the City paid approximately \$30,000 for the wetlands credits.

Mrs. McArthur asked the cost for bulletproof vests.

Chief Niehus stated that the vests each cost an average of \$800.

PLANNING COMMISSION REPORT

Mr. Blackley reported that Planning Commission met and approved a variance to increase the number of parking spaces for a medical office building at 531 Fifth Avenue.

Mr. Blackley reported that Planning Commission also approved requested variances and the concept site plan for an outdoor dining patio and private parking area for 109 N. Hambden Street.

Community Development Administrator Steve Yaney reported on economic development during the third quarter of 2019.

COUNCIL COMMITTEE REPORTS -

Water/Sewer Committee

Mrs. Chuha reported that the Committee met and reviewed Capital Improvement Plan Projects related to water and sewer.

Service Committee

Mr. Blackley reported that the Committee met jointly with the Water/Sewer Committee and reviewed Capital Improvement Plan Projects related to streets and utility infrastructure.

Mr. Blackley reported that the Committee also discussed changes to cemetery fees and policies which will be discussed further under Legislation.

Mr. Blackley reported that the Committee discussed the bandstand renovation.

Mr. Blackley asked the City Manager to report on the Main Street tree lighting project.

Mr. Sharpe reported that following Council's approval to proceed with the Main Street Lighting Project, the quotes for the project were received and reviewed. There was a large discrepancy between the three quotes and in addition, the low bidder was not forthcoming with information and had not done an installation similar to the Main Street Lighting Project before. As a result, the project was halted and staff is working on obtaining information on lighting projects in other communities.

Mrs. McArthur noted that the Finance Director had provided the committees information regarding lost revenue from motor vehicle license fees. She asked the Finance Director to report on the loss to the City.

Mr. Rogonjic stated that the net loss after the State's increase in fuel tax will be \$100,000 to the City.

HEARING OF PERSONS BEFORE COUNCIL

THOSE PERSONS ON THE AGENDA

Don Rice, Superintendent of Geauga County Board of Developmental Disabilities, spoke about the programs offered by the agency.

GENERAL PUBLIC - none.

John Grapa addressed Council to inform them about the way he was treated by a Chardon Square Association member after it was discovered that he had planted seedlings in the Giving Garden without permission.

Heather Means, Chardon Square Association member, explained that Mr. Grapa's plants were removed from the Giving Garden because they were planted without permission.

OLD BUSINESS - none

NEW BUSINESS

Regarding the adoption of 2020-2024 Capital Plan, Mr. Sharpe stated that the document is a proposed plan that matches short and long term infrastructure projects to the City's needs while considering the resources that are available to fund the projects.

Mr. Sharpe noted that the plan is fluid especially for the later years of the plan. He noted that the State repaving has recently been moved sooner and is expected in 2024.

Mayor Smock stated that he is surprised that ODOT has not made the repaving of State Routes 6 and 44 a priority.

Mr. Rogonjic reviewed the new equipment and projects added to the plan and he also reviewed how projects were changed from those in the prior year's plan.

Mr. Rogonjic noted that funding challenges are expected for projects, vehicles and equipment and in the water and sewer operating funds beginning in 2022. He added that staff will be looking at the rate structure and a dedicated funding source for water / sewer capital projects. Staff is also 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.

Mr. Blackley expressed concern about moving projects around to make room for the State repaving. He inquired about prioritizing the Seventh Avenue Extension Project before Wilson Mills Road.

Mr. Sharpe stated that the Seventh Avenue Extension Project was planned to support the business community and to promote economic development in the area.

Mr. Blackley asked about the East Park Street parking project which is supposed to be coordinated with the library project. He suggested it be combined with the State Repaving.

Discussion occurred regarding NOACA funding for South Street resurfacing from Burlington Green south.

Mr. Blackley moved and Mrs. McArthur seconded to adopt the 2020-2024 Capital Plan with the understanding that the plan is flexible. Upon roll call vote the motion passed unanimously.

A special session of Council was set for November 21, 2019 to discuss the 2020 pre-budget.

Regarding an Announcement of Decision regarding an ASSIGNMENT OF ZONING CLASSIFICATION - PARCEL ID# 15-703829 (Previously known as Parcel ID# 15-096650) TO "S" SPECIAL DISTRICT, Law Director Benjamin Chojnacki explained that this is the final step in assigning the zoning classification to the recently annexed parcel adjacent to Mel Harder Park that includes the finding of fact pertinent to Council's decision.

Mr. Blackley moved and Mrs. Chuha seconded to approve the Announcement of Decision regarding an assignment of zoning classification for Parcel ID #15-703829. Upon roll call vote the motion passed unanimously.

LEGISLATION

ORDINANCE NO. 3090

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF CHARDON, OHIO AND THE OFFICIAL ZONING MAP BY ASSIGNING A ZONING CLASSIFICATION TO A NEWLY ANNEXED PARCEL OF LAND LOCATED AT 12499 CHARDON WINDSOR ROAD, PERMANENT PARCEL ID#15-096650 (RENUMBERED TO PARCEL ID#15-703829) 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. 3090 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. 3090.

Mr. Chojnacki explained that the Ordinance assigns the zoning classification of "S-Special" to the newly annexed parcel.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3091

AN ORDINANCE AMENDING SECTION 941.16 OF THE CODIFIED ORDINANCES OF THE CITY OF CHARDON TO UPDATE THE CHARGES ASSESSED FOR CERTAIN USES AND SERVICES RELATED TO THE CITY'S CEMETERY was read for the first time by title only.

Mr. Blackley 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. 3091 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. 3091.

Mr. Rogonjic reported on the results of staff's review of the City's cemetery fees compared with area communities. As a result of the analysis, it was recommended that the City's cemetery rates be adjusted for cremation opening & closing, and for disinterment fees to be more comparable to the averages of nearby communities. In addition, the age for infant burials was recommended to be changed from 6 months to 12 months as well as the elimination of the opening/closing full burial fee for vaults larger than 60" because they are no longer relevant.

Mr. Lelko noted that the General Fund subsidizes the cemetery on an annual basis. He asked when the projected buildout of the cemetery is expected.

Mr. Sharpe stated that it is many years away before the back section of the cemetery is needed.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3092

AN ORDINANCE AMENDING SECTIONS 941.02(d) AND 941.02(n) OF THE CODIFIED ORDINANCES TO AMEND THE CEMETERY RULES AND REGULATIONS BY CLARIFYING THE PERMITTED DAYS FOR BURIALS AND INTERMENTS AND BY CLARIFYING THE REQUIREMENTS FOR A RITE TO BURIAL PERMIT 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. 3092 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. 3092.

Mr. Rogonjic reviewed proposed changes to the cemetery regulations that cleanup general rules and regulations to reflect no burials or interments on Sundays and the instances when a rite to burial permit is necessary.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3093

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH SCOTT LYNCH LAW LLC, 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. 3093 was then read for the second and third time by title only.

Mr. Grau moved and Mrs. Chuha seconded for the adoption of Ordinance No. 3093.

Mr. Yaney described the tenant space and reviewed the general lease terms for new tenant, Scott Lynch Law LLC.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3094

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH DAVIS INSURANCE AGENCY, LLC AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. Chuha 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. 3094 was then read for the second and third time by title only.

Mr. Blackley moved and Mr. Meleski seconded for the adoption of Ordinance No. 3094.

Mr. Yaney reviewed the general lease terms for Davis Insurance Company's lease of 103 South Street, Suite 3.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3095

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. 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. 3095 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. 3095.

Mr. Rogonjic reviewed the proposed amendments to appropriations that are being requested.

Upon roll call vote the motion passed unanimously.

REVIEW OF EXPENDITURES

Mr. Meleski reported that expenditures were in order but noted that the amount of time Acendex was charging the City to perform IT services is close to exceeding the annual budgeted amount.

EXECUTIVE SESSION

Mrs. McArthur moved and Mr. Meleski seconded to adjourn to Executive Session at 8:13 p.m. for the purpose of discussing property acquisition, litigation involving Loreto Iafelice, threatened litigation involving Geauga County, compensation of a public employee and appointments to boards and commissions and invite Steve Yaney into the session.

Discussion occurred regarding compensation of a public employee.

Discussion occurred regarding property acquisition.

Discussion occurred regarding litigation involving Loreto Iafelice.

Discussion occurred regarding threatened litigation involving Geauga County.

Discussion occurred regarding appointments to boards and commissions.

Meeting reconvened at 9:32 p.m.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Mr. Grau moved and Mrs. McArthur seconded to appoint Thomas Jessup, Jr. to the Park and Recreation Board to fill the unexpired term of Michael Dielman ending 12/31/2021. Upon roll call vote the motion passed unanimously.

ADJOURN

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

The meeting adjourned at 9:34 p.m.

Attest:

JEFFREY L. SMOCK, Mayor
President of Council

AMY DAY
Clerk of Council