

COMMITTEE OF THE WHOLE: The regular Committee of the Whole meeting was opened Monday, January 6, 2025 in Council Chambers by Council President Bridget Boyle at 6:15 p.m. for the purpose of allowing additional time for Council training. Attending were Councilmembers Aaron Jones, Scott Hoernemann, Kevin Roessner Dennis Snay, Cheyane Thacker, John Hays, John Kahler. Also attending were Mayor Lee Wilkinson, Director of Law Zachary Fowler, City Administrator Nick Dutro and Director of Finance Kathy Kaufman.

Mayor Wilkinson asked for suspension of Ordinances 2025-1 for carrying over payment of 2024 expenditures in 2025; 2025-2 amending Police Department promotion requirements; 2025-3 amending the Codified Ordinances regarding Firefighter II certification; and 2025-4 amending Section 2 of the Pay Ordinance. Councilman Kahler also requested suspension of Res. 2025-1 authorizing the sale of city-owned personal property in time for the March auction. City Administrator Dutro noted that the appointment resolutions were one reading only. He also said that the appointment to the Board of Health was not set by Charter but by agreement. Law Director Fowler added that although on a previous one we felt more comfortable doing three readings, we only did one reading on last year's.

Law Director Fowler commented on Res. 2025-2 and Ord. 25-5 regarding the continuation of the Road & Bridge Levy. The ordinance cannot be voted on by Council until the corresponding ballot vote is held; it can two readings and then tabled until the elections. The resolution puts the issue on the ballot and suggests the ballot language to be used. He said it could go to one or two readings, or three with a special meeting, but has to be at the Board of Elections by February 5.

Councilmember Hoernemann asked if there was an update from Eduard Hernandez about his intentions for the former Kear building on Market Street. City Administrator Dutro stated that the City Engineer has been in pretty regular contact with Hernandez over the past couple of months, and Hernandez is up-to-date with the property taxes, etc. He said Council may want to consider rules regarding vacant property. However, this property has been in use for fire training and is secure.

Law Director Fowler then proceeded with the announced training for Council. He explained that Council has the power to self-government over matters that do not conflict with general laws set by the Ohio General Assembly or the City Charter. Council is the legislative body and can set the number of city administration offices, the number of departments and employees and the budget, working within the Charter guidelines. Council decides if property will be acquired, confirms mayoral appointments and exercises power over anything else not already laid out in the Charter. Legislation is either ordinances or resolutions, in writing and limited to one subject. Budget ordinances are annual appropriations and adjustments set out for specific items. Legislation can be introduced by any councilmember. All legislation has to be read three times except for ceremonial legislation, bonds or notes. Suspensions require a two-thirds vote; legislation that cannot be suspended are zoning laws, subdivision regulations, levying taxes, real estate, and alley and street vacations. Legislation can be withdrawn by the councilmember who introduced it with the majority approval of Council. For zoning issues, a three-quarter vote is required to deviate from the Planning Commission's recommendation. Suspensions and emergencies are two-thirds. Roll call votes are required on legislation; voice votes are allowed on general motions. Councilmembers in attendance must vote on every question put before you unless you have conflict, and that conflict must be explained. Legislation has to be signed by the Council President and Clerk of Council for authentication, and then Mayor for approval. The Mayor has ten days to make a decision; if the Mayor does not want to approve they will have to veto, which can be overridden by a two-thirds vote. There is no line item veto except for appropriations. If the Mayor does not take action in ten days, it is presumed approved. The effective date is based on thirty days from the Mayor's signing, except for emergencies or other specific issues such as the annual budget ordinance, changes to appropriations, annual levy of taxes, payroll etc. under Section 4.07(A) of the Charter or declared an emergency due to public peace, health, welfare and safety. Council by resolution can set Council rules. There are already 17 rules in the Codified Ordinances but by and large Council agrees to be ruled by Roberts Rules except for those 17 rules in the Codified Ordinances. Per Rule 8, when a motion is put on the table, it is not discussed until it has been seconded. Reconsideration is when you want to put something that already was discussed back up for reconsideration; it should be done in the same meeting. If not, you can do it at the next meeting, but it requires a unanimous vote to agree to bring the issue back up. By state open meeting law for public bodies, Council meetings and those of all of our boards, commissions and committees must be open to the public and require 24 hour advance notice. They must be in a place where people can come and you must speak loud enough for them to hear you. The basic idea is that whatever you do,

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all deliberations, votes, etc. are to be done in an open meeting. Some administrative work, such as department meetings, are not like a public body. Meetings are prearranged, so if two councilmembers decide to get together to talk about something, that is a meeting; text messages and emails are also considered a discussion. Information gathering is not considered a public meeting, but deliberations and decision making are. A work session before heading into a regular meeting still is public. You can go into executive session as long as you open a meeting, make a motion to go into executive session, state why you are going into executive session, and vote with majority approval to go into executive session. When you are done, you come back out and end the session. You can only discuss why you went into executive session and nothing else. If you need to add anything, you must come back out and amend the why and return to the session. No decisions or votes are made in executive session; it is only to hear information. Fowler added that even though discussion in executive session is confidential, documents you may receive in there may not be. Those going in the session will be Council and any others they determine necessary. He finished by explaining that the general public has a right to attend the meetings but does not have the right to participate or be heard; that is Council's choice and they can set the rules. Meeting minutes do not have to be verbatim but must have enough information for the public to understand what happened. The public may do audio or video recording of the meeting, but Council can set some reasonable rules. Councilmembers cannot participate or vote by telephone or video. Councilmembers could be up for removal after missing three consecutive meetings; if you know you have to miss three for a special reason, ask for an excused absence. Per the state and our Charter, councilmembers may not hold any other public office.

ADJOURNMENT: 6:58 p.m.

Respectfully submitted, Ann Forrest, Clerk of Council.

Approved this _____ day of _____, 2025

Presiding Officer of Council

Attest: _____ Clerk of Council