

REGULAR SESSION

May 12, 2022

The Council of the City of Chardon met in Regular Session Thursday, May 12, 2022 at 6:30 p.m. in Council Chambers of the Chardon Municipal Center.

Christopher Grau, Mayor & President of Council presiding.

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

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

Members of Council absent: none.

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, Park and Recreation Director Adam Rogers, Majeed Makhoulf, Madelon Horvath, Jeffrey Smock, Vince Crawford, Robert Cromwell, Brian Doering, Bill Hess.

APPROVAL OF MINUTES

Mrs. Chuha moved and Mr. Meleski seconded to approve the minutes of the April 14, 2022 Regular Session and the May 4, 2022 Special Session as presented.

Upon roll call vote the motion passed unanimously.

MANAGER'S REPORT

Mr. Sharpe reported that a spring clean-up of the Maple Highlands Trail was conducted on May 22, 2022.

Mr. Sharpe reported on the success of the 91st Geauga County Maple Festival.

Mr. Sharpe reported that the City was notified by ODOT District 12 that the City was not awarded a Systemic Safety Funding Grant for the Uptown and High School Pedestrian Improvements Projects; however, the possibility remains to work with ODOT for a future funding cycle.

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

PLANNING COMMISSION REPORT

Mr. Blackley reported that Planning Commission met in Regular Session and approved the exterior renovations for Buckeye Chocolate at 510 Water St.

Mr. Blackley reported that Planning Commission did not approve the exterior renovations for Wendy's Restaurant at 436 Center St. and sent the plans back to the designer for modifications.

COUNCIL COMMITTEE REPORTS

Economic Development

Committee members, Mr. Martin and Ms. Means, reported on a Retail Academy Workshop recently attended by Committee members and staff.

Ms. Means presented art layouts for banners and signage at 106 Water Street as a way to support the rental of the theater and 106 Water Street. She reported on the efforts of Thrive, adding that promoting arts and culture is part of economic development, and she asked Council to support the purchase of signs and banners at a cost of \$1,345.

Mr. Blackley moved and Mrs. Chuha seconded to authorize the City Manager to spend up to \$1,500 on banners and signage as proposed by Councilman Means. Upon roll call vote the motion passed unanimously.

Ms. Means moved and Mrs. Chuha seconded to waive the \$100 sign permit. Upon roll call vote the motion passed unanimously.

Ms. Means presented a proposal for the Giving Garden mural prepared by Elliott Miller. She stated that if Council approves of the design, Mr. Miller will begin painting on May 13th.

Mr. Blackley moved and Mr. Meleski seconded to authorize Elliott Miller to start the mural as soon as possible. Upon roll call vote the motion passed unanimously.

Service Committee

Mr. Lelko reported that the Committee met and discussed the 2022 sidewalk maintenance program, with 2022 being the first year that the City would take over the program, starting with Zone 1. The original estimate for the sidewalk repair was budgeted at approximately \$50,000, but the updated estimate is \$148,000 due to the increased cost of construction, and sidewalks being in worse shape than anticipated. The sidewalk maintenance fund has the funds to cover the cost, but a remaining question is how to handle these scenarios in the future.

Mr. Lelko reported that the Committee discussed instances in the municipal cemetery where grave sites lack permanent markers. The Committee discussed addressing these situations on an individual basis and giving people at least a year to purchase a permanent marker.

Mr. Lelko reported that the Committee received an update on the traffic count program.

Mr. Lelko reported that that the Committee discussed installing new sidewalk at the vacant properties of 362 and 366 Center Street, noting that the sidewalks will be installed closer than usual to the street because of the difficulty in obtaining sidewalk easements.

Park & Recreation Board

Mrs. Chuha reported that at the last Board meeting, the Recreation Director reported on the opening of the pool and summer programs. The Board Recreation Director also requested input from the Board regarding free memberships at the pool for City staff.

Mr. Sharpe stated that the Board was supportive of offering City staff and their families free pool memberships as part of the City's ongoing employee appreciation and wellness programs.

Mrs. Chuha moved and Ms. Means seconded to provide staff members with a free family pool pass for the summer of 2022. Upon roll call vote the motion passed unanimously.

HEARING OF PERSONS BEFORE COUNCIL

Those Persons on the Agenda

Vince Crawford, representing Waste Management, provided an update on the trash and recycling program in the City. He presented 2 videos showing some of the behind the scenes of Waste Management's trash collection and recycling services.

General questions were asked by Council members regarding trash and recycling.

General Public

Madelon Horvath, President of Chardon Tomorrow, reported on the Bikes and Hikes event on June 5, an event to celebrate the bike trail and to bring the community together for a free, fun family day.

Bill Hess, 115 North Street, addressed Council and inquired about a schedule of future road closures for road races, noting that he has been denied access to his driveway in the past during these events.

Police Chief, Scott Niehus, stated that he will keep Mr. Hess's complaint into future consideration.

OLD BUSINESS - none.

NEW BUSINESS

Regarding the appointment of the Clerk of Council to attend Public Records Training on behalf of all members of Council, Clerk of Council, Amy Day, explained that members of Council are required to attend public records training at least once during their elected term or a designee may attend in their place.

Mr. Meleski moved and Ms. Means seconded to designate the Clerk of Council to attend Public Records Training on behalf of all members of Council. Upon roll call vote the motion passed unanimously.

Regarding any objections to the issuance of a new D1 liquor permit for Bob Evans Restaurant, no member of Council had any objections.

LEGISLATION

RESOLUTION NO. 10-22

A RESOLUTION AUTHORIZING THE SETTLEMENT OF GEAUGA COUNTY COMMON PLEAS COURT CASE NO. 20M000648 AND DECLARING AN EMERGENCY 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. 10-22 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. 10-22.

Mr. Chojnacki stated that the Resolution is the formal enactment of the motion Council passed at its Special Session on May 4th. This is what needs to be done to ensure that the appropriate City officials have the authority to settle the lawsuit with the County according to the terms of the judgement entry.

City's legal counsel, Majeed Makhoulf, provided a background on the lawsuit with the County regarding the location of the office of the Board of County Commissioners. He reported that as the case progressed, it became clear that there was a historic opportunity to preserve and develop Chardon Square. After extensive negotiations with the County, the City was able to reach an agreement. He reviewed the terms contained in the judgement entry.

- The City agrees to transfer the land comprising the north end of the Square to the County so that the County may build an addition to the Courthouse.
- The County has to spend a minimum of \$15 million on the renovation.
- The ground breaking must begin by December 31, 2023, with the possibility of a 1-year delay.
- The parking for the courthouse on PPN 10-165594 and the greenspace on the north end of the square would be available to the City after hours for parking or civic events.
- The County will increase its contribution for municipal court prosecution services to \$50,000 in 2023 and \$60,000 in 2024.
- The Prosecuting Attorney and City agree to jointly approach the legislature to change the law shifting the prosecution responsibilities for the Municipal Court from the City to the County Prosecutor's Office.
- The court costs are to be split equally among the parties.
- The City agrees to contribute 10%, capped at \$2 million toward the public infrastructure, site work and beautification of the Square involved with the Courthouse renovation project.
- The City and County agree to release a joint statement regarding the settlement.

Mayor Grau thanked the legal representatives, Council and former mayors and staff. He added that he has heard only positive comments about the outcome from the public.

Mr. Meleski thanked the County Commissioners for their cooperation and working with the City to achieve a desirable outcome.

Members of Council spoke in support of the outcome.

Robert Cromwell, 120 Huntington St., inquired about the size and architecture of the proposed courthouse addition, and if it will be subject to the City's review process.

Mr. Makhlouf stated that the County would have to go through the City's architectural review process; however, they have some leeway since they have the power of eminent domain. He noted that the guarantee for the design came in the form of the minimum monetary expenditure by the County. In addition, the Courthouse has been designated as a historic building, and the addition needs to be complementary.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3203

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT/AGREEMENT WITH RONYAK PAVING, INC. FOR 2022 STREET MAINTENANCE AND REPAIR AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Meleski 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. 3203 was then read for the second and third time by title only.

Mrs. Chuha moved and Mr. Meleski seconded for the adoption of Ordinance No. 3203.

City Engineer, Doug Courtney, reported that two bids were received; however, both bids were high because of construction cost inflation. In order to keep the project within budget, the options were to rebid the project or pare down the project scope. Because bids are expected to be higher if the project is rebid, certain contract sections and line items of work for non-performance were considered and recommended. The non-performed work was reviewed by Ronyak Paving who had no objections.

Mr. Lelko stated that since he lives on Cedar Glen, a street in this year's program, he will be abstaining from voting.

Mr. Blackley suggested projects be bid earlier to get better pricing.

Results of the roll call vote:

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

Motion passed.

ORDINANCE NO. 3204

AN ORDINANCE AWARDDING THE MAPLE HIGHLANDS STREAM AND WETLAND RESTORATION PROJECT TO THE SELECTED BIDDER AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO THE PROJECT 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. 3204 was then read for the second and third time by title only.

Ms. Means moved and Mrs. Chuha seconded for the adoption of Ordinance No. 3204.

Mr. Courtney stated that one bid was received for the Maple Highlands Trail Stream & Wetlands Restoration Project which is being funded through an OEPA grant (\$243,970) and City funds (\$53,490). Based on the review and the project scoring by the City and Chagrin Watershed Partners, the award is being recommended to the team of Davey Resource Group and Marks Construction in the amount of \$297,460.

Mr. Courtney answered questions by members of Council regarding the scope of the project.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3205

AN ORDINANCE ENACTING THE MARCH 2022 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY OF CHARDON AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Meleski 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. 3205 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. 3205. Upon roll call vote the motion passed unanimously.

Mrs. Day stated that Walter Drane provides supplements to the City's codified ordinances bi-annually that reflect ordinances passed by Council over the last 6 months as well as changes to the state's traffic and criminal code. By Council adopting this ordinance, all paper codified ordinance books will be updated with the new pages along with the City's website shortly thereafter.

Upon roll call vote the motion passed unanimously.

REVIEW OF EXPENDITURES

Mr. Meleski reported that he and Councilman Blackley reviewed the monthly expenditures and found them to be in order.

Mr. Blackley noted that in their review of expenditures, it was their desire to improve the process of locating quotes.

EXECUTIVE SESSION

Mr. Meleski moved and Mr. Blackley seconded to adjourn to Executive Session at 9:03 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 sale or other disposition of real property and

invite Ben Chojnacki, Randy Sharpe, Mark Iacofano, Steve Yaney, Majeed Makhoulf and Amy Day into the session. Upon roll call vote the motion passed unanimously.

Discussion occurred regarding the sale or other disposition of real property.

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 9:43 p.m.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Members of Council and staff made announcements regarding upcoming events.

ADJOURN

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

The meeting adjourned at 9:46 p.m.

Attest:

CHRISTOPHER GRAU, Mayor
President of Council

AMY DAY
Clerk of Council