

REGULAR SESSION

April 8, 2021

The Council of the City of Chardon met in Regular Session Thursday, April 8, 2021 at 6:30 P.M. via video-conferencing service, Zoom (Meeting ID: 824 6924 2889).

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, Steve Turpin, Amy Patterson, JT Wittman, James Barnes, Majeed Makhoulf, David Jacobson, Mark Wallach, Tracey Fronk.

**APPROVAL OF MINUTES**

Mr. Smock noted a grammatical correction to page 3 of the March 11, 2021 Regular Session minutes.

Mr. Smock moved and Mr. Grau seconded to approve the minutes of the March 11, 2021 Regular Session as amended.

Upon roll call vote the motion passed unanimously.

**MANAGER'S REPORT**

Mr. Sharpe reported on the status of recent Police Department hirings and promotions.

Mr. Sharpe reported that the Director of the Ohio Department of Health rescinded various orders and issued a new consolidated order for social distancing, facial coverings and non-congregating. Staff members met and discussed what this would mean for the City. The City's activities were broken down into 8 categories. Mr. Sharpe reviewed each category that was discussed in relation to the order and the recommended best practices related to each.

1. Public Meetings

Mr. Sharpe stated that public meetings can meet indoors with masks and a 6' distance between individuals when possible. Gatherings of no more than 10 people is preferred but not mandated. So, it is Council's decision how they would like to meet under these new orders.

Mrs. McArthur asked if social distancing would be necessary if Council members are wearing masks and if all are vaccinated.

Mr. Chojnacki stated that the health director's order is that masks shall be worn indoors and 6' social distancing should be maintained whenever possible. However, it is up to Council whether it is advisable if there is not adequate room to socially distance.

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Discussion occurred regarding various ways to set up Council Chambers and the possibility of instituting hybrid meetings.

Mr. Grau stated that he is looking forward to meeting in person again, but does not wish to wear a mask during meeting that could last hours, and he would like to wait before meeting in person.

Mr. Smock stated that he would also like to wait for a few months before considering meeting in person.

Mr. Sharpe stated that additional technology for virtual meetings will continue to be investigated.

2. City Rental Facilities and Meeting Rooms

Mr. Sharpe stated that a maximum number of people will be permitted and masks will be required to be worn. A waiver will be added to the rental form and each facility will be rented only one time per day.

Ms. Means asked if there will be additional cleaning costs.

Mr. Sharpe stated that any additional cleaning costs are unknown at this time.

Council members were amenable to allowing City rental facilities to be opened for rentals.

3. Pool

Mr. Sharpe stated that masks need to be worn while moving about on the pool deck, other public places, and when with others not in a family unit.

4. Day Camp

Mr. Sharpe stated that since the order was not rescinded, the daycamp procedure will be the same as 2020.

5. Sports Leagues

Mr. Sharpe stated that no masks are needed while an individual is actively participating in athletic practice, scrimmage, or competition, but spectators need to wear masks when within 6' of others not in their household.

6. Gazebo

Mr. Sharpe stated that there are no restrictions unless within 6' of others not in their household, in which case, masks will need to be worn.

7. Concerts / Movies

Mr. Sharpe stated that additional signage, sanitizing units, tape, and stickers will be used to indicate 6' distance for lines at food trucks, CSA popcorn or other vendors.

8. Events

Mr. Sharpe stated that the groups responsible for the event will need to provide signage, sanitizing units, tape, and stickers to indicate 6' distance from vendor booths. Vendors must wear masks when within 6' of patrons and each group will need to work with the City and submit their plan.

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No member of Council had any other concerns or questions related to how the new orders from the Ohio Department of health will affect the City's activities.

Mr. Sharpe stated that he would like to put picnic tables back on the Square.

No member of Council had any objection to putting the picnic tables back on the Square.

Mr. Sharpe reported on Thrive's activities, noting that they are targeting to open the theater in September.

Mr. Sharpe reported that interviews continue for the open positions in the Division of Water and Sewer and the Parks & Recreation Department.

Mr. Sharpe reported that the ad-hoc Chardon Small Business Promotion group continues to meet to work collaboratively in order to discuss ideas to survive the short-term effects of the COVID-19 pandemic and to recover and grow in the long-term. He reviewed events as part of the 1<sup>st</sup> Annual Chardon Restaurant week scheduled for April 12-17 which the group has initiated.

Mr. Sharpe reported that he and Mayor Meleski, Councilman Means, Councilman McArthur, and Finance Director Rogonjic met to begin discussions on potential expenditures for the federal grant the City will receive from the American Rescue Plan Act (ARPA).

Mr. Rogonjic provided an overview of the funding from the ARPA and the potential eligible uses and restrictions for the funds. He noted that staff is in the process of identifying potential uses of the ARPA funds which are estimated to be approximately \$1 million.

Mr. Sharpe reported on the City's grant application through NOACA's 2021 congestion mitigation air quality program for the City's traffic signalization project.

Mr. Sharpe reported on a meeting held with Retail Strategies where representatives began gathering information and familiarizing themselves with Chardon.

Mr. Sharpe reported that staff is looking into projects that may be eligible for community project funding through Congressman Joyce's office.

Mr. Sharpe reported on the status of capital improvement projects.

**PLANNING COMMISSION REPORT**

Mr. Blackley reported that Planning Commission met and approved a sign variance for Wal-Mart.

Mr. Blackley reported that Planning Commission denied a sign variance requested by Scout Services for the Premier Bank at 201 Meadowlands Drive.

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Community Development Administrator Steve Yaney reviewed the 1<sup>st</sup> quarter 2021 Economic Development Report.

**COUNCIL COMMITTEE REPORTS**

**Park and Recreation Board**

Ms. Means reported that the board met and discussed the status of the spring and summer programming and hiring.

**HEARING OF PERSONS BEFORE COUNCIL**

James Barnes addressed Council and requested use of the Square on June 21 for a Pics Fur Paws event to raise money for the Geauga County Dog Warden. As part of the event, they have experienced photographers taking photos of pets at 3 socially distanced locations in the Square.

Mr. Grau asked if this is their first event.

Mr. Barnes stated that it is their first event.

Mr. Sharpe asked if the Dog Warden would be bringing up adoptable dogs to the Square.

Mr. Barnes stated that it would depend on how many people are permitted to gather at that time, per the Director of Health's orders.

Mayor Meleski asked if Pics Fur Paws would be considered an event.

Mr. Chojnacki stated that it is not considered an event or gathering, but more of appointments between people and a photographer.

Mr. Blackley asked if insurance from the group is needed.

Mr. Chojnacki stated that it is a good idea to ask for insurance.

Mr. Grau moved and Mrs. McArthur seconded to allow Pics for Paws to move forward and the City Manager to work out the details with Mr. Barnes. Upon roll call vote the motion passed unanimously.

**GENERAL PUBLIC** - none.

**OLD BUSINESS** - none.

**NEW BUSINESS**

**Regarding a request for a 2022 Brewfest event,** Mr. Chojnacki explained the state of the law as it pertains to allowing organizations to use the Square. He summarized his memo by informing Council that as long as the Square will be used in the same manner, Council cannot distinguish between for-profit organizations and non-profits. As such, if the request by Brewfest today is not materially different from those Brewfest events in the past, there is no reason to be concerned if it is being offered by a for-profit or a non-profit.

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Steve Turpin, in attendance with representatives from Great Lakes Racing, JT Wittman and David Jacobson, reviewed details of the 2022 Brewfest event and asked permission to move forward with the planning of the event on the Square.

Mr. Grau stated that he looks forward to the event in 2022 and asked Mr. Turpin for the services needed from the City.

Mr. Turpin stated that cornhole games and trash collection are the expected services needed from the City with the assumption that the event would be run similar to how it has been run in the past.

Mr. Grau asked if consideration has been given to the donation of some funds by Brewfest, to a non-profit organization.

JT Wittman explained that they believe that all of their events are tied to a benefactor and Brewfest 2022 is no different.

Ms. Means stated that any City costs related to a for-profit event should be covered. She inquired about the City's liability if someone were to injure someone else after leaving Brewfest.

Mr. Chojnacki explained that Ohio law provides that the City is immune from liability when they are engaged in proprietary functions and allowing the use of City property, with some exceptions. If the City allows an activity to go on and is egregiously negligent in how the activity is performed there is potential liability to the City.

Chief Niehus explained that in past Brewfest events, officers are paid by the organization running the event to make sure the event is safe and orderly.

Mr. Smock stated that a few paramedics have been present to assist as well.

Mrs. Chuha stated that she has discussed the event with a handful of businesses that are open on Saturdays and they expressed that they lose business during the Brewfest event, customer parking is an issue, and they do not see a benefit to their businesses.

Ms. Means stated that while she is not against the Brewfest event, she does not think that it should be held on the Square where it exposes the City to potential liability and takes away from businesses on the Square.

Mayor Meleski asked when a decision needs to be made.

Mr. Turpin expressed that he would prefer to have a decision by Council as soon as possible for planning purposes.

Mr. Blackley stated that he does not believe that parking for this event is any different than any other large City events and suggested Mr. Turpin reach out to other businesses in the City that may support the event on the Square.

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Mr. Grau stated that Brewfest has been on the Square for 4 years and expressed that he likes the Square's exposure. In addition, his experience is that patrons of the event look for places to eat and he would like to have it remain on the Square. Past Brewfest events have tried to work with the businesses and he believes it is a good event.

Mr. Turpin stated that they have tried to be inclusive of the businesses.

Mrs. McArthur stated that the Square is an ideal place for the Brewfest event and she is in favor of keeping it there.

Mr. Blackley concurred.

Mr. Smock concurred.

Mr. Grau moved and Mrs. McArthur seconded to allow Steve Turpin and Great Lakes Racing to start planning the 2022 Brewfest event on the Square.

Results of the roll call vote:

Blackley: Yes  
Chuha: No  
Grau: Yes  
McArthur: Yes  
Means: No  
Meleski: Yes  
Smock: Yes

Motion passed.

**Regarding the funding of a part-time victim advocate position,** Finance Director Mate Rogonjic, explained that even though the funding for the program has been declining in recent years and no grant funding was received for the 2020-2021 program year, Council had authorized the funding for a part-time victim advocate position in November, 2020. At that time, Council authorized the funding, but requested additional information to determine the long-term need for the position. The position is currently vacant, and it is a good opportunity for Council to make a decision. He suggested that if Council agrees to the need for the position, that the City maintain the position regardless of changes in grant funding. He noted that the position was initially created because of the need and not because of the funding available.

Tracey Fronk, Victim Advocate Director, addressed Council to request funding for a part-time Victim Advocate. She outlined the Victims of Crime Act program and the people the program serves.

Mrs. McArthur spoke in support of the position.

Mr. Smock asked if there is a need for at least 20 hours per week for the part-time position.

Mrs. Fronk stated that there is definitely a need for the position which she is covering at the moment.

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Mr. Smock moved and Mrs. McArthur seconded to maintain the part time Victim Advocate position as long as there is a need, regardless of the level of grant funding.

Upon roll call vote the motion passed unanimously.

**Regarding the creation of a water and sewer leadman position in the Water and Sewer Department and amendment to the collective bargaining agreement,** Mr. Sharpe explained the difficulty the City has experienced in locating a second shift operator. As a result, staff is recommending the creation of a water and sewer leadman. The leadman is proposed to be the crew leader for the second shift, at pay grade 3.

Mr. Smock asked if the union has to agree with the change to the collective bargaining agreement.

Mr. Sharpe stated that even though their agreement is not necessary, the union has agreed to the change.

Mrs. McArthur asked if the City is compelled to have a water and sewer operator.

Mr. Sharpe stated that the City is not mandated to have one.

Mrs. McArthur moved and Mrs. Chuha seconded to accept the job description and to create the water and sewer leadman position and to authorize the City Manager to sign the collective bargaining agreement.

Mr. Smock asked when it is expected that the EPA will require an operator on 2<sup>nd</sup> shift.

Mr. Hornyak stated that it is not a shift issue, but an issue of a person being able to sign-off on hours by the week.

Upon roll call vote the motion passed unanimously.

**LEGISLATION**

**ORDINANCE NO. 3162**

AN ORDINANCE AMENDING SECTION 1319.09 OF THE CODIFIED ORDINANCES TO REGULATE THE EXTERIOR STORAGE OF LANDSCAPE MATERIALS ON RESIDENTIAL PROPERTIES was read for the first time by title only.

Mr. Blackley 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. 3162 was then read for the second and third time by title only.

Mrs. McArthur moved and Mr. Smock seconded for the adoption of Ordinance No. 3162.

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Mr. Chojnacki stated that the Ordinance is a result of staff's continued efforts to put more teeth in the property maintenance code. The objective of the legislation is to provide that landscape materials may only be stored for a maximum time frame of four (4) months.

Mr. Smock suggested that the length of time that landscape materials would be permitted to sit is too long. He suggested the time length be shortened to two (2) months.

Mr. Smock moved and Mrs. McArthur seconded to amend the Ordinance to change the time length for landscape materials to be on a property from 4 months to 2 months. Upon roll call vote the motion passed unanimously.

Upon roll call vote the motion to adopt the ordinance passed unanimously.

**ORDINANCE NO. 3163**

AN ORDINANCE AUTHORIZING PARTICIPATION IN ODOT COOPERATIVE PURCHASING PROGRAM 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 Ordinance be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Ordinance No. 3163 was then read for the second and third time by title only.

Mr. Smock moved and Ms. Means seconded for the adoption of Ordinance No. 3163.

Mr. Hornyak stated that the legislation will allow the City to participate in ODOT's bidding process for vehicles, salt, asphalt and other equipment.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 3164**

AN ORDINANCE ENACTING THE MARCH 2021 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY OF CHARDON 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. 3164 was then read for the second and third time by title only.

Mr. Smock moved and Ms. Means seconded for the adoption of Ordinance No. 3164.

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Clerk of Council Amy Day stated that the supplement is an update to the City's Codified Ordinances that includes changes in the State traffic and criminal law as well as legislation passed since the last update completed in July, 2020. It is anticipated that the updates can be completed on a bi-annual basis, rather than annually in an effort to keep the Codified Ordinances more up to date.

Upon roll call vote the motion passed unanimously.

**RESOLUTION NO. 6-21**

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.

Ms. Means 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. 6-21 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. 6-21.

Mr. Rogonjic reviewed the proposed fund transfers.

Upon roll call vote the motion passed unanimously.

**REVIEW OF EXPENDITURES**

Mrs. McArthur reported that expenditures were in order.

**EXECUTIVE SESSION**

Mrs. McArthur moved and Mr. Grau seconded to adjourn to Executive Session at 8:47 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 purchase of public property for a public purpose or the sale of public property at competitive bidding and invite Ben Chojnacki, Randy Sharpe, Steve Yaney, Mate Rogonjic, Chief Niehus, Amy Day, Mark Wallach and Majeed Makhlof 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 purchase of public property for a public purpose or the sale of public property at competitive bidding.

Meeting reconvened at 11:03 p.m.

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**ANY OTHER BUSINESS TO COME BEFORE COUNCIL**

Ms. Means moved and Mr. Grau seconded to authorize the City Manager to enter in an option agreement for the potential sale of 223 Center Street. Upon roll call vote the motion passed unanimously.

**ADJOURN**

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

The meeting adjourned at 11:05 p.m.

Attest:

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DANIEL MELESKI, Mayor  
President of Council

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