

REGULAR SESSION

May 13, 2021

The Council of the City of Chardon met in Regular Session Thursday, May 13, 2021 at 6:30 P.M. via video-conferencing service, Zoom (Meeting ID: 840 7266 5450).

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, Majeed Makhoulf, Elizabeth Rothenberg, Courtney Hudson, Amy Patterson.

APPROVAL OF MINUTES

Mr. Smock noted a grammatical correction to the April 8, 2021 Regular Session minutes.

Mr. Sharpe also noted a correction to the minutes.

Mr. Smock moved and Mrs. Chuha seconded to approve the minutes of the April 8, 2021 Regular Session as amended. Upon roll call vote the motion passed unanimously.

MANAGER'S REPORT

Mr. Sharpe reported on the expiration of the Department of Health's Covid-19 related orders which are expected to take effect June 2.

Mayor Meleski asked if virtual meetings are still a permitted method for meeting.

Mr. Chojnacki stated that public meetings of Council or any of its committees, boards or commissions can continue to meet electronically at least through July 1, 2021. If Council wishes to meet in person, they are permitted to do that, if Council is comfortable with that.

Mayor Meleski stated that Council can plan to meet in person, but if something changes with the health orders, the City will change their plans as well.

Members of Council spoke in support of meeting in person.

Mr. Sharpe stated that the City received notice that a \$243,970 grant request for the Chardon Maple Highlands Trail Restoration Project was recommended to the EPA for funding.

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Mr. Sharpe reported that Chief Niehus applied for and received a grant for 72 bicycle helmets as part of the Put a Lid on it Bike Safety Awareness Program. The helmets will be distributed at a 2021 summer event which has yet to be determined.

Mr. Sharpe reported that Joe Gregorc has been promoted to the 2nd Shift Leadman in the Division of Water and Wastewater.

Mr. Sharpe reported that Megan Carney has been hired as a full-time police officer.

Mr. Sharpe reported on the process of filling the Police Sergeant's position.

Mr. Sharpe reported on capital improvement projects.

PLANNING COMMISSION REPORT

Mr. Blackley reported that Planning Commission met and approved a temporary variance for the COVID testing kiosk at CVS.

Mr. Blackley reported that Planning Commission had an informal discussion about a potential variance for a home occupation in a detached accessory building at 115 Claridon Road.

Mr. Blackley reported that Planning Commission met in Special Session and approved Starbuck's request for a color change for exterior siding due to the lack of availability of the previously approved color.

COUNCIL COMMITTEE REPORTS

Safety Committee

Mr. Grau reported that the Committee met and discussed the Emergency Operations Plan which is before Council for approval during legislation.

Mr. Grau thanked current and past Safety Committee members for their work on the Plan.

Members of Council thanked Mr. Grau for his work on the Emergency Operations Plan.

Mr. Grau reported that the Safety Committee also discussed planning for future meetings with the City and townships to discuss the Fire Department budget.

Mr. Grau reported on the increase in registrations for the "Notify Me" notifications.

Mr. Grau reported that the Committee discussed acquiring an additional speed sign.

Mr. Grau reported that the Committee also discussed the possibility of adding street crossing signs at all of the streets which the Maple Highlands Trail crosses.

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Chief Niehus reported on the Police Department's alerts in federal and state law by Lexipol, which assists the officers and department from potential litigation.

HEARING OF PERSONS BEFORE COUNCIL - none.

GENERAL PUBLIC - none.

OLD BUSINESS - none.

NEW BUSINESS

Regarding authorizing the expenditure to cover the \$10,000 cost of trench box end panels, Mr. Sharpe reported that the City purchased two trench boxes through a Safety Intervention Grant received in 2019, which are used while performing site excavation during water and sewer line repairs. The City would like to apply for an additional grant that provides a 4-1 match in order to purchase end panels for the trench boxes which would reduce injuries associated with trenching operations. The cost of the panels is approximately \$10,000, of which \$2,000 would be the City's cost. Council authorization for the expenditure is being requested since it was not included in the 2021 budget.

Mrs. McArthur moved and Mr. Blackley seconded to authorize the expenditure for the trench box end panels.

Mayor Meleski stated that the end panels are an important addition to the trench boxes.

Upon roll call vote the motion passed unanimously.

Regarding a request for a new D2 Liquor Permit for Bob Evans Restaurants LLC, 295 Meadowlands Drive, no member of Council had any objections.

LEGISLATION

ORDINANCE NO. 3165

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT WITH THISTLE CREEK DEVELOPMENT, LLC FOR THE NORTH HAMBDEN WATER LINE IMPROVEMENT PROJECT, AUTHORIZING THE EXPENDITURE OF FUNDS RELATED TO THAT PROJECT, AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Smock moved and Mr. Blackley 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. 3165 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. 3165.

Mr. Chojnacki explained that the development agreement between the City and Thistle Creek Development is for the improvement of the North Hambden water line in conjunction with the extension of water utility services to the Thistle Creek Development.

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Mr. Blackley asked if the bids have been solicited.

Mr. Chojnacki stated that the bids have been received and reviewed by the City Engineer.

Mrs. McArthur asked if the City would have been pursuing the water line improvements and responsible for the costs, even if the Thistle Creek development was not going forward.

Mr. Sharpe stated that yes, the City would have pursued the project and would have been responsible for the project costs. He added that the top portion of the water line is on the Capital Improvement Project list to do in the future.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3166

AN ORDINANCE AMENDING SECTION 521.17 OF THE CODIFIED ORDINANCES TO PROHIBIT CAMPING ON CERTAIN PIECES OF CITY PROPERTY, AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Grau 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. 3166 was then read for the second and third time by title only.

Mr. Smock moved and Mrs. McArthur seconded for the adoption of Ordinance No. 3166.

Mr. Chojnacki stated that the legislation before Council amends section 521.17 of the Codified Ordinances. The health, safety, and welfare considerations necessitated the proposed revisions with respect to camping on the City Square, any City cemetery, and the properties located at 432 and 434 Water Street. He noted that it does not regulate camping on other City-owned properties.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3167

AN ORDINANCE ESTABLISHING SECTION 123.27, AMERICAN RESCUE PLAN FUND, OF THE CODIFIED ORDINANCES OF THE CITY OF CHARDON 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. 3167 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. 3167.

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Mr. Rogonjic stated that the City will be receiving federal grant funds as authorized by the American Rescue Plan Act (ARPA) of 2021. The funding is estimated at approximately \$1.0 million, including \$500,000 in 2021 and \$500,000 in 2022. He is recommending that Council create a new fund to account for the receipt and expenditure of these funds, which will help ensure compliance with ARPA and forthcoming guidance from the United States Department of the Treasury.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 7-21

A RESOLUTION REQUESTING THE COUNTY AUDITOR TO CERTIFY TO THE TAXING AUTHORITY THE TOTAL TAX VALUATION OF THE SUBDIVISION AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A SPECIFIED NUMBER OF MILLS 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 Resolution be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Resolution No. 7-21 was then read for the second and third time by title only.

Mr. Smock moved and Mrs. Chuha seconded for the adoption of Resolution No. 7-21.

Mr. Rogonjic stated that the Resolution formally requests the County Auditor to certify the amount of funds that the fire levy renewal would generate, which is required in order to put the fire levy on the November ballot.

Discussion occurred regarding the possible levy amounts and how the issue(s) will be presented to the voters.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 8-21

A RESOLUTION OPPOSING SUB. HOUSE BILL 157 AMENDING THE LAW REGARDING WITHHOLDING MUNICIPAL EARNED INCOME TAX FOR THOSE WORKING VIRTUALLY AND/OR AT HOME, AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Smock moved and Ms. Means 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. 8-21 was then read for the second and third time by title only.

Mr. Grau moved and Ms. Means seconded for the adoption of Resolution No. 8-21.

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Mr. Rogonjic stated that the resolution opposes Sub. House Bill 157 which is a bill that would repeal the municipal income tax withholding provision in House Bill 197 that treated wages earned by employees temporarily working from home during the Governor's declaration of emergency as taxable to the principal place of work. He stated that municipalities made decisions on how to spend funding based on House Bill 197 which already addressed municipal income tax withholding during the Governor's declaration of emergency. He explained that the Regional Income Tax Agency has estimated that the City could lose \$325,000 annually if 10% of employees permanently shifted to working from home, with the municipal income tax no longer being based on the employer's location in the City.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 9-21

A RESOLUTION AUTHORIZING THE DISPOSITION OF PROPERTY UNNEEDED, OBSOLETE, OR UNFIT FOR MUNICIPAL PURPOSES, AND WHICH HAS NO VALUE, BY DISCARD OR SALVAGE, AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. McArthur 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. 9-21 was then read for the second and third time by title only.

Mr. Smock moved and Mrs. Chuha seconded for the adoption of Resolution No. 9-21.

Mr. Chojnacki stated that Council passes an annual ordinance that allows for tangible personal property to be listed for sale on internet sites; however, that ordinance does not provide guidance for how to discard property that has no value to anyone. The legislation before Council would allow the City Manager to discard or salvage municipal property that is of no value.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 10-21

A RESOLUTION ADOPTING THE CITY OF CHARDON'S EMERGENCY OPERATIONS PLAN; 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. 10-21 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. 10-21.

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Mr. Grau provided a brief history of how the Emergency Operations Plan was developed.

Mrs. McArthur asked how the plan will be implemented.

Mr. Grau stated that depending on the type of emergency, the document identifies action to be taken and identifies individuals and their roles.

Members of Council thanked Councilman Grau and staff for their efforts in preparing the document.

Upon roll call vote the motion passed unanimously.

REVIEW OF EXPENDITURES

Mr. Grau reported that expenditures were in order.

EXECUTIVE SESSION

Mr. Smock moved and Mrs. McArthur seconded to adjourn to Executive Session at 7:46 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 appointment, employment, dismissal, promotion, demotion, discipline or compensation of a public employee or official, and invite Ben Chojnacki, Randy Sharpe, Mate Rogonjic, Amy Day, Elizabeth Rothenberg and Majeed Makhoul 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 appointment, employment, dismissal, promotion, demotion, discipline or compensation of a public employee or official.

Meeting reconvened at 9:16 p.m.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mrs. McArthur moved and Mr. Grau seconded to appoint Wayne Gould to the Housing Council to fill the unexpired term ending December 31, 2022. Upon roll call vote the motion passed unanimously.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Members of Council and staff reported on upcoming events.

ADJOURN

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

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The meeting adjourned at 9:21 p.m.

Attest:

DANIEL MELESKI, Mayor
President of Council

AMY DAY
Clerk of Council