

REGULAR SESSION

March 14, 2024

The Council of the City of Chardon met in Regular Session Thursday, March 14, 2024 at 6:24 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: Deborah Chuha, Christopher Grau, David Lelko, Kyle Martin, Heather Means, Daniel Meleski.

Members of Council absent: Andrew Blackley.

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, Administrative Assistant Rebecca Repasky, Parks and Recreation Director Adam Rogers, Evan Graham, Caroline Mansfield, Michelle Urban, Eric Barbe, Wendy Landies, Bob Landies, Gordon Landies, John Miller, Colton Gray, Kelly Fox, Angela Hansen, Randy Hansen, Chris Cipriani, Mark Miloro, Christine Stensel, Erica Lohan, Allison Wilson, Skip Claypool, Bill Hess, Jeff Kooyman, Keith Landies, Peter Byrnes, Elisabeth Giedt, Linda Frey, Kathy Johnson, Molly Nikkila, Ben Sage, Dean Carlo, Thalia Hutter, Don Navatsyk, Cara Stone, Todd Albright, Tess Desepeda, Hailey Karban, Heather Kapra.

APPROVAL OF MINUTES

Mrs. Chuha moved and Mr. Martin seconded to approve the minutes of the February 8, 2024 Regular Session as presented.

Upon roll call vote the motion passed unanimously.

MANAGER'S REPORT

City Manager, Randy Sharpe, reported that Mark Bertone has been rehired in the part-time position of Maintenance Worker in the Division of Lands and Buildings.

Mr. Sharpe reported that the City's grant application for a Go Green Community Grant through the Geauga-Trumbull Solid Waste Management District was approved. He added that this grant will fund an Exposition 70 Gallon Custom Trash Receptacle/Recycler for the Heritage House for \$3,500.

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

City Engineer, Doug Courtney, reported on the status of the Seventh Avenue Project, noting that pedestrian signs and signal work remain to be completed. Project completion is expected mid-May.

Mr. Sharpe reported on the veterans' banner program, noting that the banners have been ordered and will be installed by Memorial Day.

Ms. Means reported on the solar eclipse event taking place on April 8.

Mr. Sharpe reported on snowfall totals for the year, noting that the City is on pace to set a record for the least amount of snow in a season.

PLANNING COMMISSION REPORT

Mr. Meleski reported that Planning Commission met and approved the conditional use for an ax-throwing facility at 217 Cherry Avenue.

Mr. Meleski reported that Planning Commission approved the text amendment to the planning and zoning code as well as the amendments to the zoning map.

Mr. Meleski reported that Planning Commission also approved a sign deviation to allow for the installation of a roof sign in the shape of a golf ball with a tee at Chips Clubhouse.

COUNCIL COMMITTEE REPORTS

Water/Sewer Committee

Ms. Means reported that the Committee met and was updated on the City's preparation of a service line inventory to comply with an EPA mandate regarding lead service line connections.

Ms. Means added that the Committee also discussed the Water Street sanitary sewer in relation to Willo Tree PRD. She stated that the project cost as well as other capital improvement projects were reviewed.

Mr. Lelko asked if any conclusion was made regarding the lift station for Willo Tree.

Ms. Means stated that there was no resolution; however, different options were discussed.

Mr. Courtney stated that a variety of questions were clarified and pros and cons of a lift station were discussed. What was concluded was that staff would begin talking with the affected developers about a public/private partnership to get the project completed sooner.

Economic Development

Mr. Lelko reported that the Committee members met and were introduced to representatives from Retail Strategies. The contract between the City and Retail Strategies was discussed and the Committee recommended it be extended for one year which the City Manager has authorization to extend, unless there is objection by Council.

No member of Council spoke in opposition to the extension of the City's contract with Retail Strategies for one year.

Michelle Urban, spoke in opposition to the City's extension of the contract with Retail Strategies, because she does not like the decisions they are making for the City.

HEARING OF PERSONS BEFORE COUNCIL

Mayor Grau read a prepared statement regarding 2 issues before Council related to the theater, and an adult-use cannabis dispensary. He requested anyone wishing to comment about these issues will have 2 minutes to speak, and added that Council members are not obligated to engage in conversation, but may choose to respond. He requested that those commenting refrain from taking the 2 minutes to repeat the identical comments made by others.

Those Persons on the Agenda

Scott Haloran, representing Buckeye Relief, addressed Council to request the passage of legislation allowing at least one adult-use marijuana dispensary to operate in the City of Chardon and amend associated zoning if required.

Mr. Haloran provided a PowerPoint presentation that included facts about Issue 2 which legalized adult-use marijuana. He provided additional information about their other 3 medical marijuana dispensaries currently run in Ohio, and requested Buckeye Relief be considered as a dispensary for marijuana in Chardon. He added that a dispensary in Chardon is projected to produce \$15 million in revenue annually and there is a 10% tax, of which 36% would be remitted back to the City. He explained that 39 jobs are anticipated at the dispensary, and explained the efforts they go through to keep the area safe and minimize the impact to a community. He stated that if there are questions about crime and security, Council is welcome to contact the police departments in the cities where they have their locations, to get a first-hand account of what having a dispensary is like in their community.

Mayor Grau noted that the percentage of tax that would go to the City is in question, as there is a bill being considered at the State legislature. He added that the City enacted a moratorium on adult-use cannabis and the City's Law Director will report on Council's options regarding that.

Mr. Haloran added that he was not expecting Council to make an immediate decision, but wanted to present some information and get a dialogue started.

Law Director Ben Chojnacki explained that Council passed a moratorium in December, 2023 on adult-use cannabis until the state provided more guidance on how it would be regulated. He explained that at this time, Council has a few options including:

1. Taking no action and the moratorium will lapse in May, at which point there are no regulations on adult-use cannabis except for the prohibition of medical marijuana dispensaries.
2. Extend the moratorium which will allow more time to see what action the state legislature will take.
3. Take action to prohibit or limit the number of adult-use cannabis operations in the City.

Mr. Chojnacki added that while Council does not need to take immediate action, he thinks Council needs to have dialogue for the public to observe what they want to do in this case.

Mr. Meleski asked if Council has the option to prohibit both medical and adult use.

Mr. Chojnacki stated that Council has the option to prohibit both.

General Public

Michelle Urban, owner of Chardon Integrated Wellness Center, addressed Council and described her conversations with Parks and Recreation Director, Adam Rogers, regarding a 2-week program in which she would partner with the City. She explained that she was originally told she could use the City's Heritage House for her program, but was then told it couldn't be used for recreation programs. She asked why she had been told she had to wait to find out if it is available for her to use for her program if the dates are available and she is willing to pay for its use.

Mayor Grau stated that Council is just learning about this situation and is unable to engage in conversation about it. He explained that Council would follow up with her after gathering more information about what had transpired.

Gordon Landies stated that there are issues with crime surrounding retail cannabis stores and Council needs to decide if they are going to allow or prohibit adult-use cannabis before the moratorium is up.

Dean Carlo, 10524 Parkwood Lane, explained his involvement in combatting drug use in youths and spoke in opposition to a retail cannabis dispensary in the City.

Todd Albright, 104 North Street, requested Council vote to prohibit cannabis dispensaries in the City.

Kelly Fox, 440 North Street, spoke in support of Curtain 440 and expressed her displeasure with how the vacancies at the Geauga Theater and 106 Water Street have been handled by Council.

Bob Landies, 327 Allynd, asked Council to consider the additional law enforcement, medical personnel, and drug rehabilitation that will be necessary if a dispensary is allowed in the City.

Evan Graham, Middlefield, concurred with Kelly Fox's sentiments and spoke against the lack of transparency and communication by Council with the theater groups interested in using the theater and 106 Water Street. He added that there did not seem to be equal opportunity given to the interested groups and would like more transparency going forward. He asked why the proposed legislation has an emergency measure especially when it was postponed several times.

Mayor Grau asked the Law Director to provide an explanation about emergency clauses in the City's legislation.

Mr. Chojnacki explained that the City's Charter allows Council to pass legislation when they see it fit to be an emergency. The benefit being it would take effect immediately.

Mayor Grau addressed Mr. Graham and his comment about Council's lack of transparency and the timeline. He stated that the process has been difficult and many individuals and organizations have been met with and provided insight and education about the operations of a community theater. He added that some, but not all details have been discussed openly in an effort for the internal committee to gain footing, so that they can present what they believe is in the best interest of the City.

Skip Claypool, Chesterland resident, stated that having a marijuana dispensary in Chardon would affect the entire county, and asked Council to oppose it.

Cara Stone, Montville resident, spoke in support of Curtain 440, and the positive effect that art and theater have had on her life.

Erica Lohan, Painesville resident, expressed her love for Chardon and the community-run, local shops. She stated that she is concerned that the City is looking outside the City to fill the theater space.

Bill Hess, 115 North Street, stated that he sees a need for medical marijuana, but not recreational marijuana to be dispensed in the City.

Dan Chapman, Hambden resident, asked Council to keep recreational marijuana out of Chardon.

Don Navatsyk, Chardon Township resident, thanked Council for approving its contract with G-TV in recent weeks. He asked Council to keep in mind when deciding about whether or not to allow a cannabis dispensary, that many people have addictive personalities.

Tess Desepeda, Chardon Township resident, spoke in agreement to all that was said by those who opposed a cannabis dispensary in Chardon. She also spoke in support of Curtain 440 who supported her daughter and gave her the opportunity to get on stage.

Hailey Karban, Munson Township resident, echoed the sentiments made by others regarding hopes for the theater space.

Chris Cipriani, 119 Moffet Ave., stated that her hope is that Curtain 440 will have a seat at the table and there will be true collaboration.

Heather Kapra, County resident, spoke about the high levels of THC in today's marijuana compared to years ago.

Meeting recessed at 7:37 p.m.

Meeting reconvened at 7:45 p.m.

OLD BUSINESS – none.

NEW BUSINESS

Regarding the review of usage of 106 Water Street, Mayor Grau read a prepared statement regarding the City's efforts to preserve the future of the theater and theater art in Chardon. He explained the City's efforts using an internal committee to fill the spaces of 106 Water Street and the theater. He then reviewed the reasons for the committee's recommendation for a lease agreement with the Fine Arts Association that includes:

- They have over 60 years of operating in NE Ohio in the theater environment.
- They have a strong track record of creating educational programming in communities other than at their headquarter location.
- They have a strong financial standing and have had great success with securing grant funding.
- Many members of the Chardon community enjoy the benefits of attending their workshops and participating as members of their performing arts events.
- They utilize a large 16-member dedicated board of directors, some of whom are Chardon area residents.

- Their internal paid staff includes theater experts, marketing, finance and educators.
- Their educational instructors also include Chardon area residents.
- They are prepared to initiate programming immediately.
- They have demonstrated that they have a proven sustainable business model and have a long-term vision to empower the Chardon community through the arts.
- Most of all, the Fine Arts Assn. has emphasized their goal of establishing the Chardon Arts Center. Their intention is not to introduce the Fine Arts Assn. of Chardon as a satellite operation.

Mayor Grau asked the City Manager to review key points of the lease agreement proposed for 106 Water Street.

Mr. Sharpe reviewed the key points of the lease agreement including term, cost and other related points.

Paul Holm, CEO of the Fine Arts Association, spoke about their desire to enter into a lease with the City for the purpose of providing arts education programs at 106 Water Street to benefit the residents of the greater Chardon community. He provided some background on the start of the association and explained how demand for programming has outweighed capacity and has initiated their expansion into other areas. He also reviewed the number of Chardon and Geauga County area staff and faculty who have worked and participated in the Fine Arts Association. He added that their goal is to build the space of 106 Water Street around the people who call Chardon home which is why they are suggesting calling it the Chardon Arts Center. They are requesting Council approve the lease so that they can continue to help Chardon continue to build its local art culture and help Chardon and surrounding areas access the arts.

Regarding the approval of the template Geauga Theater rental agreement, Ms. Means stated that based on the history of a single group trying to operate the theater and the number of groups requesting to use the theater to showcase their talents, a rental structure for the theater has been proposed. She reviewed the key elements of the rental agreements.

Rebecca Repasky, Administrative Assistant, reviewed the steps involved and the requirements for booking the Geauga Theater.

General questions were asked by Council regarding the process for renting the theater.

Discussion occurred regarding liquor permitting, which renters may not have at the time of booking.

Mr. Meleski asked if having an officer present may need to be looked at as well as a deadline to notify the City of their intent to obtain a temporary liquor permit.

Kelly Fox asked if there was a provision to prevent one group from monopolizing the space.

Ms. Repasky stated that there is no such provision; however, renting the space for an entire year would be extremely costly.

Evan Graham asked if there would be any investment by the City into theater equipment.

Mayor Grau stated that there is no plan for the City to invest more in the theater.

Angela Hansen asked if there would be a discount for residents or non-profits.

Ms. Repasky stated that there would not be a discount for residents or non-profits at this time.

Chris Cipriani asked if there is programming that the shows have to work around.

Ms. Repasky stated that there is programming that will need to be worked around, but she is happy to go over the schedule with anyone interested in doing so.

Mr. Grau moved and Ms. Means seconded to approve the template for the Geauga Theater rental agreement subject to the revisions by the Law Director and City Manager relative to the issues that arose during discussion.

Upon roll call vote the motion passed unanimously.

LEGISLATION

ORDINANCE NO. 3266

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE WITH THE FINE ARTS ASSOCIATION, INC. FOR THE USE OF 106 WATER STREET 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 Ordinance be read for the second and third time by title only.

Upon roll call vote the motion passed unanimously.

Ordinance No. 3266 was then read for the second and third time by title only.

Mrs. Chuha moved and Ms. Means seconded for the adoption of Ordinance No. 3266.

Mr. Meleski asked for clarification about organizations that have contended they were not able to meet with City staff to present their information.

Mayor Grau stated that there was a newspaper article which stated that the City denied organizations the opportunity to provide their financial information.

Mr. Sharpe explained that the newspaper article was misleading because he was not made aware that any of the organizations had formulated a partnership and had any information to present to City Council regarding that partnership.

Upon roll call vote the motion passed unanimously.

AN ORDINANCE AMENDING PART ELEVEN OF THE CODIFIED ORDINANCES TO ADOPT A NEW PLANNING AND ZONING CODE was read for the first time by title only.

AN ORDINANCE AMENDING THE CITY'S ZONING MAP BY REZONING CERTAIN PARCELS OF REAL PROPERTY was read for the first time by title only.

ORDINANCE NO. 3267

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2024 ENERGIZED COMMUNITY GRANT FUNDS 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 Ordinance be read for the second and third time by title only.

Upon roll call vote the motion passed unanimously.

Ordinance No. 3267 was then read for the second and third time by title only.

Mrs. Chuha moved and Ms. Means seconded for the adoption of Ordinance No. 3267.

Mr. Sharpe stated that the \$12,662 grant is for an aerator/mixer at the Wastewater Treatment Plant's Equalization Basin.

Upon roll call vote the motion passed unanimously.

REVIEW OF EXPENDITURES

Mrs. Chuha reported that expenditures were reviewed and are in order.

EXECUTIVE SESSION

Mr. Meleski moved and Mrs. Chuha seconded to adjourn to Executive Session at 8:15 p.m. to consider the appointment, employment, dismissal, discipline, promotion or compensation of a public employee or official, and invite Ben Chojnacki, Randy Sharpe, Adam Rogers, and Amy Day into the session. Upon roll call vote the motion passed unanimously.

Discussion occurred regarding the appointment, employment, dismissal, discipline, promotion or compensation of a public employee or official.

Meeting reconvened at 8:45 p.m.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Mr. Sharpe requested Council authorize the closing of City offices at noon on April 8, 2024 for non-essential employees, so that they can experience the solar eclipse, noting that 24/7 operations will continue.

Mrs. Chuha moved and Ms. Means seconded to close City offices at noon on April 8, 2024. Upon roll call vote the motion passed unanimously.

Mr. Meleski stated that he would like Council, at a near future meeting, to consider expanding the medical marijuana legislation to include the prohibition of adult-use cannabis.

ADJOURN

Mr. Lelko moved and Ms. Means seconded to adjourn. Upon roll call vote the motion passed unanimously.

The meeting adjourned at 8:49 p.m.

Attest:

CHRISTOPHER GRAU, Mayor
President of Council

AMY DAY
Clerk of Council