

LEGISLATIVE COMMITTEE MEETING

January 9, 2025

The Legislative Committee of Chardon City Council met on Thursday, January 9, 2025 at 5:00 PM in the Conference Room on the second floor of the Chardon Municipal Center.

Daniel Meleski, Chairman of Legislative Committee presiding.

Members of Legislative Committee present: Daniel Meleski, Heather Means.

Others present: City Manager Randy Sharpe, Clerk of Council Amy Day, Law Director Benjamin Chojnacki, Mayor Christopher Grau.

Mr. Meleski called the Legislative Committee to order at 5:00 PM.

APPROVAL OF MINUTES

Ms. Means moved and Mr. Meleski seconded to approve the minutes of the Legislative Committee from October 8, 2024 as written. Upon voice vote the motion passed unanimously.

Regarding Camping Regulations, Law Director Benjamin Chojnacki reviewed the current state of the law locally and nationwide as it relates to camping and homelessness. He explained that the Supreme Court recently decided in the case of *City of Grants Pass, OR v. Johnson* that a local law prohibiting camping in public spaces was not a violation of the Eighth Amendment's prohibition of cruel and unusual punishment. However, the case only addresses one area of the U.S. Constitution. In another case however, *Phillips v. City of Cincinnati*, held that camping can constitute expressive conduct falling within the protections of the First Amendment, which protects citizens' right to free speech.

Mr. Chojnacki stated that most likely what the City can do is going to be within the parameters of what the U.S. Supreme Court decided in the Grants Pass case while keeping in mind the first amendment concerns in the Southern District of Ohio case. He stated that Council has a policy decision to make on how they wish to regulate camping in the City.

1. Do nothing - keeping camping in certain locations.
2. A modified scheme with permits for camping
3. Outlaw it

Ms. Means asked how the difference between camping and being homeless can be understood.

Mr. Chojnacki stated that it depends on the definition of camping. The City's current regulations define camping as putting up a tent or temporary living conditions.

Mr. Meleski stated that the City's camping regulations need to be revisited to figure out what is working and what is not.

Mr. Chojnacki stated that the City cannot regulate homelessness which is a status, but can regulate camping which is an act.

Mr. Meleski asked how it can be determined whether an action is expressive conduct.

Mr. Chojnacki stated that it depends on who is challenging it. The core question is the person trying to convey a message to reach an intended recipient, or are they trying to erect a temporary living structure to reside in for a period of time.

Mr. Meleski asked about organized events.

Mr. Chojnacki stated that what is being discussed does not matter if there is an organized event or not. He stated that the City can regulate time, place and manner restrictions, but cannot regulate the content.

Ms. Means asked if the City would face less of a legal challenge if the City imposed a limited ban rather than a complete ban on camping.

Mr. Chojnacki stated that it depends on the facts under which something is going to be challenged.

Ms. Means asked what the City can do to minimize the likelihood to be sued for violating someone's first amendment rights.

Mr. Chojnacki stated that he can advise Council in Executive Session. He added that whatever regulations the City puts in place, the challenge will be a policy decision on what are the ways that the law will be enforced.

EXECUTIVE SESSION

Ms. Means moved and Mr. Meleski seconded to adjourn to Executive Session at 5:20 p.m. for conferences with an attorney for the public body concerning imminent court action related to the immediate enforcement of the City's camping ordinance and what the risks may be and invite Amy Day, Randy Sharpe, Ben Chojnacki, Mayor Grau and Lt.

Delisa into the session. Upon roll call vote the motion passed unanimously.

Discussion occurred regarding conferences with an attorney for the public body concerning imminent court action related to the immediate enforcement of the City's camping ordinance and what the risks may be.

Meeting reconvened at 6:01 p.m.

Ms. Means stated that she wishes to make a recommendation to Council to ban camping in the City.

Mr. Meleski asked the process to do this.

Mr. Chojnacki stated that the Committee may instruct him to prepare legislation to ban camping for the next Council meeting.

Ms. Means moved and Mr. Meleski seconded to instruct the Law Director to prepare legislation to ban camping in the City for the February Regular Session of Council.

Upon voice vote the motion passed unanimously.

Regarding the status of City-wide animal regulations, Mr. Chojnacki reported that he and the Community Development Administrator are continuing to draft new regulations.

ANY OTHER BUSINESS

Ms. Means reported that she has heard complaints about electrical outlets being used for personal use. She stated that she would like Council to give the City Manager the authority to take action to restrict usage of electricity for personal use.

Mr. Meleski stated that he has heard concerns regarding access to the restrooms at the Heritage House and individuals causing disruptions to those who are renting the Heritage House. He asked how this can be remedied.

Mr. Chojnacki stated that the restrooms can be closed when not being used by a renter, and Council can reconsider establishing a perimeter around the Heritage House.

Ms. Means stated that she has heard enough complaints about the restrooms for private events, and supports closing the restrooms to the public during private events.

Mr. Meleski stated that he would like to discuss with Council giving the City Manager the authority to turn off electricity when it is not being used by someone with a permit or for City-sponsored events.

Mr. Chojnacki asked why the City is taking this action.

Mr. Meleski stated that there has been an abuse of electricity on the Square, and the safety of items plugged in has been called into question.

Mr. Chojnacki stated that he has fielded calls regarding safety concerns related to public use of electricity.

Ms. Means stated that she would like to get some Council input regarding if the restrooms need to be open until 9 PM in the winter months since there is not much foot traffic.

Mr. Meleski stated that he would like Council's input on the following:

- Restrooms during rentals
- Restrooms after hours
- Use of electricity

ADJOURN

Ms. Means moved and Mr. Meleski seconded to adjourn the Legislative Committee meeting.

The meeting adjourned at 6:21 PM.

Attest:

AMY DAY
Clerk of Council