

REGULAR SESSION

January 14, 2021

The Council of the City of Chardon met in Regular Session Thursday, January 14, 2021 at 6:30 P.M. via video-conferencing service, Zoom (Meeting ID: 835 6131 5583).

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, 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, Park and Recreation Director Adam Rogers, Mitch Hewitt, Troy Duncan, Michael Shaw, Annie Royle, Brian Foster, Amy Patterson, Brian Doering, Cade McDevitt, Greg Sommers, Drew Fetchik, Krysta Tvergyak, Kyle Celebuski, Nick Fay, Jen Freeman, Vincent Ferrante.

**APPROVAL OF MINUTES**

Mrs. Chuha noted a grammatical correction to the December 10, 2020 Regular Session minutes.

Mr. Grau moved and Ms. Means seconded to approve the minutes of the December 10, 2020 Regular Session as amended.

Upon roll call vote the motion passed unanimously.

**RESOLUTION NO. 1-21**

A RESOLUTION OF APPRECIATION FOR THE CHARDON HIGH SCHOOL FOOTBALL TEAM was read for the first time in its entirety.

Mr. Grau 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. 1-21 was then read for the second and third time by title only.

Mr. Smock moved and Ms. Means seconded for the adoption of Resolution No. 1-21.

Mayor Meleski and members of Council spoke in support of the accomplishments of the football team.

Coach Mitch Hewitt and the team captains thanked the City for the recognition and reflected on the team's season.

Upon roll call vote the motion passed unanimously.

**RESOLUTION NO. 2-21**

A RESOLUTION OF APPRECIATION FOR TROY DUNCAN was read for the first time in its entirety.

Mr. Smock 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. 2-21 was then read for the second and third time by title only.

Mrs. McArthur moved and Mrs. Chuha seconded for the adoption of Resolution No. 2-21.

Members of Council thanked Lt. Troy Duncan for his years of service and wished him well in his retirement.

Mr. Duncan thanked the City administration and residents for their years of support.

Members of staff and the public reflected on Lt. Duncan's service and wished him well in his retirement.

Upon roll call vote the motion passed unanimously.

**RESOLUTION NO. 3-21**

A RESOLUTION OF APPRECIATION FOR MICHAEL SHAW was read for the first time in its entirety.

Mr. Smock 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. 3-21 was then read for the second and third time by title only.

Mrs. Chuha moved and Mr. Smock seconded for the adoption of Resolution No. 3-21.

Members of Council and administration thanked Sgt. Michael Shaw for his years of service and wished him well in his retirement.

Sgt. Shaw thanked the City administration and residents for their years of support.

Upon roll call vote the motion passed unanimously.

**RESOLUTION NO. 4-21**

A RESOLUTION OF APPRECIATION FOR PATRICIA JANOUSKOVEC was read for the first time in its entirety.

Mr. Blackley 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. 4-21 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. 4-21.

Members of Council and staff thanked Ms. Janouskovec for her years of service and wished her well in her retirement.

Upon roll call vote the motion passed unanimously.

## **MANAGER'S REPORT**

Mr. Sharpe reported that an Ordinance is on the agenda authorizing the City Manager to enter into a contract with Insurance Partners Agency, LLC for property and liability insurance. The premium of \$125,140, reflects an increase of \$2,259 more than the prior year's premium, which is mostly related to the larger-than-normal increase in property values from the latest appraisal figures.

Mr. Sharpe reported on recent staffing hires and resignations.

Mr. Sharpe read a letter from Roseanne Walcut, who submitted a donation to the police department for protective equipment. He thanked Mrs. Walcut for her generous donation and suggested that the donation be used for body worn cameras. He stated that he will ask Council for a motion to accept the gift after the costs have been investigated further.

Mr. Sharpe reported that Law Enforcement Appreciation Day was January 9<sup>th</sup> and he thanked the staff of the Police Department for what they do to protect and serve the community.

Mr. Sharpe reported that due to a break in the weather, the Street Department collected brush resulting from a winter storm earlier in the season.

Mr. Sharpe reviewed entrance sign designs to recognize the 2020 football state championship and future state championships. He stated that there are a number of considerations that need to be made regarding the signs. The cost for each Chardon Home of the Hilltoppers 48" x 24" entrance sign is \$145 and the smaller championship signs that hang below the sign are \$68 each. There are eight (8) entrance points to the community and asked Council if they wished to put signs at each entry point. In addition, he asked Council if there are other championships from years past that they wish to add, and if they would like to include both athletic and scholastic achievements.

Mr. Grau stated that the former championships should be included.

The remaining members of Council concurred.

Members of council concurred to install eight (8) signs.

Mrs. McArthur moved and Mr. Grau seconded to have signs at all 8 entrance locations with the approximate cost as described by the City Manager.

Upon roll call vote the motion passed unanimously.

Mr. Sharpe reported on Capital Improvement Projects.

Park and Recreation Director, Adam Rogers, reported that the Chardon Softball organization has requested to become a City program. The process of transferring the program has begun and it is anticipated that it will be ready to function as a City program in the spring.

## **PLANNING COMMISSION REPORT**

Mr. Blackley reported that Planning Commission met and approved the revised exterior roof material color for the Marc's plaza.

Mr. Blackley reported that Planning Commission also had an informal discussion regarding the proposed Starbucks at 255 Center Street. Legislation is on Council's agenda granting a license to allow them to have a drive isle in the front yard setback.

Mr. Yaney gave the 4<sup>th</sup> quarter of 2020 economic development report.

## **COUNCIL COMMITTEE REPORTS**

### **Safety Committee**

Mr. Grau reported that the Committee met and continued their review of the Emergency Operations Plan and noted that progress is being made in finalizing the document.

Mr. Grau reported that City resident, Nick Rogers, attended the Committee meeting and expressed concerns about the health and safety effects of 5G wireless technology.

Law Director Ben Chojnacki explained that the City's ability to regulate 5G wireless technology is primarily limited to their aesthetics. He added that Mr. Rogers believes that the City has the ability to stop the presence of 5G wireless devices in the City due to health concerns that he believes are caused by the devices.

Mr. Chojnacki stated that there would be a significant expenditure to the City in energy and resources to try to prove Mr. Roger's claim, and he does not think that would be a prudent use of the City's resources. He stated that if Council would like him to explore the issue, he can do so, but it would be a significant expenditure.

No member of Council expressed any interest in having the Legal Department take any further action.

Mr. Chojnacki stated that he will contact Mr. Rogers and advise him of that.

### **Finance Committee**

Mrs. McArthur reported that the Committee met and reviewed a draft of the 2021 budget.

Mr. Rogonjic noted that the budget will be discussed in more detail at the Special Session later in the month. He noted that a new part-time maintenance position has been proposed in the Parks and Recreation Department and asked if Council was amenable to this change.

Members of Council spoke in support of adding the part-time position to the Parks and Recreation Department to continue to maintain the City's facilities.

## **HEARING OF PERSONS BEFORE COUNCIL**

### **THOSE PERSONS ON THE AGENDA**

Annie Royle, Geauga County Maple Festival Board, addressed Council to discuss the 2021 Maple Festival and related activities. She explained that due to the pandemic, they are proposing to reduce their events and modify some of their activities. They are proposing to have maple stirs on weekends and have outdoor maple sales. She explained the

steps they would take to maintain social distancing and promoting healthy practices during these events.

Mayor Meleski stated that it is difficult to predict what the future holds in regards to the pandemic. He asked if the plan has been reviewed with the Geauga County Health Commissioner.

Ms. Royle stated that she plans to discuss the event with the Health Commissioner, but she wished to ask Council first.

Ms. Means asked who would enforce the safety and social distancing protocols outlined by Ms. Royle.

Ms. Royle stated that they can require people to be masked to be served.

Jen Freeman, representing the Maple Festival Board, explained that the Festival Board is planning to mark the pavement and put up masking signs. In addition, they are only serving patrons from the outside concession window.

Ms. Means questioned if the City would be setting a precedent by allowing the festival group to use it.

Mr. Sharpe stated that the events are being taken on a case-by-case basis depending on the type of event and the status of the pandemic.

Mr. Grau stated that he is unable to approve the event without hearing from the Health Commissioner.

Mayor Meleski stated that crowd control is a question and concern that the City would need direction from the Health Commissioner on.

Ms. Royle asked how they should proceed if the Health Commissioner does not oppose the event.

Law Director Ben Chojnacki stated that an appropriate course of action is to determine the Health Commissioner's position and then Council would discuss the terms of the plan.

Mayor Meleski stated that the Festival Board should contact the City Manager and attend a future Council meeting once they have discussed the event with the Health Commissioner.

GENERAL PUBLIC - none.

**OLD BUSINESS** - none.

**NEW BUSINESS**

Regarding the December 2020 financials, Mr. Rogonjic reported that tax collections and water and sewer revenue are down; however, they remain more favorable than projected at the start of the pandemic. He noted that unless things change drastically, he proposes that this be the last monthly update on financials at the Council meetings.

No member of Council had any objection to discontinuing the reporting on the financials at the Regular Sessions of Council.

A Special Session was set for February 18, 2021 to discuss the 2021 Budget.

**LEGISLATION**

AN ORDINANCE AMENDING SUBSECTIONS 921.172(A), 923.172(A), 923.175(B)(1), 923.175(C)(1), AND 923.176(A); REPEALING SUBSECTION 921.172(D); ADDING SUBSECTION 923.176(D); AND CREATING SECTION 921.174 (WATER CAPITAL IMPROVEMENT FEE), OF THE CODIFIED ORDINANCES was read for the second time by title only.

**ORDINANCE NO. 3150**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LICENSE AGREEMENT WITH SOMMERS DEVELOPMENT GROUP TO ALLOW CERTAIN ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY** was read for the first time by title only.

Mrs. McArthur moved and Mr. Blackley 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. 3150 was then read for the second and third time by title only.

Mr. Blackley moved and Mrs. Chuha seconded for the adoption of Ordinance No. 3150.

Mr. Yaney reviewed a request by the developer of Starbucks for a license to allow part of the driveway, parking stall and landscaping to be constructed in the public right-of-way in order to accommodate a different orientation of the building on the corner lot of Center Street and Cherry Avenue.

Mr. Blackley stated that the proposed landscaping would look more cohesive to a neighboring strip center, Washington Post, and he suggested that when the surrounding properties develop, that similar variances be granted so that their landscaping plans can be developed in a similar fashion.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 3151**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A THEATER MANAGEMENT AGREEMENT AND LEASE AGREEMENT WITH THRIVE PERFORMING AND VISUAL ARTS, AND DECLARING AN EMERGENCY** was read for the first time by title only.

Mrs. Chuha 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. 3151 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. 3151.

Mr. Sharpe reviewed the general terms of the management agreement and the lease. It is in lieu of the City taking over the theater and the arts program. The City will be responsible for the repair and maintenance of the structures, and Thrive will facilitate the programming and will be responsible for the operations and interior of the buildings. He reviewed how the facilities will be shared to allow for City programs and explained Thrive's building plans in future years.

Mrs. McArthur asked if the City will continue to allow other groups to use the theater for non-theater events.

Mr. Sharpe stated that this will still be possible.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 3152**

**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, UMBRELLA EXCESS LIABILITY, AND CYBER AND PRIVACY LIABILITY INSURANCE COVERAGES, AND DECLARING AN EMERGENCY** was read for the first time by title only.

Mrs. McArthur 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. 3152 was then read for the second and third time by title only.

Mr. Grau moved and Ms. Means seconded for the adoption of Ordinance No. 3152.

Upon roll call vote the motion passed unanimously.

**RESOLUTION NO. 5-21**

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

Mrs. McArthur 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. 5-21 was then read for the second and third time by title only.

Mr. Blackley moved and Mrs. Chuha seconded for the adoption of Resolution No. 5-21.

Clerk of Council, Amy Day, explained that the Resolution is necessary to comply with the requirement in State law that requires Council pass an annual resolution authorizing the disposition of property that is not needed, through an internet auction or sale.

Upon roll call vote the motion passed unanimously.

**REVIEW OF EXPENDITURES**

Mrs. McArthur reported that expenditures were in order.

**EXECUTIVE SESSION**

Mr. Smock moved and Mrs. McArthur seconded to adjourn to Executive Session at 9:17 p.m. to consider the appointment, employment, dismissal, promotion, demotion, discipline or compensation of a public employee or official, 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 the purchase of public property for a public purpose or the sale of public property at competitive bidding and invite Ben Chojnacki, Steve Yaney, Randy Sharpe, Mate Rogonjic and Amy Day into the session.

Upon roll call vote the motion passed unanimously.

Discussion occurred regarding the purchase of public property for a public purpose or the sale of public property at competitive bidding.

Discussion occurred regarding conferences with the 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 10:00 p.m.

**ORDINANCE NO. 3153**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED EMPLOYMENT CONTRACT FOR THE SERVICES OF STEVEN E. PATTON AS ASSISTANT POLICE PROSECUTOR AND DECLARING AN EMERGENCY** was read for the first time by title only.

Mrs. McArthur 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. 3153 was then read for the second and third time by title only.

Mr. Smock moved and Mrs. Chuha seconded for the adoption of Ordinance No. 3153.

Mr. Chojnacki stated that Steve Patton is the Assistant Police Prosecutor and he explained that the amended agreement acknowledges the overhead and expenses of Mr. Patton's office to prosecute cases in the municipal court, in addition to his additional workload resulting from the retirement of Dennis Coyne.

Upon roll call vote the motion passed unanimously.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

The Clerk read the proposed appointments to Boards and Commissions:

**SHADE TREE COMMISSION** - 3 year term  
Cheryl Chapman 1/1/21-12/31/23

**CIVIL SERVICE COMMISSION** - 3 year term  
Mitch Hewitt 1/1/21-12/31/23

**BOARD OF INCOME TAX REVIEW** - 2 year term  
Randy Russ 1/1/21-12/31/22

**GEAUGA COUNTY COMMUNITY IMPROVEMENT CORPORATION** - 1 year term  
Mayor Daniel Meleski 1/1/21-12/31/21

**GEAUGA COUNTY FAMILY FIRST COUNCIL** - 1 year term  
Robert Faehnle 1/1/21-12/31/21

Mr. Grau moved and Mrs. McArthur 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** - none.

**ADJOURN**

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

The meeting adjourned at 10:05 p.m.

Attest:

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DANIEL MELESKI, Mayor  
President of Council

\_\_\_\_\_  
AMY DAY  
Clerk of Council