

REGULAR SESSION

October 14, 2021

The Council of the City of Chardon met in Regular Session Thursday, October 14, 2021 at 6:30 p.m. in Council Chambers of the Chardon Municipal Center.

Daniel Meleski, President of Council presiding.

The meeting opened with the pledge of allegiance and roll call.

Members of Council present: Andrew Blackley, Deborah Chuha, Chris Grau, Nancy McArthur, Heather Means, Daniel Meleski, Jeffrey Smock.

Members of Council absent: none.

Others Present: City Manager Randy Sharpe, Finance Director Mate Rogonjic, 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, Michelle Urban, Jack Urban, Bill Hess, Brian Doering, Rich Willner, Annie Willner, Dean Dryk, David Allen, Sue Tomcar, Mike Butt.

APPROVAL OF MINUTES

September 9, 2021 Public Hearing

Mr. Smock noted that the minutes should reflect that Mr. Blackley should be marked as absent.

Mr. Blackley moved and Ms. Means seconded to approve the minutes of the September 9, 2021 Public Hearing as amended.

Upon roll call vote the motion passed unanimously.

September 9, 2021 Regular Session

Mr. Smock noted corrections to the list of Others Present.

Mr. Blackley moved and Mr. Grau seconded to approve the minutes of the September 9, 2021 Regular Session as amended.

Upon roll call vote the motion passed unanimously.

MANAGER'S REPORT

Mr. Sharpe reported on the status of hirings in the Public Service and Police Departments.

Mr. Sharpe reported that the annual Residential Curbside Trash Collection Program was held on Saturday, September 25, 2021. Twenty loads of trash were collected totaling 105.27 tons.

Mr. Sharpe reported that the restrooms at the Park Avenue trailhead are open during limited hours due to vandalism. The situation is being monitored and additional measures will be considered if the situation worsens.

Mr. Sharpe provided an update on capital projects.

Chief Niehus reported on the drug takeback program sponsored by the Drug Enforcement Agency.

Mr. Sharpe reported that questions have arisen regarding interactions amongst the general public, and he asked the Law Director to address what is permissible in public spaces with regards to how people interact with one another.

Law Director, Ben Chojnacki, stated that he has been working with staff to address complaints regarding how individuals have been using public spaces. He noted that the City staff understands the concerns that have been expressed and empathizes with the challenges that people are dealing with. He stated that staff is doing its best to make sure that the complaints the City receives are being handled in accordance with governing law. In most instances, the governing law is the U.S. Constitution. This means that expressive conduct, panhandling, and speech are protected constitutional activities. The prohibitions are limited to obscenity, direct threats and calls for immediate acts of violence. Mr. Chojnacki stated that if the City were to prohibit someone who is expressing themselves in a public space, the City would find themselves acting contrary to someone's constitutional rights. Therefore, the City is taking a strategic and legal approach to addressing complaints as they come up.

Mr. Grau asked for advice to offer the general public when they engage with individuals that have expressive conduct.

Mr. Chojnacki stated that when individuals have a concern for their safety or their property, they should contact the Police Department.

Discussion occurred regarding what is considered obscenity.

Mayor Meleski asked about individuals in the public right-of-way who obstruct a driver's view.

Mr. Chojnacki stated that if an action is presenting a risk to those traveling on a sidewalk or street, then there is likely a prohibition that has been violated.

Discussion occurred regarding panhandling and the fact that it is permissible.

PLANNING COMMISSION REPORT

Mr. Blackley reported that Planning Commission met in Regular Session and granted architectural review approval of the exterior renovation of Chardon Tavern.

Community Development Administrator, Steve Yaney, gave the Economic Development report that highlighted business openings and renovations during the 3rd quarter of 2021.

COUNCIL COMMITTEE REPORTS

Service Committee

Mr. Blackley reported that the Committee met and discussed an order from the Common Pleas Court directing the Geauga County Administration to change the traffic pattern in the alley behind Main Street to one-way. Those in attendance at the Service

Committee meeting spoke against the change in traffic pattern of the alley, and there was no representation from the Common Pleas Court to provide additional information about their request. After discussion, the Committee did not make a recommendation to change the traffic pattern, and he suggested keeping clear lines of communication between the City, Court and County to work through this issue.

Discussion occurred regarding recently installed signs in the alley.

Mr. Blackley reported that the Committee discussed projects from the 2022-2026 Capital Improvement Plan and discussed the vehicle charging station project that will be ready for use in the near future.

Water/Sewer Committee

Mr. Smock reported that the Committee met and discussed projects from the 2022-2026 Capital Improvement Plan and received an update on situations involving possible sanitary sewer discharge into the storm sewer.

HEARING OF PERSONS BEFORE COUNCIL

Those Persons on the Agenda

Urban Forester, David Allen, addressed Council and reported on the activities he performs as Urban Forester and reviewed the status of tree planting, maintenance and removal of shade trees in the City.

Discussion occurred regarding the shade tree budget.

General discussion occurred regarding tree plantings, projects and volunteers.

Michelle Urban, Chardon Integrated Wellness Center, addressed Council and spoke about her experience at the Heritage House while hosting a business event, which was disrupted by individuals outside of the Heritage House. She stated that the residents and businesses of the community continue to be harassed by these individuals and asked what can be done to stop this from happening.

Mr. Chojnacki stated he understands the desire to contemplate what additional laws the City could enact; however, he believes the City has the laws to curb some of the activity. If the conduct being engaged in, is likely to incite imminent violent action, that is a violation of the City's disorderly conduct law. Regarding how to limit activity around the Heritage House is more challenging because it sits on the public square which is the most constitutionally protected area in the City. He added that City Council has the authority to impose content neutral, time, place and manner restrictions on how people exercise their first amendment rights, and staff and Council have been discussing greater time, place and manner restrictions in the future.

Discussion occurred regarding options to expand the Heritage House area during private rentals.

Members of Council and staff expressed to the general public that they are working to alleviate the situation.

Council asked the City Manager to review the Heritage House policies and look at a way to identify a perimeter that will indicate a private event in the Heritage House.

Mr. Chojnacki stated that the City Manager is already looking into alternatives and asked how Council would like this information reported back to them.

Mayor Meleski asked that the City Manager to review event perimeters and report back to Council in a month.

Ms. Urban stated that she would like a refund for her use of the Heritage House on September 18, 2021.

Mr. Sharpe stated that he did not authorize a refund to Ms. Urban because the City's facility performed as it was supposed to, and the fact that outside individuals were disruptive during her rental was beyond the City's control.

Members of Council spoke in support of refunding Ms. Urban because of her poor experience during her rental of the Heritage House.

Ms. Means moved and Mr. Smock seconded to authorize a refund to Michelle Urban for her Heritage House rental on September 18, 2021. Upon roll call vote the motion passed unanimously.

GENERAL PUBLIC

Mike Butt, representing the Chardon Square Association, addressed Council to offer the gift of a message board kiosk for 106 Water Street near the car electric charging station.

Mr. Blackley moved and Mr. Grau seconded to accept the message board kiosk from the Chardon Square Association. Upon roll call vote the motion passed unanimously.

Mr. Butt reported that a new free food pantry was donated by Zach Kalis, which was installed at Mel Harder Park.

Mrs. Means, representing the Chardon Square Association, asked permission to install (4) 5-6 feet tall nutcrackers to light poles in the Square during the Christmas holiday season.

Mayor Meleski asked Mr. Butt if he has any concerns with installing the nutcrackers to the light poles.

Mr. Butt stated that he is comfortable finding another means to install the nutcrackers besides using the light poles.

Ms. McArthur moved and Mr. Grau seconded to authorize the installation of nutcrackers on the Square for the Christmas holiday season.

Results of the roll call vote:

Blackley: Yes
Chuha: Yes
Grau: Yes
McArthur: Yes
Means: Abstain
Meleski: Yes
Smock: Yes

Motion passed.

OLD BUSINESS - none.

NEW BUSINESS

Regarding establishing group rates for Aikido Program, Park and Recreation Director, Adam Rogers, reported that Council authorization is being requested since they must approve any recreation program fees greater than \$250.

The new Aikido classes are proposed with group rates include:

- Assault Prevention for Women - **\$375** for 4-6 family or friends group rate
- Survivor's Self-Defense for Women - **\$525** total for 4-6 family or friends group rate.

Mrs. McArthur moved and Ms. Means seconded to approve the Aikido group rates as presented by the Recreation Director.

Mr. Smock inquired about the City's share of the registration fee.

Mr. Rogers stated that the City will receive 30% of the registration fee for any participants signed up through the City.

Upon roll call vote the motion passed unanimously.

Mr. Rogers explained that uniform availability has necessitated the need to increase the boys travel basketball program fee, which is already above \$250. He stated that increasing the fee by \$50 should cover the new uniform cost.

Ms. Means moved and Mrs. McArthur seconded to increase the boys travel basketball program fee up to \$50 per person. Upon roll call vote the motion passed unanimously.

Mr. Sharpe asked if Council was interested in considering changing the policy that requires Council approval for recreation program fees above \$250.

Council members spoke in support of staff looking into options to modify the process of approving park and recreational program fees.

Regarding adoption of 2022-2026 Capital Improvement Plan, Finance Director, Mate Rogonjic, stated that \$23.9 million is planned to be spent over the next 5 years on infrastructure, facility improvements, vehicles and equipment. He noted that approximately one-half of the costs are tied to grant and loan funding.

Mr. Rogonjic reviewed key changes to the plan from the prior year including new projects that were added to the plan.

Mr. Smock moved and Mr. Blackley seconded to adopt the 2022-2026 Capital Plan. Upon roll call vote the motion passed unanimously.

Mr. Sharpe thanked staff for their efforts in developing the Plan. He noted that 60% of the projects in the Plan are tied to grants and other funding sources, and staff members are relied upon to write and submit the applications for grant funding.

Members of Council thanked staff for their efforts in preparing the Capital Improvement Plan.

A Special Session was set for November 18, 2021 to discuss the 2022 Pre-Budget.

LEGISLATION

Regarding AN ORDINANCE DECLARING 100% OF IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT THOSE PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A REDWOOD CHARDON MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS AND RELATED MATTERS, Mr. Chojnacki stated that the City has a statutory obligation to negotiate with the County with respect to how the County would be compensated, and it is requested that Council table the legislation so that negotiations can be completed prior to enactment.

Mr. Blackley moved and Mr. Grau seconded to table the legislation. Upon roll call vote the motion passed unanimously.

Mr. Blackley moved and Mrs. McArthur seconded to move item 11 E to item 11 B. Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3178

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LICENSE AGREEMENT WITH CHARDON TAVERN & GRILL TO ALLOW CERTAIN ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY was read for the first time by title only.

Ms. Means 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. 3178 was then read for the second and third time by title only.

Mr. Grau moved and Ms. Means seconded for the adoption of Ordinance No. 3178.

Mr. Chojnacki stated that Chardon Tavern & Grill received Planning Commission approval for a 1.5 foot encroachment into the public right-of-way. The legislation authorizes a license agreement which will allow for the encroachments to be permitted.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3179

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT/AGREEMENT WITH CIGNA BEGINNING JANUARY 1, 2022 AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. McArthur 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. 3179 was then read for the second and third time by title only.

Mr. Grau moved and Ms. Means seconded for the adoption of Ordinance No. 3179.

Jim Dustin, Managing Director at NFP, joined the meeting via Zoom. He explained that NFP was able to negotiate a 2% renewal

rate with Cigna for medical insurance, with no change in benefits. He added that there was no increase in the dental and vision rates due to the City taking advantage of Guardian's Pandemic Support Program, and the renewal rate for life insurance was negotiated from an initial renewal increase of 21% to a 7.1% increase.

Mrs. McArthur asked Mr. Dustin if the City's policy to provide a stipend to employees who opt-out of receiving insurance through the City, is a standard practice.

Mr. Dustin stated that it is a common practice amongst municipalities.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3180

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT/AGREEMENT WITH GUARDIAN FOR GROUP LIFE INSURANCE BEGINNING JANUARY 1, 2022 AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. McArthur 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. 3180 was then read for the second and third time by title only.

Mrs. McArthur moved and Ms. Means seconded for the adoption of Ordinance No. 3180.

Mr. Rogonjic stated that the legislation reflects the increase in the life insurance premium as reviewed by Mr. Dustin, and gives the City Manager the authority to sign the agreement for life insurance at the new premium.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3181

AN ORDINANCE ESTABLISHING A MAXIMUM AMOUNT PAYABLE FOR MEDICAL AND DENTAL INSURANCE FOR EMPLOYEES OF THE CITY OF CHARDON BEGINNING JANUARY 1, 2022 was read for the first time by title only.

Mrs. McArthur 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. 3181 was then read for the second and third time by title only.

Mr. Smock moved and Mrs. Chuha seconded for the adoption of Ordinance No. 3181.

Mr. Rogonjic stated that the legislation reflects both the City and employee contributions for insurance premiums. Based on negotiations with the unions, the City employee contribution is changing from 11% to 11.5%.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3182

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED EMPLOYMENT CONTRACT FOR THE SERVICES OF BENJAMIN G. CHOJNACKI AS LAW DIRECTOR AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. McArthur 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. 3182 was then read for the second and third time by title only.

Mr. Smock moved and Mr. Grau seconded for the adoption of Ordinance No. 3182.

Mr. Sharpe stated that the legislation gives him the authority to enter into an amended contract with Mr. Chojnacki which reflects a 4% pay increase that was approved by Council in September.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3183

AN ORDINANCE ENACTING THE SEPTEMBER 2021 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. Smock moved and Mr. Grau 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. 3183 was then read for the second and third time by title only.

Mr. Grau moved and Mrs. Chuha seconded for the adoption of Ordinance No. 3183.

Mrs. Day stated that Walter Drane provides supplements to the City's codified ordinances bi-annually that reflect ordinances passed by Council over the last six months as well as changes to the state's traffic and criminal code. By Council adopting this ordinance, all paper codified ordinance books will be updated with the new pages along with the City's website.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 19-21

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. McArthur moved and Ms. Means 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. 19-21 was then read for the second and third time by title only.

Mr. Grau moved and Ms. Means seconded for the adoption of Resolution No. 19-21.

Mr. Sharpe stated that the legislation gives him the authority to move forward with the application for funding for the Seventh Avenue Improvement Project through OPWC.

Upon roll call vote the motion passed unanimously.

REVIEW OF EXPENDITURES

Mrs. McArthur reported that expenditures were in order.

EXECUTIVE SESSION

Ms. Means moved and Mr. Grau seconded to adjourn to Executive Session at 9:30 p.m. 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, Mate Rogonjic, and Amy Day, into the session.

Upon roll call vote the motion passed unanimously.

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.

Meeting reconvened at 9:46 p.m.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Ms. Means reported that Safety Committee members attended a recent swearing-in of Fire Department personnel.

Council members discussed their interest in attending the swearing-in of safety forces.

ADJOURN

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

The meeting adjourned at 9:49 p.m.

Attest:

DANIEL MELESKI, Mayor
President of Council

AMY DAY
Clerk of Council