

REGULAR SESSION

July 9, 2020

The Council of the City of Chardon met in Regular Session Thursday, July 9, 2020 at 6:25 PM. via video-conferencing service, Zoom (Meeting ID: 819 7225 0877).

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, Courtney Hudson, Amy Patterson, Collin Cunningham.

APPROVAL OF MINUTES

Mrs. Chuha moved and Mrs. McArthur seconded to approve the minutes of the June 11, 2020 Public Hearing and Regular Session as presented.

Upon roll call vote the motion passed unanimously.

MANAGER'S REPORT

Mr. Sharpe reported that the bi-annual scrap tire collection program was held on June 27, 2020 and approximately 275 tires were dropped off.

Mr. Sharpe reported that the 2020 Street Maintenance Program pre-construction meeting was held June 30, 2020. Work is planned from mid-July through the end of August.

Mr. Sharpe reported that the Civil Service Commission met on June 30, 2020 and began the process of creating an eligibility list for original appointments for the Police Department.

Mr. Sharpe reported on the status of the hiring of personnel in the Street and Water/Sewer Departments.

Mr. Sharpe reported that the City received one proposal for the gazebo renovation project; however, the proposal exceeded the engineer's estimate and did not include a bid bond. As a result, the City Engineer has recommended that the project be re-bid under a formal bid process to keep the project moving.

Mr. Sharpe reported that the issue of camping overnight in the Square has arisen and staff is discussing ways to address this.

Law Director, Ben Chojnacki, reported that camping in the park overnight is not currently prohibited. Legislative options are

being investigated including prohibiting overnight camping on City property or allowing it one time/year through a permit.

Mrs. McArthur inquired if Council would have the option to also provide permission to a group to camp overnight on City property.

Mr. Chojnacki stated that Council could authorize overnight camping by motion.

Mr. Blackley asked about overnight camping as part of the Maple Festival.

Mr. Chojnacki stated that they would need a permit.

Mr. Sharpe reported on capital projects.

Mr. Grau reported on a meeting to discuss the renovation of the pump building along the Maple Highlands Trail.

PLANNING COMMISSION REPORT

Mr. Blackley reported that Planning Commission met and granted a variance to Chardon Square Auto and Tire for a reduction in the front yard setback for a ground sign.

Community Development Administrator Steve Yaney gave the 2nd quarter economic development report.

COUNCIL COMMITTEE REPORTS

Legislative Committee

Mrs. Chuha reported that the Committee met and discussed legislation to adopt the International Property Maintenance Code, legislation to prohibit the resale or distribution of municipal water and legislation to prohibit the discharge of water into the public right-of-way which are on the agenda under Legislation.

Ad Hoc Theater Committee

Ms. Means reported that the Committee met and reviewed feedback from interested individuals in preparation of the request for proposals for use of theater spaces.

Safety Committee

Mr. Grau reported that the Committee met and continued their review of the City's Emergency Operations Plan. The plan has now been reviewed in its entirety and will be fine-tuned going forward. At this meeting, the Committee discussed the City's involvement with debris removal resulting from a large-scale event. More information on the emergency level classifications will be provided to the public service director so that the City's response in each of the events can be identified.

Mr. Grau reported that the Committee discussed guidelines from the Governor and Attorney General regarding meaningful law enforcement reform.

Police Chief Niehus reported that staff has reviewed the recommendations from the State and is closely following the

recommendations that will be considered by the State legislature.

Mr. Grau reported that the Committee discussed protest response and he encourage individuals to reach out to the police department and the City to have an open dialogue about their intentions for their event and inquire what they may need from the City.

Chief Niehus concurred that having open communication is key.

HEARING OF PERSONS BEFORE COUNCIL

THOSE PERSONS ON THE AGENDA - none.

GENERAL PUBLIC

Courtney Hudson, 304 E. King Street, asked the Police Chief how the Police Department would react if protestors are carrying firearms.

Chief Niehus stated that individuals have a right to protest and assemble, and Ohio allows for the open carry of firearms. The City would be respectful of that and it is not uncommon to see open carry at protests. While he understands that it may cause anxiety for residents, the Police Department assumes that individuals may be armed.

OLD BUSINESS - none.

NEW BUSINESS

Finance Director Mate Rogonjic spoke to review the City's current financial status.

Mr. Rogonjic stated that although water and sewer revenue has dropped 5%, it is a smaller percentage than was expected. The drop in income tax collections; however, is a few percentage points higher than anticipated. However, the drop can be attributed to the extension of tax filing deadline.

Regarding adoption of the 2021 Tax Budget, Mr. Rogonjic stated that he did not have any additional comments from those made during the public hearing.

Mr. Smock moved and Mrs. McArthur seconded to adopt the 2021 tax budget. Upon roll call vote the motion passed unanimously.

Regarding a request for use of the Theater & Main Street Alley for filming by Peter Tompkins, Mr. Sharpe asked that the matter be discussed at a future date because staff has not had the opportunity to discuss the request with Mr. Tompkins.

Mr. Sharpe reported that a replacement for truck #18 was in the 2020 budget; however, it was put on hold due to potential Covid-19 budget impacts. The truck which is used for snow removal in smaller areas of the City, is in need of significant repairs and a replacement is needed. The intent is to order a new one and forgo the repairs of truck #18. Staff is comfortable recommending the truck be ordered as there is \$2.1 million in the Operating Reserve Fund, and net profits tax are expected to come in as anticipated.

Ms. Means moved and Mrs. McArthur seconded to remove Truck 18 from budget items on hold and order its replacement. Upon roll call vote the motion passed unanimously.

LEGISLATION

RESOLUTION NO. 5-20

A RESOLUTION DECLARING THE NECESSITY OF REPAIRING AND RECONSTRUCTING CERTAIN SIDEWALKS IN THE CITY OF CHARDON; REQUIRING THAT ABUTTING PROPERTY OWNERS TO REPAIR OR REPLACE SIDEWALKS; RATIFYING AND CONFIRMING NOTICES; AUTHORIZING REPAIR OR REPLACEMENT OF SIDEWALKS AND, IN CERTAIN CASES, PROVIDING FOR ASSESSMENT OF COST; AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. Smock moved and Mrs. McArthur 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. 5-20 was then read for the second and third time by title only.

Mr. Blackley moved and Mr. Smock seconded for the adoption of Resolution No. 5-20.

Mr. Hornyak reviewed the timeline and process for completion of repairs for the final round of the sidewalk maintenance program. He stated that Resolution includes addresses with sidewalk deficiencies that homeowners need to repair or replace, depending on the deficiency.

Mrs. McArthur thanked the members of Council for help making this sidewalk program happen.

Upon roll call vote the motion passed unanimously.

RESOLUTION NO. 6-20

A RESOLUTION AFFIRMING THAT ALL FUNDS RECEIVED FROM THE COUNTY CORONAVIRUS RELIEF DISTRIBUTION FUND BE EXPENDED ONLY TO COVER COSTS OF THE CITY OF CHARDON CONSISTENT WITH THE REQUIREMENTS OF THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT, AND ANY OTHER APPLICABLE REGULATIONS AND GUIDANCE; AND ESTABLISHING SECTION 123.26, LOCAL CORONAVIRUS RELIEF FUND, OF THE CODIFIED ORDINANCES OF THE CITY OF CHARDON 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 Resolution be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Resolution No. 6-20 was then read for the second and third time by title only.

Mrs. Chuha moved and Mr. Grau seconded for the adoption of Resolution No. 6-20.

Mr. Rogonjic stated that the Resolution is required to be passed by Council in order for the City to receive its allocation from the County for Coronavirus relief. It is a little over \$60,000. The Resolution states that the City will follow the requirements

in the CARES Act in terms of what the City used the relief funds for.

Ms. Means asked how the City will use the CARES Act funds.

Mr. Rogonjic stated that the City could recoup funds for unemployment compensation and face masks.

Mr. Grau asked if all the funds will be used.

Mr. Rogonjic stated that it depends on what is eligible for reimbursement.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3120

AN ORDINANCE AMENDING APPROPRIATIONS IN THE CITY OF CHARDON TREASURY FOR 2020 AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. McArthur moved and Mr. Smock 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. 3120 was then read for the second and third time by title only.

Mr. Blackley moved and Mrs. McArthur seconded for the adoption of Ordinance No. 3120.

Mr. Rogonjic stated that the Ordinance will enable the County to distribute funds from the CARES Act. He noted that there are still questions that need to be answered in order to ensure that all of the expenses that comprise these appropriations are eligible for reimbursement. As a result, future amendments to the appropriations are anticipated.

Upon roll call vote the motion passed unanimously.

AN ORDINANCE ENACTING CHAPTER 1321 OF THE CODIFIED ORDINANCES TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE was read for the first time by title only.

Law Director, Ben Chojnacki, reported that the legislation was drafted after discussions with staff and members of the public in an effort to give the City's property maintenance code more teeth and provide more opportunities for enforcement provisions. The IPMC is a standard code used in more than 600 jurisdictions in the United States. It is a comprehensive code that regulates exterior as well as plumbing, fixtures, and structural issues. He noted that to properly enforce the IPMC, expertise is needed that may be beyond the expertise of current staff. There is an added cost and administrative burden to enact the legislation.

Mrs. McArthur asked if the City is limited to just what is in the IPMC.

Mr. Chojnacki stated that he drafted the legislation to allow the City to have different requirements and to the extent that the regulations differ, the stricter code would govern.

Mrs. McArthur asked what the main advantages are to adopting the IPMC.

Mr. Chojnacki stated that the main advantages are that the City's current property maintenance code generally regulates aesthetics and the IPMC regulates issues that present more true risks to someone entering the property.

Mr. Smock asked if the regulations are only for exterior issues.

Mr. Chojnacki stated that certain exterior activities will require the City to determine if there are interior problems on a house and for the City to fully determine whether a violation has occurred, the parameters of the search warrant may require the City to enter onto the interior of a structure.

Mr. Grau asked about the search warrant process.

Mr. Chojnacki stated that there would be a request to enter onto a property to request that the alleged non-compliance be evaluated. If a request is refused, the City would present the matter to court for a search warrant for a timeframe limited in scope. He recommends law enforcement accompany the person entering the property.

Mr. Smock asked if this will allow the City to recoup the costs through property assessment.

Mr. Chojnacki stated that the City could recoup the costs through property assessment.

Discussion occurred regarding IPMC cost.

Ms. Means asked for an example of what the City would be looking for when entering a property.

Mr. Chojnacki stated that water heater or electrical systems are examples. The idea is that properties can fall into disrepair which leads to risk to someone entering the property and the current code does not put an end to such risks.

Mr. Blackley stated that examples discussed at the committee level were foundation or roof issues where an interior inspection is needed to determine the extent of the damage.

Mrs. McArthur asked if the regulations are only for residential.

Mr. Chojnacki stated that the regulations are for residential and commercial properties.

ORDINANCE NO. 3121

AN ORDINANCE CREATING SECTION 927.83 OF THE CODIFIED ORDINANCES TO PROHIBIT THE RESALE OR DISTRIBUTION OF MUNICIPAL WATER was read for the first time by title only.

Mr. Smock 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. 3121 was then read for the second and third time by title only.

Mr. Blackley moved and Mrs. McArthur seconded for the adoption of Ordinance No. 3121.

Mr. Chojnacki stated that the Legislative Committee recommended the City enact an ordinance to ensure that the City's water cannot be bottled and resold. The legislation contains language so that there are not any unintentional violations by restaurants who wish to charge patrons for a glass of water.

Mrs. McArthur asked if a restaurant could charge patrons for a glass of water.

Mr. Chojnacki stated that a restaurant could and the legislation makes sure that this is not outlawed.

Mr. Smock asked if the City sells bulk water.

Mr. Hornyak stated that the only water the City sells is to contractors who are working in City limits who pay a fee and are billed by the gallon. They also have the option to receive non-potable water.

Mr. Chojnacki stated that the legislation allows the City the discretion to authorize such activity.

Upon roll call vote the motion passed unanimously.

ORDINANCE NO. 3122

AN ORDINANCE AMENDING SECTION 521.10 OF THE CODIFIED ORDINANCES TO PROHIBIT THE DISCHARGE OF WATER OR ANY OTHER SUBSTANCES INTO THE PUBLIC RIGHT-OF-WAY OR CITY STREET was read for the first time by title only.

Mr. Blackley moved and Mrs. McArthur 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. 3122 was then read for the second and third time by title only.

Mr. Blackley moved and Mr. Smock seconded for the adoption of Ordinance No. 3122.

Mr. Chojnacki stated that the purpose of the legislation is to prohibit the discharge of water, substances or materials upon across a road, street or highway or in the public right-of-way. There are instances where this is occurring and the legislation would close this loophole and have additional authority.

Mr. Grau asked if the instances where this is occurring will be eliminated.

Mr. Chojnacki stated that in the instances where it is occurring, they would be in violation.

Mr. Grau asked if there are places in the City where people cannot tie into the storm sewer.

Mr. Hornyak stated that in the instances where this is currently occurring, property owners have some ability to tie into the storm sewer.

Mayor Meleski asked what remedy is available for people who do not have an option to discharge their storm water.

Mr. Courtney stated that many instances, people have eliminated their splash guards and are discharging the water into the street. If there is not a direct connection point to the storm sewer, they have to use a splash block and let the water flow over land before it reaches the street.

Mr. Smock asked if the discharge into a ditch is in the public right of way.

Mr. Courtney stated that a ditch is part of the City's storm water system which makes it permissible.

Discussion occurred regarding the language in the ordinance regarding the City's sewer system.

Staff expressed the need to retain the broad category of the discharge of the water into the City's sewer system in the legislation.

Mayor Meleski stated that the discharge creates a safety issue with the icing of water in the right-of-way which is why the legislation is being proposed.

Mr. Grau expressed concern for homeowners that need to discharge storm water.

Mr. Hornyak stated that the City will work with homeowners to come up with a solution to discharge their storm water.

Upon roll call vote the motion passed unanimously.

Regarding AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT/AGREEMENT WITH _____ AS SUPPLIER OF MUNICIPAL ELECTRIC ENERGY FOR THE WASTEWATER TREATMENT PLANT AND DECLARING AN EMERGENCY, Mr. Rogonjic reported that the City is still waiting to receive a complete quote from all suppliers. In order to lock-in the price, he requested Council pass a motion authorizing the City Manager to sign an agreement with the supplier that has the best price and table the ordinance to the August Council meeting.

Mrs. McArthur moved and Mr. Grau seconded to table the ordinance to the August meeting and authorize the City Manager to sign an agreement with the supplier that has the best price. Upon roll call vote the motion passed unanimously.

Mr. Sharpe stated that there will be a cost savings with a new supplier.

REVIEW OF EXPENDITURES

Mrs. McArthur reported that expenditures were in order.

EXECUTIVE SESSION

Mr. Smock moved and Ms. Means seconded to adjourn to Executive Session at 8:30 p.m. for the purpose of discussing pending or imminent court action, potential property acquisition, the appointment, employment, dismissal, promotion, demotion, discipline or compensation of a public employee or official and

preparing for, conducting or reviewing negotiations for bargaining strategies for public employees, and invite Jeff Miller, and Chief Niehus into the session. Upon roll call vote the motion passed unanimously.

Discussion occurred regarding preparing for, conducting or reviewing negotiations for bargaining sessions for public employees.

Discussion occurred regarding appointments to boards and commissions.

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

Discussion occurred regarding potential property acquisition.

Meeting reconvened at 9:48 p.m.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Ms. Means moved and Mrs. McArthur seconded to appoint Melody Coniglio to the Park and Recreation Board to fill an expired term ending 12/31/2023.

Upon roll call vote the motion passed unanimously.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL

Mr. Sharpe announced that the National Night Out event has been cancelled and the Concerts in the Park have been cancelled for the remainder of the summer.

ADJOURN

Mr. Smock moved and Mrs. McArthur seconded to adjourn. Upon voice vote the motion passed unanimously.

The meeting adjourned at 9:51 p.m.

Attest:

DANIEL MELESKI, Mayor
President of Council

AMY DAY
Clerk of Council