

REGULAR SESSION

January 13, 2022

The Council of the City of Chardon met in Regular Session Thursday, January 13, 2022 at 6:30 p.m. in Council Chambers of the Chardon Municipal Center.

Mayor, Christopher Grau, presiding.

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

Members of Council present: Andrew Blackley, Deborah Chuha, Christopher Grau, David Lelko, Heather Means (present via Zoom but not voting), Daniel Meleski.

Members of Council absent: none.

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 Ovarik, Paul Ovarik, Jeffrey Smock, Nancy McArthur, Freddie Lelko, Robert Evans, Kyle Martin, Rick Sommers, Madelon Horvath.

APPOINTMENT OF COUNCIL VICE MAYOR

Mr. Meleski moved and Mr. Lelko seconded to appoint Heather Means as Vice Mayor and Vice President of Council. Upon roll call vote the motion passed unanimously.

APPROVAL OF MINUTES

Mr. Meleski moved and Mrs. Chuha seconded to approve the minutes of the December 9, 2021 Regular Session as presented.

Upon roll call vote the motion passed unanimously.

RESOLUTIONS OF APPRECIATION

RESOLUTION NO. 1-22

A RESOLUTION OF APPRECIATION FOR NANCY MCARTHUR was read for the first time in its entirety.

Mr. Blackley moved and Mr. Meleski 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. 1-22 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. 1-22.

Members of Council and staff thanked Mrs. McArthur for her service as a member of Council.

Upon roll call vote the motion passed unanimously.

Mayor Grau presented Mrs. McArthur the resolution.

Mrs. McArthur thanked Council for the resolution and reflected on her time as a member of City Council.

RESOLUTION NO. 2-22

A RESOLUTION OF APPRECIATION FOR JEFFREY SMOCK was read for the first time in its entirety.

Mr. Meleski 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. 2-22 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. 2-22.

Upon roll call vote the motion passed unanimously.

Members of Council and staff thanked Mr. Smock for his service.

Mayor Grau presented Mr. Smock the resolution.

Mr. Smock thanked Council for the resolution and reflected on his time as a member of City Council.

RESOLUTION NO. 3-22

A RESOLUTION OF APPRECIATION FOR JAMES BERKEY was read for the first time in its entirety.

Mrs. Chuha moved and Mr. Meleski 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. 3-22 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. 3-22.

Members of Council and staff thanked Mr. Berkey for his 35 years of service and wished him well in his retirement.

Upon roll call vote the motion passed unanimously.

MANAGER'S REPORT

Mr. Sharpe reported that included in the packet is an ordinance for property and liability insurance. The renewal premium for the Municipal Insurance Package is \$132,399.00, reflecting an increase of 5.8%. Ben Sutton of Sutton Insurance is present to discuss details during legislation. He noted that cybersecurity coverage is not included in the renewal due to significant increase in the renewal premium; however, the City is pursuing the implementation of Multifactor Authentication (MFA) and hope to obtain cyber security as soon as possible.

Mr. Meleski asked when the MFA is expected to be in place.

Mr. Sharpe stated that the MFA is expected to be in place in 2 weeks.

Mr. Sharpe reported on status of the hiring of a Finance Director to replace Mate Rogonjic.

Mr. Sharpe reported that a new record of 1.6" was set for the minimum amount of snowfall in December.

Mr. Sharpe reported that Sergeant Matt Delisa was promoted to the rank of Lieutenant.

Mr. Sharpe reported that Christmas trees are able to be dropped off for disposal at the Service Garage until January 15, 2022.

Mayor Grau inquired about the status of the crosswalk study by Kevin Westbrooks.

Mr. Sharpe stated that Mr. Westbrooks is currently working on grant applications which are due in February 2022.

PLANNING COMMISSION REPORT

Mr. Blackley reported that Planning Commission did not meet in December 2021.

Community Development Administrator, Steve Yaney, gave the Economic Development report that highlighted business openings and renovations during the 4th quarter of 2021.

COUNCIL COMMITTEE REPORTS - none.

HEARING OF PERSONS BEFORE COUNCIL

Those Persons on the Agenda - none.

GENERAL PUBLIC - none.

OLD BUSINESS - none.

NEW BUSINESS

Regarding a request by Scott Lynch for the termination of his lease at 103 South Street, Mr. Yaney stated that Scott Lynch is relocating his office to Main Street and has requested Council accept the surrendering of the security deposit as the only penalty for his termination of his lease early and waive the 3-month rent penalty.

Mayor Grau asked if the City has acted similarly of other tenants at Old Village Hall.

Mr. Yaney stated that the City has accommodated similar requests from other tenants.

Mrs. Chuha moved and Mr. Blackley seconded to accept the termination of the lease by Scott Lynch and the surrendering of the security deposit for the early termination of his lease at 103 South Street and waive the 3-month penalty.

Regarding the transfer of a D5L liquor permit from Amador Investments LLC to Square Bistro, no member of Council had any objections.

LEGISLATION

Mr. Lelko moved and Mr. Blackley seconded to move item 13F to item 13A, and item 13D to item 13B. Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3193

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT/AGREEMENT WITH INSURANCE PARTNERS AGENCY, LLC. FOR THE PROPERTY, INLAND MARINE, EDP, CRIME, BOILER AND MACHINERY, AUTOMOBILE LIABILITY, COMPREHENSIVE MUNICIPAL LIABILITY, LAW ENFORCEMENT LIABILITY, PUBLIC OFFICIALS LIABILITY, AND UMBRELLA EXCESS LIABILITY COVERAGES, 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. 3193 was then read for the second and third time by title only.

Mr. Blackley moved and Mr. Meleski seconded for the adoption of Ordinance No. 3193.

Ben Sutton, representing Sutton Insurance, reviewed the activity in the marketplace and the terms and cost of the policy.

Mayor Grau asked about the status of cyber coverage.

Mr. Sutton stated that once the City has the MFA in place, the City is able to proceed with getting cyber coverage.

Mr. Blackley asked about the status of the MFA.

Mr. Sharpe stated that testing is taking place with select employees, and he is hopeful that it will be in place in a matter of weeks.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 4-22

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROJECT COMPLETION AGREEMENT WITH THISTLE CREEK DEVELOPMENT, LLC was read for the first time by title only.

Mr. Meleski moved and Mr. Blackley 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. 4-22 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. 4-22.

Law Director, Ben Chojnacki, stated that the legislation would authorize the City Manager to enter into a project completion agreement that would allow Thistle Creek Development to post a bond to allow for completion of the Thistle Creek Subdivision in exchange for Thistle Creek Development to take the next steps to record Phase 1 of the plat. In an attempt to accommodate and allow for ample building time during the 2022 year, it is being proposed that the developer can put up a bond that will give the builder the ability to sell parcels and make improvements.

Mayor Grau asked if this is a common occurrence.

Mr. Blackley stated that it is a common occurrence in other communities to treat developments in this manner, however, the City requires that the development be completed before the plat is filed.

Rick Sommers, representing Thistle Creek Development, stated that CEI and the gas company are not able to get materials and they can't put in sidewalks until the utilities are in. He asked that the request be granted so that that they can continue moving forward with the development.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 5-22

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE MATERIAL TERMS OF THE JANSSEN SETTLEMENT AGREEMENT PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING, AUTHORIZING THE EXECUTION OF THE SETTLEMENT PARTICIPATION FORM FOR THE JANSSEN SETTLEMENT AGREEMENT, AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. Chuha moved and Mr. Meleski 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. 5-22 was then read for the second and third time by title only.

Mr. Meleski moved and Mr. Blackley seconded for the adoption of Resolution No. 5-22.

Mr. Chojnacki stated that the legislation authorizes all steps necessary for the City to participate in the Janssen Settlement which would distribute funds in abating the opioid epidemic throughout Ohio.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 6-22

A RESOLUTION AUTHORIZING THE DISPOSITION OF PROPERTY UNNEEDED, OBSOLETE OR UNFIT FOR MUNICIPAL PURPOSES BY INTERNET AUCTION SALE AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. Chuha moved and Mr. Meleski 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. 6-22 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. 6-22.

Mr. Chojnacki stated that the legislation is required to be passed annually to authorize the disposition of property through internet auctions and the disposition of property that is no value to the City by the City Manager.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 7-22

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CABLE TELEVISION LOCAL GOVERNMENT ACCESS PROGRAMMING AGREEMENT WITH GEAUGA LOCAL CABLE ACCESS CORPORATION was read for the first time by title only.

Mr. Meleski 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. 7-22 was then read for the second and third time by title only.

Mr. Meleski moved and Mr. Blackley seconded for the adoption of Resolution No. 7-22.

Mr. Chojnacki stated that the legislation authorizes the City Manager to enter into an agreement with Geauga Access Cable Corporation.

Results of the roll call vote:

Blackley: Yes
Chuha: Yes
Grau: Abstain
Lelko: Yes
Means: Absent
Meleski: Yes

Motion passed.

RESOLUTION NO. 8-22

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A FIRST AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY AND DAVIS INSURANCE AGENCY, LLC AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. Chuha moved and Mr. Meleski 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. 8-22 was then read for the second and third time by title only.

Mrs. Chuha moved and Mr. Meleski seconded for the adoption of Resolution No. 8-22.

Mr. Chojnacki stated that one of the tenants at old village hall is in arears on their lease agreement, and have requested a potential repayment schedule instead of moving forward with an eviction. A proposal was reached that allows for an increase in rent over the remaining lease term which will pay back the arears and will keep the tenant in the building.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3194

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT/AGREEMENT WITH VALLEY FREIGHTLINER STERLING & WESTERN STAR TRUCKS OF CLEVELAND FOR THE PURCHASE OF ONE (1) SINGLE AXLE WESTERN STAR CAB AND CHASSIS THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION AND WITHOUT BID PURSUANT TO SECTION 5513.01(B) OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Blackley 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. 3194 was then read for the second and third time by title only.

Mrs. Chuha moved and Mr. Blackley seconded for the adoption of Ordinance No. 3194.

Public Service Director, Paul Hornyak, stated that the legislation is a follow-up to the motion made by Council at the last Regular Session for staff to be able to hold a position with Western Star for the cab and chassis. He noted that the cost includes a \$4,200 surcharge that is necessary to address industrywide challenges including increased material, wage, fuel and inflation costs.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3195

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT/AGREEMENT WITH CONCORD ROAD EQUIPMENT, MFG. FOR THE PURCHASE OF A DUMP BODY WITH SNOW AND ICE CONTROL EQUIPMENT TO BE INSTALLED ON NEW TRUCK 4 THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES AND WITHOUT BID PURSUANT TO SECTION 125.04(B) OF THE OHIO REVISED 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. 3195 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. 3195.

Mr. Hornyak stated that the legislation is for the purchase of a dump body and snow and ice control equipment to replace truck #4.

Upon roll call vote the motion passed unanimously.

REVIEW OF EXPENDITURES

Mayor Grau reported that expenditures were in order.

EXECUTIVE SESSION

Mr. Meleski moved and Mrs. Chuha seconded to adjourn to Executive Session at 8:11 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 imminent court action and invite Ben Chojnacki, Randy Sharpe, Mate Rogonjic, Amy Day 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.

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

Meeting reconvened at 9:01 p.m.

APPOINTMENT OF COMMITTEES

Mr. Blackley moved and Mr. Meleski seconded to approve the Mayor's proposed appointments to the Council Committees as follows:

Legislative Committee

Andrew Blackley - Chair
New Council Member

Service Committee

David Lelko- Chair
Deborah Chuha

Safety Committee

Heather Means - Chair
David Lelko

Water & Sewer Committee

Deborah Chuha - Chair
Daniel Meleski

Finance Committee

Daniel Meleski - Chair
Andrew Blackley

Economic Development

New Council Member - Chair
Heather Means

Upon roll call vote the motion passed unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

The Clerk read the proposed appointments to Boards and Commissions:

<u>PLANNING COMMISSION</u> - 4 year terms - Citizens/2 year terms - Council	
Andrew Blackley (C)	1/1/22-12/31/23
Daniel Meleski(C)	1/1/22-12/31/23
Dean Peska	1/1/22-12/31/25
Mary Jo Stark	1/1/22-12/31/25
Hannah Sekas	1/1/22-12/31/25

<u>PARK AND RECREATION BOARD</u> - 4 year terms - Citizens/2 year terms- Council	
New Council Member(C)	1/1/22-12/31/23
Deborah Chuha(C)	1/1/22-12/31/23
Barbara Simkoff	1/1/22-12/31/25
Mary Glauser	1/1/22-12/31/25
Thomas Jessup, Jr.	1/1/22-12/31/25

<u>SHADE TREE COMMISSION</u> - 3 year term	
Michael Tvergyak, Jr.	1/1/22-12/31/24

<u>CIVIL SERVICE COMMISSION</u> - 3 year term	
Michael Williams	1/1/22-12/31/24

<u>BOARD OF ETHICS REVIEW</u> - 3 year term	
Edward Yeomans	1/1/22-12/31/24

<u>ENTERPRISE ZONE NEGOTIATING COMMITTEE</u> - 2 year terms	
Mayor	1/1/22-12/31/23
City Manager	1/1/22-12/31/23
Michael Woollams	1/1/22-12/31/23

<u>ADA COMPLIANCE COMMITTEE</u> - 2 year terms	
Mayor	1/1/22-12/31/23
Legislative Committee Chairman	1/1/22-12/31/23
Safety Committee Chairman	1/1/22-12/31/23

<u>GEAUGA COUNTY FAMILY FIRST COUNCIL</u> - 1 year term	
Robert Faehnle	1/1/22-12/31/22

<u>GEAUGA COUNTY COMMUNITY IMPROVEMENT CORPORATION</u> - 1 year term	
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Mayor

TAX INCENTIVE REVIEW COUNCIL: - 4 year terms
 Sharpe, Randal (City Manager or designee) 1/1/22-12/31/25
 Economic Development Committee Chair 1/1/22-12/31/25
 Walder, Charles (Auditor or designee) 1/1/22-12/31/25
 Finance Director 1/1/22-12/31/25
 Blankenship, Karen (Board of Education appointee) 1/1/22-12/31/25

G-TV REPRESENTATIVE
 Legislative Committee Chair - Andrew Blackley

OPWC DISTRICT 7 INTEGRATING COMMITTEE: 3 year term
 Service Committee Chair & Alt Service Committee Member 7/21/21- 7/21/24

Mr. Lelko moved and Mrs. Chuha seconded to approve the Board and Commission appointments as presented. Upon roll call vote the motion passed unanimously.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Mrs. Chuha moved and Mr. Meleski seconded to appoint Gina Toigo to the Audit Committee for a term ending 12/31/24. Upon roll call vote the motion passed unanimously.

Mr. Meleski moved and Mr. Blackley seconded to change the classification of the Police Lieutenant position from non-exempt to exempt under the FLSA under Pay Band 3 and if adopted, the classification and pay plan, organizational chart and job description would need to be updated to reflect the change. Upon roll call vote the motion passed unanimously.

Mr. Sharpe reported on the budget meeting to be held on February 3, 2022.

ADJOURN

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

The meeting adjourned at 9:09 p.m.

Attest:

 CHRISTOPHER GRAU, Mayor
 President of Council

 AMY DAY
 Clerk of Council