



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

Wednesday, October 12, 2022 @ 6:00pm

1. Call to Order by Chairman, Bryan Corcoran at 6.00pm.
2. Roll Call:
Present Members – Bryan Corcoran, Susanne Mason, Donald Burke, Peter Geraci, David Smith, Michael Wells (Appeared at 6:10pm), William Melzer, Richard Bertagna Ginger Mandelstein, Aubrey Corcoran
Absent Members –David Frasure, Arthur McFarland Clyde Adkins, Angela Vick, Bryan Payne
Staff – Andrew Meier, City Solicitor
Visitors – Catherine Cunningham, & Tom Pannett, Kegler Brown, Hill & Ritter
3. Pledge of Allegiance
4. Vice Chair Susanne Mason asks for a motion to approve the Meeting Minutes from October 5th, 2022. Motion made by Donald Burke and seconded by Richard Bertagna.
VOTE TAKEN: All Yeas
5. Susanne Mason opens the floor to Tom Pannett for discussion and vote on article V.
 - A. Tom introduces material, and Catherine Cunningham explains organization of this article.
 - B. Tom introduces **5.01** with a possible amendment to allow Council to authorize the Mayor to head any Departments except Law or Finance. After discussion of said amendment, Bryan Corcoran makes a motion to approve section 5.01 with amended language. His motion is seconded by Donald Burke.
VOTE TAKEN: All Yeas
6. Tom introduces section 5.03
 - A. Catherine states that she spoke with the mayor and the solicitor regarding the option of directors hiring and firing their own employees, and all agreed. Catherine confirms that the commission is approving of the “recommend to hire” provision in this section. Charter Commission confirms. Catherine then asks for clarification on who the hiring authority should be. Donald Burke states his concern lies with firing in the event the city gets sued, because that falls back on the taxpayers. After further discussion, it is suggested that the “recommend to hire” remains consistent in a “recommend to fire” policy as well. Williams Melzer states that he agrees that the

department heads should have to recommend to fire, but they should not have to recommend to discipline. Charter agrees. Donald Burke states that the chief executive of the city is who should receive recommendations to terminate. David Smith agrees and states it should also go to the other directors.

- B. Williams Melzer suggests seeking consistency throughout the Charter since a change was made.
- C. Bryan Corcoran asks for a motion to adopt the amendments in section 5.03, and to make consistent throughout the Charter. William Melzer makes the motion and is seconded by Richard Bertagna.

VOTE TAKEN: All Yeas

7. Tom introduces section 5.06 – no comments.

- A. Motion to approve section 5.06 made by Donald Burk and seconded by William Melzer.

VOTE TAKEN: All Yeas

8. Tom introduces section 5.07 – no comments

- A. Motion to approve section 5.07 as amended for consistency made by Michael Wells, and is seconded by Aubrey Corcoran.

VOTE TAKEN: All Yeas

9. Tom introduces section 5.08 – Susann Mason confirms that verbiage used in this section is consistent.

- A. Motion to approve section 5.08 as amended made by Richard Bertagna, and is seconded by Aubrey Corcoran.

VOTE TAKEN: All Yeas

10. Tom introduces section 5.09 –

- A. Motion to approve section 5.09 as written made by Nate Smith, and is seconded by Donald Burke.

VOTE TAKEN: All Yeas

11. Tom introduces section 5.10 –

- A. Bryan Corcoran clarifies the distinction in personal vs. real property and asks if it is necessary to include “real” property in this section and staff agrees.
- B. Catherine suggests leaving final bid decision up to Council by ordinance, and Charter Commission agrees.
- C. David Smith makes a motion to approve section 5.06 as written and is seconded by Donald Burke.

VOTE TAKEN: All Yeas

12. Tom introduces article 4 –

- A. Michael Wells makes a motion to adopt article 4 with the recommended changes and is seconded by William Melzer.


VOTE TAKEN: All Yeas

13. Tom introduces article 12 –

- A. Catherine explains the process of pushing the official Charter forward to Council and timing will be determined shortly based upon schedule for election and filing with Board of Elections. Bryan Corcoran asked if any adjacent communities are having elections on other issues. Andrew states they are not, and he needs to confirm with the Board of Elections.

- B. Susanne Mason makes a motion to adopts section 12.02 with the caveat that the designation date of the election on the adoption of the Charter will be inserted and is seconded by Ginger Mandelstein.
VOTE TAKEN: All Yeas.
 - C. Michael Wells makes a motion to adopt article 12 as amended and is seconded by Peter Geraci.
VOTE TAKEN: All Yeas
14. Tom introduces article 13
- A. There is discussion regarding absentia and affirmative votes according to Robert's Law. Donald Burke suggests leaving it in the Charter for clarification purposes.
 - B. Catherine suggests clarification regarding the mayor's ability to break a vote. After discussion, it is recommended that the mayor is counted as a majority in breaking a tie. Donald Burke points out that it is already stated earlier in the charter that the mayor can break a tie. Catherine suggests putting it in this section as well to be clear.
 - C. Donald Burke makes a motion to approve article 13 as amended and is seconded by Michael Wells.
VOTE TAKEN: All Yeas
15. Tom introduces article 1 – Bryan Corcoran confirms the final plan title, and its commonality. Staff confirms it is what is most consistent with the intended structure of government. Catherine explains this is intended for people to understand how the structure of government is implemented.
- A. Motion to approve as written made by Aubrey Corcoran and is seconded by David Smith.
VOTE TAKEN: All Yeas
16. Tom introduces article 9 –
- A. Catherine explains further obligations of the Charter Commission. Michael Wells confirms those obligations advising changes; and Catherine confirms that Council would have a final vote on the recommendations of the Charter Commission.
 - B. Bryan Corcoran suggests tabling this section to next week. Charter Commission agrees.
 - C. Aubrey Corcoran suggests adding language in section A allowing the directors to recommend appointments in specific needs within the city.
 - D. Donald Burke expresses concern in allowing those authorities to directors, as they would have a vested interest in the cause, but rather sees that authority going to council or the mayor.
 - E. Aubrey Corcoran asks if there is a way to bring minor before the electorate. Catherine states there is two ways: City Council can certify it to the ballot; or the electorate can petition at 10% to require it be put on a ballot. Michael Wells asks if that stipulation can be put in the Charter. Staff states it could be considered.
 - F. Charter Commission agrees that a vote should be tabled on article 9.
17. Catherine introduces and reviews article 6 for next week's meeting.
18. Tom reviews Preamble and expectation for next week's meeting.
- A. Peter Geraci introduces a sample to the Charter Commission.
19. Catherine states the goal is to have a final draft to Council in two weeks.
20. Motion to adjourn made by Ginger Mandelstein and is seconded by Bryan Corcoran.

VOTE TAKEN: All Yeas.


Bryan Corcoran – Chairman


Brianna Koutny – Clerk