

REGULAR SESSION

July 13, 2017

The Council of the City of Chardon met in Regular Session Thursday, July 13, 2017 at 6:28 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, Park and Recreation Director Joe Rodriguez, Amy Patterson, Bill Hess, Joe Koziol, Darren Ewaska, Lisa Ewaska, Zac Ewaska, Mitchell Ewaska, Larry Gaspar, Bob Sage, Ben Sage, Joyce Rodriguez, Jacob Hougan, David Hartt.

**APPROVAL OF MINUTES**

Mr. Smock moved and Mrs. Chuha seconded to approve the minutes of the June 8, 2017 Regular Session as presented.

Mr. Smock noted grammatical corrections to the minutes.

No member of Council had any objection to the corrections.

Upon roll call vote the motion passed unanimously.

**RESOLUTION NO. 8-17**

A RESOLUTION OF APPRECIATION FOR JACOB HOUGAN was read for the first time in its entirety.

Mr. Smock moved and Mr. Grau 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. 8-17 was then read for the second and third time by title only.

Mr. Smock moved and Mr. Blackley seconded for the adoption of Resolution No. 8-17.

Upon roll call vote the motion passed unanimously.

Recreation Director, Joe Rodriguez, spoke about Jacob Hougan's efforts in constructing picnic benches for the Square park and thanked him for his efforts.

**RESOLUTION NO. 9-17**

A RESOLUTION OF APPRECIATION FOR MITCHELL EWASKA was read for the first time in its entirety.

Mrs. Chuha 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. 9-17 was then read for the second and third time by title only.

Mr. Mallen moved and Mr. Blackley seconded for the adoption of Resolution No. 9-17. Upon roll call vote the motion passed unanimously.

Mr. Rodriguez spoke about Mitchell Ewaska's efforts in constructing cabinets and shelves at the Mel Harder Park concession stand.

#### **MANAGER'S REPORT**

Mr. Sharpe reported on the mailing of the National Citizen Survey.

Mr. Sharpe reported that the welcome letter for new residents and businesses was updated.

Mr. Sharpe reported on the public works projects.

#### **PLANNING COMMISSION REPORT**

Mr. Blackley reported that Planning Commission met and approved the temporary occupancy for 104 Fernway Drive and approved the requested variances for driveways and parking at Awaken Salon. He added that Planning Commission also approved the architectural review for exterior renovations of Cold Harbor Building Company.

Mr. Blackley reported that Planning Commission recommended the approval for staff to proceed with the creation of an agri-tourism overlay district.

#### **ECONOMIC DEVELOPMENT REPORT**

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

Mr. Blackley requested the Service Committee review the possibility of allocating some of the municipal parking spaces for residential tenant use on the Square.

#### **COUNCIL COMMITTEE REPORTS**

##### **Water/Sewer Committee**

Mr. Blackley reported that the committee met and discussed a service line warranty program. After reviewing the topic, the committee members concurred not to recommend the program since residents have the option to choose other insurance products on their own and there is not enough of an advantage to the City to endorse the program.

Mr. Blackley reported that the committee also discussed options to increase the wastewater treatment plant surcharge to cover the anticipated shortfall caused by the City's largest water customer, De Nora Tech, moving out of the City. The Committee recommended Council implement a surcharge increase that would adjust both the minimum and usage charges.

Finance Director, Mate Rogonjic, stated that the upgrade surcharge revenue is used to repay the debt for the wastewater treatment plant and is paid by those customers that had an active sewer connection before April 20, 1993. The surcharge will be in effect from January 2019 through June 2021. He noted that the average increase will be \$13 per year for residents and \$45 per year for businesses.

## HEARING OF PERSONS BEFORE COUNCIL

THOSE PERSONS ON THE AGENDA - none.

### GENERAL PUBLIC

Benjamin Sage, property owner of 505 Center Street, distributed information about common agri-tourism activities and how agri-tourism is recognized in other states. Mr. Sage requested that a starting point and direction be given to David Hartt before he is given permission to create an agri-tourism overlay district.

### OLD BUSINESS

**Regarding permission for food trucks at Square events,** Mr. Sharpe reported that organizations have increasingly been requesting permission to allow food trucks at their events. He stated that he revised the existing square agreement to allow self-contained food trucks at the events.

Mr. Lelko suggested that the agreement be modified to allow the food trucks to be parked in other locations besides Short Court Street if approved by the City Manager.

No member of Council objected to the change to the agreement.

Mr. Smock moved and Mrs. Chuha seconded to approve the Square Use Agreement as amended.

Upon roll call vote the motion passed unanimously.

### NEW BUSINESS

**Regarding authorizing David Hartt and CT Consultants to draft legislation for the creation of an agri-tourism overlay district,** Mr. Yaney stated that Ben Sage would like to develop his 120 acre parcel at 505 Center Street by constructing a home and also developing the remainder of the property into agri-tourism activities. However, the City's Codified Ordinances are not structured to allow Mr. Sage to develop the property in the manner he would like without applying for a significant number of variances. He stated that after some discussion, staff felt that the best way to proceed would be to use the services of David Hartt and CT Consultants to create an overlay district to allow agri-tourism activities.

Mayor McArthur asked David Hartt about the process to create the overlay district.

David Hartt, representing CT Consultants, stated that he would prepare text amendments for Council to consider that would take a few months to complete. He noted that they will be trying to balance the preservation of the character of the land while allowing additional economic uses for the property.

Mr. Grau asked how all of the possible activities that were presented by Mr. Sage can be incorporated into the district.

Mr. Hartt stated that if all of the possible items were permitted in the district, on 100% of the property, it would contradict the agri-tourism concept.

Mr. Sage stated that he envisioned activities spread out with green space in between.

Mr. Lelko questioned why the City is paying for the services of CT Consultants instead of the property owner since it seems to be site specific. He asked where else the overlay district will be applied.

Mr. Hartt stated that it is up to Council to decide if they would like to apply the district in other areas.

Mr. Blackley asked the cost of the work.

Mr. Hartt stated that the cost is \$5,000-\$6,000 exclusive of meetings associated with the adoption process.

Mr. Blackley asked what the incentive would be for the City to pay to create the overlay district.

Mr. Gillette stated that the City does not have any regulations for what Mr. Sage wants to do with his property. Also what has been proposed may be worthwhile to the City in terms of income tax revenue and as a destination to draw visitors to the City. He felt that it would be in the best interest of the City to make the requirements rather than have the property owner come up with the rules which Council would have to approve.

Mrs. McArthur stated that it would be helpful for Council to hear some of Mr. Sage's concepts.

Mr. Sage stated that his ideas for developing his property include pick your own fruit, events and outdoor entertainment, and a winery.

Mr. Blackley moved and Mr. Grau seconded to authorize David Hartt and CT Consultants to draft legislation for the creation of an agri-tourism overlay district. Upon roll call vote the motion passed unanimously.

**Regarding objections to new D5L liquor permit for Element 41, 141 Main Street,** no member of Council had any objections.

**Regarding the adoption of the 2018 tax budget,** Mr. Rogonjic stated that the completion of the tax budget is a statutory requirement and is a starting point in the City's budgeting process. The budget must be submitted to the County in order to receive the City's share of local government funding. He noted that the figures will change as time goes on and the City gets close to beginning its budgeting process.

Mr. Smock moved and Mrs. Chuha seconded to adopt the tax budget for fiscal year 2018. Upon roll call vote the motion passed unanimously.

## **LEGISLATION**

### **ORDINANCE NO. 2974**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH THE C. W. COURTNEY COMPANY TO PROVIDE PROFESSIONAL SERVICES FOR THE CLARIDON ROAD AND EAST KING STREET PROJECT 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. 2974 was then read for the second and third time by title only.

Mr. Blackley moved and Mrs. Chuha seconded for the adoption of Ordinance No. 2974.

Upon roll call vote the motion passed unanimously.

### **ORDINANCE NO. 2975**

AN ORDINANCE AMENDING SECTION 923.175(A)(3) SURCHARGES, OF THE CODIFIED ORDINANCES, INCREASING THE UPGRADE SURCHARGES IN 2019, 2020 AND 2021 was read for the first time by title only.

Mr. Smock 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. 2975 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. 2975. Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 2976**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE WITH EMPOWER UP NUTRITION LLC, FOR PROPERTY LOCATED AT 105 SOUTH STREET, CITY OF CHARDON, OHIO, 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 Ordinance be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Ordinance No. 2976 was then read for the second and third time by title only.

Mr. Yaney stated that the company that will rent the space does lifestyle classes and will sell meal shakes.

Mr. Smock asked how the rent compares to the former tenant, Travel Encounters.

Mr. Yaney stated that the rent is slightly higher for Empower Up Nutrition.

Mr. Blackley moved and Mr. Grau seconded for the adoption of Ordinance No. 2976. Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 2977**

AN ORDINANCE AMENDING APPROPRIATIONS 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 Ordinance be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Ordinance No. 2977 was then read for the second and third time by title only.

Mr. Blackley moved and Mrs. Chuha seconded for the adoption of Ordinance No. 2977.

Mr. Rogonjic reviewed the proposed amendments to the appropriations.

Upon roll call vote the motion passed unanimously.

**REVIEW OF EXPENDITURES**

Mr. Smock reported that expenditures were in order with the exception of a heritage house refund that was in excess of the original security deposit.

**EXECUTIVE SESSION -**

Mr. Grau moved and Mr. Mallen seconded to adjourn to Executive Session at 8:25 p.m. for the purpose of discussing collective bargaining negotiations, the purchase of property and the City Manager's performance review and invited Paul Hornyak, Scott Niehus, Doug Courtney and Steve Yaney into the session.

Upon roll call vote the motion passed unanimously.

Discussion occurred regarding collective bargaining negotiations.

Discussion occurred regarding the purchase of property.

Discussion occurred regarding the performance review of the City Manager.

Meeting reconvened at 9:40 p.m.

**ANY OTHER BUSINESS TO COME BEFORE COUNCIL**

Mr. Grau reported that he, the Mayor and members of staff conducted a tour of a sports fitness center at Mayfield High School to investigate how municipalities work with the school district to create fitness facilities.

Mr. Rogonjic reported how House Bill 49 is expected to affect the City.

Members of Council reported on recent events on the Square.

**ADJOURN**

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

The meeting adjourned at 9:55 p.m.

Attest:

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NANCY MCARTHUR, Mayor  
President of Council

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AMY DAY  
Clerk of Council