

REGULAR SESSION

April 13, 2023

The Council of the City of Chardon met in Regular Session Thursday, April 13, 2023 at 6:25 p.m. in Council Chambers of the Chardon Municipal Center.

Heather Means, Vice Mayor & Vice President of Council presiding.

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

Members of Council present: Andrew Blackley, Deborah Chuha, David Lelko, Kyle Martin, Heather Means.

Members of Council absent: Christopher Grau, Daniel Meleski.

Others Present: City Manager Randy Sharpe, Finance Director Mark Iacofano, 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, Catie Traffis, Bill Hess, Elisabeth Geidt, Peter Byrnes, Chong Malkamari, Don Powers, Paul Jackson, Jim Boardwine, Brett Boardwine.

APPROVAL OF MINUTES

Mr. Blackley moved and Mrs. Chuha seconded to approve the minutes of the March 9, 2023 Regular Session as presented. Upon roll call vote the motion passed unanimously.

Mrs. Chuha moved and Mr. Martin seconded to approve the minutes of the March 27, 2023 Special Session as presented. Upon roll call vote the motion passed unanimously.

Ms. Means thanked the Police Chief and his department as well as other law enforcement partners for their efforts during the April 1, 2023 event on the Square. She also wanted to acknowledge the impact that the event had on the Square businesses, noting that Council has been asked why the City allowed the event to go on, which she asked the Law Director to address.

Law Director, Benjamin Chojnacki, stated that Council is a body of limited authority and cannot stop individuals from expressing themselves on a public space, and in the absence of illegal conduct on public space, there is nothing for the Police Department to do. Similarly, with respect to activities on private property, law enforcement has nothing to do on private property in the absence of illegal activity.

MANAGER'S REPORT

City Manager, Randy Sharpe, reported that Michael Case has been hired in the Division of Streets, Parks & Cemeteries.

Mr. Sharpe reported that Brian Kish has been promoted from Lab Analyst to Lab Technician, and the vacant Lab Analyst position has been posted internally.

Mr. Sharpe reported on the status of public works projects.

PLANNING COMMISSION REPORT

Community Development Administrator, Steve Yaney, gave the Economic Development report that highlighted business openings and renovations during the 1st quarter of 2023.

COUNCIL COMMITTEE REPORTS

Park & Recreation Board

Deborah Chuha reported that the Board met and discussed spring and summer program registrations.

Mrs. Chuha reported that the Board discussed interpretive signs which will be installed on the bike trail.

Mrs. Chuha reported that volunteers are needed to assist with the Maple Highlands Trail clean-up on May 2.

Water & Sewer Committee

Mrs. Chuha reported that the Committee met jointly with the Service Committee and discussed the upsizing of the Center Street sanitary sewer.

City Engineer Doug Courtney reviewed the proposed project that is needed because there is a significant reduction in capacity of the existing line because of the pipe size, which is smaller than what was previously thought. Because there are some development proposals that will be contributing more to the line, staff is recommending increasing the pipe to 12". The project is being proposed prior to the State Resurfacing Project in order to best coordinate the paving of Center Street.

Mrs. Chuha moved and Mr. Martin seconded to permit staff to move forward with Center Street Sanitary Sewer Project design in 2023 and construction in 2024. Upon roll call vote the motion passed unanimously.

Service Committee

Mr. Lelko reported that at the joint meeting with the Water/Sewer Committee, the Service Committee also recommended to proceed with the Center Street Sanitary Sewer Project.

HEARING OF PERSONS BEFORE COUNCIL

Those Persons on the Agenda

Jim and Brett Boardwine, representing Thrive, reported on the organization's plans for the Geauga Theater and programming at 106 Water Street for 2023. In addition, they reviewed their plans for grant applications and revenue sharing with the City that includes \$1 per ticket sales in 2023-2024, increasing annually by \$.25.

Mrs. Chuha inquired about Thrive's contractual obligation to pay the City for 5% of ticket sales for 2022.

Jim Boardwine stated that the contract was not clear when and how the payment to the City was to be made, but Thrive is aware of this obligation and plans to pay it.

Discussion occurred regarding possible funds where the payment would be deposited.

General Public - none.

OLD BUSINESS - none.

NEW BUSINESS

Regarding job description revisions for Records Clerk, Mr. Sharpe stated that the revisions are needed as a result of consolidating dispatching services with the Sheriff's office and are proposed to clarify the details of the job and cleanup some of the prior language.

Mr. Blackley moved and Mrs. Chuha seconded to accept the revised Records Clerk job description as presented by the City Manager.

Upon roll call vote the motion passed unanimously.

Regarding an hourly rate increase for the Urban Forester, Mr. Sharpe stated that David Allen provides expertise to residents and the community on the urban canopy. He noted that his hourly rate has not been adjusted since 2018, and requested Council increase the hourly rate for the City Arborist to \$55/hour from his current rate of \$47.50/hour, effective April 10, 2023, adding that the proposed rate is on-par with other communities the size of Chardon.

Mr. Lelko asked if the increase has been budgeted.

Mr. Sharpe stated that the increase was not budgeted; however, there are funds to cover the increase in the Shade Tree operating account.

Mrs. Chuha moved and Mr. Blackley seconded to accept the Urban Forester hourly rate as recommended by the City Manager. Upon roll call vote the motion passed unanimously.

LEGISLATION

AN ORDINANCE REZONING CERTAIN PARCELS OF REAL PROPERTY FROM INDUSTRIAL-WIRELESS TELECOMMUNICATION TOWER (I-WTTO) TO GENERAL COMMERCIAL (C-4) was read for the first time by title only.

Mr. Blackley 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.

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

Mrs. Chuha moved and Mr. Blackley seconded for the adoption of the Ordinance.

Mr. Sharpe stated that as discussed at the Public Hearing, there are 4 parcels proposed to be rezoned from I-WTTO to C-4. DeNora Tech, originally included in the parcels to be rezoned, has requested their property be excluded from rezoning at this time. If they do not build, the recommendation would be to rezone the parcel to C-4 and remove them from the CRA.

Mr. Sharpe noted that he received correspondence from a resident, Tom Nolfi, who requested the properties be left zoned Industrial because he believes manufacturing uses will be coming back and industrial properties will be needed.

Mr. Lelko stated that he prefers to send the issue back to Planning Commission since their recommendation included rezoning DeNora Tech.

Mr. Blackley stated that he would like DeNora Tech to address Planning Commission and state their case as to why they do not want their property rezoned at this time and offer some assurances or a date when they will have an answer. He stated that DeNora Tech had the opportunity to address Planning Commission, but did not. He added that he supports the rezoning of the other properties in the legislation, but feels that DeNora Tech is a large part of the area involved and by not including them in the reasoning, it does not leave a large attractive remaining commercial area.

Members of Council asked if the rezoning could be delayed.

Mr. Yaney stated that there is nothing currently pending for use of the properties for a commercial use, but there is interest. The intent was to get the rezoning in place before DeNora Tech put their property up for sale in July; however, they are reconsidering their use for their property. He added that DeNora Tech representatives did not receive the Planning Commission meeting notice until after the Commission had already met.

Mr. Chojnacki stated that if Council would like the rezonings to be considered by Planning Commission, it would be appropriate for the clerk to call the question on the proposed ordinance. If it fails, Council would then make a second referral of the rezoning of the parcels to Planning Commission.

Upon roll call vote the motion failed unanimously.

Mr. Lelko moved and Mr. Blackley seconded to refer the rezoning of 5 properties on Center Street to Planning Commission at their earliest convenience. Upon roll call vote the motion passed unanimously.

Mr. Lelko moved and Mr. Blackley seconded to table AN ORDINANCE REMOVING CERTAIN PARCELS OF REAL PROPERTY FROM THE CITY'S COMMUNITY REINVESTMENT AREA. Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3235

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2023 ENERGIZED COMMUNITY GRANT FUNDS AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Blackley 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. 3235 was then read for the second and third time by title only.

Mr. Blackley moved and Mr. Martin seconded for the adoption of Ordinance No. 3235.

Public Service Director, Paul Hornyak, stated that the City received a NOPEC Energized Community (NEC) grant for 2023 in the amount of \$13,865.00. NEC grants are offered to help implement energy efficiency or energy infrastructure projects that will benefit the community. The City plans to use the 2023 grant for

a high-efficiency heating and cooling unit for the Thrive Art Center at 106 Water Street.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3236

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE WITH MY SWEETS LLC, AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Martin 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. 3236 was then read for the second and third time by title only.

Mrs. Chuha moved and Mr. Lelko seconded for the adoption of Ordinance No. 3236.

Mr. Yaney stated that My Sweets LLC would like to expand their business into a second tenant space at 105 South Street which is adjacent to their current store.

Catie Traffis, owner of Sweets on the Square, explained that they plan to use the space at 105 South Street as a community space for customers to sit and enjoy their purchases from the candy shop. In addition, they would like to use the space for the sale of additional food items.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3237

AN ORDINANCE AUTHORIZING PARTICIPATION IN ODOT COOPERATIVE PURCHASING PROGRAM AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. Chuha moved and Mr. Martin 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. 3237 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. 3237.

Mr. Hornyak stated that the Ordinance will allow the City to participate in ODOT's purchasing program for salt, vehicles and other road equipment.

Mr. Martin inquired if there was excess salt from the 2022-2023 winter season.

Mr. Hornyak stated that the City realized some savings in man-hours; however, salt usage for the season ended up at a normal level.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 8-23

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO DEVELOPMENT AND CONSTRUCTION AGREEMENTS WITH FLG-CHARDON LLC FOR CERTAIN IMPROVEMENTS WITHIN AND ADJACENT TO THE MAPLE TRACE

SUBDIVISION AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Blackley 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. 8-23 was then read for the second and third time by title only.

Mrs. Chuha moved and Mr. Martin seconded for the adoption of Resolution No. 8-23.

Mr. Chojnacki stated that Frontier Land Group (FLG-Chardon) is making improvements within and adjacent to the soon-to-be constructed Maple Trace Subdivision and they are also making upgrades to the City-owned pump station adjacent to the subdivision. In order for them to secure financing, a development and construction agreement are required, which have been drafted and are agreeable to both parties and ready for execution upon Council's approval.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 9-23

A RESOLUTION TRANSFERRING FUNDS IN THE CITY OF CHARDON TREASURY FOR 2023 AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Blackley 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. 9-23 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. 9-23.

Mr. Iacofano reviewed the budgeted fund transfers necessary to keep positive fund balances.

Upon roll call vote the motion passed unanimously.

REVIEW OF EXPENDITURES

Mr. Blackley reported that expenditures were in order.

EXECUTIVE SESSION

Mr. Blackley moved and Mrs. Chuha seconded to adjourn to Executive Session at 7:52 p.m. to consider the purchase of public property for a public purpose or the sale of public property at competitive bidding, to discuss preparing for conducting or reviewing negotiations for bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment, and 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 invite Ben Chojnacki, Randy Sharpe, Mark Iacofano, Chief Niehus, Paul Hornyak, Amy Day and Paul Jackson into the session. Upon roll call vote the motion passed unanimously.

Discussion occurred regarding preparing for conducting or reviewing negotiations for bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.

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 an attorney for the public body concerning disputes involving the public body that are the subject of pending or eminent court action.

Meeting reconvened at 8:43 p.m.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Council and members of staff reported on upcoming events.

Clerk of Council, Amy Day, presented Council with the City's refreshed website that will go live on April 17, 2023.

ADJOURN

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

The meeting adjourned at 8:47 p.m.

Attest:

HEATHER MEANS, Vice Mayor
Vice President of Council

AMY DAY
Clerk of Council