



City of South Lebanon  
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**Charter Commission Meeting  
MEETING MINUTES**

**Wednesday, August 3<sup>rd</sup>, 2022 @ 6:00pm**

1. Call to Order by Vice-Chairman Mason at 6:00 p.m.
2. Roll Call:  
**Charter Commission members present:** Clyde Adkins, Richard Bertagna, Donald Burke, Peter Geraci, Ginger Mandelstein, Susanne Mason, Arthur McFarland, William Melzer, Brian Payne, Nate Smith, Michael Wells, (Aubrey Corcoran, Bryan Corcoran, David Frasure, Angela Vick – Absent)  
  
**Staff:** Jerry Haddix, City Administrator, Andrew Meier, City Solicitor. Mayor Jim Smith  
  
**Visitors:** Catherine Cunningham and Tom Pannett, Kegler, Brown, Hill & Ritter
3. Pledge of Allegiance
4. Vice-Chair Mason introduced Richard Bertagna who was appointed to the Charter Commission by the City Council at their last meeting. Mr. Bertagna discussed his background with those in attendance. Mayor Jim Smith then administered the “Oath of Office” to Mr. Bertagna. He then exited the meeting.
5. Review & Approval of Minutes of July 20, 2022, Meeting  
Mr. Burke made a motion to approve the minutes of the July 20, 2022, meeting, seconded by Mr. Adkins. VOTE TAKEN: All yeas.
6. Ms. Cunningham gave a review of topics discussed in previous meetings for the benefit of those who were not in attendance. She also gave a summary of the charter format and the process of developing it.

Tom Pannett relayed that what he understood was that the Charter Commission was generally satisfied with the form of government that the City has now with a strong mayor, six (6) councilmembers and

various appointed positions. The first step is going through the “Council” section. He will then draft the language for that section by Sunday for review at the next meeting.

Ms. Cunningham began discussing the details of the City Council. Currently, the City has six (6) councilmembers elected at-large. The requirements for a default statutory city include seven councilmembers (four (4) from wards and three (3) at-large). She also explained the difference between an ordinance and a resolution, the reading requirement for legislation and how legislation can be passed as an emergency or with the readings being waived. She discussed other legislative requirements:

- a. How ordinances and resolutions read and posted;
- b. Election and terms of Councilmembers;
- c. How Council vacancies are filled;
- d. Discussion re: transition on election of Councilmembers.

7. Mr. Meier then goes through the City’s current Council operation. Meeting information is electronically distributed to Councilmembers after the agenda, legislation and any other material is prepared with input from the Mayor, Administrator, Fiscal Officer and Solicitor. In the event of a tie in voting, the Mayor can break a tie. For default statutory cities, the term for Councilmembers is two (2) years. He recommends that the Council’s terms should be four (4) years. Currently, the terms are staggered with four (4) seats being elected in the November, 2021 election and the other two (2) seats and the Mayor are up for election in 2023. There is currently a one year City residency requirement for members of Council. The Vice-Mayor is selected by the Council and from the Council at the beginning of the year. The Vice-Mayor stands in for the Mayor when he is not available. Ms. Cunningham says that other cities all do it differently and call the position by different names. Mr. Wells asked if there was a 3-3 tie and the Mayor was out, how would it be handled? The response was that most likely the issue would be “tabled” at a later meeting or it could be considered.

Mr. Meier explained how legislation is considered. There is a “three reading” rule where legislation has to be read on three (3) separate days prior to passage. The rule can be waived by a vote of  $\frac{3}{4}$  of Council. Also, legislation is effective thirty (30) days from passage unless it is passed as an emergency which requires  $\frac{2}{3}$  of Council to pass. He said that currently a lot of legislation that is passed by Council is done as an “emergency”. He described the lengthy process caused by the 3-reading rule.

Mr. Geraci asked if the “effective date” can be shortened. Ms. Cunningham described the referendum process and said that a shortened period would make it difficult to get enough signatures to get on the ballot for referendum. She also explained the “initiative” process as well.

Mr. Payne asked if it was uncommon to have a “one reading rule” in a charter. Ms. Cunningham said that most charters have at least two readings. The process can be extended by tabling an issue.

Mr. Meier describes the executive session process where Council or any public body can meet in private and the criteria for having an executive session.

Some of the other items with respect to Councilmembers was discussed by Mr. Meier:

- Council members can’t hold another elected office;
- They can’t vote on an issue if they have a conflict of interest;

- Council, by ordinance, sets the pay for Councilmember. Any change on pay for a Council seat has to be passed five (5) days prior to the deadline for petitions for the upcoming election;
- If a vacancy occurs on Council, the Council has thirty (30) days to appoint a replacement. After 30 days, the Mayor can make the appointment to fill the vacancy;
- Mr. Meier described the process in the ORC for the removal from or forfeiture of office;
- Currently, a quorum of Council is four (4) Councilmembers in attendance for a public meeting. and
- The City does not have approved Council rules.

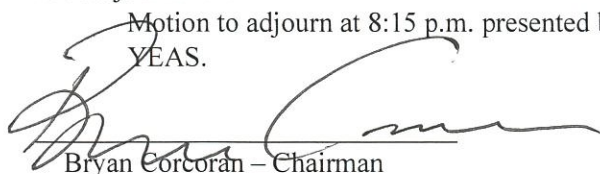
8. Mr. Pannett went through a checklist of items with respect to various items re: City Council and the charter:

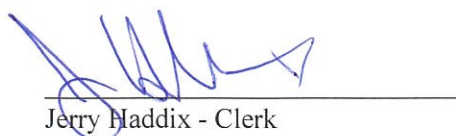
- a. Number of Councilmembers – Six (6) members
- b. Term length – Four (4) years
- c. Qualification of members – Resident at least one year and eligible to vote
- d. Wards – All members to voted at-large
- e. President & Vice-President of Council – the Commission is in favor of a Vice-Mayor in lieu if a President of Council. Mr. Meier described the current situation and how the Vice-Mayor is selected annually
- f. Council vacancy – Council appoints replacement for a vacancy. If Council does not make an appoint within thirty (30) days, the Mayor makes the appointment. If vacancy is greater than four (4) months prior to next election, the seat will be up for election for the remainder of the term.
- g. Hold other elected office – No, except County Central Committee
- h. Forfeiture of Office – A discussion took place re: the number of absences to trigger a forfeiture of office. It was decided to five (5) consecutive unexcused absences or ten (10) unexcused absences in a calendar year would trigger a vote of Council on forfeiture of the office; Also, a discussion re: what conduct would warrant a removal from office. Also, full-time City residency is required to be on Council.
- i. Sunshine Law – Yes, would be in effect
- j. Clerk of Council – It would be a separate appointed position by Council. The responsibilities of the Clerk of Council were discussed. City residency would not be required.
- k. Meeting Frequency – A minimum of one meeting per month will be required but Council will set the number & time of meetings.
- l. Meetings are advertised on websites and electronic sign at Municipal building
- m. The topic of virtual meetings was discussed. They agreed they could be permitted under conditions of a declared emergency. It would require a  $\frac{3}{4}$  vote of Council.

9. The next meeting is scheduled for August 10, 2022, at 6:00 p.m.

10. Adjournment-

Motion to adjourn at 8:15 p.m. presented by Mr. Adkins, seconded by Mr. Smith, Vote taken ALL YEAS.

  
Bryan Corcoran – Chairman

  
Jerry Haddix - Clerk