

REGULAR SESSION

September 9, 2021

The Council of the City of Chardon met in Regular Session Thursday, September 9, 2021 at 6:23 p.m. in Council Chambers of the Chardon Municipal Center.

Daniel Meleski, President of Council presiding.

The meeting opened with the pledge of allegiance and roll call.

Members of Council present: Deborah Chuha, Chris Grau, Nancy McArthur, Heather Means, Daniel Meleski, Jeffrey Smock.

Members of Council absent: Andrew Blackley (6:24 p.m.)

Others Present: City Manager Randy Sharpe, Finance Director Mate Rogonjic, Clerk of Council Amy Day, Law Director Benjamin Chojnacki, Police Chief Scott Niehus, City Engineer Doug Courtney, Community Development Administrator Steve Yaney, Public Service Director Paul Hornyak, Ken Ovark, Paul Ovark, Howard Herrick, Dustin Keeney, Brian Doering, Kathie Doyle, Mark Holz, Jeremy Rosen, Julie Gorenc, Mark Gorenc, Dean Hayne, Scott Lynch, Madelon Horvath.

APPROVAL OF MINUTES

Mr. Grau moved and Mrs. Chuha seconded to approve the minutes of the August 12, 2021 Regular Session as presented.

Andrew Blackley arrived at 6:24 p.m.

Results of the roll call vote:

Blackley: Yes
Chuha: Yes
Grau: Yes
Means: Yes
McArthur: Yes
Meleski: Yes
Smock: Abstain

Motion passed.

Mrs. McArthur moved and Ms. Means seconded to approve the minutes of the August 21, 2021 Special Session.

Upon roll call vote the motion passed unanimously.

MANAGER'S REPORT

Mr. Sharpe reported that the physical agility and written exam to create an eligibility list for the original appointment to the Police Department will be held on September 11, 2021.

Mr. Sharpe reported on recent hirings and resignations.

Mr. Sharpe reported that Thrive's grand opening will be held on September 10, 2021.

Mr. Sharpe reported that the City-wide trash day will be held on September 25, 2021.

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

Mayor Meleski asked staff to review a timeline of both the sidewalk maintenance project and the Chardon Avenue Rehabilitation Project.

Public Service Director, Paul Hornyak, reviewed a timeline of events for the Chardon Avenue and Canfield Drive Rehabilitation Project as well as Round 4 of the Sidewalk Maintenance Program that included Chardon Avenue. He noted that the Sidewalk Maintenance Program had already concluded prior to the City receiving funding from the Ohio Public Works Commission for the Chardon Avenue and Canfield Drive Rehabilitation Project.

Mr. Sharpe stated the City tries very hard to avoid removing recent infrastructure work as part of a project. However, in this case, the sidewalk program was organized well in advance of the Chardon Avenue /Canfield Drive Project. The sidewalk program could not be put on hold in the event that someday the City would get a grant to do the project.

PLANNING COMMISSION REPORT

Mr. Blackley reported that Planning Commission met in Regular Session and approved concept plans to allow for the expansion of Buckeye Chocolate, for renovations to the former Carter Lumber building and for infill sidewalks along Fifth Avenue and Washington Street. He noted that Planning Commission also granted approval of a lot split at 439 and 443 North Street.

Mr. Blackley reported that Planning Commission met in Special Session and approved an announcement of decision granting an extension for the concept plan for the Hidden Glen Subdivision until 2025.

Mr. Blackley reported that Planning Commission also approved an amended concept plan for Maple Ridge PRD Subdivision, and had an informal discussion with the property owner of 12 Randall Court regarding a future variance request.

COUNCIL COMMITTEE REPORTS

Park and Recreation

Ms. Means reported that the Park and Recreation Board met and discussed the pool and the challenges the Recreation Department faced due to COVID. The Board also discussed fall programs and the availability of 106 Water Street for programming and classes.

Service Committee

Mr. Blackley reported that the Committee met and reviewed the City's organization of zoning permits, and qualifications, training and duties of inspectors of projects, which was an issue brought by resident Kathleen Doyle. Staff reported on the topic and the Committee was satisfied that the current measures in place are quite good.

Mr. Blackley reported that the Committee discussed a storm sewer connection at 142 Chardon Avenue. The Committee heard staff members review a situation where it appeared that the City was culpable for the mis-identification of the storm sewer lateral when work was done during the 1990s. The property owner, Kathleen Doyle, has a claim of \$2,050 for the cost she paid to correct the storm sewer work, which the Committee recommended be reimbursed to her.

Mr. Blackley moved and Mr. Smock seconded to authorize the reimbursement of \$2,050 to Kathleen Doyle of 142 Chardon Avenue for the cost to correct a storm sewer lateral problem which was created by the City.

Upon roll call vote the motion passed unanimously.

Mr. Blackley reported that the Committee heard a request by the Burlington Oval Homeowners Association (HOA) regarding driveway apron repair at 119 and 121 Burlington Oval. The City believed there was a water leak and removed sections of a driveway in the process of trying to locate the leak. Sections around the concrete repair have developed cracks and HOA is making a repair claim. He noted that the Committee heard the information on the matter and they concluded that the City is not liable and do not recommend payment; however, they offered that the HOA could attend the Council meeting to appeal the Committee's request.

No member of the HOA was present to address Council.

Mr. Blackley reported that the Committee discussed the City's resident notification process as it relates to City projects. He explained that staff reported that they are in the process of modifying specifications of the City's contracts to require the contracts provide a notification letter to residents prior to work beginning.

Mr. Blackley reported that the Committee discussed a traffic calming policy which the City's traffic consultant will continue to investigate, as well as a traffic count program which will be used to make determinations if a street would meet criteria for traffic calming.

Mr. Blackley reported that the Committee received an update on the Chardon Avenue/Canfield Drive Project and discussed allowing some parking on certain City streets, which staff will be investigating.

HEARING OF PERSONS BEFORE COUNCIL

THOSE PERSONS ON THE AGENDA

Dean Hayne, First Energy Corp., addressed Council to discuss First Energy Corporation's services and their process for restoring power.

Mr. Hornyak asked Mr. Hayne to address the status of the LED Street Lighting Program.

Mr. Hayne stated that due to staffing shortages resulting from COVID, the changeout of street lights to LED has been delayed. He noted that he expects to have the lights changed by the first quarter of 2022.

Scott Lynch, 2021 Chardon Tomorrow Vice President, addressed Council and reviewed their activities planned for 2022. He noted that Chardon Tomorrow secured PPP funding and remained solvent though the current year and are functioning with a completely volunteer staff.

Mr. Grau asked if the funding for Chardon Tomorrow will be revisited by Council.

Mr. Lynch stated that Chardon Tomorrow would like to continue to have a relationship with the City and would like to be considered for funding when the time is opportune.

Madelon Horvath, 2021 Chardon Tomorrow President, spoke about a We Share Program which is a collaboration of the ideas and goals among groups that are interested in moving Chardon forward.

GENERAL PUBLIC - none.

OLD BUSINESS - none.

NEW BUSINESS

Regarding and announcement of decision for Maple Trace PRD Subdivision, Mr. Chojnacki stated that the concept plan has been approved by Planning Commission and the amendments within are memorialized into the announcement of decision. A motion by Council authorizing the announcement of decision and municipal approval is needed.

Mrs. McArthur moved and Ms. Means seconded to approve the announcement of decision for Maple Trace PRD Subdivision.

Mr. Smock asked why the main street into the subdivision changed from a curved street to a straight street.

Dustin Keeney, representing Polaris Surveying & Engineering, on behalf of Frontier Land Group, stated that the road was changed in part to reduce the upfront and maintenance costs of pavement and utilities. He noted that in lieu of the curved street, they created a larger buffer area around the perimeter of the subdivision.

Mr. Yaney noted that the revised plan also created more uniform lot shapes.

Mr. Smock asked if the trail system in the subdivision is public or private.

Mr. Yaney stated that the sidewalks along public roadways would be public, and the trail network running north to south would be private and would be maintained by the Homeowners Association.

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 second time by title only.

RESOLUTION NO. 15-21

A RESOLUTION PROVIDING FOR THE CONTROL OF BLIGHT AND DISEASE OF SHADE TREES WITHIN PUBLIC RIGHTS OF WAY AND FOR PLANTING, MAINTAINING, TRIMMING AND REMOVING SHADE TREES IN AND ALONG THE

STREETS OF THE CITY OF CHARDON; AUTHORIZING THE SHADE TREE COMMISSION TO SO PROVIDE DURING THE YEAR OF 2021; ESTABLISHING A SINGLE DISTRICT FOR SAID PURPOSE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 727.011, OHIO REVISED CODE; PROVIDING THE ASSESSMENT OF THE COST AND EXPENSE OF SUCH PLANTING, MAINTAINING, TRIMMING AND REMOVING UPON BENEFITTING PROPERTY IN SAID DISTRICT, 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 Resolution be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Resolution No. 15-21 was then read for the second and third time by title only.

Mr. Grau moved and Mr. Smock seconded for the adoption of Resolution No. 15-21.

Mr. Chojnacki stated that by adoption of the Resolution, Council is recognizing that the public health is benefitted by the planting, maintaining, trimming and removing shade trees along the City streets during 2021.

Mr. Smock asked if the Shade Tree Commission requested an assessment amount, noting that the proposed assessment is the same as 2020.

Mr. Sharpe stated that he does not know if the Shade Tree Commission discussed the assessment, but believed that they are fine with the proposed amount.

Ms. Means asked about the process to replant a new shade tree when one is removed and expressed concern with the length of time that this takes.

Mr. Sharpe stated that the safety factors of tree trimming and removal has to take precedence over tree replacement.

Ms. Means asked the process for tree planting.

Mr. Sharpe stated that the Urban Forester has a method to the prioritization of tree planting.

Mr. Hornyak stated that the Urban Forester can report to Council on his tree planting criteria. He noted that the brush collection program was brought in-house in 2020, in part to allocate more money for tree planting.

Discussion occurred regarding the responsibility of the trees planted in the tree lawn.

Council concurred to have the Urban Forester attend a future Council meeting to address tree removal and planting.

Mr. Smock suggested the Urban Forester come to the Council meeting annually when the Shade Tree Resolution is being considered by Council.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 16-21

A RESOLUTION OF NECESSITY FOR THE ASSESSMENT OF STREET LIGHTING 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 Resolution be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Resolution No. 16-21 was then read for the second and third time by title only.

Mr. Blackley moved and Mr. Smock seconded for the adoption of Resolution No. 16-21.

Mr. Chojnacki stated that the Resolution allows for the assessment of street lighting necessary to pay for electrical power.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 17-21

A RESOLUTION OF NECESSITY FOR THE ASSESSMENT OF SIDEWALKS AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. McArthur 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. 17-21 was then read for the second and third time by title only.

Mr. Smock moved and Mr. Grau seconded for the adoption of Resolution No. 17-21.

Mr. Chojnacki stated the Resolution contemplates the levying of an assessment to pay for the repair and maintenance of existing sidewalks and the construction of sidewalks in developed areas that lack sidewalks.

Mrs. McArthur noted that it is the last year for the sidewalk maintenance program where residents have to pay for the repair of sidewalks.

Mr. Hornyak noted that future sidewalk repairs will be made with sidewalk assessment funds.

Mr. Rogonjic stated that the sidewalk assessment funds can be also used for infill sidewalks in addition to sidewalk maintenance.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 18-21

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR was read for the first time by title only.

Mrs. McArthur 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. 18-21 was then read for the second and third time by title only.

Mr. Smock moved and Mrs. Chuha seconded for the adoption of Resolution No. 18-21.

Mr. Rogonjic stated that the Resolution is the last step in the tax budget process that certifies the levies the City has in place for collection in 2022.

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 Ms. Means seconded to adjourn to Executive Session at 8:04 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, and Amy Day, 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 8:57 p.m.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Mayor Meleski read a Mayor's Proclamation in recognition of Angie Lanza's 100th birthday.

Mr. Smock moved and Mr. Grau seconded to authorize a 4% wage increase for Law Director, Benjamin Chojnacki. Upon roll call vote the motion passed unanimously.

ADJOURN

Mr. Grau moved and Mrs. Chuha seconded to adjourn. Upon voice vote the motion passed unanimously.

The meeting adjourned at 9:04 p.m.

Attest:

DANIEL MELESKI, Mayor
President of Council

AMY DAY
Clerk of Council

