

REGULAR SESSION

July 8, 2021

The Council of the City of Chardon met in Regular Session Thursday, July 8, 2021 at 6:30 P.M. in Council Chambers of the Municipal Center, located at 111 Water Street, Chardon, Ohio.

Daniel Meleski, 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, Nancy McArthur, Heather Means, Daniel Meleski, Jeffrey Smock.

Members of Council absent: none.

Others Present: City Manager Randy Sharpe, Law Director Benjamin Chojnacki, Finance Director Mate Rogonjic, Clerk of Council Amy Day, Police Chief Scott Niehus, City Engineer Doug Courtney, Community Development Administrator Steve Yaney, Kate Jacob, Larry Gaspar, Justin Geiss, Ken Ovarik, Paul Ovarik, Brian Doering, Andrea Garrabrant, Barbara Peterson, Marilyn Muscenti, John Kumatis.

APPROVAL OF MINUTES

Mr. Blackley moved and Mr. Grau seconded to approve the minutes of the June 10, 2021 Regular Session as presented. Upon roll call vote the motion passed unanimously.

MANAGER'S REPORT

Mr. Sharpe reported on the ODOT winter fill pricing for the FY2022 salt contract.

Mr. Sharpe reported that Omar Williams has transferred from the Division of Streets, Cemeteries, and Parks to the Division of Water and Sewer in the Department of Public Service.

Mr. Sharpe reported that the Street Maintenance Worker position has been advertised and interviews are ongoing.

Mr. Sharpe reported that Patrolman Paul Pfiester was promoted to the rank of Police Sergeant effective June 21, 2021.

Mr. Sharpe reported that the 2021 Sidewalk Maintenance Program bid opening is scheduled for July 30, 2021.

Mr. Sharpe reported that the City was awarded a \$132,000 TLCI grant from NOACA for the Center Street Sidewalk Infill Project.

Mr. Sharpe reported on the status of Capital Improvement Projects.

PLANNING COMMISSION REPORT

Mr. Blackley reported that Planning Commission met and gave concept plan and architectural approval for an addition to the

Chardon Baptist Church at 363 Wilson Mills Road.

Mr. Blackley reported that Planning Commission also approved a variance to allow the installation of an overhead electric service line to serve the new Starbucks restaurant at 255 Center Street.

Community Development Administrator, Steve Yaney, gave the Economic Development report that highlighted business openings and renovations as well as Planning Commission approvals during the 2nd quarter of 2021.

COUNCIL COMMITTEE REPORTS

Safety Committee

Mr. Grau reported that the Committee met and discussed the renewal of the Fire Department contract. They discussed the department's plan to increase salaries so that they are offering competitive wages in addition to adding a part-time employee in each year of the contract due to an increase in calls for service. He reported that the Committee recommended an additional 2 mill levy be sent to the voters in addition to a renewal of the existing 5 mill levy in order to support the Fire Department's budget.

Chief Niehus reported that the John Bohl memorial design is proceeding due to some additional donations that have been received.

Service Committee

Mr. Blackley reported that the Committee met and discussed the creation of a traffic count data program whereby the City can collect traffic counts that will assist staff with planning and grant requests.

Mr. Blackley reported that the Committee is exploring the formation of a traffic calming policy, which is being drafted with the assistance of Kevin Westbrook, the City's traffic consultant.

Mr. Blackley reported on a backup emergency action plan for the Loecy Dam located on Industrial Parkway, which was discussed and recommended by the Committee. It would commit the City to assisting with the dam in case of emergency and will be discussed further during legislation.

Mr. Blackley reported that the Public Service Director provided the Committee with an update to the LED street and traffic light conversions and electric vehicle charging station.

Public Service Director, Paul Hornyak, reviewed details on an electric vehicle charging station which is expected to be in operation by fall. The charging station was made possible through an Ohio EPA grant.

Mr. Blackley reported that the City Engineer reported about the use and life cycle cost of Reclamite, which adds service life to pavement.

Legislative Committee

Mrs. Chuha reported that the Committee met and discussed the G-TV contract. The Committee members were not able to come to a recommendation and a Special Session has been recommended so that the topic may be discussed by all members of Council.

A Special Session was set for July 28, 2021 at 6:30 PM.

Ms. Chuha reported that the Committee discussed an amendment to the nuisance abatement ordinance to add a provision that addresses litter and trash. The legislation will be before Council in August.

HEARING OF PERSONS BEFORE COUNCIL - none.

GENERAL PUBLIC -

Andrea Garrabrant, 145 Fifth Avenue, spoke to express concerns regarding loud and speeding vehicles on Fifth Avenue.

Staff directed Ms. Garrabrant to contact the Police Chief with details about the vehicle and situation.

Barbara Peterson, 143 Fifth Avenue, also spoke to express concerns regarding speeding vehicles on Fifth Avenue. She asked if video cameras can be used to capture the vehicle information.

Chief Niehus stated that if there is a regular offender, a photo of the vehicle may be helpful; however, an infraction must be viewed by a police officer. He added that there are options that can be used to gather data such as the speed radar sign that can help the department determine when infractions are happening so that officers may be posted at the location during these times.

John Kumatis, E. King Street resident, spoke about his displeasure about vehicles with loud exhausts.

Marilyn Muscenti, 207 Downing Drive, inquired about the minimum square footage of the Redwood Apartments to be built on Seventh Avenue and asked if there is an additional exit besides Seventh Avenue.

Mr. Yaney stated that the minimum square footage for the Redwood Apartments is proposed to be approximately 1,200 square feet and all traffic will enter and exit on Seventh Avenue with the first phase.

Ms. Muscenti inquired about the driveway locations for Starbucks being constructed at Center Street/Cherry Avenue.

Mr. Yaney explained that there are two driveway locations. The ingress and egress on Cherry Avenue is constructed so that traffic may only turn right going in or out, and the egress onto Center Street is constructed to allow vehicles to turn right or left onto Center Street.

OLD BUSINESS

Regarding the Local Government Fund Allocation revision, Mr. Rogonjic reported that in June, 2021 Council had approved the formula to change the distribution of the Undivided Local Government Fund recommended by the County Budget

Commission. Since that time, the Budget Commission has requested a modification to the addendum and removed language that the formula is based on need. In addition, it references the O.R.C. section pertaining to the tax budget requirements that each entity has to abide by.

Mr. Smock moved and Mrs. McArthur seconded to approve the amended method of distribution for the Undivided Local Government Fund beginning in 2022 which was approved by the Geauga County Budget Commission at its meeting on May 25, 2021 and further amended at its meeting on June 14, 2021 pursuant to the O.R.C. §5747.53. Upon roll call vote the motion passed unanimously.

NEW BUSINESS

Regarding the adoption of the 2022 Tax Budget, Mr. Rogonjic stated that it is a requirement for Council to adopt the tax budget and it will be revised as the City gets closer to adoption of the permanent budget.

Mrs. McArthur moved and Ms. Means seconded to adopt the 2022 Tax Budget as presented. Upon roll call vote the motion passed unanimously.

Regarding the appointment of OPWC Representatives, Amy Day reported that the County Engineer has asked that the City name its representatives to the OPWC District 7 Integrating Committee. Historically the Service Committee Chairman and City Manager have served as the City's representatives and the other Service Committee member and Public Service Director serve as their alternates.

Mr. Blackley noted that the OPWC Committee reviews project applications for funding and gives their consent after evaluation by the County Engineer's office.

Mrs. Chuha moved and Mr. Grau seconded to appoint the Service Committee Chairman and City Manager as the OPWC District 7 Integrating Committee representatives and the other Service Committee member and Public Service Director as their alternates. Upon roll call vote the motion passed unanimously.

Regarding the approval of outdoor dining request by NOCE, 125 Main Street, Mr. Yaney reported that Noce Pizzeria has requested a license for outdoor dining within the public right-of-way. If Council approval is given, Noce will be required to renew their permit with the Planning and Zoning Department each year under this license.

Mrs. McArthur moved and Mrs. Chuha seconded to approve the outdoor dining permit for Noce Pizzeria. Upon roll call vote the motion passed unanimously.

Regarding the appointment of the Clerk of Council to attend Public Records Training on behalf of all members of Council, Clerk of Council Amy Day explained that members of Council are required to attend public records training at least once during their elected term or a designee may attend in their place.

Mrs. Chuha moved and Mr. Grau seconded to designate the Clerk of Council to attend Public Records Training on behalf of all members of Council. Upon roll call vote the motion passed unanimously.

LEGISLATION

RESOLUTION NO. 11-21

A RESOLUTION AUTHORIZING THE EXECUTION OF A BACKUP EMERGENCY ACTION PLAN COORDINATOR AGREEMENT; AND DECLARING AN EMERGENCY read for the first time by title only.

Mr. Blackley 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.

Resolution No. 11-21 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. 11-21.

Mr. Chojnacki reported that Loecy Dam owners are in the process of submitting an emergency action plan to the Ohio Department of Natural Resources. That action plan obligates various owners of the dam to have certain procedures in place to monitor the dam and act in the case of an emergency. He stated that it makes sense for the City to be involved as a backup to the action plan coordinator and owners of the dam because of the safety forces and equipment the City has available to it in the event of an emergency. The legislation memorializes the terms and conditions to which the City would be providing those services. To the extent that the owners need items, the owners would be paying the City so that taxpayers are not funding the private efforts of the dam owners.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 12-21

A RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX IN EXCESS OF THE TEN MILL LIMITATION 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.

Resolution No. 12-21 was then read for the second and third time by title only.

Mrs. McArthur moved and Ms. Means seconded for the adoption of Resolution No. 12-21.

Mr. Rogonjic stated that the City's current fire and ems levy collections expire in 2021 and Council has to enact legislation to authorize a levy going forward. After review of the Fire Department's contract request along with projections, City staff is recommending a renewal of the existing 5 mill levy, and an additional 2.0 mill levy.

Mr. Smock asked if the Fire Department budget was agreed upon.

Mr. Grau stated that the Safety Committee reviewed and discussed the Fire Department budget, and made their levy recommendation based upon their proposed budget.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3173

AN ORDINANCE AMENDING APPROPRIATIONS IN THE CITY OF CHARDON TREASURY FOR 2021 AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Grau moved and Ms. Means 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. 3173 was then read for the second and third time by title only.

Mrs. McArthur moved and Mr. Smock seconded for the adoption of Ordinance No. 3173.

Mr. Rogonjic reviewed the proposed amended appropriations that will have no net effect on the finances of the City because they are covered by a grant and an engineering deposit.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 13-21

A RESOLUTION TRANSFERRING FUNDS IN THE CITY OF CHARDON TREASURY FOR FY 2021 AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Grau moved and Ms. Means 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.

Resolution No. 13-21 was then read for the second and third time by title only.

Mr. Smock moved and Mrs. McArthur seconded for the adoption of Resolution No. 13-21.

Mr. Rogonjic stated that the proposed fund transfer from the Sewer Capital Improvement Fund is to eliminate the negative fund balance in the WPCLF Debt Service Fund. He noted that this is a timing issue as the City has not collected the tap-in fees and system development charges from the Redwood Apartment Units and Thistlecreek Subdivision. However, as construction progresses in these developments, the City expects to collect system development charges and tap-in fees that were budgeted.

Upon roll call vote the motion passed unanimously.

REVIEW OF EXPENDITURES

Mrs. McArthur reported that expenditures were in order.

EXECUTIVE SESSION

Mr. Grau moved and Mrs. McArthur seconded to adjourn to Executive Session at 7:43 p.m. for conferences with an attorney for the public body concerning disputes involving the

public body that are the subject of pending or eminent court action, and to consider the appointment, employment, dismissal, promotion, demotion, discipline or compensation of a public employee or official, and invite Ben Chojnacki, Randy Sharpe, Mate Rogonjic, Amy Day, and Majeed Makhoulf into the session.

Upon roll call vote the motion passed unanimously.

Discussion occurred regarding conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or eminent court action.

Discussion occurred regarding the appointment, employment, dismissal, promotion, demotion, discipline or compensation of a public employee or official.

Meeting reconvened at 8:47 p.m.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Ms. Means moved and Mr. Grau seconded to appoint Casi Vician to the Audit Committee for a term ending December 31, 2024. Upon roll call vote the motion passed unanimously.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Ms. Means thanked the Public Service Director for the assistance he has provided residents who had concerns with the Chardon Avenue/Canfield Drive Project.

Mr. Smock asked how much is owed back to the General Fund now that the Wastewater Treatment Plant is paid for.

Mr. Rogonjic stated that over \$7 million is owed to the General Fund. He noted that since the System Development Charge is in place, collections from that will be transferred to the General Fund.

ADJOURN

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

The meeting adjourned at 8:50 p.m.

Attest:

DANIEL MELESKI, Mayor
President of Council

AMY DAY
Clerk of Council