

REGULAR SESSION

January 11, 2018

The Council of the City of Chardon met in Regular Session Thursday, January 11, 2018 at 6:26 P.M. in Council Chambers of the Chardon Municipal Center.

Nancy McArthur, 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, Planning and Zoning Administrator Steve Yaney, Public Service Director Paul Hornyak, Michelle Meleski, Amy Patterson, Sue Schade, Nancy Smock, Ken Ovarik, Paul Ovarik, Larry Gaspar, Heather Means, Mary Glauser, Joe Koziol, Hanna Sekas, Brad Sekas, Bill Hess, Pat Joyce, Charlie Joyce, Catherine Chuha, Carrie Chuha, Mike Homovec, Lynnette Homovec, Mike McArthur.

**ELECTION OF COUNCIL PRESIDENT**

Law Director James Gillette, reviewed the procedure for the election of President and Vice President of Council.

Mrs. McArthur asked for nominations for President of Council.

Mr. Meleski nominated Nancy McArthur for President of Council.

Mr. Blackley nominated Jeffrey Smock for President of Council. Mrs. Chuha seconded the nomination.

Mrs. McArthur closed the nominations for President of Council.

Mr. Grau spoke in support of Nancy McArthur for President of Council.

Mr. Meleski stated that he will support whomever is elected Council President but challenged Council members to be transparent and communicate with each other immediately if there is something that they believe should be changed.

Mrs. McArthur read a prepared statement outlining her interest in being appointed President of Council.

Mr. Smock read a prepared statement outlining his interest in being appointed President of Council.

Mr. Lelko stated that his position has always been that if someone is willing and capable of serving as Mayor, then why not.

Results of the roll call vote:

Blackley: Smock  
Chuha: Smock  
Grau: McArthur  
Lelko: Smock  
McArthur: McArthur  
Meleski: McArthur  
Smock: Smock

Results of the roll call vote: Jeffrey Smock for President of Council.

**ELECTION OF COUNCIL VICE PRESIDENT**

Mrs. McArthur asked for nominations for Vice President of Council.

Mrs. Chuha nominated David Lelko for Vice President of Council.

Mr. Grau nominated Daniel Meleski for Vice President of Council.

Mrs. McArthur spoke in support of Daniel Meleski for Vice President of Council.

Mr. Smock spoke in support of David Lelko for Vice President of Council.

Mrs. McArthur closed the nominations for Vice President of Council.

Results of the roll call vote:

Blackley: Lelko  
Chuha: Lelko  
Grau: Meleski  
Lelko: Lelko  
McArthur: Meleski  
Meleski: Meleski  
Smock: Lelko

Results of the roll call vote: David Lelko for Vice President of Council.

Meeting recessed at 6:50 p.m.

Meeting reconvened at 6:58 p.m.

**APPROVAL OF MINUTES**

Mr. Blackley moved and Mr. Grau seconded to approve the minutes of the December 14, 2017 Regular Session.

Mr. Lelko requested that the minutes reflect that he asked if the plan for Mel Harder Park Phase II could be changed depending on the amount of funds the City receives from the State grant which the City has applied for. He asked that the minutes also reflect that City Manager responded that changing the plan should not be a problem.

Mayor Smock requested that the minutes be amended to clarify his statement pertaining to the City Manager's evaluation to reflect that all of the individual evaluations were destroyed once the information from them was compiled as Council and employees were told they would be. The summary sheet from the employees was only given to Council. The consolidated Council version was reviewed with the manager and was intended to be put in the Manager's employee file.

No member of Council had any objections to the corrections.

Results of the roll call vote:

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

Motion passed.

**RESOLUTION NO. 1-18**

A RESOLUTION OF APPRECIATION FOR SUE SCHADE was read for the first time in its entirety.

Mr. Grau 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. 1-18 was then read for the second and third time by title only.

Mr. Meleski moved and Mr. Blackley seconded for the adoption of Resolution No. 1-18.

Mayor Smock thanked Ms. Schade for her time spent on the Park and Recreation Board and presented her the resolution.

Ms. Schade thanked Council for the resolution and reflected on her time as a Park and Recreation Board member.

Members of Council thanked Ms. Schade for her service.

Upon roll call vote the motion passed unanimously.

**RESOLUTION NO. 2-18**

A RESOLUTION OF APPRECIATION FOR KAREN HEWITT 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. 2-18 was then read for the second and third time by title only.

Mr. Grau moved and Mr. Meleski seconded for the adoption of Resolution No. 2-18.

Members of Council thanked Ms. Hewitt for her service as a member of the Park and Recreation Board.

Upon roll call vote the motion passed unanimously.

## **MANAGER'S REPORT**

Mr. Sharpe played a video created by Police Dispatcher Melissa Leslie and her husband that was based on the poem Twas the Night Before Christmas.

Mr. Sharpe reported that the 2017 Heritage Home Program fielded 14 inquires, conducted three (3) site visits, and held one (1) regional public information session.

Mr. Sharpe reported on the leaf collection amounts for the last three (3) years.

Mr. Sharpe reported that an ordinance authorizing the City Manager to enter into a contract with Pease-Kerr Insurance Partners for property and liability insurance is on the agenda under Legislation. The premium of \$119,456 represents an increase of \$2,437 more than the expiring premium. Additional coverage for cyber liability insurance will be renewed with no increase in premium.

Mr. Sharpe reported that Chardon Police Department Car #7 was damaged during a snowstorm on December 27, 2017 and is out of service until it can be repaired.

Mr. Sharpe reported that the Chardon Bicentennial Committee officially disbanded and have distributed the remaining assets between the City of Chardon and Chardon Township. The City received a check in the amount of \$3,365.00, 22 limited edition Robert Kolcum prints and numerous Christmas ornaments. He asked Council for their direction on how to disseminate the prints and ornaments. He noted that he has been approached by Leadership Geauga for a donation of one of the prints for their Emerald Ball.

General discussion occurred regarding various ways to sell or donate the prints and ornaments.

Mrs. McArthur moved and Mr. Meleski seconded to donate as many prints to local non-profit groups and sell any remaining for \$35 and donate the ornaments to the Cancer Society resale shop. Upon roll call vote the motion passed unanimously.

Mr. Sharpe reported that the hourly rate for the Urban Forester has not been adjusted since April 2012. The current rate is \$45.00/hour for up to 444 hours or a maximum of \$19,980. Due to the fact that the City is pleased with the Urban Forester services and wishes to retain Dave Allen for those services, he recommends an increase in the rate to \$47.50/hour up to 444 hours or a maximum of \$21,090. If approved the rate would be effective on April 1, 2018. He asked for Council approval to adjust the agreement with the Urban Forester.

Mr. Blackley moved and Mrs. Chuha seconded to increase the hourly rate of the Urban Forester to \$47.50 per hour. Upon roll call vote the motion passed unanimously.

Mr. Sharpe reported that the City will receive a NOPEC Energized Community grant of \$20,636 for 2018. The NEC grants are being offered to help implement energy efficiency or energy infrastructure projects that will benefit the community in the coming years. He will be making a project recommendation to the Service Committee for phasing-in additional LED street lighting.

Mr. Sharpe reported that the purchase of the one-acre property at 12499 Chardon Windsor Road was completed on December 29, 2017. This property will allow for additional land to support Mel Harder Park.

Mr. Blackley suggested that the Law Director investigate the process to annex the property into the City.

Mr. Gillette stated that he would investigate the process to annex the property into the City.

Mr. Sharpe reported on recent water main breaks.

Mr. Sharpe reported that some members of staff and Council attended a County Commissioners' meeting to review Phase I of the Geauga County facilities feasibility study. He noted that the City will continue to stay engaged with the County while they assess their facility needs.

Mr. Sharpe provided an update on Public Works Projects.

#### **PLANNING COMMISSION REPORT**

Mr. Blackley reported that Planning Commission met and approved a variance for a gravel driveway at 500 Center Street.

Mr. Blackley reported that Planning Commission also approved the City's request for a concept lot split of the properties at 211 and 215 Wilson Mills Road, and also approved the City's request for the dedication plat and acceptance of municipal improvements for the Meadowlands Drive Extension project.

Mr. Blackley reported that Planning Commission recommended the City's proposed text amendment to the Planning & Zoning Code to allow for administrative variances to be granted for decks and/or patios to encroach up to 20% of the side or rear yard setback when the addition is adjacent to dedicated open space. He added that Planning Commission also approved the City's site plan for the Claridon Road & East King Street Roadway Project.

Planning and Zoning Administrator Steve Yaney reported on economic development during the fourth quarter of 2017.

#### **COUNCIL COMMITTEE REPORTS - none.**

#### **HEARING OF PERSONS BEFORE COUNCIL**

##### **THOSE PERSONS ON THE AGENDA -**

Mary Glauser, Executive Director of Chardon Tomorrow, reviewed highlights from 2017 activities and she reviewed proposed activities for 2018.

Ms. Glauser requested the City's continued \$15,000 annual financial support for 2018 and the use of the Heritage House for the second Saturday of every month. She noted that any profit from the second Saturday events will go back to a partnered non-profit organization. She added that they eventually would like to reduce their use of the Heritage House over time.

Mrs. McArthur stated that she is concerned about the City not being able to rent the Heritage House for 12 Saturdays per year.

Ms. Glauser stated that if the City receives a request to use the Heritage House on one of the second Saturdays, Chardon Tomorrow could try to make other arrangements.

Mayor Smock asked if there were any objections to allowing Chardon Tomorrow to use the Heritage House on the second Saturday of every month unless it is otherwise occupied by a paid rental.

No member of Council had any objections.

Ms. Glauser reported that Chardon Tomorrow's annual report is expected to be available after review by Heritage Ohio on January 24, 2018.

Ms. Glauser noted that Winterfest 2018 activities for January 11<sup>th</sup> have been cancelled due to anticipated inclement weather. However, the ice sculpture carvings will still be displayed on the Square.

Mayor Smock announced that he has resigned as Treasurer and Board member of Chardon Tomorrow.

**GENERAL PUBLIC** - none.

**OLD BUSINESS** - none.

**NEW BUSINESS**

Mrs. McArthur reported that some City establishments have expressed interest in obtaining liquor permits to allow Sunday sales.

Mr. Gillette suggested that Tim Snyder, local liquor control officer, be invited to the next Council meeting to review what needs done in order for the issue to be on the ballot.

Mrs. McArthur reported that she and the City Manager met with a economic development firm, Buxton, to discuss economic development services they provide and suggested that a Special Session be held for all of Council to hear about their services.

Members of Council expressed interest in hearing a presentation from Buxton.

Mr. Sharpe stated that he would invite a representative from Buxton to attend a Special Session of Council.

**LEGISLATION**

**ORDINANCE NO. 2996**

AN ORDINANCE AMENDING §1119.19 MINOR VARIANCES was read for the first time by title only.

Mr. Meleski 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. 2996 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. 2996.

Mr. Yaney explained that the legislation will allow for administrative variances to be granted for decks and/or patios to encroach up to 20% of the side or rear yard setback when the addition is adjacent to dedicated open space. If more than 20% is being requested, an applicant can still request a variance from Planning Commission.

Mr. Lelko asked if a screened-in porch would be permitted under these guidelines.

Mr. Yaney stated that screened-in porches would not be covered under these guidelines.

Mr. Blackley asked if pergolas would be permitted under these guidelines.

Mr. Yaney stated that pergolas are not considered additions onto a house.

Upon roll call vote the motion passed unanimously.

**RESOLUTION NO. 3-18**

A RESOLUTION AUTHORIZING THE DISPOSITION OF PROPERTY UNNEEDED, OBSOLETE OR UNFIT FOR MUNICIPAL PURPOSES BY INTERNET AUCTION SALE AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Blackley 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. 3-18 was then read for the second and third time by title only.

Mrs. McArthur moved and Mr. Grau seconded for the adoption of Resolution No. 3-18.

Mr. Gillette stated that the Ohio Revised Code requires the City enact the legislation annually in order for the City to dispose of property that is no longer needed.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 2997**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT/AGREEMENT WITH PEASE-KERR INSURANCE PARTNERS FOR THE PROPERTY, INLAND MARINE, EDP, CRIME, BOILER AND MACHINERY, AUTOMOBILE LIABILITY, COMPREHENSIVE MUNICIPAL LIABILITY, LAW ENFORCEMENT LIABILITY, PUBLIC OFFICIALS LIABILITY AND UMBRELLA EXCESS LIABILITY COVERAGES, 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. 2997 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. 2997.

Mr. Sharpe stated that the City's insurance broker has recommended Pease-Kerr Insurance Partners which has reliably provided the City's coverage for many years.

Mrs. McArthur asks what cyber liability covers.

Mr. Sharpe stated that cyber liability covers information technology services and some legal fees.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 2998**

AN ORDINANCE AMENDING PROVISIONS IN CHAPTER 152 INCOME TAX (EFFECTIVE JANUARY 1, 2016) TO COMPLY WITH AMENDMENTS TO THE OHIO REVISED CODE was read for the first time by title only.

Mr. Meleski 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. 2998 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. 2998.

Mr. Rogonjic explained that the minor changes to the income tax ordinance are necessary because of revisions made to the Ohio Revised Code.

Mr. Rogonjic provided an update on the State's collection of net profit taxes.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 2999**

AN ORDINANCE AMENDING CHAPTER 351, PARKING GENERALLY, TO ALLOW RESTRICTED OVERNIGHT PARKING 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. 2999 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. 2999.

Mr. Gillette stated that the ordinance is in response to Legislative Committee discussions to allow overnight parking primarily for Main Street residents who do not have access to overnight parking on private property. Overnight parking will be permitted between 12 midnight - 6:00 AM on Short Court Street, and in the six (6) parking spaces immediately north of Short Court Street on the west side of East Park Street. He stated that the parking is not limited to those living on Main Street but it is primarily for their benefit.

Mrs. McArthur asked how the end time was chosen.



Mr. Gillette stated that the City's code currently prohibits overnight parking until 6:00 AM.

Mayor Smock asked what time the vehicles will have to be moved in the morning.

Mr. Gillette stated that at 8 AM, it becomes a 3-hour parking space.

Mr. Meleski stated that the times need to be communicated to the Main Street residents.

Discussion occurred regarding the signs designating the overnight parking.

Mr. Grau noted that the overnight parking solution will be re-evaluated after two (2) years to determine its effectiveness.

Mr. Blackley stated that the proposed solution is a good start and he is hopeful that as development grows, other parking areas the City owns will be looked at.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 3000**

AN ORDINANCE ACCEPTING THE PUBLIC IMPROVEMENTS CONSTRUCTED ON LORETO DRIVE AND MEADOWLANDS DRIVE AND APPROVING AND ACCEPTING THE DEDICATION PLAT THEREOF AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. Chuha 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. 3000 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. 3000.

Mr. Gillette stated that the public improvements have been completed and inspected. He added that Ohio law requires that when improvements are complete, they must be accepted by the City so that the City will be responsible for maintaining them.

Mr. Blackley asked if the road has to be opened to the public.

Mr. Gillette stated that the road will be opened to the public.

Mr. Meleski asked the Law Director to explain the legalities behind the improvements the City made to the property.

Mr. Gillette reviewed the improvements the City made to the property in order to comply with requirements of the Ohio Revised Code and the agreement with the developer. He added that there are some improvements that were not constructed by the City as they are the responsibility of the developer.

Mrs. McArthur asked if the road now needs to be signed.

Mr. Gillette stated that the road now needs to be signed. The road sign will read Loreto Way/Meadowlands Drive.

Mr. Lelko asked how long it will take to plow the road.

Mr. Hornyak stated that it should take approximately 15 minutes to plow the road.

Upon roll call vote the motion passed unanimously.

**REVIEW OF EXPENDITURES**

Mrs. Chuha reported that expenditures were in order.

**EXECUTIVE SESSION -**

Mrs. McArthur moved and Mr. Blackley seconded to adjourn to Executive Session at 8:35 p.m. for the purpose of discussing the sale of property, purchase of property, Council Committees appointments, appointments to Boards and Commissions, and personnel relative to Council/Manager relations and invite Steve Yaney, Doug Courtney and Paul Hornyak into the session. Upon roll call vote the motion passed unanimously.

Discussion occurred regarding the sale of property.

Discussion occurred regarding the purchase of property.

Discussion occurred regarding Council Committee appointments.

Discussion occurred regarding appointments to Boards and Commissions.

Discussion occurred regarding Council/Manager relations.

Meeting reconvened at 10:02 p.m.

**COUNCIL COMMITTEE APPOINTMENTS**

The Clerk read the Mayor's appointments to the Council Committees as follows:

**Legislative Committee**

David Lelko - Chair  
Dan Meleski

**Service Committee**

Andrew Blackley - Chair  
David Lelko

**Safety Committee**

Chris Grau - Chair  
Andrew Blackley

**Water & Sewer Committee**

Deborah Chuha - Chair  
Nancy McArthur

**Finance Committee**

Dan Meleski - Chair  
Deborah Chuha

**Park & Recreation Board**

Nancy McArthur  
Chris Grau

Mr. Grau moved and Mrs. Chuha seconded to approve the Council Committee appointments as presented. Upon roll call vote the motion passed unanimously.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

The Clerk read the proposed appointments to Boards and Commissions:

**PLANNING COMMISSION** - 4 year terms-Citizens/2 year terms-Council  
Andrew Blackley 1/1/18-12/31/19  
Chris Grau 1/1/18-12/31/19  
Dean Peska 1/1/18-12/31/21  
Mary Jo Stark 1/1/18-12/31/21  
Hannah Sekas 1/1/18-12/31/21

**SHADE TREE COMMISSION** - 3 year term  
Cheryl Chapman 1/1/18-12/31/20

**CIVIL SERVICE COMMISSION** - 3 year term  
Mitch Hewitt 1/1/18-12/31/20

**PARK AND RECREATION BOARD** - 4 year terms-Citizens/2 year terms-Council  
Nancy McArthur 1/1/18-12/31/19  
Chris Grau 1/1/18-12/31/19  
Jane Zimmerman 1/1/18-12/31/21  
Barbara Simkoff 1/1/18-12/31/21

**BOARD OF ETHICS REVIEW** - 3 year term  
Patricia Hanson 1/1/18-12/31/20

**ENTERPRISE ZONE NEGOTIATING COMMITTEE** - 2 year terms  
Michael Woollams 1/1/18-12/31/19  
Mayor Jeffrey Smock 1/1/18-12/31/19

**GEAUGA COUNTY COMMUNITY IMPROVEMENT CORPORATION** - 1 year term  
Mayor Jeffrey Smock 1/1/18-12/31/18

**ADA COMPLIANCE COMMITTEE** - 2 year terms  
Mayor Jeffrey Smock 1/1/18-12/31/19  
Legislative Committee Chairman - Lelko 1/1/18-12/31/19  
Safety Committee Chairman - Grau 1/1/18-12/31/19

**GEAUGA COUNTY FAMILY FIRST COUNCIL** - 1 year term  
Nancy McArthur 1/1/18-12/31/18

**OPWC DISTRICT 7 INTEGRATING COMMITTEE** - 2 year terms  
Andrew Blackley 1/1/18-12/31/19  
Randy Sharpe 1/1/18-12/31/19  
Lelko & Hornyak alternates

Mr. Blackley moved and Mr. Meleski seconded to approve the Board and Commission appointments as presented. Upon roll call vote the motion passed unanimously.

**ANY OTHER BUSINESS TO COME BEFORE COUNCIL**

Mr. Blackley suggested that the City create a new standing Council Committee for economic development.

Mr. Blackley moved and Mrs. McArthur seconded to direct the Law Director to prepare legislation creating a standing Council Committee for economic development. Upon roll call vote the motion passed unanimously.

**ADJOURN**

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

The meeting adjourned at 10:06 p.m.

Attest:

\_\_\_\_\_  
JEFFREY L. SMOCK, Mayor  
President of Council

\_\_\_\_\_  
AMY DAY  
Clerk of Council