REGULAR SESSION

November 11, 2021

The Council of the City of Chardon met in Regular Session Thursday, November 11, 2021 at 6:30 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: Andrew Blackley, Deborah Chuha, Chris Grau, Heather Means, Daniel Meleski, Jeffrey Smock.

Members of Council absent: Nancy McArthur (arrived 6:33 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, David Lelko.

APPROVAL OF MINUTES

<u>October 14, 2021 Regular Session</u>

Mr. Smock noted corrections to the legislation in the minutes which include the words resolutions instead of ordinances.

Mr. Blackley moved and Mr. Grau seconded to approve the minutes of the October 14, 2021 Regular Session as amended.

Upon roll call vote the motion passed unanimously.

Mayor Meleski, in recognition of Veterans Day, thanked all Veterans for their service.

MANAGER'S REPORT

Mr. Sharpe reported on the status of interviews for the full-time maintenance worker positions in the Division of Streets, Cemeteries and Parks.

Mr. Sharpe reported that Frank Taylor was hired as the new Superintendent of the Water and Sewer Division upon Jim Berkey’s retirement in December.

Mr. Sharpe reported that a part-time police officer’s union is attempting to be formed. A petition for representation election for part-time police officers was received on October 19, 2021 from the Ohio Patrolmen’s Benevolent Association and the process is moving forward.

Mr. Sharpe reported that the Civil Service Commission will meet on November 16, 2021 to review the written test for the Lieutenant’s position.

Mr. Sharpe reported that the 2021 sidewalk and street maintenance programs are substantially complete.

Mr. Sharpe reported that the final application to OPWC for the Seventh Avenue Repair, Widening & Extension Project was submitted on October 29, 2021. Predicated on the grant and loan award, this project is slated to be bid the final quarter of 2022 with construction starting the first quarter of 2023.

Mr. Sharpe reported that the Ohio Department of Development has announced the award of $137 million of the approximate $250 million Water and Wastewater Infrastructure Grants under HB 168. The City applied for funds for Clearwell #2 at the Water Treatment Plant and for the Hidden Glen Water Loop, but has not been part of the first or second rounds of grant awards. A third round of grant recipients will be announced in the future.

Mr. Sharpe reported that the City has entered into an agreement with Konica Minolta Business Solutions to provide a physical site review, a remote system review and software updates for the City-wide surveillance camera system. This report will be used to determine the next phase in the City-wide camera system improvement project.

Mr. Sharpe reported that the City is working with All Covered and Geauga County ADP for increased security between the two networks. The City will be replacing a firewall and reconfiguring network switch connections for phone traffic. In addition, All Covered is working with the City to assist in the implementation of multi-factor authentication (MFA) to multiple layers of the City's IT infrastructure which is best practice for security reasons and a necessary requirement for cyber security insurance providers.

Mr. Sharpe reported the City received an electric vehicle charging station from NOACA which will be located at the Maple Highlands Trailhead parking lot on Park Avenue.

Mr. Sharpe reported that the RFP for the Parks and Recreation Master Plan was issued and submissions are due by December 17.

Mr. Sharpe provided an update on capital projects.

Discussion occurred pertaining to a cracked pipe discovered as part of the Maple Highlands Trail Phase 2 Project.

PLANNING COMMISSION REPORT

Mr. Grau reported that Planning Commission met in Regular Session and granted variances to allow for the construction of a new single-family residence at 417 Downing Drive and a deck on the rear of the proposed home.

Mr. Grau reported that Planning Commission granted a variance to allow for the construction of a residential swimming pool with a deck and patio at 12 Randall Court.

Mr. Grau reported that Planning Commission also granted a variance for the outdoor dining area in front of Chardon Tavern and approval to reduce the front yard setback from 30' to 0'.

Mr. Blackley reported that Planning Commission met in Special Session and approved a lot consolidation of 403 and 405 Chardon Avenue. Planning Commission also approved a variance for a standing seam metal roof at 100 Seventh Avenue.

Mr. Sharpe reported on the company, IS Squared, which purchased the building at 100 Seventh Avenue, and will be expanding their operations by adding over 150 technology-based jobs in the City.

COUNCIL COMMITTEE REPORTS

Safety Committee

Mr. Grau reported that the Committee met and discussed crosswalk safety, specifically in the crosswalks around the Square and at Chardon High School. Potential ideas were discussed to increase visibility and safety in these areas. Staff will review options and will make recommendations back to the Committee.

Mr. Grau reported that the Committee also heard concerns from resident, Nick Rogers, who voiced his concerns again about 5G technology and small cell towers in the City. Mr. Rogers is asking the City to look at its ordinances relative to the City allowing companies to bring this technology into the City. He noted that the Law Director spoke about the challenges of putting up roadblocks and pursuing action against large corporations on behalf of the City with regards to 5G technology. The Committee is not recommending Council pursue any action at this time, but asked Council to review the information provided by Mr. Rogers.

Mr. Chojnacki reviewed the action taken at the General Assembly relative to 5G technology that resulted in changes in State law. He noted that the law on the books in the City, is a direct consequence of the limited authority the City has based on the litigation and negotiations between local authorities and the state agencies. Therefore, there is not much more the City can do from a legal standpoint.

Mr. Chojnacki stated that Council has no legal obligation to act further; however, if Council wishes to study the issue in more detail, they may contact staff who can help with the evaluation in any way they can.

HEARING OF PERSONS BEFORE COUNCIL

Those Persons on the Agenda – none.

GENERAL PUBLIC

OLD BUSINESS

Regarding the Heritage House Rental Footprint, Mr. Sharpe reviewed the proposed area to allow for a larger footprint around the building that has been proposed by staff. They were attempting to create a perimeter 30’ away from the building in an attempt to minimize outside noise from entering the building. He asked Council’s feedback with the proposed area.

Council asked questions about the proposed boundaries.

Mr. Blackley stated that the believes the sidewalk access should remain open to the public.

Mr. Blackley suggested that the area be designated with less turns.

Mr. Smock stated that he can see that roping off the area would be ideal for events such as weddings at the Heritage House, but for the majority of events, roping off this area is extreme.

Mr. Chojnacki stated that in public spaces, the government is allowed to engage in content-neutral, time, place and manner restrictions. These must be clearly articulated so that the general public knows what they can and cannot do. Having an established perimeter puts the public on notice that the space is closed for a time being and the restriction needs to be applied equally.

Discussion occurred regarding options to mark the area around the Heritage House and the challenges with setting the barricades around the Heritage House.

Council members concurred to review and consider the options for expanding the Heritage House rental area.

NEW BUSINESS

Regarding a motion to approve Chardon Ave. / Canfield Dr. Change Orders, Mr. Sharpe noted that any change order in excess of $30,000 must be approved by City Council. He stated that staff reviewed the circumstances that lead to the change orders and are recommending them for approval.

City Engineer, Doug Courtney, reviewed Change Orders #4 and #5 related to the Chardon Avenue/Canfield Drive Improvement Project. Change Order #4 included manholes that were not accounted for in the contract bid form, additional storm and sanitary sewer laterals which were discovered during the construction that needed to be connected, and the replacement of additional wye connections which were discovered.

Mr. Courtney stated that Change Order #5 was necessary due to the repair of poor subgrade on Chardon Avenue. Initial soil borings showed that only 10-20% of the subgrade area would need stabilization, however, a considerable amount of organic material in the subgrade was found, which required repair to 75% of the subgrade.

Discussion occurred regarding the process for soil testing for a road project.

Mr. Blackley spoke in support of approving the change orders. He explained that even if the soil condition had been known earlier, the City would still have had to pay for the cost to correct it.

Mrs. McArthur stated that even though knowing about the soils earlier would not have changed the outcome, she would have like to have known about the situation earlier.

Mr. Smock moved and Mr. Blackley seconded to approve the Chardon Avenue/Canfield Drive Change Order #4 in the amount of $49,956.88 and Change Order #5 in the amount of $49,848.00. Upon roll call vote the motion passed unanimously.

LEGISLATION

ORDINANCE NO. 3184

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.

Mrs. McArthur 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. 3184 was then read for the second and third time by title only.

Mr. Smock moved and Mr. Grau seconded for the adoption of Ordinance No. 3184.

Mr. Rogonjic reviewed the proposed amendments to appropriations that are being requested.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 20-21

A RESOLUTION TRANSFERRING FUNDS 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 Resolution be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Resolution No. 20-21 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. 20-21.

Mr. Rogonjic explained that the transfers in the Resolution were included in the budget and are needed to maintain positive fund balances. There was an additional transfer not budgeted for, which was a donation from the Triple T Foundation that was specifically earmarked for the Police Department.

Upon roll call vote the motion passed unanimously.

REVIEW OF EXPENDITURES

Mrs. McArthur reported that expenditures were in order.

EXECUTIVE SESSION

Mr. Blackley moved and Mr. Grau seconded to adjourn to Executive Session at 8:16 p.m. to consider the appointment, employment, dismissal, promotion, demotion, discipline or compensation of a public employee or official, and for conferences with the attorney for the public body concerning disputes involving the public body that are the subject of pending or eminent court action, and invite Ben Chojnacki, Randy Sharpe, Mate Rogonjic, Amy Day, and Council-elect David Lelko into the session. Upon roll call vote the motion passed unanimously.

Discussion occurred regarding conferences with an attorney for the public body to consider the appointment, employment, dismissal, promotion, demotion, discipline or compensation of a public employee or official.

Discussion occurred concerning disputes involving the public body that are the subject of pending or eminent court action.

Meeting reconvened at 8:40 p.m.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Grau moved and Mrs. McArthur seconded to appoint Mike Washington to the Audit Committee for an unexpired term ending 12/31/22. Upon roll call vote the motion passed unanimously.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Ms. Means stated that she has received numerous inquiries from residents about the responsibility of the removal of hanging cables that have been cut and left by utility companies. She stated that homeowners do not know who to call to remove the cables that have been left, and she asked why this is permitted to happen.

Mr. Chojnacki stated that the utility company owns the lines and the poles and there is not much the City can do. It is the utility company’s responsibility to take care of. He does not see taking legislative action as a way to solve the problem.

Ms. Means stated that she does not think it should be the responsibility of a homeowner to track down the utility companies that cut cables and leave them.

Ms. Means reported on a business holiday decorating contest coordinated through the Chardon Area Chamber of Commerce, Chardon Tomorrow, Chardon Square Association, and the City, aimed at encouraging patronage at local businesses.

Mr. Blackley inquired about the status of the contract with G-TV.

Mr. Chojnacki stated that revisions to the contract are awaiting comments from Dave Jevnikar of G-TV.

Mr. Sharpe reported that the City’s income tax collections are doing better than budgeted.

Mr. Sharpe asked Council’s interest in receiving the monthly property maintenance and monthly permit reports via e-mail, rather than be included in the Council packets.

Council members concurred to receive the monthly property maintenance and monthly permit reports via e-mail, rather than be included in the Council packets.

Mr. Sharpe noted that the 2022 pre-budget meeting is set for November 18, 2021 at 6:30 PM.

ADJOURN

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

The meeting adjourned at 8:58 p.m.

Attest:

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DANIEL MELESKI, Mayor
President of Council

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AMY DAY
Clerk of Council