

ECONOMIC DEVELOPMENT COMMITTEE MEETING

February 5, 2020

The Economic Development Committee of Chardon City Council met on Wednesday, February 5, 2020, at 4:45 PM in Council Chambers on the first floor of the Chardon Municipal Center.

Heather Means, Chairman of Economic Development Committee presiding.

Members of Economic Development Committee present: Nancy McArthur, Heather Means.

Others present: City Manager Randy Sharpe, Law Director Benjamin Chojnacki, Community Development Coordinator Steve Yaney, Clerk of Council Amy Day, Jeffrey Smock, Joe Koziol, Philip King, Marci King, Pat Martin, Stephanie Talty, Sylvia McGee, Mary Glauser, Dennis Maher.

Ms. Means called the meeting to order at 4:45 PM.

**ACCEPTANCE OF MINUTES**

Mrs. McArthur moved and Mrs. McArthur seconded to accept the minutes of the Economic Development Committee meeting from December 9, 2019.

Upon voice vote the motion passed unanimously.

**Regarding a legal discussion on the first amendment in public spaces,** Law Director Benjamin Chojnacki, spoke to explain that the first amendment provides that individuals have the right to exercise free speech in public spaces. The Square is an open public forum and if the City attempts to regulate any protected activities, the City will be exposed to civil liability for infringement on individuals' rights. The line the City cannot cross is that if the City tries to stop someone from exercising their first amendment right in a public space, including begging and playing musical instruments, the City is likely going to have violated someone's first amendment rights. There may be other remedies that are available to businesses or private citizens, but as it relates to the City, there is not much more the City can do.

Stephanie Talty asked if signs with explicit language are a form of first amendment speech.

Mr. Chojnacki stated that signs with explicit language is considered a form of free speech.

Pat Martin asked if she is permitted to ask someone to leave her establishment.

Mr. Chojnacki stated that he not able to offer legal advice to someone he does not represent; however, the law makes designations between invitees, licensees, and trespassers and depending on which of the three a person falls into, she may have some private remedy available to her.

Businesses owners expressed that they have no recourse to the actions taking place in front of their establishments.

Ms. Means asked when a person can call the police for assistance.

Mr. Chojnacki stated that if a person has a fear that they or their property are at risk at being injured or harmed, a person should call the police. The police will have to decide if the act rises to the level of a criminal act.

Mrs. McArthur asked about harm being done to a property owner's business from loss of sales.

Mr. Chojnacki stated that a private attorney would need to litigate that in the court of common pleas.

Philip King asked about the nuisance statute.

Mr. Chojnacki stated that a nuisance claim would typically require criminal conduct.

Mr. Chojnacki expressed that the administration, assistant police prosecutors and police recognize that this has been difficult for business owners and they continue to monitor and work on this situation.

**Regarding a presentation from Retail Strategies,** Dennis Maher, introduced himself and the company Retail Strategies, a commercial-based company that helps communities recruit new retail that is currently underserved to their market.

Mr. Maher explained what Retail Strategies can do for the City of Chardon. He explained that they analyze the City's current retailers and what gaps exist. They then determine what

retailers can fill the gaps. They do an inventory of available property and determine the best use of that real estate. He added that they reach out daily to talk to retailers on behalf of the City and represent the City at various trade shows. He further explained how they will work together with the City to exchange information and ideas.

Ms. Means asked how Retail Strategies is able to fill small building vacancies and not only focus on chain businesses.

Mr. Maher stated that when it comes to smaller concepts, they would look in a 30-50 mile radius and look to companies that have a 3-5 stores to inquire if they would consider opening a location in Chardon.

Mrs. McArthur stated that data is available from a citizen survey conducted in 2017 where the question was asked what types of stores citizens would like to see.

Ms. Martin and Ms. Talty expressed that people want small, quaint businesses and not big box stores.

Mr. Maher stated that they are looking for businesses that have a few locations because it is known that they are willing to expand their locations.

Ms. Means asked how Retail Strategies' success is able to be measured.

Mr. Maher stated that they are doing outreach every day and said that the City is able to be as involved as they wish.

Marci King asked how Retail Strategies is different from the Main Street Program that the City was a part of.

Mr. Sharpe stated that Main Street does not do business attraction at all. The Main Street Program focuses on attracting people to a community.

Mrs. McArthur asked if Retail Strategies has an app that is available for retailers to use in order to market to individuals.

Mr. Maher stated that Retail Strategies does not have an app but retailers are still able to use an app through Buxton.

Mr. Grau asked how a rebranding strategy would support the City's efforts with Retail Strategy and asked if any their

actionable data gets put on the City's website.

Mr. Maher stated that rebranding is not his area of expertise but it would be helpful for the City to keep them apprised about their rebranding program. He added that the City's website is an important part to the program and noted that within 90 days of a partnership, it should be up to date.

Mr. Sharpe asked how the list of properties are kept up to date.

Mr. Maher stated that it shows everything through a broker and if an item is not listed by a broker, Retail Strategies would contact the property owner to inquire about its status.

Ms. Means asked if Retail Strategies would be the City's economic development person doing outreach.

Mr. Sharpe stated that they would be.

Ms. Means asked Mr. Yaney to explain his job duties.

Mr. Yaney stated that his job functions mainly focus on the planning and zoning code which involves permits and land development.

Discussion occurred regarding some efforts the City has made to have communications with local businesses.

Ms. Martin asked if Retail Strategies has the concepts of a small town. She asked what can be done to keep the Square vibrant.

Mrs. McArthur stated that she believes Retail Strategies can help small retailers by bringing people to the community.

Square merchants asked how to promote the uniqueness of the Square and protect its integrity and charm.

Discussion occurred regarding other communities similar to Chardon Square.

Mr. Sharpe asked the Law Director to address if it possible for Council to consider regulations that would require first floor retail.

Mr. Chojnacki stated that there are options and opportunities through zoning that can incentivize future economic

development. However, they are not done overnight. It is possible to implement a zoning change for first floor retail or to restrict it to limit it for various uses. The challenges for use-based regulations, is there needs to be some sort of justification for it from a legislative standpoint. Also, there is an issue with existing uses on the land. Once land is used for a specific purpose, then a property owner has a vested right to continue to use it in that manner after a change in law.

Mr. King inquired further.

Mr. Chojnacki stated that the most efficient way to enact change to first floor retail use would be something other than a zoning change and suggested that the City Manager is a good resource for this.

Mr. Sharpe noted that Council will be considering the creation of a fund that the City will contributing to for the purchase of property as it becomes available, particularly on the east side of the Square, to mirror the west side of the Square.

Mr. Yaney added that something else to consider is that anytime you lessen the amount of uses for a property, you potentially run the risk that the property will sit vacant.

Mrs. McArthur stated that having attorneys and title companies on the Square bring patrons to businesses on Main Street.

Mr. Yaney stated that he believes that foot traffic is necessary.

Ms. Means inquired about the role of Chardon Tomorrow.

Mr. Sharpe stated that he would consider them as a provider of community development.

General questions and discussion occurred regarding Chardon Tomorrow and their role.

Mr. Sharpe inquired about the Retail Academy program offered by Retail Strategies.

Mr. Maher explained facets of the Retail Academy program which the City sends a representative to Birmingham, AL to learn about itself from the data and analytics they provide and coaching they offer for outreach to the community. The cost of the program is \$15,000. The cost for Retail Strategies' Full

Solution Program is \$40,000 per year and the City can opt out at any time.

Ms. Means asked what measurable goals can be expected from using Retail Strategies.

Mr. Maher explained what would be typical results for the City. This includes in the first year, the City in collaboration with Retail Strategies would be in good conversations with retailers and have 1-2 letters of intent. In the years following, he would expect an increase from that point.

Ms. McGee asked if the City would listen to the concerns of current retailers about the specific retailers that the City may be considering.

Mr. Sharpe stated that the City would be willing to discuss potential retailers with current retailers.

Mr. Maher closed by offering references if the committee is interested.

**EXECUTIVE SESSION** - none.

**ANY OTHER BUSINESS**

Mrs. McArthur noted that she had reached out to Middlefield Village Mayor Ben Garlich who is willing to discuss their rebranding experience with the Committee.

**ADJOURN**

Mrs. McArthur moved and Ms. Means seconded to adjourn. Upon voice vote the motion passed unanimously.

The meeting adjourned at 6:27 p.m.

Attest:

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AMY DAY  
Clerk of Council