

REGULAR SESSION

August 9, 2018

The Council of the City of Chardon met in Regular Session Thursday, August 9, 2018 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, Daniel Meleski, Jeffrey Smock.

Members of Council absent: Nancy McArthur.

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, Amy Patterson, Robert Cromwell, Lisa Heiden, Jimmy Buth, Linda Buth, Larry Gaspar, Mary Glauser, Sarah Mathews, Vince Crawford, Todd Albright, Dan Ellenberger, JoAnn Schmitz, Dr. Donald DeCarlo.

APPROVAL OF MINUTES

Mr. Meleski moved and Mr. Grau seconded to approve the minutes of the July 12, 2018 Public Hearing and July 12, 2018 Regular Session.

Upon roll call vote the motion passed unanimously.

MANAGER'S REPORT

Mr. Sharpe reported that the City is contracting with the E.H. Sutton Insurance Agency, Inc. for property and casualty insurance consulting services. He noted that there is no increase over the prior year's contract of \$3,500.

Mr. Sharpe reported that Brandon Willman has been hired for the position of Maintenance Worker in the Street Department.

Mr. Sharpe reported that University Hospital has donated 11 automated external defibrillators (AEDs) to the City, and representatives from the hospital system are in attendance to officially give the devices to the City. The value of the donation is estimated at \$27,500.

Dan Ellenberger, University Hospitals EMS Director, presented the City with 11 AEDs for the City's use.

Dr. Donald Decarlo, Chief Medical Officer for University Hospitals Geauga, explained situations in which AEDs are used and the benefits of the equipment.

Mayor Smock thanked University Hospitals for the donation.

Chief Niehus explained that the AED units will be distributed amongst the police vehicles and various City facilities.

Mr. Blackley moved and Mr. Grau seconded to accept the 11 AEDs from University Hospitals. Upon roll call vote the motion passed unanimously.

Mr. Sharpe reported that the City received four bids for the 2018 Sidewalk Repair Program. The low bidder is Daniel A. Terreri & Sons Inc. at \$178,800 which is 4.6% under the Engineer's estimate. The Engineer's recommendation and ordinance are on the agenda under Legislation.

Mr. Sharpe reported that an initiative petition has been filed with the Clerk of Council to amend the Charter of the City. The proposed amendment would remove the position of the President of Council and allow for six elected Council members and one elected Mayor. The duties and responsibilities of the Mayor would not differ from those currently permitted in the Charter. The Clerk has verified the number of signatures and will file the petitions with the Geauga County Board of Elections.

Mr. Blackley asked if the ballot language is available.

Staff members stated that the ballot language is not yet available; however copies of the petition are available and can be distributed to Council.

Mr. Blackley asked the Law Director to provide an opinion about how the proposed amendment would function within the City's charter.

Mr. Gillette stated that the City would have to conduct itself in a manner consistent with the duties of the newly elected Mayor.

General discussion occurred regarding how the amendment may affect Council terms.

Mr. Sharpe reported on the status of public improvements projects.

PLANNING COMMISSION REPORT - none.

COUNCIL COMMITTEE REPORTS

Service

Mr. Blackley reported that the Committee met and recommended the installation of a catch basin and storm sewer on Ferris Avenue to relieve issues from storm water runoff on Tilden Avenue.

Mr. Blackley reported that the Service Committee discussed the bid specifications for a single hauler for trash and recycling.

Mr. Blackley reported that the Service Committee discussed the installation of sidewalks on Chardon Square as part of the 2018 sidewalk plan.

Mr. Blackley reported that the Service Committee approved the City Engineer's recommendation for alternative drive apron conduit specifications to allow the use of materials that are easier to work with.

Mr. Blackley reported that the Public Service Director had explained that due to personnel constraints, the berm maintenance program will be postponed until 2019.

HEARING OF PERSONS BEFORE COUNCIL

THOSE PERSONS ON THE AGENDA -

Lisa Heiden, 223 E. King Street, addressed Council and expressed concern that residents will not receive concrete curbs and aprons as part of the Claridon Road/E. King Street Project, especially since she was told that she would be receiving new concrete curbs and aprons a couple of years prior.

City Engineer Doug Courtney stated that the replacement of all aprons and curbs was never in the scope of the project. He further explained that there were some aprons that were to be replaced because they were going to be damaged to reach the water main that was right under the edge of the pavement. However, the location of the gas line was not in the location as was indicated by Dominion East Ohio Gas. The gas line was where the water line was supposed to go. As a result, the water line was moved away from the aprons. He noted that after discussing the situation with the public service director and the contractor, those who were originally supposed to get new aprons before the water line was moved will still get new aprons.

Ms. Heiden questioned why the asphalt curbs will not be replaced with concrete and asked why the City does not have to construct the road to ODOT standards.

Mr. Courtney stated that the pavement work on E. King St. is for pavement maintenance and not building new pavement. He stated that just because the City is doing maintenance to a road does not mean they have to install new curbs and aprons.

Jim Buth, 209 E. King St., stated that he feels that the homeowners were misled that aprons would be replaced by the contractor who repaired sidewalks in their area.

Ms. Heiden stated that replacing a portion of the apron does not make sense and asked the City to consider allowing homeowners to pay for the remaining portion so that it is complete.

Mr. Courtney stated that the contractor still has work to do in the area and this can be looked into.

Mr. Blackley asked if this will be looked into for the other neighbors on the street that are in a similar situation.

Mr. Courtney stated that they will look into options for those residents who were going to get a portion of an apron as part of the original plan. He noted that aprons will be replaced in the original material used.

Mr. Grau inquired about how the miscommunication occurred between residents and the City.

Mr. Courtney stated that the miscommunication occurred in the plan development process and there were some assumptions made about where the water main was going to be located.

Mr. Courtney stated that he will review the area and will come up with a solution.

Mary Glauser, Executive Director of Chardon Tomorrow, reviewed the activities of Chardon Tomorrow during the second quarter of 2018 and upcoming events for the remainder of 2018.

GENERAL PUBLIC

Vince Crawford, representing Waste Management, spoke to address the perception that Waste Management is not a local business. He explained the ways that the company is a Chardon business.

Todd Albright, 104 North Street, spoke positively about Waste Management and the service they provide.

OLD BUSINESS -

Regarding the installation of Chardon Living Memorial Park Sign, Mr. Sharpe stated that staff looked into the installation of the sign and feel they are able to construct a kiosk for the sign, which they are proposing be installed on the west side of the entrance before the parking lot. He noted that it is unknown when staff would have the time to construct the kiosk and it may not be until spring.

Members of Council had no objections to the City staff constructing the kiosk.

NEW BUSINESS

Regarding granting a license for a fence in the right-of-way at 104 North Street, Planning and Zoning Administrator Steve Yaney stated that the homeowner is requesting permission to obtain a license from the City to put a 3' high metal fence in the right-of-way. He added that the proposed fence would meet the criteria for fences in the Planning and Zoning code; however, the proposed fence would encroach the right-of-way since the right-of-way in front of the house is 99 feet in width.

Mr. Lelko asked Mr. Albright if he would consider moving the fence 3' or more from the sidewalk.

Todd Albright, 104 North Street, stated that he was amenable to moving the fence further back if necessary.

Mr. Grau asked the reason for the fence.

Mr. Albright stated that the fence is a safety measure for his child but noted that he also does not want it to be an eyesore.

Mr. Grau stated that there are no other fences in the area on North Street and would like to gain the opinion of the neighborhood residents before he would support granting the license.

Mr. Lelko asked if granting the license would open the City up to any liability.

Mr. Gillette stated that because the area is off of the sidewalk, and the City would be named as an additional insured on the homeowner's insurance policy, the potential liability is minimal.

Discussion occurred regarding the manner to obtain feedback from the neighbors.

Mr. Gillette stated that the issue could be postponed until the September Regular Session of Council which would give an opportunity for residents to comment.

Mr. Blackley stated that homeowners frequently put various landscaping items in the right-of-way and Council permission is not needed. He asked why a fence is different.

Mr. Gillette stated that the difference is a fence requires a permit and because the planning and zoning administrator can not issue a permit for the fence because it is being proposed to be located in the right-of-way. It then becomes a Council issue whether or not surrounding neighbors should be notified.

Mr. Gillette asked if Council wanted to table the issue until September and have the Planning and Zoning Administrator notify residents within in a certain area.

Mr. Grau moved and Mrs. Chuha seconded to table the consideration to grant a license for a fence in the right-of-way at 104 North Street until the next regular meeting of Council. Upon roll call vote the motion passed unanimously.

Discussion occurred regarding how to notify property owners and elicit their opinion.

Mayor Smock stated that he would like to hear from residential properties within 4-5 houses from the property owner.

Mr. Meleski suggested Mr. Albright show his neighbors the fence plan to ask them to indicate their support.

Mr. Yaney stated that he will send notices to property owners asking them to comment or attend the next Regular Session of Council.

Regarding any objections to all liquor permits expiring October 1, 2018, no member of Council had any objections.

Regarding Ferris Avenue Storm Sewer Project for 2018, Mr. Sharpe introduced the project to alleviate the water issue in the area.

City Engineer Doug Courtney explained the details of the project which will collect as much water as possible on Ferris Avenue to prevent the overflow and collection of water on Tilden Avenue.

Mr. Sharpe noted that the Service Committee recommended that Council proceed with the project.

Mr. Blackley moved and Mr. Grau seconded to authorize the City Manager to proceed with the Ferris Avenue Storm Sewer Project. Upon roll call vote the motion passed unanimously.

Regarding bid specifications for single hauler for trash & recycling, Mr. Yaney provided an overview of the specifications and reviewed highlighted sections in the document that were of general interest.

Mr. Yaney stated that there are some changes that need to be made to the City's ordinances before the bid specifications can go out. He added that the purpose of reviewing the bid specifications at this time is to obtain general consensus from Council about the concept of a single trash hauler.

Mr. Lelko asked if Council will review the final bid specifications.

Mr. Gillette stated that Council will still need to authorize staff to send the proposal out for bids and Council would be able to review the final bid specifications at that time.

Discussion occurred regarding when the single trash hauler would be implemented.

Robert Cromwell, 120 Huntington Street, spoke to express concern that he had not received notice about the City's last Service Committee meeting even though he had signed up to receive Committee notifications through the City's website. He asked Council not to vote on the issue until the public can provide their input.

Mr. Yaney continued with his review of the bid specifications.

Discussion occurred regarding including trash day in the bid specification.

Mr. Blackley stated that he would like the City to specify that the City's trash day should be in June.

Discussion occurred regarding the possibility of including private streets in the program.

Mr. Meleski suggested that customer service expectations and response times be specified in the bid specifications.

Mr. Blackley suggested that the proposed changes be incorporated into the bid specifications which would then be reviewed by the Service Committee. He requested drafts be made available for the public and notification be improved for the next Service Committee meeting.

Mr. Sharpe noted that public notice for the meeting was posted and provided to the media; but clarified that Mr. Cromwell did not receive an e-mail informing him of the meeting.

Mr. Sharpe noted that he has communicated with Munson and Chardon Townships about the possibility of joining in the City's program.

LEGISLATION

RESOLUTION NO. 15-18

A RESOLUTION DECLARING THE NECESSITY OF REPAIRING AND RECONSTRUCTING CERTAIN SIDEWALKS IN THE CITY OF CHARDON; REQUIRING THAT ABUTTING PROPERTY OWNERS TO REPAIR OR REPLACE SIDEWALKS; RATIFYING AND CONFIRMING NOTICES; AUTHORIZING REPAIR OR REPLACEMENT OF SIDEWALKS AND, IN CERTAIN CASES, PROVIDING FOR ASSESSMENT OF COST; AND DECLARING AN EMERGENCY was read for the first time in its entirety.

Mr. Blackley 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. 15-18 was then read for the second and third time by title only.

Mr. Blackley moved and Mr. Meleski seconded for the adoption of Resolution No. 15-18.

Mr. Sharpe reviewed the streets included in Round 6 of the sidewalk maintenance program. He noted that the Law Director is investigating if the homeowners' association or the property owner would be responsible for the replacement of sidewalks in the Woods of Burlington.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3023

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT/AGREEMENT WITH DANIEL A. TERRERI & SONS, INC. FOR THE CONSTRUCTION OF SIDEWALKS AND DECLARING AN EMERGENCY 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. 3023 was then read for the second and third time by title only.

Mr. Grau moved and Mr. Meleski seconded for the adoption of Ordinance No. 3023.

Mr. Sharpe stated that Daniel A. Terreri & Sons was the low bidder for the 2018 sidewalk repair program and the Square sidewalk installation.

Mr. Courtney briefly reviewed the Square sidewalk installation project.

Mrs. Chuha inquired about the relocation of the utility poles.

Mr. Courtney stated that it would be costly to relocate the utility poles.

Discussion occurred regarding the project timeline.

Mr. Meleski inquired if the sidewalk will be able to accommodate the activities of the Maple Festival.

Mr. Courtney explained that they will account for the Maple Festival activities and the concrete will be thicker with a thicker base.

Mrs. Chuha asked about the possibility of relocating the crosswalk from Main Street to the Park so that it is on the north side of Court Street rather than the south.

Mr. Courtney stated that there is a grade change on the north side of Court Street which is why it was located on the south side of Court Street. He noted that he will review the area again to see what can be done with the crosswalk.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3024

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE WITH LEADERSHIP GEAUGA COUNTY, AN OHIO NON-PROFIT CORPORATION, FOR PROPERTY LOCATED AT 103 SOUTH STREET, SUITE #1, CITY OF CHARDON, OHIO, AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Lelko 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. 3024 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. 3024.

Upon roll call vote the motion passed unanimously.

Regarding AN ORDINANCE AUTHORIZING THE CITY MANAGR TO ENTER INTO A CONTRACT/AGREEMENT WITH NEXT ERA ENERGY SERVICES OHIO, LLC AS SUPPLIER OF MUNICIPAL ELECTRIC ENERGY AND DECLARING AN EMERGENCY, Mr. Rogonjic stated that the City's contract for electric energy for the wastewater treatment plan expires at the end of August. He added that the price in the proposed ordinance was inaccurately quoted by Next Era and only one additional quote is available at this time. The options are to obtain price quotes, and Council via a motion, authorize the City manager to select the lowest and best price or use the one quote that is available and proceed with an ordinance.

Mr. Gillette stated that it is in the City's best interest to go with the lowest and best price. He suggested that if Council passes a motion authorizing the City Manager to sign a contract with the lowest and best bidder, that contract would be valid; however, he feels an ordinance should be passed at the September meeting ratifying the City Manager's action.

Mr. Blackley moved and Mrs. Chuha seconded to remove item #11D from the agenda. Upon roll call vote the motion passed unanimously.

Mr. Grau moved and Mr. Meleski seconded to authorize the City Manager to enter into an agreement for electricity for the wastewater treatment plant at the lowest and best price. Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3025

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT/AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES ACCEPTING A CAPITAL IMPROVEMENT AWARD FOR A COMMUNITY PARKS, RECREATION AND CONSERVATION PROJECT AND DECLARING AN EMERGENCY was read for the first time by title only.

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. 3025 was then read for the second and third time by title only.

Mr. Meleski moved and Mrs. Chuha seconded for the adoption of Ordinance No. 3025.

Mr. Sharpe stated that Council's authorization is needed for the City to accept a \$250,000 grant from the Ohio Department of Natural Resources for Phase II of Mel Harder Park.

Mr. Lelko asked the project's estimated cost.

Mr. Sharpe stated that the amount of the project was estimated at \$430,000.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3026

AN ORDINANCE ENACTING NEW CHAPTER 911 "USE OF PUBLIC WAYS FOR SMALL CELL WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES" OF THE STREETS, UTILITIES, AND PUBLIC SERVICES CODE AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Lelko 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. 3026 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. 3026.

Mr. Gillette stated that this legislation is in response to action by the General Assembly allowing the construction of small cell wireless facilities in most rights-of-way; however the bill allows the municipality to adopt and apply guidelines and standards for small cell wireless facilities and wireless support structures. He provided an overview of the standards included in the legislation.

Mr. Blackley asked is there are any limitations to the number of providers that may make applications to install small cell facilities.

Mr. Gillette stated that there are not any limitations to the number of providers that may make applications; however, there is are co-location requirements.

Mr. Meleski expressed concern about modifications that could be made to the City's treelawn trees in order to improve their signal.

Mr. Gillette stated that they cannot disturb municipal property.

Mr. Meleski asked how the City can be assured that the financial surety is being maintained by the facilities operator.

Mr. Gillette stated that the City would make the requirement that the financial surety be required to continue as long as they have existing facilities in the City.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3027

AN ORDINANCE ENACTING NEW CHAPTER 913, "SMALL CELL DESIGN GUIDELINES," OF THE STREETS, UTILITIES AND PUBLIC SERVICE CODE AND DECLARING AN EMERGENCY 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. 3027 was then read for the second and third time by title only.

Mrs. Chuha moved and Mr. Meleski seconded for the adoption of Ordinance No. 3027.

Mr. Blackley inquired if districts need designated to prohibit new wood wireless support structures as noted in Section 913.11 (h).

Mr. Gillette stated that ODOT favors wood poles because they break away and the ordinance should be amended to eliminate the prohibition of wood poles in certain zoning districts since the City has the option to require metal poles.

Mr. Blackley asked if the City can prohibit poles on the Square.

Mr. Gillette stated that the ordinance requires that small cell equipment must be located in an underground vault in the historic district.

Mr. Blackley moved and Mr. Grau seconded to modify Subsection h of Section 913.11 to read that the City may require the facilities operator to install a metal wireless support structure other than a wood support structure and delete the remainder of the language in the subsection. Upon roll call vote the motion passed unanimously.

Upon roll call vote the motion to adopt the ordinance passed unanimously.

REVIEW OF EXPENDITURES

Mr. Meleski reported that expenditures were in order. He noted the trend in help desk tickets for IT services has continued to increase and will continue to be monitored.

EXECUTIVE SESSION

Mr. Grau moved and Mr. Meleski seconded to adjourn to Executive Session at 9:34 p.m. for the purpose of discussing pending litigation involving the Sage detachment action filed against the City and invite Steve Yaney into the session. Upon roll call vote the motion passed unanimously.

Discussion occurred regarding pending litigation involving the Sage detachment action filed against the City.

Meeting reconvened at 10:17 p.m.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL -

Mr. Yaney reported that CT Consultants has requested Council set the first two work sessions for the Comprehensive Plan update.

Council set the dates of September 11, 2018 and October 4, 2018 as work sessions for the Comprehensive Plan update.

ADJOURN

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

The meeting adjourned at 10:23 p.m.

Attest:

JEFFREY L. SMOCK, Mayor
President of Council

AMY DAY
Clerk of Council