

REGULAR SESSION

May 11, 2017

The Council of the City of Chardon met in Regular Session Thursday, May 11, 2017 at 6:22 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, John Mallen, Nancy McArthur, 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, Linda Miller, Lynn Kempf, Lee Miller, Bill Hess, Ellen Ondrey, Ken Ovark, Joe Koziol, Pam Hill, Dr. Michael Hanlon, Paul Conley, Terry Hegner, Molly Hegner.

APPROVAL OF MINUTES

Mrs. Chuha moved and Mr. Mallen seconded to approve the minutes of the April 13, 2017 Regular Session as presented.

Mr. Smock requested correction of various grammatical errors in the minutes.

Upon roll call vote the motion passed unanimously.

RESOLUTIONS OF APPRECIATION

Mayor McArthur requested that the Resolutions of Appreciation for Jeff Fisher and Jim Fetheroff be tabled since the recipients and the Recreation Director are not in attendance.

Mr. Blackley moved and Mr. Lelko seconded to table the Resolutions of Appreciation for Jeff Fisher and Jim Fetheroff. Upon roll call vote the motion passed unanimously.

Mr. Sharpe requested Council add an item to the agenda.

Mr. Smock moved and Mrs. Chuha seconded to add an item to the agenda. Upon roll call vote the motion passed unanimously.

Mr. Sharpe read a Mayor's Proclamation in recognition of Municipal Clerks' Week.

Members of Council thanked Amy Day, Clerk of Council, for her work as Clerk.

MANAGER'S REPORT

Mr. Sharpe reported that two Eagle Scout projects are currently underway that include the construction of picnic tables for the Square and cabinets and shelves at the Mel Harder Park concession stand.

Mr. Sharpe reported that Priscilla Mayer, Finance Accounting Clerk, tendered her resignation. Brittany Gaeta, current Zoning Inspector, has been hired as her replacement.

Mr. Sharpe reported that the City has hired Gary Stevenson to fill the Part-time Zoning Inspector vacancy.

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Mr. Sharpe reported that the City was not successful in the grant application to the Ohio EPA for a Community Development Grant request for recycling containers.

Mr. Sharpe reported that the City-owned house at 215 Wilson Mills Rd. has been demolished and the property is in the process of being restored.

Mr. Sharpe reported that the City will be participating in ODOT's 2017-2018 Winter Fill Purchasing program, and will commit to purchasing approximately 3,200 ton of calcium chloride.

Mr. Sharpe reported that a new signal head was installed at the intersection of Center Street and Cherry Avenue.

Mr. Sharpe noted that flags will be flown at half-staff on May 15, 2017 in honor of Peace Officers' Memorial Day.

Mr. Sharpe reported that online bill paying is available for water bills and recreation program fees.

Mr. Sharpe reported that the cracksealing bids were received and the apparent low bidder was P.S. Construction Fabrics Inc. whose bid was under the engineer's estimate.

Mr. Sharpe reported on the status of current public works projects.

PLANNING COMMISSION REPORT -

Mr. Blackley reported that Planning Commission met and approved temporary occupancy for two residences in Hidden Glen Development.

Mr. Blackley reported that Planning Commission granted a request for a sign deviation for Lake Erie Video.

Mr. Blackley reported that Planning Commission recommended amendments to the City of Chardon Planning & Zoning Code to establish the definition of "Marijuana" to match the definition in other sections of the Codified Ordinances and to amend Section 1105.03 to prohibit the retail dispensing of medical marijuana in all zoning districts in the City of Chardon.

Mr. Blackley reported that Planning Commission approved the extension to the Concept Plan approval for Hidden Glen Subdivision.

Mr. Blackley stated that Planning Commission had an informal discussion with Ben Sage regarding a future agri-tourism business which he plans to construct on Center Street.

COUNCIL COMMITTEE REPORTS

Water & Sewer Committee

Mr. Blackley reported that the Committee met and heard a presentation by the National League of Cities on a warranty program for utility service lines. The Committee requested additional information on the program which staff is investigating.

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Mr. Blackley reported that the Finance Director prepared a water and sewer rate study which was presented to the Committee. The Finance Director has proposed some rate changes in reaction to an anticipated shortfall in the wastewater treatment plant fund over the next 2 ½ years. The Committee reviewed the information presented by the Finance Director and requested some modifications be made to the proposed rate changes for the Committee to reconsider at a future meeting.

Mr. Rogonjic noted that even though the revenue that has been coming in has been positive when compared to the projected amounts, a large commercial water customer will be moving out of the City in 2018 which is the cause for the anticipated shortfall.

HEARING OF PERSONS BEFORE COUNCIL

Mr. Smock moved and Mr. Mallen seconded to amend the agenda to move Dr. Michael Hanlon first under "Those Persons on the Agenda".

Upon roll call vote the motion passed unanimously.

THOSE PERSONS ON THE AGENDA -

Dr. Michael Hanlon, Superintendent of Chardon Schools, presented a Power Point that highlighted details on the Chardon Local School District's Facilities Project. A School Facilities Committee has been looking for better ways to serve the community and students on a daily basis and provide learning environments that are suitable for students. The Committee has been learning more about the State's school facilities program, enrollment trends and the condition of the school facilities to help formulate a direction for the school district.

Dr. Hanlon reviewed the results of an assessment completed by the Ohio Schools Facility Commission (OSFC). The OSFC evaluated the district's facilities and has recommended replacement of all facilities because the cost for renovation is above their threshold for renovation. He noted that the Ohio Facilities Construction Commission will not construct a school for less than 350 students because of increased operational costs; therefore, any new master plan will not have 4 elementary schools.

Dr. Hanlon reviewed projected enrollment in the district which is expected to decline 10% over the next 10 years.

Dr. Hanlon reviewed a master plan recommendation that included one new Pre-K - Grade 6 building (\$34 million) and one new 7-12 building (\$49 million). In addition, there are some locally funded initiatives estimated to cost \$10-14 million. He then discussed the idea of a bond issue to fund the project.

Mr. Blackley expressed concern about Park Elementary leaving the Square as it is part of the community and is an important component of a student's educational experience. Mr. Blackley also recommended that an architect experienced in renovation of historic buildings be consulted to get a more realistic renovation cost.

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Mr. Grau asked Dr. Hanlon to elaborate on the idea of collaborating with the City on a sports complex.

Dr. Hanlon stated that any opportunity to partner with another entity creates better opportunities for students and the community. He added that there are a number of potential partnerships that are possible including an adaptive reuse of an existing building or a collaboration with the YMCA.

Mr. Mallen asked the difference in the 8 scenarios that were provided to Council.

Mr. Hanlon stated that 8 scenarios were provided by the OFSC as options for the district. The Committee tried to select a scenario that balanced meeting the perceived needs of the community while being responsible from a cost perspective.

Mr. Mallen asked how the District will pass two bond issues.

Mr. Hanlon stated that it is a significant ask but he asked people to consider the efficiency of the existing facilities. The District could keep coming back to ask for operating funds or they can take the leap to make the facilities more efficient which will bring savings.

Mayor McArthur asked about the year OFCC has highlighted.

Dr. Hanlon stated that the year 2021-2022 school year is the midpoint in the enrollment trend over the next 10 years which is being used to base the facility size on.

Mayor McArthur asked when a recommendation is expected to be made.

Dr. Hanlon stated that the Board will begin to consider the information in the next several weeks.

Molly Hegner, 12765 Big Creek Ridge Drive, spoke to request permission for Ursuline art students to paint a mural commemorating the Chardon Living Memorial Park on the side of the Chalet. She stated that all material, supplies and labor would be donated.

Mr. Smock stated that he did not oppose the mural but preferred that it be mounted on posts rather than be painted on the Chalet.

Ms. Hegner stated that the mural can be put on posts instead of on the Chalet.

Mr. Grau asked what the Chardon Living Memorial Park's opinion is of the mural.

Mr. Terry Hegner, member of the CLMP Committee, stated that the Committee discussed it but were waiting for Council direction.

Mr. Mallen stated that he thinks the mural brightens up the exterior of the Chalet.

Mayor McArthur asked if the mural would impede any maintenance to the Chalet.

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Mr. Hornyak stated that the mural would not impede any maintenance to the Chalet.

Ms. Chuha asked about the upkeep of the mural.

Ms. Hegner stated that the students from the Ursuline art clubs would touchup the paint if it is needed.

Mayor McArthur asked about the mural size.

Ms. Hegner stated that the mural can be any size.

Mr. Lelko stated that there are supposed to be commemorative signs and plaques virtually at that same location. He is inquiring how all the signage will fit together.

Mr. Hornyak stated that the public service department can install the mural at an appropriate location.

Mr. Yaney stated that anything over 6 feet in height tends to be imposing.

Mr. Hornyak stated that if the sign is located by the entrance of the trail, the topography slopes down and it will not be imposing.

Mr. Lelko suggested that staff locate an appropriate location for the mural which will determine the appropriate size for that location.

Mr. Blackley moved and Mrs. Chuha seconded to install a mural under the guidance and assistance of Public Service Director Paul Hornyak.

Upon roll call vote the motion passed unanimously.

GENERAL PUBLIC -

Pamela Hill, 311 North Hamden Street, addressed Council and inquired if she is required to install sidewalk at her residence since she has obtained signatures from all the residents on Battles Court who have requested the requirement for sidewalks on Battles Court be waived.

Law Director, James Gillette, stated that the City Engineer has expressed concerns that the elimination of sidewalks will create a pedestrian safety issue by allowing people to walk in the street. The other issue raised by the City Engineer is municipal liability if they allow existing sidewalks to be removed. He stated that sidewalks are not required by the Ohio Revised Code and if there were a pedestrian accident, the primary person responsible will be the operator of the vehicle or possibly the pedestrian if they do not follow rules for walking into traffic. In addition, if Council decides it is not going to require sidewalks be constructed on Battles Court, it falls under discretion action that the City may exercise.

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Mr. Gillette stated that he understands the City Engineer's position and does not think he could take any other position considering what his job is, but if Council decides it is something they want to do and it is appropriate, the City is not looking at any significant liability issue.

Mr. Lelko stated that he agrees with the position the City Engineer has to take; however, the City's legislation requires that the City Engineer has to determine that pedestrian safety will not be significantly reduced by the elimination of sidewalks in order for Council to take action.

Mr. Gillette stated that Council may choose to waive this requirement. He added that if Council authorizes the waiver for the installation of sidewalks, he will prepare an Announcement of Decision for the June Council meeting which will include that Council made a determination to waive that requirement.

Mr. Lelko inquired about the status of the petition which the homeowners signed which states that the City Engineer made the determination that pedestrian safety is not significantly reduced by the elimination of the sidewalks.

Mr. Gillette stated that he can circulate the Announcement of Decision for the property owners to sign.

Mr. Grau asked the City Engineer if his concerns have been addressed.

Mr. Courtney stated that his concerns will remain concerns anytime you are taking pedestrians off of the sidewalk and put them in the street.

Chief Niehus stated that he and the City Engineer reviewed the area being discussed and he agreed with the City Engineer's position and since the Law Director has weighed in on it, he feels better about where the City stands.

Mr. Smock stated in the event of a pedestrian/car traffic accident, he believes the City will be sued in addition to the driver of the vehicles. And after hearing from the Police Chief and City Engineer, he has reservations about approving the request to remove sidewalks on Battles Court.

Mr. Blackley stated that he does not have reservations about it especially since the sidewalks are non-existent on Battles Court today.

Mr. Smock stated that if the City approves the removal of sidewalks, it brings the City into the situation.

Mr. Blackley stated that the City has authorized developments without sidewalks.

Mr. Mallen stated that the chance of something happening on this street is rare and he agrees that it should move forward.

Mr. Mallen moved and Mr. Blackley seconded to grant the petition submitted by Ms. Pamela Hill with the understanding that Council will be presented with an Announcement of Decision at their next meeting.

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Results of the roll call vote:

Blackley: Yes
Chuha: No
Grau: Yes
Lelko: Yes
Mallen: Yes
McArthur: No
Smock: No

Motion passed.

Mr. Lelko asked if the Ordinance should be amended to remove the requirement that the City Engineer shall determine that pedestrian safety will not be significantly reduced since he does not know that the City Engineer would ever recommend the removal of sidewalks.

Mr. Gillette stated that if Council will continue to exempt sidewalks then the Ordinance should be amended.

Council members recommended that the Service Committee meet to consider the amendment of the sidewalk installation Ordinance.

OLD BUSINESS -

Regarding changes to the City's Travel Policy, Finance Director, Mate Rogonjic, stated that the proposed change to the policy would allow for reimbursement to members of Council for events that may include a lunch or dinner as part of the event.

Upon roll call vote the motion passed unanimously.

Regarding questions for the National Citizen Survey, Mayor McArthur stated that after receiving feedback from members of Council on the survey, it was determined that there were no additional questions suggested by Council and so there was no need to eliminate any questions. However, there were some suggested changes to the questions made by members of Council which have been given to Council for their feedback.

Mayor McArthur reviewed the suggested changes to the survey.

Mrs. Chuha moved and Mr. Mallen seconded to incorporate the changes into the survey.

Upon roll call vote the motion passed unanimously.

NEW BUSINESS

Regarding an ANNOUNCEMENT OF DECISION REGARDING WAIVER OF MUNICIPAL REQUIREMENT TO REQUIRE CONNECTION TO THE MUNICIPAL SANITARY SEWER SYSTEM AND ALLOW A PRIVATE SEWAGE SYSTEM TO BE INSTALLED ON PPN: 10-165609, Mr. Gillette stated that the announcement of decision is to allow Mr. Ben Sage to construct a septic system on his property to serve a single residence since the location for the house is over ½ mile from the nearest connection point on Center Street. He added that this is not a unique situation since the City has approved similar requests in the past.

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Mr. Sharpe stated that the City's Thoroughfare Plan includes a stub on this parcel and asked if the Plan should be modified since this property has been purchased by Mr. Sage and will be parceled off.

Mr. Courtney stated that the lot split will accommodate the road.

Mr. Yaney stated that there will still be a 70' wide strip off of the house property.

Mr. Blackley moved and Mr. Grau seconded to approve the announcement of decision to allow a private sewage system to be installed on PPN: 10-165609. Upon roll call vote the motion passed unanimously.

Regarding an ANNOUNCEMENT OF DECISION REGARDING WAIVER OF MUNICIPAL REQUIREMENT TO INSTALL A WATERLINE FOR RESIDENTIAL CONSUMPTION AND ALLOW A WELL TO BE INSTALLED ON PPN: 10-165609, Mr. Gillette stated that a water well is requested on the property because of its distance from a connection point to the City's water system.

Mr. Lelko moved and Mrs. Chuha seconded to approve the announcement of decision to allow a well to be installed on PPN: 10-165609. Upon roll call vote the motion passed unanimously.

LEGISLATION

ORDINANCE NO. 2967

AN ORDINANCE AMENDING CHAPTER 909 TREES OF THE CODIFIED ORDINANCES OF THE CITY OF CHARDON was read for the first time by title only.

Mrs. Chuha 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. 2967 was then read for the second and third time by title only.

Mrs. Chuha moved and Mr. Blackley seconded for the adoption of Ordinance No. 2967.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 2968

AN ORDINANCE AMENDING CHAPTER 1103(b) OF THE CODIFIED ORDINANCES OF THE CITY OF CHARDON TO ADD A DEFINITION OF "MARIJUANA" AND AMENDING §1105.03 TO PROHIBIT THE DISPENSING OF MEDICAL MARIJUANA 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. 2968 was then read for the second and third time by title only.

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Mr. Blackley moved and Mr. Smock seconded for the adoption of Ordinance No. 2968.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 2969

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDMENT OF THE COLLECTIVE BARGAINING AGREEMENT WITH STREET, WATER AND SEWER EMPLOYEES THROUGH THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES LOCAL 3824, AND OHIO COUNCIL 8, AFL/CIO APPROVED ON OCTOBER 9, 2014 AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Hornyak stated that having experienced some unexpected turnover in the mechanic's position, staff reviewed the mechanic's job description and determined that the City mechanic performs a number of duties that are not consistent with an entry-level mechanic. A comparison was made of the pay scale of the City mechanic to other communities based on the job description. Staff determined that the City mechanic's pay scale is low compared to both head mechanics as well a general mechanic's position. Staff is proposing the make the mechanic's pay scale consistent with the water and sewer operator's pay scale since the certification requirements are similar.

Mr. Mallen asked about the pay ranges that are being proposed.

Mr. Hornyak stated that he did not have the pay ranges available.

Mrs. Chuha 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. 2969 was then read for the second and third time by title only.

Mrs. Chuha moved and Mr. Smock seconded for the adoption of Ordinance No. 2969.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 2970

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EMPLOYMENT CONTRACT WITH DENNIS COYNE FOR SERVICES AS AN ASSISTANT POLICE PROSECUTOR AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Grau 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. 2970 was then read for the second and third time by title only.

Mr. Blackley moved and Mr. Mallen seconded for the adoption of Ordinance No. 2970.

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Mr. Gillette stated that the legislation would authorize the City Manager to sign the employment agreement to make Dennis Coyne an employee rather than an independent contractor. His compensation will be the amount that is in the 2017 budget.

Mr. Rogonjic stated that the budget will have to be amended to move budget items around to cover the benefits portion of the position.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 2971

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EMPLOYMENT CONTRACT WITH STEVEN E. PATTON FOR SERVICES AS AN ASSISTANT POLICE PROSECUTOR AND ASSISTANT LAW DIRECTOR AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Blackley moved and Mr. Smock 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. 2971 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. 2971.

Mr. Gillette stated that the legislation would authorize the City Manager to sign the employment agreement to make Steve Patton an employee rather than an independent contractor. His compensation was set forth when Council approved the budget; however, there will need to be a budget appropriation to pay for the benefits portion of the position.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 5-17

A RESOLUTION TRANSFERRING FUNDS IN THE CITY OF CHARDON TREASURY FOR 2017 AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. Chuha moved and Mr. Smock 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. 5-17 was then read for the second and third time by title only.

Mr. Mallen moved and Mr. Grau seconded for the adoption of Resolution No. 5-17.

Mr. Rogonjic stated that all of the proposed transfers were part of the 2017 budget and are needed based on the balance in various funds.

Upon roll call vote the motion passed unanimously.

REVIEW OF EXPENDITURES

Mr. Smock reported that expenditures were in order.

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EXECUTIVE SESSION - none.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Mayor McArthur reported that after some discussion with members of Council, there was concurrence to wait until after the survey to continue the presentations from departments.

ADJOURN

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

The meeting adjourned at 8:40 p.m.

Attest:

NANCY MCARTHUR, Mayor
President of Council

AMY DAY
Clerk of Council