

REGULAR SESSION

October 13, 2022

The Council of the City of Chardon met in Regular Session Thursday, October 13, 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, Amy Patterson, Anastasia Nicholas, Bill Hess, Gene Chapman, Bill Richardson, Randy McVicker, Michele Pemberton, Chris Juback, Dan Goodell, Joe Hall, Ron & Mary Leyde, Stacie Malone, Doug Lundblad, Elliot Miller, David Miller, Elisabeth Giedt, Peter Byrnes.

Mayor Grau noted the locations of the little free food pantries in the City and encouraged participation for those who are in need and those who can provide food for the pantries.

Mayor Grau introduced Elliot Miller who painted the most recent mural on the back of the service garage at 106 Water Street. He presented him with a gift certificate and thanked him for his work.

APPROVAL OF MINUTES

Mr. Sharpe noted a correction to the Manager's Report in the minutes of the September 8, 2022 Regular Session.

Mr. Blackley moved and Mr. Meleski seconded to approve the minutes of the September 8, 2022 Regular Session as amended.

Upon roll call vote the motion passed unanimously.

MANAGER'S REPORT

Mr. Sharpe reported that the annual residential trash collection program was held on September 24 and twenty loads of trash were collected, totaling 83.77 tons.

Mr. Sharpe reported on recent hirings in the Public Service Department.

Mr. Sharpe reported that Chardon Square Association will be working with Mike Butt, Lands and Buildings Supervisor, to create a native plant butterfly garden at 106 Water Street under the Backstage Studios/Thrive sign. CSA has offered to purchase the plants and to provide volunteers to assist with planting and maintaining the garden.

Mr. Sharpe reported that the 2023-2027 Capital Improvement Plan is in the process of being completed; however, because of the time involved in preparing the document for the Finance Director, along with inflationary factors making it difficult to predict future costs, he is requesting Council pass a motion to

give staff an additional month to submit the 2023-2027 Capital Improvement Plan.

Mr. Blackley moved and Ms. Means seconded to allow staff an additional month for the submission of the Capital Improvement Plan. Upon roll call vote the motion passed unanimously.

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

PLANNING COMMISSION REPORT

Mr. Blackley reported that Planning Commission did not have a meeting in September.

Community Development Administrator, Steve Yaney, gave the Economic Development report that highlighted business openings and renovations during the 3rd quarter of 2022.

COUNCIL COMMITTEE REPORTS

Service Committee

Regarding Short Court resurfacing in conjunction with 2024 State Route repaving, Mr. Lelko reported that the Committee met on September 15 and discussed if the Short Court repaving should be included with the State Route repaving. The Committee recommended adding Short Court as an add alternate to the State Route Repaving Project, which will give Council the opportunity to address it closer to the project.

Mr. Sharpe stated that the decision to repave Short Court as part of the State Route repaving was proposed to the Committee because it would affect whether staff should begin working on a plan to convert Short Court into public space.

Mrs. Chuha moved and Ms. Means seconded to include the resurfacing of Short Court Street as an add alternate to the State Route Repaving Project in 2024. Upon roll call vote the motion passed unanimously.

Discussion occurred regarding when to begin looking at modifications to the Square, but no decision was made.

Regarding the removal of the loading zone on the southwest corner of Main Street, Mr. Lelko stated that because the loading zone is no longer needed by the adjacent business, the Chardon Square Association requested it be removed and replaced with two parking spaces. The Service Committee recommended the Law Director be directed to draft legislation to make this change.

No member of Council had any objections to the Law Director preparing legislation for the November Council meeting.

Mr. Lelko reported that the Committee also discussed the importance of using door drops as a means of communication with residents about the status of road projects, and not relying solely on social media.

HEARING OF PERSONS BEFORE COUNCIL

Those Persons on the Agenda

Gene Chapman & Bill Richardson, representing the Chardon VFW/American Legion, addressed Council and requested permission for memorial veteran banners to be hung around the City to recognize veterans' service to the community. They requested the City take charge of the program, but offered to help in any way they can.

Mr. Chapman explained their proposed plan for banners that included being hung for the months of May and November. He

noted that the cost to print each banner is \$50-\$70 and they would use brackets which the City has, but would purchase more if needed.

Mayor Grau stated that the City is looking at hanging the banners for the month of May.

Mr. Richardson stated that he would like to see them hung May - November.

Councilman Means concurred that she would like to see the banners hung May - November, but would not support the City taking charge of the program.

Mr. Sharpe read the City's banner policy that allows non-profit groups to use 12 poles at a cost of \$50 each for installation and removal. He asked which poles are desired to be used.

Mr. Chapman stated that they were under the assumption that the Illuminating company would not permit banners on their poles.

Mr. Sharpe stated that the Illuminating Company poles are used in other communities, and he can inquire about this possibility.

Mr. Sharpe stated that he would prefer not to have City staff taking the banners down after Veterans' Day.

Doug Lundblad, County Veterans Service Commissioner, spoke in support of the program and recommended that the banners be hung on the poles on the Square below the flags.

Members of Council expressed concern that this would be too low.

Mayor Grau stated that the City recognizes the importance of the program; however, there are specifics that need worked out such as what utility poles can be used and how many are needed. He stated that the City will contact the Illuminating Company and inquire about permission to do this. Regarding the hanging of the banners, he asked if the banners could be hung May - September.

No objection was heard.

Ms. Means suggested that 30 banners be hung as a test program in the first year.

Mr. Sharpe stated that he would contact the utility company to inquire about permission to hang banners on their poles.

Mr. Lelko requested that the banners be removed once they begin to look weathered or worn.

General Public - none.

OLD BUSINESS - none.

NEW BUSINESS

Regarding a letter of support for NOPEC, Law Director Benjamin Chojnacki, stated that the City received a request from NOPEC for a letter of support with respect to a pending show cause order before the Public Utilities Commission of Ohio. He stated that after he completes his investigation into this issue, and staff believes it is appropriate, they would like the authority to draft a letter signed by the City Manager in support of NOPEC.

No member of Council had any objections.

LEGISLATION

ORDINANCE NO. 3215

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO UTILIZE STATE OF OHIO DEPARTMENT OF TRANSPORTATION BRIDGE INSPECTION PROGRAM SERVICES, AND DECLARING AN EMERGENCY was read for the first time by title only.

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.

Ordinance No. 3215 was then read for the second and third time by title only.

Mr. Lelko moved and Mr. Martin seconded for the adoption of Ordinance No. 3215.

Public Service Director Paul Hornyak stated that the City has been a part of the ODOT Bridge Inspection Program since 2014, when it was initiated. Staff is requesting adoption of the legislation to continue this program.

Mayor Grau asked where the City's bridges are located.

Mr. Hornyak stated that they are located on Woodiebrook and Wilson Mills Roads.

Mr. Blackley spoke in support of the program and recommended the City continue their participation in it.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3216

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE WITH COMPANY 119, LTD, FOR PROPERTY LOCATED AT 103 SOUTH STREET, SUITE #3, CITY OF CHARDON, OHIO, 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 Resolution be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Ordinance No. 3216 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. 3216.

Mr. Yaney described the lease space and reviewed the general terms of the lease to Company 119.

Results of the roll call vote:

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

Upon roll call vote the motion passed unanimously.

Mr. Lelko noted that he abstained from voting because of his wife's involvement with Company 119.

ORDINANCE NO. 3217

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE WITH KANGAS APPRAISALS, FOR PROPERTY LOCATED AT 107 SOUTH STREET, SUITE #4 CITY OF CHARDON, OHIO, AND DECLARING AN EMERGENCY was read for the first time by title only.

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.

Ordinance No. 3217 was then read for the second and third time by title only.

Mrs. Chuha moved and Mr. Blackley seconded for the adoption of Ordinance No. 3217.

Mr. Yaney stated that Kangas Appraisals is requesting a renewal of their lease of 107 South Street at a term of three years.

Upon roll call vote the motion passed unanimously.

REVIEW OF EXPENDITURES

Mr. Meleski reported that expenditures were in order.

EXECUTIVE SESSION

Mr. Meleski moved and Mrs. Chuha seconded to adjourn to Executive Session at 7:43 p.m. to consider the purchase of public property for a public purpose or the sale of public property at competitive bidding, regarding the appointment, employment, dismissal, promotion, demotion, discipline or compensation of a public employee or official, and 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, Paul Hornyak, Steve Yaney, Doug Courtney 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 the appointment, employment, dismissal, promotion, demotion, discipline or compensation of a public employee or official.

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 9:17 p.m.

ORDINANCE NO. 3218

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED EMPLOYMENT CONTRACT FOR THE SERVICES OF BENJAMIN G. CHOJNACKI AS LAW DIRECTOR AND DECLARING AN EMERGENCY was read for the first time by title only.

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.

Ordinance No. 3218 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. 3218.

Mr. Chojnacki stated that the legislation authorizes amendments to his employment contract effective January 1, 2023.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3219

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED CONTRACT FOR THE SERVICES OF BENJAMIN G. CHOJNACKI AND WALTER | HAVERFIELD LLP, AN OHIO LIMITED LIABILITY PARTNERSHIP, FOR LEGAL SERVICES OUTSIDE THE SCOPE OF THE LAW DIRECTOR EMPLOYMENT CONTRACT, AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. Chuha moved and Mr. Meleski 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.

Ordinance No. 3219 was then read for the second and third time by title only.

Mrs. Chuha moved and Mr. Blackley seconded for the adoption of Ordinance No. 3219.

Mr. Chojnacki stated that the legislation authorizes amendments to the agreement the City has with his law firm for legal services provided that are not compensated in his capacity as Law Director, effective January 1, 2023.

Upon roll call vote the motion passed unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Ms. Means moved and Mr. Blackley seconded to appoint Robert Emmons to the Planning Commission to fill the unexpired term of Hannah Sekas ending December 31, 2025.

Upon roll call vote the motion passed unanimously.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Members of Council and staff made announcements regarding upcoming events.

ADJOURN

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

The meeting adjourned at 9:23 p.m.

Attest:

CHRISTOPHER GRAU, Mayor
President of Council

AMY DAY
Clerk of Council