

REGULAR SESSION

August 12, 2021

The Council of the City of Chardon met in Regular Session Thursday, August 12, 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.

Members of Council absent: Jeffrey Smock.

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, Kathleen Doyle, Ken Ovarik, Paul Ovarik, Robert Cromwell, Brian Doering, Amy Patterson, Katherine Delaney, John Blauch.

APPROVAL OF MINUTES

Mrs. Chuha moved and Mrs. McArthur seconded to approve the minutes of the July 8, 2021 6:20 PM Public Hearing, July 8, 2021 6:25 PM Public Hearing, July 8, 2021 Regular Session, and July 28 Special Session as presented. Upon roll call vote the motion passed unanimously.

MANAGER'S REPORT

Mr. Sharpe reported that Adam Eggleston has been hired as a full-time maintenance worker in the Division of Streets, Cemeteries and Parks.

Mr. Sharpe reported that Ronyak Paving will begin work on the 2021 Street Maintenance Program on August 13, 2021.

Mr. Sharpe reported that staff is in the process of applying for a HB 168 Water and Wastewater Infrastructure Grant through the Ohio Department of Development for the funding of a second 356,000-gallon clearwell tank at the Water Treatment Plant. The addition of the second clearwell will provide a number of advantages including enhanced redundancy, increased reliability of treatment operations, and increased water storage volume necessary during a future rehabilitation of the water tower.

Mr. Sharpe reported that a key to the City was presented to Lucas Kelling on July 22, 2021.

Mayor Meleski provided details on the program put together by the Chardon Fire Department in collaboration with the Special Wish Foundation of Cleveland which granted a wish to 4-year old Lucas Kelling to become a firefighter for the day.

Mr. Sharpe reported on the high attendance at Square events.

Chief Niehus reported on the National Night Out held on August 3, 2021.

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

Chief Niehus spoke about safety tips for drivers as students return to school.

Robert Cromwell, 120 Huntington Street, noted a safety concern with busses and traffic backing up on Goodrich Court to Huntington Street. He asked Council to look into it due to it being a safety issue.

PLANNING COMMISSION REPORT

Mr. Blackley reported that Planning Commission met and granted a conditional use for a two-family dwelling in the R-2 District on a vacant lot at 335 E. King St. and a variance to allow a non-conforming lot under contiguous ownership to be developed by the same owner. Planning Commission denied however, the applicant's variance request to allow a non-conforming lot to be developed as a two-family dwelling.

Mr. Blackley reported that Planning Commission also held an informal discussion regarding Maple Ridge PRD for a 96-unit, single-family, detached dwelling unit subdivision.

COUNCIL COMMITTEE REPORTS - none.

HEARING OF PERSONS BEFORE COUNCIL - none.

GENERAL PUBLIC -

Kathleen Doyle, 142 Chardon Avenue, spoke to voice her concern that waterproofing work that she had inspected by the City in 2004, was done incorrectly. She questioned the need for permits and inspections by the City if the homeowner is responsible for work done incorrectly. She questioned the training, evaluation, and accountability of inspectors for the City and asked Council to look into improving the permitting and inspection process.

Kathy Delaney, 439 North Hambden Street, spoke to express her displeasure that she was not notified that the City would be removing the sidewalks on North Hambden Street.

Mr. Sharpe stated that a work sign was put up when the project began; however, it was taken down when delays were experienced with the bidding process. When the work began again, the sign was not put back up right away, and he apologized that this was not done.

Mr. Blackley questioned if flyers are provided by the contractors when sidewalks are going to be disturbed.

Public Service Director, Paul Hornyak, clarified that handwritten notices are not sent when this type of work is being done, but rather signs are posted. If a resident will be displaced from their driveway or if there will be a disruption with utilities, the City requires a handwritten notice from the contractor. In addition, the City uses

electronic notifications and social media to provide additional notifications.

Ms. Means stated that the developers could do a better job of proactively communicating with residents about work that is planning to be done.

Mr. Blackley suggested that a Service Committee meeting be set to discuss contractor notification to residents and to address Ms. Doyle's comments. He noted that he does not think these are normal occurrences, but would like to see them addressed.

Sue Tomcar, 123 Chardon Avenue, expressed her displeasure that she had to replace her sidewalk in 2017 at a cost of \$1,550.00, and now her sidewalks have been removed as part of the Chardon Ave. Reconstruction project.

Mr. Hornyak stated that in 2017, the City was unaware of when the Chardon Avenue/Canfield Drive Project would take place since they had not applied for funding for it until 2019. He added that the City was not going to stop the sidewalk program in anticipation of receiving funding for the project years later.

Ms. Tomcar stated that she thinks the residents of Chardon Avenue who replaced their sidewalks should get some of their money back.

Mr. Sharpe stated that the City does not wish to tear out recently repaired sidewalks, but noted that it is sometimes unknown if and when some projects will be awarded.

Robert Cromwell, 120 Huntington Street, thanked Council for implementing the International Property Maintenance Code, and said he envisions it benefitting the City for years to come.

Ms. Means asked what the City can do to address Mr. Cromwell's concern regarding school traffic backing up on Goodrich Court.

Discussion occurred regarding options to alleviate the student drop-off problem at Park Elementary School which lies with the school and library. Council concurred to discuss the student drop-off issue at a future Safety Committee meeting.

OLD BUSINESS - none.

NEW BUSINESS

Regarding all liquor permits set to expire October 1, 2021, Mr. Blackley moved and Ms. Means seconded to approve all liquor permits set to expire October 1, 2021. Upon roll call vote the motion passed unanimously.

Regarding the issuance of a new D5H liquor permit for Thrive Performing and Visual Arts, 101 Water Street, no member of Council had any objections.

A public hearing to provide the public an opportunity to comment regarding a proposed amendment to the approved Concept Plan for Maple Ridge PRD Subdivision (Formerly known as Brooks Meadows PRD subdivision) was set for September 9, 2021 at 6:20 PM.

Regarding authorizing the City to act as the fiscal agent for the Chardon Fire Department's application for an American Recovery Plan grant, Fire Department Captain John Blauch, stated that because the Fire Department is a contracted entity, they are not able to apply for the ARPA funds. They are asking the City to act as the fiscal agent so that the Fire Department may apply for funding to replace \$78,000 of existing equipment such as difibulators, stair chairs, and chest compression devices. The distributor is offering the equipment at 50% off for a limited time.

Finance Director, Mate Rogonjic, stated that further investigation is needed to determine if the City would need to expend the funds on behalf of the Fire Department or if they need to enter into a sub-grant agreement with the Fire Department.

Mr. Grau moved and Mr. Blackley seconded to authorize the City Manager to exercise his discretion, in whatever way he sees fit with the Fire Department's application for ARPA funds. Upon roll call vote the motion passed unanimously.

LEGISLATION

AN ORDINANCE DECLARING 100% OF IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT THOSE PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A REDWOOD CHARDON MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS AND RELATED MATTERS was read for the first time by title only.

ORDINANCE NO. 3174

AN ORDINANCE AMENDING SECTION 521.11 OF THE CODIFIED ORDINANCES OF THE CITY OF CHARDON TO ALLOW THE CITY TO ENTER ON PRIVATE PROPERTY TO REMOVE NUISANCE LITTER was read for the first time by title only.

Mr. Grau 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. 3174 was then read for the second and third time by title only.

Mrs. McArthur moved and Ms. Means seconded for the adoption of Ordinance No. 3174.

Community Development Administrator, Steve Yaney, stated that the City's Code currently has a section that deals with litter in a similar way to grass; however, that section does not include a provision allowing the City to abate the nuisance in the same fashion as the grass section. The proposed legislation will allow staff to contract the removal of the litter in a similar way as is done for the cutting of grass.

Mr. Cromwell questioned the definition of litter in the legislation, and asked if providing a habitat for rodents would qualify in the legislation's definition of litter.

Mr. Chojnacki stated that the definition of litter has been in the City's code for many years. The amendment before Council is subsection "g" that authorizes the City to enter onto a property.

Ms. Means asked what Mr. Cromwell's recourse would be if an individual causes a rodent problem upon his property.

Mr. Chojnacki stated that a property owner has 2 remedies: they could handle it privately, or if there is a potential violation of the City's Code, the City could serve them notice of a violation. He noted that there is a free range of movement with tall grass and litter that requires the City to act immediately, as opposed to a fixed structure.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3175

AN ORDINANCE REPEALING SECTION 131.02 OF THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Blackley 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. 3175 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. 3175.

Mr. Sharpe noted that Council approved the Safety Committee recommendations to the part-time patrol and dispatcher's holiday and uniform pay in May and June of 2021. By Council adopting the changes, it made Section 131.02 of the C.O. no longer valid. The legislation would repeal this C.O. Section.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 14-21

AN EMERGENCY RESOLUTION TO ACCEPT THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT was read for the first time by title only.

Mrs. McArthur moved and Ms. Means 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. 14-21 was then read for the second and third time by title only.

Mr. Grau moved and Ms. Means seconded for the adoption of Resolution No. 14-21.

Mr. Chojnacki stated that three major distributors of opioids reached a settlement agreement that will result in \$829,000,000 being paid over 18 years to the State and its political subdivisions. The funds are earmarked for specific purposes related to the opioid epidemic, and in order for a settlement to take place, a minimum threshold of subdivisions (70%) need to pass legislation in support of the agreement.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3176

AN ORDINANCE AWARDING THE 2021 SIDEWALK REPAIR AND FIFTH AVENUE AND WASHINGTON STREET INFILL SIDEWALKS TO DPD CONSTRUCTION & ENGINEERING, LLC, AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. McArthur 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. 3176 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. 3176.

City Engineer, Doug Courtney, stated that DPD Construction and Engineering submitted the lowest and best bid for the project. After reviewing the bid and their references, he is recommending award of the contract to DPD Construction and Engineering.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3177

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 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. 3177 was then read for the second and third time by title only.

Mrs. McArthur moved and Mrs. Chuha seconded for the adoption of Ordinance No. 3177.

Mr. Rogonjic stated that an increase in the General Fund budget is being requested to cover the potential demolition of the house and garage at 484 Karen Drive and the potential demolition of the garage at 116 Fifth Avenue. If the demolitions occur, the City can assess the costs to the property owners' taxes.

Mr. Rogonjic reviewed his proposed distribution of the assessments: Costs up to \$4,999.99 will be distributed over two tax years, costs of \$5,000.00 to \$9,999.99 will be distributed over four tax years, costs of \$10,000.00 to \$14,999.99 will be distributed over six tax years, and costs of \$15,000 or more will be distributed over eight tax years.

Mrs. McArthur moved and Mr. Grau seconded to adopt the distribution of assessments as recommended by the Finance Director. Upon roll call vote the motion passed unanimously.

Upon roll call vote the motion to adopt Ordinance No. 3177 passed unanimously.

REVIEW OF EXPENDITURES

Mrs. McArthur reported that expenditures were in order.

EXECUTIVE SESSION

Mr. Grau moved and Mrs. Chuha seconded to adjourn to Executive Session at 7:59 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 Makhlouf into the session.

Upon roll call vote the motion passed unanimously.

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

Mr. Rogonjic and Mrs. Day were excused from the Executive Session.

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.

Meeting reconvened at 9:04 p.m.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL - none.

ADJOURN

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

The meeting adjourned at 9:05 p.m.

Attest:

DANIEL MELESKI, Mayor
President of Council

AMY DAY
Clerk of Council