

Minutes of a Meeting of
2022 CHARTER REVIEW COMMISSION
Held March 21, 2022

Present: Mike Young, Chair	Clete Miller
Brian Cruse	Peter Petto
Scott Dwyer	Tara Wendell
Jennifer Lesny Fleming	Law Director Barbour
Lynn Linder	

Mr. James Strunk was excused this evening.

Also Present: Members of City Council: Lydia DeGeorge, Michael Greco, Peter J. Winzig, David L. Tadych. Police Chief Gillespie.

The third meeting of the 2022 Charter Review Commission was called to order at 5:00 p.m. on March 21, 2022 by Chairman Young.

Mr. Young called for comments, changes or corrections to the minutes of the Meeting of the Charter Review Commission held March 7, 2022.

Motion by Mr. Cruse, second by Mr. Petto, to approve the minutes of the Charter Review Commission meeting held March 7, 2022.

Motion carried.

CORRESPONDENCE

Mr. Young acknowledged receipt of a letter from David L. Tadych, Vice President of Council and Ward 1 Council Representative, dated March 15, 2022, regarding length of Council terms. The letter and attachments were sent to the members of the Charter Review Commission via email, and a hard copy is being presented to each member this evening. The attachments to Mr. Tadych's letter were the responses from various communities to the question by the Clerk of Council of Bay Village regarding the length of terms for City Council in the individual communities queried.

Mr. Young called for comments regarding the correspondence, noting that discussion will be held at a later date.

Ms. Wendell stated that she appreciates the information provided. Mr. Cruse agreed, as well as Mr. Dwyer, who noted that the report was very thorough with the attachments providing answers to many questions.

Mr. Young stated that Mr. Cruse asked if anyone is noting the discussion points as the Charter Review Commission moves forward with their work.

Mr. Young stated that he has begun highlighting those items that will be brought back as discussion points. At the end of Section II, which should be finished this evening, he will provide that list to the members who are invited to amend it with additions to the list. Mr. Young stated that he would like at least two people to agree to ask for additional items to the list.

Mr. Cruse confirmed with Mr. Young that he will include the Charter Preamble on the list of items to be considered. Mr. Cruse noted that the more he thought about changes to the Preamble since the last meeting, the more he is very interested in going back to the Preamble for discussion.

Mr. Young stated that he will add items to the list of matters to be considered for changes to the Charter upon an approved motion by a member of the Charter Review Commission and an affirmative vote. At the end of the review of the entire Charter, the Charter Review Commission will take each item under consideration.

Mr. Cruse distributed a document to each member of the Charter Review Commission with wording that he prepared for Section 2.4 of the City Charter. The document reads as follows:

Possible wording change to Article II, Section 2.4 Vacancies

To be placed after the first sentence of Section 2.4

“Council shall establish such further process as Council may deem necessary to facilitate such vote. However, any member of Council who is a candidate to fill said vacancy is prohibited from participating in such process and vote.”

Mr. Cruse noted that he understands it is not for discussion this evening, but it is something to digest as we look at that section and get back to it when all the matters brought forth for further discussion will be reviewed.

SECTION 2.5 SALARIES

The Council shall have the power to fix the salaries of its members, and that of all other officers and employees of the Municipality whether elected, appointed or chosen, and to establish bond for the faithful discharge of the duties of each such officer or employee, but the salary for any elected office for any term shall not be diminished, except with the consent of the officer involved, or increased during such term of office. Such salary for an elected office shall be established at least seventy-five (75) days before the regular municipal election at which such office is to be filled. The Council may authorize any person to make such travel as Council deems to be in the public interest and may provide that the expense of such travel be paid by the Municipality.

(Ord. 62-158; approved by voters 11-6-62.)

Mr. Young addressed Law Director Barbour asking if there is permitted to be a cost of living increase, as opposed to a salary increase.

Mr. Barbour explained that a City Council person cannot vote themselves a raise. Council sets their own salary, but the salary would take effect after the current term in which they are voting for Council salary ends. Terms for the At-large Council people are staggered, so one of the Council people will miss two years of a salary increase, which is then adjusted when reaching a new term. Even if running opposed, a current term ends and a new term starts. A vote is always an increase for the next term beginning January 1.

Mr. Young stated that if the Council terms were increased to four years, half of the members of Council would have to spend two years without a salary increase.

Ms. Jennifer Lesny Fleming asked the salary of the members of Council. Mr. Barbour stated that it is \$12,000 per year, with the President of Council receiving \$13,500 annually.

Ms. Lesny Fleming commented that it would make sense to provide a small amount of compensation to the members of the City's Boards and Commissions, as is done in some other communities.

Mr. Barbour stated that a cost of living increase would not be permitted for members of Council.

SECTION 2.6 - PRESIDENT OF COUNCIL—DUTIES.

The President of Council shall have all the powers, duties, functions, obligations and rights of any other member of Council, and, in addition thereto, he shall preside at all meetings of Council, and when the Mayor is absent from the Municipality or unable for any cause to perform his duties, the President of Council shall become the acting Mayor and, during such periods, shall have the same powers and perform the same duties as the Mayor.

There were no comments from the Charter Review Commission regarding this section.

SECTION 2.7 - SUCCESSOR TO THE MAYOR.

Editor's note— This section was deleted when Section 3.9 was approved by the voters on May 8, 1973.

There were no comments from the Charter Review Commission regarding this section.

SECTION 2.8 - VACANCY IN OFFICE OF PRESIDENT OF COUNCIL.

Any vacancy in the office of President of Council, whether occurring by death, disqualification, removal or resignation, or by succession to the office of Mayor, shall be filled by procedure established for vacancies in Council. Council may select or the Mayor appoint one of its members to become President of Council.

(Ord. 82-62; approved by voters 11-2-82.)

Mr. Young questioned whether Mr. Cruse's suggestion for Section 2.4 Vacancies would also pertain to Section 2.8.

Mr. Cruse stated that he thought the wording he suggested for Section 2.4 Vacancies would fit, but it may not have to be dropped in since the section already says that the vacancy shall be filled by the procedure established for vacancies in Council.

Mr. Barbour stated that the one difference is that Section 2.8 says that the Council may select or the Mayor appoint one of its members to become President of Council. It talks about a sitting Council person being appointed, and Section 2.4 does not. That is the difference. It would be a special circumstance to appoint someone who is not on Council as President of Council, as a practical matter, which is why the words are included to clarify that a sitting Council person could be appointed to be the President. Mr. Young noted that historically this is what has been done.

Ms. Wendell asked who has the authority to do it? The section states that Council may select or the Mayor may appoint. Who goes first?

Mr. Barbour stated that as the Law Director his opinion would be that Council would have to go through the process and if it took longer than thirty days and Council didn't appoint someone then the Mayor would appoint. Section 2.4 and Section 2.8 are to be read together. Mr. Barbour noted that if the issue is not to have sitting Council members to participate in the selection for a vacancy for themselves you would have to make that included in Section 2.8.

Ms. Wendell stated that Mr. Cruse's point is that the proposed wording does not need to be in Section 2.8, because Section 2.8 refers to Section 2.4 for the procedure. Mr. Young agreed.

Mr. Barbour stated that he would issue an opinion as Law Director that you would have to go through the process of Council first and they have thirty days, according to Section 2.4, and if they don't have a decision after thirty days then the Mayor appoints. The difference is that Section 2.8 clearly says that one of the existing members can be appointed, where Section 2.4 does not. Section 2.4 states that the appointee must be someone otherwise qualified to be a sitting Council person. Mr. Young stated with the addition of the language suggested by Mr. Cruse that person could not vote for himself.

Ms. Wendell asked if it specifically says in Section 2.8 that it has to be a Council member.

Mr. Barbour stated that it does not say that it has to be a Council member. It says it *may* select one of its members to become President of Council. Section 2.4 does not say it has to be a Council member; Section 2.8 says it *may*.

Ms. Wendell stated that she does see any difference in a vacancy in the Office of President of Council as opposed to a vacancy in any Council position.

Mr. Barbour stated that the only difference is that Section 2.8 says that a sitting member can be selected, and Section 2.4 doesn't say that for some reason.

Ms. Wendell noted that it doesn't matter because a sitting member of Council was appointed to the last vacancy.

Mr. Young commented the problem with Section 2.4 is the four wards. If someone resigns, or moves, there is no other Council person to pick from, other than a Council-at-large person who lives in that ward. The odds are 50/50 that would be the case. Four out of those Council positions are ones that the Council would have to appoint, whereas it doesn't matter what ward the Council person is in the person can take over that role as Councilman-at-large.

SECTION 2.9 - EMPLOYEES OF COUNCIL.

The Council shall choose such officers and employees of its own body as it shall deem necessary. It shall choose a Clerk who may be an elected or appointed officer or employee of the Municipality. The Clerk shall keep the journal of the Council and its records and perform such other duties as may be required by ordinance or resolution. All officers and employees, including the Clerk, chosen by Council, shall serve during the pleasure of Council.

Mr. Dwyer asked the limit for Council to select employees, other than the budget.

Mr. Young stated that the Mayor does submit the budget but Council can certainly change the budget saying they would like to have more employees. If the Mayor didn't agree to that Council would have to override through the veto process.

SECTION 2.10 - MEETINGS.

At 8:00 p.m. on the first regular business day following January 1 following a regular municipal election, the Council shall meet at the Municipal Building of the Municipality for the purpose of organization. Thereafter, the Council shall meet at such times as may be prescribed by its rules, regulations, ordinances or by-laws, except that it shall hold regular meetings at least twice during each calendar month. Notwithstanding the foregoing, the Council may, by vote of 2/3 of the number of members of Council provided for in this Charter, dispense with any one or more of the regular meetings in the months of July and August. All meetings of the Council shall be held in compliance with State statute.

(Ord. 2-97; Approved by voters 11-5-02)

Mr. Cruse stated that attending some of the first business day in January can be a little difficult. However, the point to it is that after the election the terms that ended in the previous election ended on December 31. If Council did not meet right away, a potential vacuum in municipal government is created if something were to happen. Mr. Cruse acknowledged that the possibilities are remote in a place like Bay Village, but it is important from a timing standpoint that there is a continuation of government. There is a real reason for it and Mr. Cruse would like to see it stay the way it is.

Mr. Young noted that the Inaugural on January 1 is an opportunity to have family witness the ceremony which is conducted by an official such as a Justice of the Ohio Supreme Court, which has been done in the past.

Mr. Cruse stated that this is done to ensure that the continuation of office is in place.

Ms. Wendell asked about the time of 8:00 p.m. in the section.

Mr. Barbour stated that he would discourage putting a change in time in front of the voters.

Ms. Jennifer Lesny Fleming stated that the model Charter from the National Civic League is very specific, which states, "The Council shall meet regularly, at least once in every month, at such times and places the Council may prescribe by rule." It talks about special meetings stating "as except as allowed by state law all meetings shall be public" with wording in regard to executive session. Ms. Lesny Fleming stated that she tends to prefer more flexibility. She does not see why the Bay Village City Charter would specify to such a degree.

Mr. Cruse stated that it specifies just the first organizational meeting after an election. The officials who were reelected that previous November had terms expiring December 31. There is a gap between December 31 and the time of the first business day of January.

Mr. Petto stated that if flexibility is desired it could be a cleaner way to have things expired when the first business meeting occurs.

Mr. Miller noted that the officials are sworn in on January 1. There is a presumption that once the election is certified the process on January 1 is going to move forward.

Mr. Cruse noted that the organizational meeting on the first business day in January sets up the structure of Council moving forward.

Ms. Wendell noted that when sworn in on January 1 they are the sitting Council members. They just have not had their first meeting.

Mr. Dwyer stated that the timing of the organizational meeting makes sense.

Law Director Barbour stated that with the exception of the Police Chief and the Fire Chief (classified Civil Service employees), all the directors' terms end when the Mayor's term ends and the new Mayor, even if it is the same Mayor, and the same directors, reappoints all the directors at the organizational meeting. The gap is that when the Mayor gets sworn in on January 1, the directors' terms ended December 31 at midnight. They are reappointed at the next business meeting. That is the continuity that is needed for the members of the administration. Also at the organizational meeting, the Council members are appointed to their committees.

Ms. Linder stated that the bottom line is this is not something that will be suggested for change.

SECTION 2.11 - SPECIAL MEETINGS.

Special meetings may be held in accordance with and as provided for by rules, regulations or by-laws adopted by the Council, but in the absence of such provision, by a vote of the Council taken at any regular or special meeting of the Council, or shall be called by the Clerk upon the written request of the Mayor, President of Council, or three members of the Council. Any such vote or request shall state the subject or subjects to be considered at the meeting and no other subject or subjects shall be considered. At least twenty-four (24) hours' notice in writing of such special meeting called by the Mayor, President of the Council, or three (3) members of Council must be given to each member of Council and the Mayor by service personally upon him or left at his usual place of residence.

(Ord. 62-158; approved by voters 11-6-62.)

Mr. Dwyer asked about that the sentence stating that at least twenty-four (24) hours' notice in writing delivered personally to the Mayor for a special meeting. What if the Mayor is on vacation?

Mr. Barbour stated that the notice can be "left at his usual place of residence."

Mr. Dwyer stated that his point is that the Mayor does not know about the meeting and can't attend.

Mr. Barbour stated that the reason for the language is if there is a situation, which thankfully is not experienced in Bay Village, where Council and the Mayor, or a group of Council people are all at odds with each other and no one is calling a meeting. They are not having meetings, nothing is getting done, so Council members want the ability to call a meeting. This language gives them the ability to call the meeting if the President of Council or the Mayor are foiling the attempts to meet as a body.

Ms. Linder asked if an email notice can be considered a notice in writing. Can you consider a virtual meeting, someone virtually being part of a meeting, as attending?

Mr. Barbour stated that currently there is an exception until June to meet virtually and vote but after that expires virtual meetings can not be held with voting. Assuming that a meeting is called for the purpose of voting, a virtual meeting would not be permitted.

Mr. Barbour stated that the language says service personally upon them or left at this usual place of residence. The way that is written it contemplates a piece of paper as opposed to an email.

Mr. Cruse stated that when he served on Council there was language about ordinance boxes at two places in the City on telephone poles. One was at Bradley and Lake Road, and the other at Columbia Road and Lake Road. Paper copies of ordinances would actually be posted in the boxes.

Ms. Lesny Fleming stated that the model ordinance from the National Civil League says 12 hours' notice is required. Ms. Lesny Fleming thinks that 24 hours' notice is better.

Mr. Young stated he thinks it is important that this section is in place.

SECTION 2.12 - QUORUM.

A majority of the total number of Councilmen provided for in this Charter shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance or resolution. The Council shall adopt its own rules, regulations and/or by-laws.

(Ord. 62-158; approved by voters 11-6-62.)

There were no comments regarding Section 2.12 – Quorum.

SECTION 2.13 - PROCEDURE.

All legislative action shall be by ordinance or resolution except when otherwise required by the Constitution or laws of the State of Ohio. The Council shall keep a journal of its proceedings which shall be a public record. At the desire of any member the yeas and nays shall be entered upon the journal, and on the passage of every ordinance or resolution the vote shall be taken by yeas and nays and entered upon the journal; and no ordinance or resolution shall be passed without the concurrence of a majority of the total members of Council provided for by this Charter. Every ordinance or resolution shall be read on three different days unless two-thirds (2/3) of the total members of Council provided for by this Charter dispense with the rule. Ordinances or resolutions shall be deemed to have been read if the title is fully read, provided however, at the request of two or more members of Council the full text of the ordinance or resolution shall be read. No ordinance or resolution shall contain more than one subject which shall be clearly expressed in its title, and no ordinance or resolution shall be revived or amended unless the new ordinance or resolution contains the entire ordinance or resolution revived, or the section or sections so amended, and the section or sections so amended shall be repealed. Council may adopt codification ordinances, codifying, revising and rearranging the ordinances or any portion thereof. All ordinances, resolutions, statements, orders, proclamations, notices and reports required by law, by this Charter, or by ordinance, to be published or posted, shall be posted in not less than three of the most public places in the Municipality, one of which may be electronic media, as determined by Council for a period of not less than fifteen days prior to the taking effect thereof, or in the case of ordinances or resolutions taking effect immediately upon their passage and approval by the Mayor, for a period of not less than fifteen days after they become effective, or in such other manner as Council may hereinafter determine by ordinance, resolution or order.

(Ord. 2-98; Approved by voters 11-5-02)

Mr. Young commented that this Section does refer to electronic media for posting notices and reports required by law as one of the three most public places in the City. Faxes are included in the definition of electronic media.

Mr. Miller stated that in the second half of Section 2.13 Procedure there is a note of about not less than three of the most public places in the municipality. The three places are in the lobby of City Hall, the Bay Library, and the City Website.

SECTION 2.14 - EFFECTIVE DATE OF ORDINANCES OR RESOLUTIONS.

Unless otherwise specifically provided in this Charter, all ordinances and resolutions shall become effective forty (40) days after their passage by Council unless a later effective date is set forth in the ordinance or resolution, or an earlier date is established, provided said ordinance or resolution is adopted as an emergency measure in the manner herein provided, and provided further, all resolutions to initiate any public improvement shall become effective immediately upon their passage and approval by the Mayor.

(Ord. 62-158; approved by voters 11-6-62.)

There were no comments regarding Section 2.14.

SECTION 2.15 - EMERGENCY ORDINANCES OR RESOLUTIONS.

An emergency measure is an ordinance or a resolution to take effect at the time indicated therein, for the immediate preservation of the public peace, property, health or safety. Ordinances appropriating money may be passed as emergency measures but no measure making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility shall ever be so passed. Emergency ordinances and resolutions upon a ye or nay vote must receive the affirmative vote of two-thirds (2/3) of the total number of Councilmen provided for in this Charter and the reasons for the necessity of declaring said ordinance or resolution to be an emergency measure shall be set forth in one section of the ordinance or resolution, which section shall be passed only on a ye or nay vote upon a separate roll call thereon.

(Ord. 62-158; approved by voters 11-6-62.)

Ms. Wendell stated, noting that perhaps emergency measure is a legal term, that she has always thought that, if possible, to call it an urgency ordinance instead of an emergency ordinance because emergency can denote danger or threats. Several years ago Council passed by emergency measure a piece of legislation and the audience erupted asking why the measure would be called an emergency, not understanding that the meaning was that the legislation would take effect immediately, more urgently. It can be confusing to people. Council salaries have been passed as an emergency ordinance in certain cases because they have to take effect at a certain time before the election. People would see that and say, “Your salaries are emergencies?”

Ms. Lesny Fleming stated that Council does everything by emergency ordinance and she has the same issue as Ms. Wendell. It seems that things should be done in a different way than passing everything on an emergency basis. There is a qualification named in the emergency clause, supposedly for the immediate preservation of public peace, property, health and safety. That really offends the public.

Ms. Wendell stated that to her it is more urgent. There are times, either by running out of time, or things come up at the last minute, there are times when it is called an emergency ordinance to get something done at the last minute, i.e., a grant deadline. The term emergency has always been concerning because it is misunderstood by the general public.

Mr. Cruse stated that it has more to do with Council’s use of the emergency clause. The ability to have an emergency clause needs to be in the Charter. How it gets used practically is a different issue.

Councilwoman DeGeorge stated that she thinks it is semantics. Emergency does connote something totally different. To Council it means that it goes into effect as soon as it is signed, as opposed to when an emergency clause is not included there is a waiting period of forty days for that legislation to go into effect. There is no point in having everything wait forty days to go into effect. You need something, but emergency may be the wrong word.

Ms. Wendell agreed, stating that was exactly her point. Emergency denotes something bigger, where urgency is wanting it to take effect immediately for any number of reasons.

Ms. Lesny Fleming stated that this provision is only applicable for an immediate preservation of the public peace, property or safety is needed.

Mr. Cruse stated that from a Charter review standpoint the Charter should have that ability. How it gets applied is up to Council.

Ms. Lesny Fleming stated that in the model Charter, which is an invaluable resource, it says that you can adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility, or authorize the borrowing of money.

Mr. Barbour stated that the Ohio Revised Code permits those things. If your Charter doesn't give you permission to do something then you have to follow the Ohio Revised Code. Because the Bay Village Charter is silent on levying taxes, by way of example, that is not subject to the emergency clause. There are items that you are not permitted to pass by emergency clause under the Ohio Revised Code. Typically, these ordinances are on at least two, if not three readings so they have been in front of Council and the public body at large for a period of weeks, if not longer. By the time for third reading it needs to take effect because it is a contract or involves a project of some kind that needs to be acted upon. As Mr. Cruse stated, public peace, property, health and safety is a broad term. Most of the ones not permitted for emergency clause tend to be financial matters.

Councilman Winzig stated that Councilman Tadych just mentioned that it could be something along the lines of "upon signature clause."

Mr. Barbour stated that he would review this before the next meeting, but he believes it has to be called an emergency clause. The issue is how it is used more than what it is called. It can be confusing to people regarding certain issues, i.e., playground equipment is an emergency.

Mr. Young noted that it could be announced by whoever is introducing the legislation to note why it is being done as an emergency. It would be help for the audience to know the reason, so it is clear that Council must do it this way.

Mr. Cruse stated that is a communication issue.

Ms. Lesny Fleming stated that transparency is the issue.

Ms. Wendell stated that she is not advocating that Council's ability to pass an emergency measure be removed. It was just, as Ms. DeGeorge said, the semantics of it. An emergency clause, an immediacy clause, upon signature, something of that nature, just from being in the audience in Council meetings would provide clarity. Ms. Wendell stated that she understood what an emergency clause was and why they were doing it but she was getting the feeling, a number of times, in the room people were upset by it. If Council can be clearer about what it means and why they are doing it, this would calm some folks down.

Mr. Petto stated that if there is a way to make the language not so startling, it would be favorable. If it was called urgency clause that would still be disturbing. If something like

“accelerated process, or something like that, and require a reason for that this would be preferable.

Mr. Young suggested that more communication in Council by the person introducing the legislation could be a recommendation by this committee, to please describe why the legislation includes the emergency clause.

Ms. Wendell added that an explanation of what the emergency clause means would also be helpful. An explanation that the emergency clause means the legislation takes effect immediately, not 40 days from now would also be helpful.

Mr. Miller asked Ms. Kemper if a description of the process is still included at the end of the Council meeting agendas. Ms. Kemper stated that it still is included on the agenda.

SECTION 2.16 - GENDER NEUTRAL LEGISLATION.

All legislation shall henceforth contain gender neutral language.

(Ord. 92-67; approved by voters 11-3-92.)

It was agreed that this was a celebrated action in 1992. Ms. Wendell asked if the Charter can be changed to show the gender neutral language.

Mr. Cruse stated that every single section would have to be put up for election to change the words.

Ms. Wendell asked if it can't just be requested to change the Charter to make it gender neutral.

Mr. Barbour stated it is so written in Section 13.7 of the City Charter. **Whenever the male gender is used in this Charter, it shall include the female gender. (Ord. 92-66; approved by voters 11-3-92.)**

Mr. Barbour stated that the Charter cannot be edited for clarity. Any change would have to go in front of the voters.

ARTICLE III - THE MAYOR

SECTION 3.1 - TERM.

The Mayor shall be elected for a term of four (4) years, assume office on the first day of January following his election, and serve until his successor is elected and qualified.

(Ord. 68-97; approved by voters 11-5-68.)

There were no comments regarding Section 3.1 Term.

SECTION 3.2 - QUALIFICATIONS.

The Mayor shall have been for at least three (3) years immediately prior to his or her election both a resident of the Municipality and a qualified elector thereof and shall continue as both a resident and qualified elector of the Municipality during his or her term of office. The residency requirements may be waived in an emergency of temporary duration not exceeding six (6) months by a two-thirds vote of the total members of Council provided for in this Charter.

The Mayor shall be a full-time employee of the Municipality, and shall not hold any other elective or appointive public office for compensation, or other full-time employment, public or private, except that of Notary Public, member of the National Guard or Reserve Forces of the United States, or as otherwise provided in this Charter. The Mayor shall be permitted to serve on part-time appointive boards or commissions with compensation subject to the approval of Council.

(Ord. 02-99; Approved by voters 11-5-02)

Mr. Young noted that the qualifications for Mayor are residency for three years as opposed to those for Council of one year of residency.

SECTION 3.3 - REMOVAL.

The Council may remove the Mayor for gross misconduct, malfeasance, misfeasance and nonfeasance in or disqualification for office, or for the conviction while in office of a crime involving moral turpitude, or for a violation of his oath of office, provided however that such removal shall not take place without the concurrence of two-thirds (2/3) of the total number of Councilmen provided for in this Charter nor until the Mayor shall have been notified in writing of the charge against him at least ten (10) days in advance of any hearing upon such charge, and he or his counsel has been given an opportunity to be heard, present evidence, or examine any witnesses appearing in support of such charge.

(Ord. 62-158; approved by voters 11-6-62.)

There were no comments regarding Section 3.3 Removal.

SECTION 3.4 - JUDICIAL POWERS.

The Mayor shall have all the judicial powers granted by this Charter, the ordinances of the Municipality and the general laws of Ohio to mayors of municipalities of the class of this Municipality.

This section was intended to provide for the ability to conduct Mayor's Court, and to perform marriages.

SECTION 3.5 - LEGISLATIVE POWERS.

The Mayor shall be entitled to a seat in the Council. He shall not have a vote in the Council, but shall have the right to introduce ordinances and resolutions and to take part in the discussion of all matters coming before the Council.

There were no comments regarding Section 3.5 Legislative Powers.

SECTION 3.6 - VETO.

Any ordinance or resolution passed by the Council shall be signed by the President or other presiding officer and presented to the Mayor by the Clerk. If the Mayor approves such ordinance or resolution, he shall sign it within ten (10) days after its passage or adoption by the Council, but if he does not approve it, he shall return it to the Council with his objections within said ten (10) days by delivery to the Clerk, which objections shall be entered in full on the journal of the Council. The Mayor may approve or disapprove the whole or any item of an ordinance appropriating money, but otherwise his approval or disapproval shall be addressed to the entire ordinance or resolution. If the Mayor does not sign or veto an ordinance or resolution after its passage or adoption within the time specified, it shall take effect in the same manner as if he had signed it. When the Mayor has disapproved an ordinance or resolution or item of it, as herein provided, the Council shall, not later than the next regular meeting, proceed to reconsider it, and if on reconsideration the ordinance, resolution or item is approved by vote of two-thirds (2/3) of the total number of Councilmen provided for in this Charter, it shall then take effect as if it had received the signature of the Mayor. In all such cases the votes shall be taken by yeas and nays and entered upon the journal.

(Ord. 62-158; approved by voters 11-6-62.)

There were no comments regarding Section 3.6 Veto.

SECTION 3.7 - EXECUTIVE POWERS.

The Mayor shall be the chief executive officer of the Municipality. He shall supervise the administration of the affairs of the Municipality and shall exercise control over all departments and divisions. He shall be the chief conservator of the peace and shall see that all laws and ordinances are enforced therein. He shall recommend to the Council such measures as he deems necessary or expedient. He shall see that all terms and conditions imposed in favor of the Municipality or its inhabitants in any franchise or contract to which this Municipality is a party are faithfully kept and performed. The Mayor shall execute, on behalf of the Municipality, all contracts, conveyances, evidences of indebtedness and all other instruments to which the Municipality is a party. He shall have the custody of the seal of the Municipality and shall affix it to all of the above mentioned documents, but the absence of the seal shall not affect the validity of any such document. The Mayor shall be recognized as the official and ceremonial head of the government by the Governor for military purposes and by the courts for the purpose of serving civil processes.

There were no comments regarding Section 3.7 Executive Powers.

SECTION 3.8 - TEMPORARY ABSENCE OR DISABILITY OF THE MAYOR.

If the President of Council elects not to serve as Mayor during the temporary absence of the Mayor, the Mayor shall designate a director of a municipal department who shall, in addition to his other duties, perform the duties of the Mayor when the Mayor is temporarily absent from the Municipality or unable for any cause to perform his duties. At the same time, the Mayor shall establish a line of succession among the directors of departments to assure the presence of an Acting Mayor in the event that the person designated under this section is unable to assume the duties of the Mayor. The person who shall become Acting Mayor shall have the same powers and perform the same duties as the Mayor.

(Ord. 73-14; approved by voters 5-8-73.)

There were no comments regarding Section 3.8 Temporary Absence or Disability of the Mayor.

SECTION 3.9 - SUCCESSOR TO THE MAYOR.

In case of the death, disqualification, absence or disability for more than six (6) consecutive months, removal or resignation of the Mayor, the President of Council shall become the Mayor and serve until a successor is elected. If the President of Council refuses to accept the position of Mayor, the Council shall, by vote of a majority, appoint a successor to the Mayor. Under such circumstances, the office of Mayor shall be filled at the next regular municipal election for the unexpired term.

(Ord. 82-62; approved by voters 11-2-82.)

Mr. Cruse stated that when he served as Council President and the Mayor was going to be away there was paper work where he declined because he had a full time job. The paper work is in place for the appropriate person to step in and run the City in those temporary absences.

Ms. Lesny Fleming asked if there was any issue when former Mayor Sutherland resigned and former Law Director Ebert took over when President of Council Koomar declined. Ms. Wendell confirmed that Mr. Koomar was President of Council at that time and just needed some time to get his affairs in order before he was ready to make that transition to a full time position.

Mr. Miller asked the procedure when former Mayor Jelepis stepped down.

It was noted that former Law Director Ebert took over as Mayor until Mayor Sutherland was appointed.

Mr. Cruse stated that his experience as a member of Council and Council President is that this process worked and the ability to get the right person to be the Acting Mayor on a full time, every day basis works.

Ms. Wendell noted that the process did work in both cases with the appointed Mayors being duly elected in the next election.

Mr. Young noted that the Charter Review Commission has completed the agenda items for this meeting. He advised that he will be out of town on Monday, April 4, 2022, and Vice Chairman Clete Miller will take over the meeting that evening. Mr. Young will send out an email regarding the discussion points of the Preamble and Section II and Section III that the Charter Review Commission will review at the end of the meeting.

Ms. Wendell noted that discussion of the Terms of Council was on the agenda for this evening's meeting.

Mr. Young stated that he would like to table the discussion of the Terms of Council until the end of the review.

Mr. Young stated that he welcomes any email comments or suggestions of items already reviewed to add to the agenda for the end of the review.

Ms. Linder asked the ideal number of changes in order to get the best response from the voters.

Ms. Lesny Fleming stated it would depend on what the matters are, noting that the Preamble suggestion is for the addition of aspirational language that is non-controversial. That may set a favorable tone for the voters.

Ms. Linder noted that there is probably a number which would shut the voters down.

Mr. Young stated that the final report of the Charter Review Commission can include suggestions to Council without actually submitting something to the voters.

Ms. Linder asked if there are any changes possible by ordinance versus change in the Charter.

Mr. Barbour stated that the replacement of a Council member could be by ordinance versus specificity in the Charter. Other things can only be by Charter, i.e., terms of Council members.

Upon motion by Mr. Cruse, the meeting adjourned at 6:00 p.m.

Mike Young , Chairman

Joan Kemper, Secretary