

Village of Sunbury Charter Commission

Minutes

February 13, 2019

Chairperson Steve Mazzi opened the Sunbury Charter Commission meeting at 7:00 p.m., February 13, 2019 in Council Chambers at Town Hall with the Pledge of Allegiance.

Those answering roll call: Patti Cavinee, Cindi Cooper, John Dankovich, J. David Diehl, Anne Frost, Eugene Frost, Michael League, John Maar, Steve Mazzi, Murray Neff, Jodi Norton, Daniel Sexton, Randall Rentz and Richard Ryba.

Also, in attendance Paul Rutter, attorney from Bricker & Eckler, Administrator Allen Rothermel and Fiscal Officer Kathy Belcher.

Motion by Ryba and seconded by League to approve January 23, 2019 minutes.

Discussion later in the meeting clarified last motion, first Ryba and seconded Rentz. Upon show of hands 14 Yeas.

Mazzi

- Initiated a discussion commenting on the leadership role of David Brehm, Village Solicitor.
- The expertise of Brehm, does not sway his vote, but does give a value to past/present Village procedures. Paul Rutter/Rebecca Princehorn does not sway his vote, but does educate his vote.
- He posed the question to the members, Brehm sway the vote of the members when he gives historical knowledge?

Sexton

- Likes hearing the historical perspective from Brehm, this gives him a starting point for the discussion.

Eugene Frost

- States he felt that there were times that opinions were given, and he would prefer facts.

Diehl

- Asked where **Brehm's** fiduciary responsibility lies, Rutter replied that he represents the Village and reports to Council. With that being said, his historical perspective is of high value. **Dankovich** stated that being an attorney, he understands that some statements are by nature opinions.

Marr

- Asked if any decisions that had been made, made members uncomfortable? Response was negative.

Sexton

- Wants to build a charter that will be flexible as Sunbury grows.
- Also inquired on the cost of the Bricker Law Firm, **Rutter** replied that it was an hourly rate. He also stated that he valued the notes that accompany the various articles that are researched and sent to the Charter Members.

Mayor Hatfield

- Stated that three different groups had been interviewed for the legal guidance for the Charter Members. Bricker and Eckler were chosen from that group, being the most professional. Council wanted to support the fifteen members on the Charter Commission, with very valuable time, by supporting them with dedicated legal counsel, that is Bricker and Eckler's role. He also stated that **Brehm**, having his position over various Councils/ and Mayors through the years is nonpartisan as anyone that works for the Village, and yet very politically savvy.

St. John

- Made the statement that the legal rate for Bricker and Eckler is a variable rate, depending on the job and who is performing the job.
- He felt that they added value to the process and they had a dedication to the process. This is an investment by Council to give the Charter members the support and information needed to be able to make their decisions. **Ryba** wanted to make sure that Council understood how much the Charter members appreciated the legal help from Bricker and Eckler.

Mazzi

- Led a discussion on ARTICLE III, **Paul Rutter** apologized the lateness on getting the document to the Charter Members. However, it is necessary for the various attorneys to have time to review and comment on the document before the members receive it.
- After discussion it was decided to vote on Article III next meeting to give all the members sufficient time to review.

Rutter

- Brought up two topics for clarification 3.02 (B) the residency requirement to be on Council and 3.09 how to fill Council Vacancies.
- There was a discussion on the merits on both.

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Motion by **Ryba** and seconded by **Rentz** to approve the language in 3.02 (B) that a candidate for Council must be a resident of the Municipality for at least one year. Upon show of hands 12 Yeas, 2 Nays.

There was a discussion on the possibility of having the Mayor be a voting member of Council.

Motion by **Sexton** and seconded by **Eugene Frost** to have the Mayor be president of Council and a voting member. Upon show of hands 14 Yeas.

Mazzi

- Started a discussion on section 3.09 – Council Vacancies.

Motion by **Diehl** and seconded by **Ryba** to accept the additional language as proposed, copied from Dublin's Charter Section 3.09(b) Upon show of hands 14 Yeas.

Next discussion topic Article 1V – Legislative Procedures

Rutter

- Started the discussion advising on Article 1V by stating that various other cities advise against making this particular portion very specific, it seems that general terms are best.
- Spoke on the comparison of three readings and emergency language and the super majority necessary for passage for emergency.

Mazzi

- Asked about the differences on three readings and the need for the ability for emergency passage.

Rutter

- Three readings will allow the public more time to give input and once the readings are done there is a thirty-day waiting period for the legislation to become law. While with emergency language and a suspension of the rules the law would become effective immediately.
- Emergency language is often necessary during contractual situations, also when sums of money might need to be available immediately.

Mayor Hatfield

- Was asked by **Mazzi** to give examples of the necessity for emergency language, he replied that there have been various times, most however have been budgetary. He stated that it has been important to have flexibility within Council to act to fit the situation.

St. John

- Also gave several examples of the need for the emergency language.

There was a discussion on section 5 (A) concerning the voting requirements for Council.

Motion by **Ryba** and seconded by **Diehl** to set rules for section 5(A) language which will be developed by Rutter for consideration at the next meeting. Upon show of hands 14 Yeas.

Discussion on section 4.01 Form of Action by Council – Groveport, New Albany and Dublin examples were discussed. The discussion also considered the differences between ordinances and resolutions.

Motion by **Diehl** and seconded by **Ryba** to develop language using as an example Groveport for section 4.01 Form of Action by Council.

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Upon show of hands 13 Yeas 1 Nay.

Rutter

- Started discussion on section 1, concerning the practice of having three readings.

Motion by **Dankovich** and seconded by **Eugene Frost** to have three reading for ordinances and resolutions.
Upon show of hands 14 Yeas.

Rutter

- Started discussion on section 1(B) – concerning the time frame for types of actions to take effect.

Motion by **Sexton** and seconded by **Ryba** to develop language following New Albany language in section 6.07 - Effective Date of Legislation.
Upon show of hands 14 Yeas.

Discussion on number versus ratio for passage of resolutions and ordinances.

Motion by **Eugene Frost** and seconded by **Rentz** to use a number not a ratio for passage of ordinances and resolutions.
Upon show of hands 14 Yeas.

Discussion on super majority and emergency.

Motion by **Eugene Frost** and seconded by **Sexton** to make legislation requiring a super majority to be five of seven council members.
Upon show of hands 14 Yeas.

Motion by **Eugene Frost** and seconded by **Sexton** to make legislation requiring emergency language to be five of seven council members.
Upon show of hands 14 Yeas.

Rutter

- Stated items left to consider – wanted to draw attention to 4.05 section 2(B) and 2(A) of Dublin’s Charter

Motion by **Diehl** and seconded by **Ryba** to accept the language used in Dublin’s Charter section 2(B) and 2(A).
Upon show of hands 14 Yeas.

Rutter

- Next item for discussion – last page of the memo sections 6,7, and 8.

Motion by **Ryba** and seconded by **Eugene Frost** to model after the Pataskala Charter language in section 4.11 Zoning measures, however changing the two-third vote, to five out of seven requirements.
Upon show of hands 14 Yeas.

Five-minute break

(clarification of motion and vote mentioned earlier under minutes made here)

Motion by **Diehl** and seconded by **Eugene Frost** to follow Dublin’s Charter section 4.10 – Adoption of Technical Codes.
Upon show of hands 13Yeas 1 Abstention.

Instruction was given to Rutter to develop language concerning publication requirements.

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The next meeting will be February 27, 2019, will be on the first floor of the Town Hall starting at 7pm.

The meetings will continue to meet starting at 7pm ending at 9pm.

Motion to adjourn

Motion to Adjourn. All Yeas.

Steven Mazzi, Chairperson

Kathy Belcher, Fiscal Officer