



City of South Lebanon
10 N. High St. South Lebanon, Ohio 45065
Ph:(513)494-2296 Fax:(513)494-1656

**Charter Commission Meeting
MEETING MINUTES**

Wednesday, August 17th, 2022 @ 6:00pm

1. Call to Order by Chairman Corcoran at 6:00pm.
2. Roll Call:
 - Present Members** – Bryan Corcoran, Susanne Mason, Donald Burke, Aubrey Corcoran, Peter Geraci, Ginger Mandelstein, William Melzer, Arthur McFarland, Michael Wells
 - Absent Members** – David Frasure, Angela Vick, Clyde Adkins, Richard Bertagna., Brian Payne, David Smith
 - Staff** – Andrew Meier, City Solicitor
 - Visitors** – Catherine Cunningham and Tom Pannett, Kegler Brown, Hill & Ritter
3. Pledge of Allegiance
4. Review and Approval of Minutes of **August 10th, 2022** Meeting
Donald Burke makes a motion to approve and is seconded by Aubrey Corcoran
VOTE TAKEN: All yeas.
5. Tom Pannett reviews the changes that were made in the meeting from August 10, 2022 and asks for verification that the changes were acceptable. All were in favor of changes.
6. Tom Pannett introduces section **3.08** of Charter
 - A. Catherine asks if the Commission would like to see the last paragraph where it is currently, or if they would like to move the paragraph to the end of the section. Peter Geraci asks if this is for a housekeeping purpose, or if it is already in legislation somewhere. Catherine states this is not housekeeping and is very important. Donald Burke suggests putting this paragraph at the end as Catherine suggested.
7. Tom Pannett goes on to read section **3.16** – No comments or concern
8. Tom Pannett goes on to read section **3.17**
 - A. Chairman Corcoran asks if smaller “resolutions” that come up in the Council Meeting would need to be put in writing if they are unofficial. Andrew states that more benign resolutions would not need to be put into a format as it is more of a formal statement, as opposed to a resolution. Catherine states that scenario would fall more under a “motion” category. Bryan Corcoran states that he is on board with that explanation.
 - B. Bryan Corcoran asks why the second paragraph reads “Ordinance” and not “Ordinance or Resolution”. Catherine states that it should have been added but asks if the sentence should be deleted all together. She explains that it was put in to clarify rules of bringing

issues forward in Council Meetings, because typical procedure is a Council Member brings an issue forward with a second member in support of it, or it is not heard. Andrew states that currently, an item is brought to attention, placed on the agenda and then voted on. He explains that the sentence as it is written is a different process than what South Lebanon practices. Catherine asks Andrew if when the issue is voted on, is it voted on a carry-over for another reading? Andrew responds that if there is a 1st reading on an issue, it automatically moves forward. He states there is no vote to accept or support an issue, it is automatically on the agenda. Peter Geraci clarifies that an additional step would be introduced if it is left as written. Catherine states it would if they decided to keep the sentence in the Charter. Michael Wells states this is general practice for other municipalities. Andrew states that under this provision as written, there may be one person in the future who supports a specific cause and is proposing a piece of legislation and they are not supported by one other member, it fails. He states it would not go anywhere or be presented for a vote, whereas right now that vote is not required. Bryan Corcoran suggests striking the sentence for the sake of consistency, as the procedure that is in place currently is working.

9. Susan Mason makes a motion to accept section **3.08** with the second paragraph moved to the end of the section; and to also accept **3.16** as written. Motion is seconded by William Melzer.

VOTE TAKEN: All Yeas.

10. Chairman, Bryan Corcoran makes a motion to accept the amended Section of 3.17 which strikes the second sentence in the paragraph from the draft. Donald Burke seconds the motion.

VOTE TAKEN:

For – Bryan Corcoran, Susan Mason, Donald Burke, Ginger Mandelstein, Arthur McFarland, William Melzer, Peter Geraci

Against – Aubrey Corcoran, Michael Wells

11. Tom goes on to read section **3.18** – No concerns from the Commission
12. A motion to accept section **3.18** is made by Michael Wells. Motion seconded by Aubrey Corcoran

Vote Taken: All Yeas

13. Tom goes on to read section **3.19**
- A. After some discussion, it is suggested by Peter Geraci that “to be posted on the City Website” should be added to the last paragraph of the section.
 - B. Aubrey Corcoran suggests referencing the City Website in the second paragraph as it makes it less confusing to read. Andrew suggests the second paragraph should read “At least 48 hours before the second reading of the ordinance, the Clerk of Council shall cause to be posted on the City website notice to be provided to the general public of the time and place of the Council meeting at which it shall be considered.”
 - C. Aubrey Corcoran also references the same paragraph and suggests that the word “all” should be removed from the sentence. Catherine suggests the sentence reads, “the Mayor or Clerk of Council and person present who desire to be heard for or against its passage shall be heard, as the Council or the Mayor may provide”. Commission agrees. Catherine also recommends the same changes in the first paragraph; along with striking “arguments” and replacing with “statements”, and also adding “legislative matters” to the end of the first paragraph. Commission agrees.

14. William Melzer makes a motion to accept section 3.19 AS AMENDED. Motion seconded by Donald Burke.

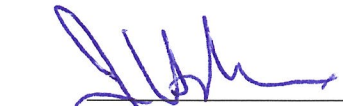
Vote Taken: All Yeas

15. Tom goes on to read section **3.20** – Hearing no concerns from the Commission, Bryan Corcoran asks for a motion to approve this section as written. Michael Wells makes the motion and is seconded by Brian Corcoran.
Vote Taken: All Yeas
16. Tom goes on to read section **3.21**
 - A. Andrew states that there is a reference to three-fourths in regard to emergency readings and suggests that it be stricken and replaced with two-thirds for the sake of consistency, and safety of procedure. After further discussion the Commission decides to change the verbiage to two-thirds.
17. Chairman, Bryan Corcoran asks for a motion to accept section with the amendment to read “two-thirds”. A motion is made by Aubrey Corcoran and seconded by Michael Wells.
Vote Taken: All Yeas
18. Chairman Bryan Corcoran closes the floor for a 5-minute break
19. After the break, Tom Pannett goes on to read section **3.22**
 - A. Peter Geraci asks what happens if an amendment on an ordinance changes the intent of the ordinance. He asks how we prevent someone changing legislation through an amendment and depriving someone from being able to put a voice in on the matter. Catherine states that the Charter requires every ordinance to have a hearing so any change would have public comment or discussion. Peter Geraci states that if the amendment is made on the second reading, then Council can pass it at that reading. Donald Burke states the discussion would take place at the second reading, since public input is required for the second reading too. Catherine states that the amendment would have to be available to the public in writing before passing. Peter Geraci asks if the writing is available for public view before it is discussed by Council. Andrew states that it rarely happens. Catherine then recommends that the first sentence of subsection (A) read, “A pending ordinance or resolution may be amended in writing and heard at any time prior to its passage by the Council...”.
20. Chairman, Bryan Corcoran asks for a motion to approve section **3.22** as amended. Aubrey Corcoran makes the motion and is seconded by William Melzer.
Vote Taken: All Yeas
21. Tom goes on to read section **3.23** – Hearing no concerns, Chairman Bryan Corcoran asks for a motion to approve as written. A motion is made by Donald Burke and is seconded by Michael Wells.
Vote Taken: All Yeas
22. Tom Pannett goes on to read section **3.24** – Hearing no concerns, Chairman Bryan Corcoran asks for a motion to approve as written. A motion is made by Arthur McFarland and seconded by Brian Corcoran.
Vote Taken: All Yeas
23. Tom goes on to introduce the ‘Continuation of Members of Council’ section. – Hearing no concerns from the Commission, Chairman Brian Corcoran asks for a motion to adopt the ‘Continuation of Members of Council’ as written. A motion was made by Michael Wells and seconded by Arthur McFarland.
Vote Taken: All Yeas.
24. Tom Pannett goes on to confirm Charter Provisions relating to Administrative Department and their Directors: Finance; Law; Administrator and all other designated Administrative Departments.
 - A. Catherine confirms age requirement for Mayor is 18. Commission confirms.

- B. Tom confirms how long the Commission would like to require that a candidate be part of the municipality. The Commission states it should be 1 year, which is consistent with Council.
 - C. Tom asks if they can conduct other business in the Municipality. Donald Burke states it should be allowed so long as it is not related to Government.
 - D. Tom confirms if they want to require the job be full time. The Commission decides to leave that up to the order of the Council. Peter Geraci asks what the workload looks like for the mayor. Andrew states that even though it is listed as part time, the Mayor is still very active and could easily be looked at as full time. Donald Burke states that making it a full-time position limits the pool of candidates that can run, as well as salaries would need adjustments. Donald Burke suggests leaving it up to Council by ordinance and leaving it out of the Charter.
 - E. Catherine states that when a Council member resigns there is a 30-day window to fill vacancy; but if the mayor resigns, that seat immediately has to be filled by the vice-mayor. Donald Burke asks if that is currently the procedure in place. Catherine confirms. Donald Burke asks if the vice-mayor stepping into mayor seat triggers the vacancy of the Council seat. Catherine states that typically it does not but vacating the seat to become the mayor is an option. Aubrey Corcoran asks how other cities operate in similar situations. Catherine states that vice-mayor steps up until the mayor position is filled. Aubrey Corcoran raises concern regarding a rotating vice mayor, and who would be up for filling the mayor seat. She then suggests having a place holder for long enough to hold an election to properly execute the mayor position. Andrew agrees that allowing Council to elect the mayor is a good idea. Donald Burke states he agrees but does not believe it has to be someone on Council. He explains that so long as an individual qualifies then they should be able to run whether on Council or not. Commission decides to allow Council to elect an acting mayor in the mayor's absence. Catherine then asks if the Council member is elected as sitting mayor, does that vote still count with Council as a Council member. Donald Burke states that if it is a Council member that is elected as sitting mayor, then they lose their seat on council. The Commission agrees. Tom Pannett how long the Commission would like to give Council to make that decision. The Commission decides on 30 days. Michael Wells asks if the sitting mayor could be the City Administrator. Donald Burke says the City Administrator would have to resign in order to take the mayor seat, as it is a conflict of interest.
25. Bryan Corcoran asks for a motion to Adjourn. Motion is made by Bryan Corcoran and seconded by Peter Geraci.

Vote Taken: All Yeas


Bryan Corcoran – Chairman


Brianna Koutny – Clerk