

REGULAR SESSION

March 11, 2021

The Council of the City of Chardon met in Regular Session Thursday, March 11, 2021 at 6:30 P.M. via video-conferencing service, Zoom (Meeting ID: 828 1776 0211).

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, Brian Doering, David Jevnikar.

**APPROVAL OF MINUTES**

Mr. Smock noted a grammatical correction to the February 18, 2021 Special Session minutes.

Mrs. Chuha moved and Mr. Smock seconded to approve the minutes of the February 11, 2021 Regular Session and February 18, 2021 Special Session as amended.

Upon roll call vote the motion passed unanimously.

**MANAGER'S REPORT**

Mr. Sharpe reported on the status of personnel hirings and resignations.

Mr. Sharpe reported that the City received \$1,500 from NOPEC for the Community Event Sponsorship Program. The sponsorship application was approved for expenditures related to the Farmers' Market and Little Food Pantry.

Mr. Sharpe reported that the City's application for electric charging stations through the Ohio EPA Diesel Mitigation Trust Fund was approved. The grant amount is \$30,000 and the project is anticipated to get underway in the spring.

Mr. Sharpe reported that the award for the TLCI grant has been delayed. As a result, the Center Street sidewalk project has been pushed back and the City will move forward with the Washington Street/Fifth Avenue sidewalk infill.

Mr. Sharpe reported on public works projects.

**PLANNING COMMISSION REPORT**

Mr. Blackley reported that Planning Commission met and approved the architectural review and variance for NDS Orthodontics.

Mr. Blackley reported that Planning Commission also approved the architectural review for the remodel of the former Staples store in Meadowlands Town Center.

## **COUNCIL COMMITTEE REPORTS**

### **Legislative Committee**

Mrs. Chuha reported that the Committee met and continued discussion regarding the City's contract with G-TV.

Mr. Blackley noted that after discussion with G-TV, the Committee requested they provide financial data to the Committee and to justify the funds they are requesting.

Mrs. Chuha reported that the Committee discussed and recommended an ordinance regulating the exterior storage of landscape materials on residential properties. This ordinance will be presented to Council for their consideration in April.

**HEARING OF PERSONS BEFORE COUNCIL** - none.

**GENERAL PUBLIC** - none.

**OLD BUSINESS** - none.

**NEW BUSINESS** - none.

## **LEGISLATION**

### **ORDINANCE NO. 3158**

AN ORDINANCE ENACTING CHAPTER 933 OF THE CODIFIED ORDINANCES OF THE CITY OF CHARDON TO REGULATE USE OF PUBLIC WAYS BY SERVICE PROVIDERS 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. 3158 was then read for the second and third time by title only.

Mr. Grau moved and Mr. Blackley seconded for the adoption of Ordinance No. 3158.

Mr. Chojnacki stated that the legislation was born out of federal and state laws that give utility providers the right to be in the right-of-way. The drafted legislation requires utility providers to annually register with the City and must let the City know in advance of their intent to engage in activity in the right-of-way in order to keep the utilities orderly.

Mr. Grau asked if the legislation was drafted in anticipation of a specific utility provider's interest in utilizing the right-of-way.

Mr. Chojnacki stated that the City received inquiries from some utility providers that were interested in the enforceability of some of the provisions that do not permit utilities in the right-of-way. Staff thought it would be proper to put some organization and order to the City's right-of-way.

Mr. Blackley spoke in support of the legislation as there has been an increase in demand for space in right-of-ways by utility providers.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 3159**

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2021 ENERGIZED COMMUNITY GRANT FUNDS 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. 3159 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. 3159.

Mr. Sharpe stated that the grant amount is \$13,665 which is proposed to be used to convert the balance of traffic lights to LED. \$3,178 will be used from the General Fund so that all the signals will be completed.

Mr. Blackley noted a concern regarding the accumulation of snow with LED lights.

Mr. Sharpe noted that the City has not had an issue with snow accumulating on the existing lights.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 3160**

AN ORDINANCE AWARDDING THE CHARDON AVENUE & CANFIELD DRIVE IMPROVEMENTS PROJECT (PROJECT NO. 6-151, OHIO PUBLIC WORKS COMMISSION PROJECT CG51X/CG52X) TO FABRIZI TRUCKING & PAVING, INC., AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Smock 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. 3160 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. 3160.

Mrs. McArthur asked if the project is accounted for in the 2021 budget.

Mr. Rogonjic stated that the project is included in the budget.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 3161**

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.

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. 3161 was then read for the second and third time by title only.

Mr. Blackley moved and Mrs. McArthur seconded for the adoption of Ordinance No. 3161.

Mr. Hornyak stated that the ordinance would authorize the purchase of a cab and chassis which would replace the current truck #6. He noted that the outfitting of the truck will occur at a later time.

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 Mrs. Chuha seconded to adjourn to Executive Session at 7:11 p.m. 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 and Amy Day into the session.

Upon roll call vote the motion passed unanimously.

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.

Meeting reconvened at 7:24 p.m.

#### **ANY OTHER BUSINESS TO COME BEFORE COUNCIL**

Mr. Sharpe reviewed recent conversations he has had with the Maple Festival Board representatives regarding potential new State requirements for festivals amid the pandemic.

Discussion occurred regarding COVID-19 vaccination locations.

Ms. Means commended the work that Thrive is doing at the theater.

Mrs. McArthur asked when Council can begin holding meetings in person.

Mr. Chojnacki stated that Council may meet in person when the State lifts the prohibition of gatherings larger than 10 people, or if there is a specific exemption that provides that public meetings can occur outside of the prohibition.

**ADJOURN**

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

The meeting adjourned at 7:32 p.m.

Attest:

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DANIEL MELESKI, Mayor  
President of Council

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AMY DAY  
Clerk of Council