

REGULAR SESSION

August 10, 2023

The Council of the City of Chardon met in Regular Session Thursday , August 10, 2023 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, Allison Wilson, Peter Byrnes, Elisabeth Geitz, Senator Sandra O'Brien, Bill Hess.

Meeting was called to order at 6:30 p.m.

**APPROVAL OF MINUTES**

Mrs. Chuha moved and Ms. Means seconded to approve the minutes of the July 13, 2023 Public Hearing and Regular Session as presented.

Upon roll call vote the motion passed unanimously.

Mr. Blackley moved and Mr. Meleski seconded to approve the minutes of the August 3, 2023 Special Session as presented.

Upon roll call vote the motion passed unanimously.

**RESOLUTION NO. 14-23**

A RESOLUTION OF APPRECIATION FOR MICHAEL TVERGYAK was read for the first time in its entirety.

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. 14-23 was then read for the second and third time by title only.

Mr. Blackley moved and Mr. Martin seconded for the adoption of Resolution No. 14-23. Upon roll call vote the motion passed unanimously.

Mayor Grau thanked Mr. Tvergyak for his years of volunteer service on the Shade Tree Commission.

Mayor Grau welcomed State Senator, Sandra O'Brien.

Senator O'Brien introduced herself and offered her assistance to the City if it is ever needed.

## **MANAGER'S REPORT**

Mr. Sharpe reported that conditional offers of employment have been made to fill full-time maintenance worker position in the Division of Streets, Cemeteries and Parks and the part-time custodian / property maintenance position in the Park and Recreation Department.

Mr. Sharpe reported that a pre-construction meeting for the Chase Bank building construction at 501 Fifth Avenue was held, noting that the project is ready to begin.

Mr. Sharpe reported that a pre-construction meeting for the Center Street infill sidewalk project was held, noting that the project will begin August 21.

Mr. Sharpe reported that construction has begun for pOpshelf at 550 Fifth Avenue.

Mr. Sharpe reported on a recent ribbon-cutting held for IS S quared.

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

Ms. Means recognized police officers: Megan Carney, Nick Bruckman and Derek Carlson, noting that she has received positive feedback from community members about their efforts. She also thanked City staff with the summer events on the Square, and the Chardon Fire Department's efforts at Kidsfest.

## **PLANNING COMMISSION REPORT**

Mr. Blackley reported that Planning Commission met in Regular Session and recommended Willo Tree Development Inc.'s proposed zoning map amendment for three parcels to be rezoned to PRD Planned Residential District.

Mr. Blackley reported that Planning Commission also gave concept plan approval for Willo Tree Development Inc.'s proposed plan for a 122-home Planned Residential Development.

Mr. Lelko asked if the streets in development will be public or private.

Mr. Blackley stated that the development's streets and drainage system will be private, and added that the water and sewer will be dedicated to public use.

## **COUNCIL COMMITTEE REPORTS**

### **Park and Recreation Board**

Mrs. Chuha reported that the Board met and discussed programs and upcoming projects.

Mrs. Chuha noted that the fall/winter program brochure has been prepared and registrations for programs are open for registrations.

Mrs. Chuha reported that the Board was updated on drainage improvements made to Mel Harder Park.

### **Economic Development Committee**

Mr. Martin reported that the Committee met and reviewed five (5) applications for property tax abatement as part of the Community Reinvestment Area.

#### **HEARING OF PERSONS BEFORE COUNCIL**

**Those Persons on the Agenda** - none.

#### **General Public**

Fire Chief Justin Geiss, provided an update on department calls and activities, and reminded the public about the department's lock box and smoke detector programs.

Mayor Grau inquired about rules for outdoor fires.

Chief Geiss stated that there is no open burning within the City limits except for recreational, cooking or religious purposes, and explained additional safety precautions that should be taken with open flames.

#### **OLD BUSINESS**

**Regarding revisions to the travel policy**, Finance Director, Mark Iacofano, stated that additional changes were made to the policy based on the discussion that occurred at the last Council meeting which have been presented to Council.

Mr. Lelko moved and Mrs. Chuha seconded to accept the revisions to the travel policy as presented. Upon roll call vote the motion passed unanimously.

#### **NEW BUSINESS**

A Public Hearing to allow the public the opportunity to comment regarding the rezoning of parcels 10-165740, 10-165741, and 10-165742 to R-3 Medium Density Residence and Concept Plan approval for development proposed by Willo Tree Development Inc. was set for September 14, 2023 at 6:15 p.m.

#### **LEGISLATION**

##### **ORDINANCE NO. 3247**

AN ORDINANCE ENACTING THE JUNE 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. Blackley 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. 3247 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. 3247.

Law Director, Benjamin Chojnacki, stated that the City's codifier, Walter Drane, provides supplements to the City's codified ordinances that reflect ordinances passed by Council over the last year as well as changes to the state's traffic and criminal code. By adopting this 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.

**RESOLUTION NO. 15-23**

A RESOLUTION ENCOURAGING THE GENERAL ASSEMBLY TO AMEND SECTION 1901.34 OF THE OHIO REVISED CODE TO SHIFT THE PROSECUTION RESPONSIBILITIES FOR THE UNINCORPORATED AREAS IN GEauga COUNTY FROM THE CITY OF CHARDON TO THE COUNTY PROSECUTOR 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. 15-23 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. 15-23.

Mr. Chojnacki stated that Section 1901.34 of the Ohio Revised Code articulates who has the authority to prosecute municipal violations in every municipal court in the state. Currently this section of the O.R.C. imparts a responsibility on the City, through its chief legal counsel, to prosecute for the entire Chardon Municipal court jurisdiction. Much of the prosecution in Chardon Municipal Court occurs outside the City and in the various unincorporated areas of the County. Therefore, with the assistance and cooperation of Council and the County prosecutor, this legislation will encourage the General Assembly to make an amendment to O.R.C. Section 1901.34 to clarify and change the law so that the unincorporated areas in the County are prosecuted by the Geauga County prosecutor, rather than the City's Law Director as his assistants.

Upon roll call vote the motion passed unanimously.

**REVIEW OF EXPENDITURES**

Mr. Meleski reported that expenditures were in order.

**EXECUTIVE SESSION**

Mr. Blackley moved and Mr. Meleski seconded to adjourn to Executive Session at 7:15 p.m. to consider the appointment, employment, dismissal, promotion, demotion, discipline or compensation of a public employee or official, to discuss preparing for conducting or reviewing negotiations for bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment, and 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 invite Ben Chojnacki, Randy Sharpe, Mark Iacofano, Scott Niehus, Paul Jackson and Amy Day into the session. Upon roll call vote the motion passed unanimously.

Discussion occurred regarding preparing for conducting or reviewing negotiations for bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.

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 8:32 p.m.

## **LEGISLATION**

### **ORDINANCE NO. 3248**

AN ORDINANCE ACCEPTING THE FACT-FINDING REPORT IN THE MATTER OF CITY OF CHARDON AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION ("OPBA"), SERB CASE NO.: 2023-MED-04-0377, AUTHORIZING THE CITY MANAGER TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CHARDON, OHIO AND OPBA 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. 3248 was then read for the second and third time by title only.

Mr. Blackley moved and Ms. Means seconded for the adoption of Ordinance No. 3248.

Mr. Chojnacki stated that the City has engaged in negotiations for a successive collective bargaining agreement with the OPBA. The negotiations resulted in agreement of all material terms except for wages and a scheduling issue. Those matters proceeded to fact-finding, and last week the fact finder issued a decision with regards to scheduling and wages. If Council wishes to accept the fact-finding, they can pass the legislation. Alternatively, if Council chooses to reject the fact-finding, the City would proceed to conciliation on all material issues in the collective bargaining agreement.

Upon roll call vote the motion passed unanimously.

Regarding AN ORDINANCE REJECTING THE FACT-FINDING RECOMMENDATIONS IN THE MATTER OF THE CITY OF CHARDON AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION ("OPBA"), SERB CASE NO.: 2023-MED-04-0377, AND DECLARING AN EMERGENCY, Mr. Lelko moved and Mr. Meleski seconded to remove the item from the agenda. Upon roll call vote the motion passed unanimously.

### **ORDINANCE NO. 3249**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CHARDON, OHIO AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES LOCAL 3824, AND OHIO COUNCIL 8, AFL/CIO (AFSCME) AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Blackley 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. 3249 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. 3249.

Mr. Chojnacki stated that the City's negotiating team has reached an agreement on all material terms with ASFME's bargaining unit

for a successive collective bargaining agreement for a 3-year term.  
Upon roll call vote the motion passed unanimously.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

Mr. Martin moved and Mr. Grau seconded to appoint Marilyn Rohr to the Shade Tree Commission to fill the unexpired term of Michael Tvergyak ending December 31, 2024.

Upon roll call vote the motion passed unanimously.

**ANY OTHER BUSINESS TO COME BEFORE COUNCIL -**

Mr. Grau moved and Mr. Meleski seconded to authorize a 1-time carryover of vacation time for the Lands and Buildings Supervisor.  
Upon roll call vote the motion passed unanimously.

Mr. Grau reported that Council recently conducted an evaluation of the City Manager.

Mayor Grau moved and Mrs. Chuha seconded to increase the City Manager's pay to the top level of his pay grade, based on his evaluation, starting the next pay period. Upon roll call vote the motion passed unanimously.

Mayor Grau moved and Ms. Means seconded to provide the City Manager with a \$2,000 bonus based on his recent evaluation and all of the work and advisement he provides to Council and the City of Chardon.

Mr. Lelko stated that he is not voting in favor of the bonus, noting that it is no reflection on the City Manager or his performance, but it is because he thinks the classification and pay plan should be adhered to.

Mrs. Chuha stated that she is also voting no on the motion.

Results of the roll call vote:

Blackley: Yes  
Chuha: No  
Grau: Yes  
Lelko: No  
Martin: Yes  
Means: Yes  
Meleski: Yes

Motion passed.

Members of Council and staff made announcements regarding upcoming events.

**ADJOURN**

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

The meeting adjourned at 8:44 p.m.

Attest:

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CHRISTOPHER GRAU, Mayor  
President of Council

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AMY DAY  
Clerk of Council