

REGULAR SESSION

April 11, 2024

The Council of the City of Chardon met in Regular Session Thursday, April 11, 2024 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, Fire Chief Justin Geiss, Assistant Fire Chief Larry Gaspar, Bill Hess, Cathi Leonello, Phyllis Cooper, Allison Wilson, Don Rice, Todd Albright.

APPROVAL OF MINUTES

Mrs. Chuha moved and Mr. Meleski seconded to approve the minutes of the March 7, 2024 Special Session as presented. Upon roll call vote the motion passed unanimously.

Mr. Meleski noted a spelling correction in the March 14, 2024 Public Hearing and Regular Session minutes.

Mrs. Chuha moved and Mr. Meleski seconded to approve the minutes of the March 14, 2024 Public Hearing and Regular Session as amended.

Results of the roll call vote:

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

Motion passed.

MANAGER'S REPORT

City Manager, Randy Sharpe, reported that the City is in the process of hiring a Maintenance Worker in the Division of Streets, Parks and Cemeteries to replace Brandon Kovach who resigned on March 25.

Mr. Sharpe reported on the status of the hiring process for a full-time Maintenance Worker in the Division of Lands and Buildings.

Mr. Sharpe reported on the status of the theater rentals, noting that Curtain 440 reserved the theater for November 17 - December 15.

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Mr. Sharpe reported that the City is working with ISSquared to migrate its messaging environment to Microsoft Office 365, noting that Council members will be provided a Chardon.cc e-mail address.

Ms. Means reported on the Eclipse event held on April 8th and thanked the volunteers who helped make the day a success.

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

Mr. Blackley asked if the City is taking any action to address the EPA's mandate of "forever chemicals" in drinking water.

Mr. Hornyak stated that the EPA has not provided direction yet, and therefore it is premature for the City to take any action.

PLANNING COMMISSION REPORT

Mr. Blackley reported that Planning Commission met and approved a sign deviation request for Maple Trace PRD, and also approved the vinyl siding for Chip's Clubhouse.

Community Development Administrator, Steve Yaney, reviewed the Economic Development report that highlighted business openings and renovations during the 1st quarter of 2024.

Mr. Yaney noted that the Thistle Creek PRD developer has requested permission to omit the installation of a walking trail in the final development plan because of topography challenges and safety concerns, and stated that a public hearing is needed.

Mrs. Chuha moved and Mr. Grau seconded to set a public hearing on May 9, 2024, at 6:25 p.m. to allow the public to comment regarding a proposed amendment to the approved Concept Plan and Preliminary Plan for Thistle Creek PRD Subdivision.

Upon roll call vote the motion passed unanimously.

COUNCIL COMMITTEE REPORTS

Safety Committee

Mr. Blackley reported that the Safety Committee met and discussed the Fire Department contract which the Committee was in support of.

Mr. Blackley reported that the Safety Committee also discussed the County's 9-1-1 Plan and recommended its approval.

Police Chief, Scott Niehus, reported that County established a 9-1-1 Committee to oversee the 9-1-1 operations within the County. As a part of their function, they are required to produce an annual report and provide it to anyone they service. A copy of the County's report has been provided and the County is asking for approval of their plan. He stated that legislation is on the agenda for Council to approve the plan, which he has reviewed and recommends.

Justin Geiss, Fire Chief, addressed Council and reviewed statistical data on calls for service and reported on recent Fire Department activities. He reviewed staffing levels and reported on the status of the aerial ladder truck which is in need of replacement in the coming years.

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Mr. Blackley reviewed the timeframe for getting the levy on the November ballot, and noted that the Safety Committee will review millage options at their next meeting.

Service Committee

Mr. Martin reported that the Committee met and discussed sheppard staffs at the cemetery, and will meet again following Memorial Day to make a recommendation regarding their storage and disposal.

Mr. Martin reported that the Committee also discussed the 2024 street maintenance program scope as well as the Capital Improvement Plan and miscellaneous projects for 2024 and 2025.

Park & Recreation Board

Mr. Martin reported that the Board met and discussed the preparation of facilities and programming for the summer season.

Mr. Martin reported that staffing levels and board vacancies were also discussed, noting that both City and school board positions are still vacant.

HEARING OF PERSONS BEFORE COUNCIL

Those Persons on the Agenda

Don Rice, Superintendent - Geauga County Board of Developmental Disabilities - Inform the public of the past, present, and future plans of the Metzenbaum Center.

General Public - none.

OLD BUSINESS - none.

NEW BUSINESS

Regarding individual state championship signs, Mayor Grau reviewed the proposed locations for four signs including:

- Water Street
- Center Street
- Mel Harder Park
- In front of either the Board of Education or high school

Mrs. Chuha stated that she is not in favor of the sign at Mel Harder Park and by the Board of Education, and would like to see a sign instead at State Route 6 from the east and State Route 44 from the south.

Ms. Means stated that since the signs are small and difficult to see from a moving vehicle, having a sign at Mel Harder Park would be an appropriate location for people to walk up to.

Mr. Meleski spoke in support of a sign at the major routes coming into the City including S.R. 44 and S.R. 6 each direction, plus Mel Harder Park.

Mayor Grau spoke in support of 5 signs at the locations proposed by Mr. Meleski.

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Mr. Blackley spoke in support of 5 signs at the locations proposed by Mr. Meleski.

Discussion occurred regarding the cost of adding one additional sign.

Mrs. Chuha asked if the City is responsible for the entire cost.

Mayor Grau stated that no other entities are contributing to the cost of the signs.

Mrs. Chuha moved and Mr. Martin seconded to accept the individual state championship signs, the locations as discussed, and the additional cost above the quote. Upon roll call vote the motion passed unanimously.

LEGISLATION

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

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

ORDINANCE NO. 3268

AN ORDINANCE ENACTING THE DECEMBER 2023 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 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. 3268 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. 3268.

Mrs. Day explained that the City's codifier, Walter Drane provides supplements to the City's codified ordinances that reflect ordinances passed by Council over the last 6 months as well as changes to the state's traffic and criminal code. By adopting the ordinance, Council is authorizing the replacement pages to keep the references to the state code and the City's codified ordinances current.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3269

AN ORDINANCE AUTHORIZING PARTICIPATION IN ODOT COOPERATIVE PURCHASING PROGRAM 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.

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Ordinance No. 3269 was then read for the second and third time by title only.

Mrs. Chuha moved and Mr. Martin seconded for the adoption of Ordinance No. 3269.

Mr. Chojnacki stated that the legislation will allow the City to participate in ODOT's purchasing program for road salt and other items.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3270

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A MUNICIPAL PROSECUTION SERVICES AGREEMENT WITH THE OFFICE OF THE GEAUGA COUNTY PROSECUTING ATTORNEY 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. 3270 was then read for the second and third time by title only.

Mr. Meleski moved and Ms. Means seconded for the adoption of Ordinance No. 3270.

Mr. Chojnacki stated that the state general assembly passed a law which contemplates the transitioning of municipal prosecution responsibilities to the unincorporated areas of the county to the Geauga County prosecutor. The City has reached an agreement whereby the office of the county prosecuting attorney will assume prosecution responsibilities under an agreement between the City and the prosecuting attorney's office. Currently, the assistant prosecutors who serve for the City will transition to assistant prosecuting attorneys as employees there. The agreement Council is voting to approve will authorize the City to contract with the prosecuting attorney for those attorneys to continue to prosecute under the authority of himself as Law Director while as employees of the county prosecuting attorney's office. He added that the City will pay the proportionate amount of the prosecution responsibilities that the county prosecutor currently has at the municipal court. About 9.8% of the cases in the municipal court are City matters, and so the City will be responsible for that percentage of the costs of prosecution services.

Mr. Meleski asked if the cost would be recalibrated annually.

Mr. Chojnacki stated that the cost will be recalibrated annually.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3271

AN ORDINANCE ENACTING A NEW CHAPTER 751 "RECREATIONAL MARIJUANA" OF THE CODIFIED ORDINANCES CONCERNING THE SALE OF RECREATIONAL MARIJUANA AND DECLARING AN EMERGENCY was read for the first time by title only.

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Mrs. Chuha 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. 3271 was then read for the second and third time by title only.

Mr. Blackley moved and Mr. Meleski seconded for the adoption of Ordinance No. 3271.

Mr. Chojnacki stated that the legislation prohibits the cultivation, processing and dispensing of adult-use cannabis in the City.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3272

AN ORDINANCE EXTENDING A MORATORIUM ON ACCEPTING APPLICATIONS FOR ISSUING ZONING CERTIFICATES FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, DISTRIBUTION OR SALE OF ADULT USE CANNABIS, CANNABIS, OR MARIJUANA, FOR A PERIOD NOT TO EXCEED SIX MONTHS OR UNTIL ANY LEGISLATION GOVERNING THE SAME IS ENACTED, IN ORDER TO ALLOW THE CITY TO REVIEW APPLICABLE STATE AND LOCAL LAWS AND TO PLAN FOR REGULATIONS RELATING TO SUCH USES, AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Meleski 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. 3272 was then read for the second and third time by title only.

Mr. Blackley moved and Mr. Meleski seconded for the adoption of Ordinance No. 3272.

Mr. Chojnacki stated that the legislation extends the moratorium on the cultivation, processing, and distribution of adult-use cannabis, so that it would remain in effect in the event that Ordinance 3271 is challenged.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 3-24

A RESOLUTION APPROVING THE COUNTYWIDE 9-1-1 PLAN PER ORC 128.08 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.

Resolution No. 3-24 was then read for the second and third time by title only.

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Mrs. Chuha moved and Ms. Means seconded for the adoption of Resolution No. 3-24.

Chief Niehus reiterated his comments made earlier regarding the legislation.

Mr. Blackley noted that there is no cost to the City at this time since it is paid through the Geauga County sales tax levy, Geauga County General Fund and the 9-1-1 Government Assistance Fund.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 4-24

A RESOLUTION TRANSFERRING FUNDS IN THE CITY OF CHARDON TREASURY FOR 2024 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.

Resolution No. 4-24 was then read for the second and third time by title only.

Mrs. Chuha moved and Mr. Meleski seconded for the adoption of Resolution No. 4-24.

Mr. Iacofano stated that the fund transfers are needed to maintain positive balances in all of the City's funds and were included in the budget.

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. Blackley moved and Ms. Means seconded to adjourn to Executive Session at 8:08 p.m. to consider the purchase of public property for a public purpose or the sale of public property at competitive bidding, 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 purchase of public property for a public purpose or the sale of public property at competitive bidding.

Meeting reconvened at 8:38 p.m.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Discussion occurred regarding the process of retaining general correspondence.

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Mr. Lelko suggested that to ensure the proper retention period is followed, the correspondence may be given to the Clerk of Council for proper handling and retention.

Discussion occurred regarding the Maple Festival parade.

ADJOURN

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

The meeting adjourned at 8:44 p.m.

Attest:

CHRISTOPHER GRAU, Mayor
President of Council

AMY DAY
Clerk of Council