REGULAR SESSION

December 12, 2024

The Council of the City of Chardon met in Regular Session Thursday, December 12, 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, Maureen Willis, Tonja Stewart Shaw, Allison Wilson, Michael Warsaw, Jimmy Pritchett, Cathi Leonello.

APPROVAL OF MINUTES

Mrs. Chuha moved and Mr. Meleski seconded to approve the minutes of the November 14, 2024 Regular Session and November 14, 2024 Special Session as presented.

Results of the roll call vote:

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

Motion passed.

MANAGER'S REPORT

Mr. Sharpe asked Steve Yaney to report on the Heritage Home Program for 2025.

Mr. Yaney provided a history about the City’s participation in the program which began in 2014. He explained that the usage has diminished significantly over the last couple of years, and he recommends the City’s membership in the Program be discontinued.

No member of Council spoke in objection to discontinuing the City’s participation in the Heritage Home Program.

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

PLANNING COMMISSION REPORT

Mr. Blackley reported that Planning Commission met and granted a variance to allow the construction of an enclosed porch that encroaches the rear yard setback at 210 Fox Pointe Drive.

Mr. Blackley reported that Planning Commission also granted Final Development Plan approval and Architectural Review for a Chipotle restaurant at the site of the former Burger King.

COUNCIL COMMITTEE REPORTS

Safety Committee

Mr. Blackley reported that the Committee met to discuss some traffic safety concerns of a Chardon Avenue resident related to drivers going through stop signs and red lights. Chief Niehus stated that the Department will work on increasing their enforcement at the Center Street/Fifth Avenue intersection.

Mr. Blackley stated that the Committee also discussed concerns regarding parking on City streets, derelict automobiles and boats, and the display of cars for sale.

Mr. Blackley reported that the Committee briefly discussed crosswalk safety, and will continue additional investigation and discussion at a future meeting. He asked the Law Director to report on the City's liability regarding crossing guards.

Law Director Benjamin Chojnacki reported on the City's liability with regard to crossing guards. He stated that traffic control devices, such as crosswalks, are governmental functions and the City is generally immune from liability to persons who get injured as a result of the governmental function. However, if the City hires employees as crossing guards at a crosswalk, the City's immunity lessens because there are more exceptions to immunity that can result when the employee is doing something. So having volunteers or city employees act as crossing guards, opens the City up to some liability.

Mr. Blackley asked about the City's liability if it provided flags at crosswalks.

Mr. Chojnacki stated that having the flags could introduce some additional risks to the City.

Mr. Blackley reported on the training and education for students and the school that is in the Safe Routes to School, and he recommended that the City Manager invite school representatives to begin discussions about what they are doing for student walking safety.

Mr. Blackley reported that the Emergency Operations Plan was also briefly discussed at the Safety Committee meeting, and the update to the Plan will be discussed in more detail at the next Committee meeting.

Police Chief, Scott Niehus, reported on the City’s award of the AAA 2024 Platinum award for traffic safety.

Fire Chief Justin Geiss thanked residents for passing a 1.5 mill fire levy and provided a public service announcement about preventing chimney fires.

Water/Sewer Committee
Ms. Means reported that the Committee met and discussed proposed changes to the TIF map and related projects, which are on the agenda for Council’s consideration.

HEARING OF PERSONS BEFORE COUNCIL

Those Persons on the Agenda

Maureen Willis, representing the Office of the Ohio Consumers’ Counsel, reported on a proposed rate hike by the Illuminating Company and reviewed actions the City can take to oppose the increase, including the passage of a resolution.

Michael Warsaw and Jimmy Pritchett, representing Retail Strategies, provided a partnership update that included their progress in bringing retailers to the City of Chardon over the last four years.

Ms. Means asked what Retail Strategies has done for the City of Chardon in the last year.

Mr. Warsaw stated that Retail Strategies has brought PopShelf and Chipotle to Chardon.

Mr. Pritchett stated that the process to bring retailers in is lengthy, however, they are making daily efforts to promote the City of Chardon which can lead to future opportunities.

Mr. Lelko expressed concern about the turnover in representation by Retail Strategies.

Mr. Warsaw stated that turnover is a struggle in every retail firm, but the team that the City has now is the team it needs.

Mayor Grau stated that Meijer will be opening in Chardon, which will bring new retail interest. He asked if Retail Strategies will be a catalyst to make that happen sooner.

Mr. Warsaw stated that Retail Strategies can expedite new retailer openings and can cater their recruitment to retailers that the City would like to see.

General Public

Cathi Leonello, 393 Sylvia Drive, inquired about the owner of the new Chipotle restaurant.

Mayor Grau stated that Mr. Yaney can provide Ms. Leonello information about the owner.

OLD BUSINESS – none.

NEW BUSINESS

Regarding an amendment to the G-TV Contract, Law Director Benjamin Chojnacki reported that David Jevnikar of G-TV requested the contract be amended with regards to the disposal of assets if G-TV fails to exist. The current contract language reads that the equipment would be distributed to the Geauga County Educational Center which is no longer in existence. Mr. Jevnikar has proposed that the equipment instead be given to the Chardon School District which may find the equipment useful, and/or distribute the proceeds by auction.

Mrs. Chuha moved and Mr. Blackley seconded to approve the amendment to the City’s contract with G-TV as proposed by the Law Director. Upon roll call vote the motion passed unanimously.

Regarding Geauga Theater 2025 Usage, Mayor Grau reported that subsequent to Council’s reduction in Geauga Theater rental costs, Curtain 440 has reserved the theater for numerous weeks in 2025 for theatrical shows, and Fairmount Center has also made a theater rental.

LEGISLATION

AN ORDINANCE AMENDING SECTION 941.16 OF THE CODIFIED ORDINANCES TO AMEND THE AMOUNT CHARGED FOR GRAVE SITES, MAUSOLEUMS, AND VARIOUS CEMETERY SERVICES PROVIDED BY THE CITY, AND TO ESTABLISH CHARGES AND RULES GOVERNING COLUMBARIUM was read for the second time by title only.

ORDINANCE NO. 3294
AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE CHARDON FIRE DEPARTMENT, INC. TO PROVIDE FIRE PREVENTION AND EMERGENCY SERVICES TO THE CITY OF CHARDON FOR THE YEARS 2025 - 2027 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. 3294 was then read for the second and third time by title only.

Mr. Blackley moved and Mr. Martin seconded for the adoption of Ordinance No. 3294.

Mr. Chojnacki stated that the Ordinance authorizes the City Manager to enter into a contract with the Chardon Fire Department for fire prevention and emergency services.

Upon roll call vote the motion passed unanimously.

REGULAR SESSION

December 12, 2024

ORDINANCE NO. 3295
AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE WITH CHARDON FIRE DEPARTMENT, INC., FOR PROPERTY LOCATED AT 108-111 SOUTH HAMBDEN STREET, CITY OF CHARDON, OHIO, AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. Chuha 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. 3295 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. 3295.

Mr. Chojnacki stated that the Ordinance authorizes the City Manager to enter into a lease with the Chardon Fire Department for 108-111 South Hambden Street.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3296
AN ORDINANCE AMENDING ORDINANCE NO. 2792 TO ADD CERTAIN PUBLIC IMPROVEMENTS THAT WILL DIRECTLY BENEFIT THE PARCELS FOR WHICH THE IMPROVEMENTS WERE DECLARED TO BE A PUBLIC PURPOSE, AND BY ELIMINATING CERTAIN PARCELS OF REAL PROPERTY INCLUDED ON THE LIST OF TAX INCREMENT FINANCING (TIF) PROPERTY AND THE "CITY OF CHARDON, OHIO TIF PROPERTIES" MAP 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. 3296 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. 3296.

Mr. Sharpe reported that the Water and Sewer Committee met and recommended adding a few projects to the current list of projects in the TIF, including the water tower rehabilitation and the Clearwell Water Tank #2. Adding the projects to the TIF would enable TIF funds to be used to help pay for these projects along with the other projects already designated on the map. Mr. Sharpe stated that additionally, parcels were removed in the proposed legislation that no longer qualify to be part of the TIF.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 17-24
A RESOLUTION RESCINDING SECTION 1(E) OF RESOLUTION NO. 15-24 TO RESCIND THE TRANSFER OF FUNDS FROM 202 GENERAL OPERATING RESERVE FUND TO 451 CHARDON SQUARE CAPITAL IMPROVEMENT FUND
was read for the first time by title only.

REGULAR SESSION

December 12, 2024

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.

Resolution No. 17-24 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. 17-24.

Finance Director Mark Iacofano stated that the Resolution rescinds one of the transfers authorized by Council at the November Council meeting related to the County Courthouse, which will instead be budgeted for in 2025.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3297
AN ORDINANCE AMENDING APPROPRIATIONS IN THE CITY OF CHARDON TREASURY FOR 2024 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. 3297 was then read for the second and third time by title only.

Mr. Martin moved and Mr. Meleski seconded for the adoption of Ordinance No. 3297.

Mr. Iacofano stated that the appropriation is related to vacation payouts as well as personnel related pay including overtime, regular pay and licenses.

Mr. Lelko asked if vacation payouts are generally budgeted for.

Mr. Iacofano stated that he does budget for vacation payouts, however, additional funds were needed in this case.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3298
AN ORDINANCE TO MAKE TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF CHARDON, STATE OF OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2025, 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. 3298 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. 3298.

Mr. Iacofano stated that the Ordinance is intended to cover personnel and certain operating costs for the first quarter of 2025, other routine and known operating costs for the entire year, and the projects approved by City Council in the 2025-2029 Capital Improvement Plan. He noted that a few changes have been made to the projects in the Capital Improvement Plan for 2025 since its adoption that he specified in his memo to Council.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 18-24
A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR was read for the first time by title only.

Mr. Martin 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.

Resolution No. 18-24 was then read for the second and third time by title only.

Mr. Meleski moved and Mrs. Chuha seconded for the adoption of Resolution No. 18-24.

Mr. Iacofano stated that the Resolution accepting the amounts and rates certified by the County Auditor has been updated to reflect the recent passage of the fire levy.

Upon roll call vote the motion passed unanimously.

REVIEW OF EXPENDITURES

Mrs. Chuha reported that expenditures were in order.

EXECUTIVE SESSION

Mrs. Chuha moved and Mr. Meleski seconded to adjourn to Executive Session at 8:27 p.m. to consider the appointment, employment, dismissal, promotion, demotion, discipline, or compensation of a public employee or official, and for conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action, and invite Amy Day, Randy Sharpe, Ben Chojnacki and Chief Niehus into the session. Upon roll call vote the motion passed unanimously.

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 imminent court action.

REGULAR SESSION

December 12, 2024

Meeting reconvened at 9:16 p.m.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Mr. Sharpe asked Council to continue the tradition of giving City staff ½ day off on Tuesday, December 24 for the Christmas holiday.

No member of Council voiced any objection.

Mayor Grau reported that the Chardon Area Fireworks organization is requesting to move the 2025 fireworks back to a launch site near the tennis courts because the viewing and participation at the Meadowlands Drive location in 2024 was not good.

Mr. Meleski recommended the area be re-assessed to determine if any obstacles exist.

Discussion occurred regarding how and why the fireworks location was moved for 2024.

No member of council had any objection to moving the fireworks location as presented.

Mayor Grau reported that he has been asked by a non-profit group for use of the Heritage House on a weekly basis for lunch.

Mr. Sharpe noted that the current policy is that non-profits can use the Heritage House 2 times per month at no charge.

Ms. Means stated that she is not supportive of the idea because it would affect others who would want to rent the facility for the day.

Mr. Meleski stated that he would like to have a better understanding of the impact before allowing what has been asked.

Mr. Sharpe stated that he has a meeting scheduled with City staff to discuss the criteria used for nonprofit reservations and can discuss the issue at that time.

ADJOURN

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

The meeting adjourned at 9:29 p.m.

Attest:

____
CHRISTOPHER GRAU, Mayor
President of Council

____
AMY DAY
Clerk of Council