REGULAR SESSION

October 10, 2024

The Council of the City of Chardon met in Regular Session Thursday, October 10, 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, Heather Means, Daniel Meleski.

Members of Council absent: Kyle Martin.

Others Present: City Manager Randy Sharpe, Finance Director Mark Iacofano, Clerk of Council Amy Day, Law Director Benjamin Chojnacki, City Engineer Doug Courtney, Public Service Director Paul Hornyak, Police Chief Scott Niehus, Community Development Administrator Steve Yaney, Bill Hess, Kevin Smith, Amy Patterson.

APPROVAL OF MINUTES

Mr. Blackley moved and Mrs. Chuha seconded to approve the minutes of the September 12, 2024 Regular Session as presented. Upon roll call vote the motion passed unanimously.

MANAGER'S REPORT

Mr. Sharpe reported that the painting of the pump filtration mural is taking longer than anticipated, but will continue to be worked on when the weather is favorable. The project is expected to be completed in the spring.

Mr. Sharpe reported that the Bureau of Justice Assistance notified the City of a grant award in the amount of $2,181.69 for the 2024 Patrick Leahy Bulletproof Vest Partnership Solicitation.

Mr. Sharpe reported that the 2024 Street Maintenance Program is complete except for the application of Reclamite and miscellaneous maintenance items.

Mr. Sharpe reported that bids for the 2024 Sidewalk Maintenance and Infill Program were received on October 3. Legislation to award the bid is being prepared for the November Council meeting.

Mr. Sharpe reported on recent personnel hirings and resignations.

Mr. Sharpe reported on the status of Public Works Projects.

PLANNING COMMISSION REPORT

Mr. Blackley reported that Planning Commission met and approved two variances to the Concept Plan for 310 Park Inc.

Mr. Blackley reported that Planning Commission also approved a number of variances for Meijer, but did not grant them architectural approval. Representatives from Meijer are planning to meet with the City architect to discuss the appearance of the building because the building will be on a main corridor and

Planning Commission desires for the building to be more architecturally appealing.

Economic Development Administrator, Steve Yaney, reviewed the Economic Development report that highlighted business openings and renovations during the 3rd quarter of 2024.

COUNCIL COMMITTEE REPORTS

Service Committee

Mr. Lelko reported that the Committee met and discussed a concern raised by the Maple Leaf Community Residences pertaining to recent vehicle accidents at the intersection of E. King/Clairdon which has caused damage to their building. After discussion with the Committee, they concluded that they will attempt to find a resolution on their own.

Mr. Blackley inquired about the nature of the accidents.

Chief Niehus stated that the accidents involved an intoxicated driver and a driver who fell asleep. Therefore, it does not appear that any options the City has to make alterations or improvements would have changed the outcome of these incidents.

Mr. Lelko reported that the Committee also discussed the replacement of truncated domes at various intersections that are part of the State Route Repaving Project.

Public Service Director, Paul Hornyak, stated that ODOT has changed the specifications of the brick truncated domes due to quick wear. Any ramps that are deteriorated will need to be replaced at the City's cost.

Mr. Lelko reported that staff suggested the addition of a brush collection in April, and the Committee concurred.

No member of Council had any objection to the addition of a brush collection.

Mr. Lelko reported that the Committee was informed of staff's recommendation to remove the Fifth Avenue/North Street signal from the Traffic Signalization Upgrade Project.

Mr. Lelko reported that the Committee reviewed cemetery rates and fees and concurred that the fees need to be increased, and requested legislation be prepared for Council's November Regular Session.

Mr. Blackley inquired about when the sidewalk replacement project will be completed.

Mr. Hornyak stated that the project will take place in spring, 2025.

Legislative Committee

Mr. Meleski reported that the Committee met jointly with the Civil Service Commission and reviewed proposed revisions to Chapter 141 pertaining to Civil Service exams, procedures and lateral entry. The Committee recommended Council approve the revisions that are proposed in Legislation 11E.

Mr. Blackley asked the Police Chief for his feedback on the proposed changes.

Chief Niehus stated that he recommends the proposed changes and reviewed how it will benefit the department.

Park & Recreation Board
Mrs. Chuha reported that the Board met and discussed the winterizing of facilities.

Council expressed their pleasure with the Fall Fest event held on October 5.

HEARING OF PERSONS BEFORE COUNCIL

Those Persons on the Agenda – none.

General Public

Kevin Smith, 438 North Street, expressed his concern regarding the safety of crosswalks in the Square. He requested permission to fundraise to purchase flags systems for crosswalks around the Square for pedestrians to use when crossing the street.

Mr. Blackley stated that he would like the Safety Committee to review the issue with input from the City Engineer, Traffic Engineer and Police Chief on the proposed system. He added that it needs more study, but he supported doing something. He noted that he would like the school board to consider participating in this effort.

Chief Niehus concurred that the issue should go to the Safety Committee. He stated that he was not aware of the challenges that Mr. Smith described, nor was he aware of the flag solution he had proposed.

Mayor Grau asked if using parent volunteers has been discussed as an alternative.

Mr. Smith stated that the flag system is not meant as a tool to guide people across the street, but rather to be used by the pedestrians themselves.

Ms. Means asked if this is meant for use by school children going to and from school.

Mr. Smith stated that they could be available for everyone.

Ms. Means stated that she concurs that visibility of pedestrians in crosswalks is a concern, and suggested that additional study of the flag solution be investigated thoroughly. She stated that she has looked into the idea and the results of its effectiveness in other communities has been mixed.

Mr. Meleski stated that he has seen the system used in another state.

Mr. Blackley asked that Mr. Smith provide the information and his contact information to the City Manager so that he can be invited to the next Safety Committee meeting.

Bill Hess, 115 North Street, spoke in opposition to Meijer Supercenter coming to Chardon as he does not feel this type of store is necessary.

Law Director, Ben Chojnacki, stated that the City has limited authority to restrict how people use their property. Meijer came to the City and followed the City’s procedures and made a showing that they are not going to disrupt the health, safety and welfare of the community with their use of their property. Therefore, it is their right to do what they want.

Mr. Blackley added that the purpose of the City's zoning is to guide development so that it has some parameters and minimizes the impact to the community.

Ms. Means suggested that people shop elsewhere if they do not like Meijer, noting that the City can't tell people what they can do with their property.

Chief Geiss announced the Fire Department Open House will be held on Saturday, October 12.

OLD BUSINESS

Regarding an update on City camping regulations, Mr. Chojnacki reported that the City has the opportunity to make some changes to its camping ordinance in light of the Supreme Court's recent decision that the regulation of camping does not violate the 8th amendment's prohibition of cruel and unusual punishment.

Mr. Blackley asked the Police Chief if the Police Department has had any issues with individuals camping on the City's property on S. Hambden Street.

Chief Niehus explained that the department has had calls for service regarding the campers on the City's property; however, many of those calls are from individuals who don't like that the campers are on the property. He noted that his officers have made contact with the campers 3-4 times per week, but many of those visits are not from calls for service, but due to regular patrolling of the area.

Chief Geiss added that the Fire Department has responded to calls to the area to investigate campfires which were found to be in compliance.

Mr. Chojnacki stated that the Supreme Court has also recognized that the homelessness problem is a complicated one.

Mayor Grau stated that the City will continue to monitor and research camping in the City and see if there are solutions that make the situation better and not worse.

NEW BUSINESS

Regarding adoption of 2025-2029 Capital Improvement Plan, Mr. Sharpe explained that the plan was prepared with recently implemented software, Open Gov. He stated that while the printed version of the plan is not appealing, the software has proven to be a useful product that centralizes processes, analysis and workflow management.

Mr. Sharpe noted that the plan will change over time as priorities change over the years, and more weight should be placed on the first couple of years of the plan.

Finance Director, Mark Iacofano, reviewed the process of preparing the Capital Improvement Plan which was done in collaboration with departments.

Mr. Iacofano began reviewing the proposed capital projects for 2025.

Mr. Blackley stated that he found the online program difficult to use when trying to review the plan.

Mr. Blackley inquired about the decline in proposed capital spending in 2029 when compared to 2025 and expressed concern regarding the City's ability to make infrastructure improvements in future years.

Mr. Iacofano stated that the State Route Resurfacing and Courthouse Project are two large projects, over $6 million, that are focused on earlier in the plan. Once the plans are completed, staff will go back to the drawing board and look for new opportunities for funding for other projects.

Mr. Iacofano reviewed the projects table by department for 2025-2029.

Mr. Iacofano reviewed the anticipated grant and loan funding for the projects in the plan.

Mr. Blackley asked about the City's debt and ability to borrow money.

Mr. Iacofano stated that he would review debt expenditures later in the presentation.

Mr. Sharpe stated that the City's revenue is still increasing, and it is something to keep in mind. Large assumptions were not made for 2028 and 2029.

Mr. Lelko stated that even though revenue is projected to increase, funding for capital projects is projected to trend downward and he does not want to lower the level of service currently offered by the City.

Mr. Iacofano stated that the plan shows the most conservative scenarios for revenue and expenses, and so the last year of the plan will look the worst.

Mr. Iacofano reviewed key assumptions in the plan.

Mr. Iacofano reviewed projections by fund, noting that they are the main funds for capital projects. The table shows the various revenue categories and expense types over the 5-year period.

Mr. Blackley expressed concern about the General Fund's ending balances trending downward.

Mr. Iacofano stated that this is typical with the 5-year Capital Improvement Plans in an effort to be conservative. The worst-case scenario is presented and future years' funds are depleted.

Mr. Iacofano reviewed forecasted debt expenditures and some larger debt payments that will be ending in the near future.

Mr. Sharpe explained the rationale for pulling out the Fifth Avenue/North Street signal from the Traffic Signalization Upgrade Project and completing it as a separate project. He noted that he has included the City's contribution of 1/3 of the traffic signal, around $100,000 cost, unless Council is opposed to the City's cost sharing.

Members of Council spoke in support of the City's contribution and keeping it out of the traffic signalization project.

Mr. Lelko stated that he would like to see Main Street trees added to the list of projects and would like the City to obtain an estimate for the project.

Mr. Blackley moved and Ms. Means seconded to adopt the 2025-2029 Capital Improvement Plan as presented. Upon roll call vote the motion passed unanimously.

A Special Session date to discuss 2025 pre-budget was set for November 14, 2024 at 5:30 p.m.

LEGISLATION

ORDINANCE NO. 3284
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. 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. 3284 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. 3284.

Mr. Iacofano stated that amended appropriations are necessary to cover the costs of plan and construction reviews related to development projects. He added that while the City pays the engineering company for the reviews, the development projects pay a construction deposit to the City that is used to cover the review expenses, resulting in a zero net effect to the City.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3285
AN ORDINANCE AMENDING SECTIONS 1319.29 AND 1321.06 OF THE CITY'S CODIFIED ORDINANCES TO INCREASE THE PENALTIES ASSOCIATED WITH VIOLATIONS OF THE CITY'S PROPERTY MAINTENANCE LAWS AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Meleski 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. 3285 was then read for the second and third time by title only.

Ms. Means moved and Mrs. Chuha seconded for the adoption of Ordinance No. 3285.

Mr. Chojnacki stated that the legislation changes the penalty for violations of the City's property maintenance laws, from a minor misdemeanor to a first-degree misdemeanor. The legislation was prepared in an effort to strengthen the City's property maintenance laws, which will give courts the authority to pass greater sentences for violations.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3286

AN ORDINANCE CONSENTING TO THE OHIO DEPARTMENT OF TRANSPORTATION TO RESURFACE US-6 FROM THE WEST CORPORATION LINE TO THE EAST CORPORATION LINE INCLUDING US-6DA AND RESURFACE SOUTH STREET/CENTER STREET (SR-44) FROM THE CHARDON SOUTH CORPORATION LINE TO THE NORTH CORPORATION LINE IN THE CITY OF CHARDON PID NO. 119050 AND DECLARING AN EMERGENCY was read for the first time by title only.

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. 3286 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. 3286.

Mr. Sharpe stated that the legislation is being requested by the State to proceed with the State Route Resurfacing Project.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3287

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LAND PURCHASE AGREEMENT WITH CHARDON FAMILY EYE CARE FOR THE SALE OF PROPERTY LOCATED AT 223 CENTER STREET, AND DECLARING AN EMERGENCY was read for the first time by title only.

Ms. Means 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. 3287 was then read for the second and third time by title only.

Mrs. Chuha moved and Ms. Means seconded for the adoption of Ordinance No. 3287.

Mr. Chojnacki explained that the legislation authorizes the sale of the City’s property at 223 Center Street to Chardon Family Eyecare.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3288

AN ORDINANCE AMENDING CHAPTER 141 OF THE CODIFIED ORDINANCES TO ESTABLISH NEW GUIDELINES REGARDING THE COMPETITIVE EXAMINATION, APPOINTMENT, AND POSITIONS IN THE CLASSIFIED CIVIL SERVICE AND TO MAKE OTHER SPECIFIC AMENDMENTS TO THE RULES GOVERNING THE CIVIL SERVICE COMMISSION was read for the first time by title only.

Ms. Means 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. 3288 was then read for the second and third time by title only.

Mr. Meleski moved and Mrs. Chuha seconded for the adoption of Ordinance No. 3288.

Mr. Chojnacki stated that the legislation incorporates a number of changes to Chapter 141, as was recommended by the Legislative Committee and Civil Service Commission. The significant changes include allowing for the list of 10 original appointments to be a rolling list, and also adding a section in the Chapter to permit lateral transfers.

Upon roll call vote the motion passed unanimously.

REVIEW OF EXPENDITURES

Mrs. Chuha reported that expenditures were in order.

EXECUTIVE SESSION

Mr. Meleski moved and Ms. Means seconded to adjourn to Executive Session at 8:37 p.m. to consider the appointment, employment, dismissal, promotion, demotion, discipline or compensation of a public employee or official, 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 Ben Chojnacki, Randy Sharpe, 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 imminent court action.

Discussion occurred regarding the appointment, employment, dismissal, promotion, demotion, discipline or compensation of a public employee or official.

Meeting reconvened at 9:34 p.m.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Mayor Grau reported that Council conducted a review of the City Manager and the consensus was that the City is in good hands with Mr. Sharpe as City Manager.

Members of Council and staff reported on upcoming events.

ADJOURN

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

The meeting adjourned at 9:35 p.m.

Attest:

____
CHRISTOPHER GRAU, Mayor
President of Council

____
AMY DAY
Clerk of Council