

**Village of Waynesville
Special Council Meeting Minutes
May 15, 2023 at 6:00 pm**

Present: Mr. Brian Blankenship (Arrived at 6:20)
Mr. Chris Colvin
Ms. Joette Dedden
Mr. Troy Lauffer
Mayor Earl Isaacs
Mrs. Connie Miller

Absent: Mr. Zack Gallagher

Village Staff Present: Jeff Forbes, Law Director; Jamie Morley, Clerk of Council

***CLERK'S NOTE-** This is a summary of the Special Village Council Meeting held on Monday, May 15, 2023 at 6:00 p.m.*

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Mayor Isaacs called the meeting to order at 6:00 p.m.

Roll Call – 5 present, Mr. Blankenship arrived at 6:20 p.m.

Mr. Colvin made a motion to excuse Mr. Gallagher from tonight's Special Council meeting and Ms. Dedden seconded the motion.

Motion – Colvin
Second – Dedden

Roll Call – 5 years

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Purpose of the Special Meeting

Mayor Isaacs explained the purpose of this special meeting was to review the Charter and discuss the proposed changes from the last Special Council meeting in April. Ms. Dedden stated that she feels there are a total of 10 changes, 4 of which are clean-up issues, 5 are important updates, and 1 that still needs to be discussed.

Review of the Charter

1. 3.01 (D) – This is a clean up issue to strike (D) as it is not a complete sentence and says the same thing in (C). See attached.

2. 3.05 (D) – Strike certain sentences to make the wording cleaner and will follow the ORC. See attached.
3. 3.07 (B) - Lists reasons Council is permitted to go into executive session. Mr. Forbes stated that if the state updates anything on executive sessions, Council would not be able to use the updates because the Village's Charter specifically lists the reasons. Mr. Forbes suggested that all of 3.07 (C) 1-6 be deleted and (B) be cleaned up to say the Village follows the ORC as stated below. See attached.
4. Section 4.16 – This needs to be cleaned up. The Charter was written before the internet was readily available and the change would bring the Charter more up to date. Copies of ordinances are always available in the office and online. See attached.
5. Section 5.01 (A) - Strike the last sentence as this is not enforceable and would now be in line with the Supreme Court. See attached.
6. Section 5.04 (E) (4) – At the time the Charter was approved 250K was a huge project and 2 million keeps the spirit of the idea but with today's prices. Mrs. Miller also asked the very last sentence of (4) be deleted as the short presentation does not relate to anything. See attached.
7. Section 7.07 - Strike part of the last sentence as this was leftover when the number on the board was changed from 7 to 5. See attached.
8. Section 8.01 (A) – This was requested by the Warren County Board of Elections to change the filing deadline for Council members from 75 days to 90 days to be in line with all other municipalities in Warren County. It was agreed to place the amendment on the ballot. See attached.
9. 3.07 (A) – Mr. Forbes explained that currently, the Charter says Council must meet two times a month as prescribed by ordinance. When the Rules of Council are adopted by ordinance, this prescribes when Council will meet. If the voters vote to change the Charter to say Council must meet at least once a month – The Rules of Council still say Council must meet on the first and third Monday of each month. Mr. Forbes then described how the City of Mason handles one meeting a month. Mrs. Miller stated she was opposed to only meeting once a month. She felt that it would inhibit the camaraderie between Council members and meeting twice a month encourages a better working relationship. Mr. Lauffer stated he disagreed and feels Council should have the ability to cancel a meeting. There have been several meetings that were only eight minutes long and that costs the taxpayers money. Mr. Colvin added that his primary concern would be that limiting the number of meetings, ultimately limits the potential for citizens to interact with their local government. He feels it is the duty of public servants to make themselves available to the citizens. Mr. Forbes suggested putting this on the ballot as a separate issue and seeing how the voters feel about reducing the number of meetings. All were in consensus to see what the voters think. See attached for the proposed change.

10. Ms. Morley asked Council how they would like to place all the proposed Charter changes on the ballot. They could each go on individually, be grouped all together, or split into different groups. It was decided to group every proposed change together as one issue except 3.07 (A) which would be its own issue.

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All were in favor of adjourning at 6:50 pm.

Date: _____

Jamie Morley, Clerk of Council

PROPOSED CHARTER AMENDMENTS

SECTION 3.01 MAYOR.

~~(D) In the event of a vacancy in the office of Mayor whereby the President pro tempore is required to serve as Mayor.~~

SECTION 3.05 VACANCIES, FORFEITURE OF OFFICE, AND FILLING OF VACANCIES.

(D) Filling of Vacancies. Vacancies in the office of Council member shall be filled within forty-five days by an affirmative vote of at least four of the remaining members of Council. If a vacancy occurs in one or more positions among Council members, Council of the new term shall appoint, by an affirmative vote of at least four members, an eligible citizen of the Municipality of Waynesville. ~~Unsuccessful candidates for Council from the previous election, who are interested in the vacancy, should be given first consideration before any other applicants are considered. If none of these unsuccessful candidates is selected Council shall then make the appointment from the other qualified applicants.~~ If the Council fails to do so within forty-five days following the occurrence of the vacancy, the power of Council to fill the vacancy shall lapse and the Mayor shall fill the vacancy by appointment at the next regularly scheduled Council meeting following the expiration of the said forty-five days. ~~Unsuccessful candidates for Council from the previous election, who are interested in the vacancy, should be given first consideration before any other applicants are considered. If none of these unsuccessful candidates is selected then the Mayor shall make the appointment from the other qualified applicants.~~ The person so appointed shall serve until the next Municipal election occurring not less than ninety days thereafter at which time a successor shall be elected for the remainder of the unexpired term.

SECTION 3.07 ORGANIZATION AND MEETINGS.

(A) Following each regular municipal election, the Council shall meet not later than the seventh day of January for the purpose of organizing. At such meeting, the newly elected members of Council shall take the oath of office and the Council may transact such other business as may come before it. Thereafter, regular meetings shall be held as prescribed by ordinance, but not less frequently than ~~twice~~ once each month.

(B) All meetings of Council shall be open to the public, except, that the Council may by a majority vote of the members present enter into an executive session only for those purposes allowed by the general laws of the State of Ohio. ~~Except as provided under the laws of the State of Ohio, Section 121.22 and commonly referred to as the "Sunshine Law," all meetings of the Council shall be open to the public.~~ A majority of the members of Council shall constitute a quorum at all meetings.

~~(C) Exceptions to the open meeting requirement are:~~

~~— (1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee or regulated individual.~~

~~—(2) To consider the purchase of property for public purposes, or the sale of property for public purposes or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair advantage to a person whose personal, private interest is adverse to the general public interest.~~

~~—(3) To confer with an attorney for the public body, concerning disputes involving the public body that are the subject of pending or imminent court action.~~

~~—(4) To prepare for, conduct, or review negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.~~

~~—(5) To consider matters required to be kept confidential by federal law or rules or state statutes.~~

~~—(6) To review specialized details of security arrangements where disclosure of matters discussed might reveal information that could be used for the purpose of committing or avoiding prosecution for a violation of the law.~~

SECTION 4.16 POSTING AND PUBLICATION OF ORDINANCES AND RESOLUTIONS.

(A) The Clerk of Council shall cause each ordinance and resolution adopted to be published by posting a copy of the ordinance or resolution in the place in the Municipality as determined by the Council, for a period of fifteen days at the Municipal building and four other conspicuous places frequented by the public.

SECTION 5.01 APPOINTMENT, QUALIFICATIONS AND COMPENSATION.

(A) The Manager shall be appointed by an affirmative vote of at least five members of Council. The Manager shall be appointed solely on the basis of executive and administrative qualifications. ~~The Manager need not be a resident of the Municipality at the time of the appointment, but must reside within the Municipality while in office or within a twenty minute drive time with approval by an affirmative vote of at least four members of Council.~~

SECTION 5.04 POWERS AND DUTIES OF THE MANAGER.

(E) The Manager shall prepare and submit the annual budget, appropriation ordinance and capital program to the Council.

(1) Capital program submission to Council. The Manager shall prepare and submit to the Council a five year capital program at least one month prior to the final date for submission of the budget to the Council.

(2) Contents. The capital program shall include the following:

(a) A clear, general summary of its contents.

(b) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements.

(c) The cost estimates, methods of financing and recommended time schedules for each improvement.

(d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised by the Manager and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

(3) Adoption by Council. The Council by resolution, shall adopt the capital program with or without amendment prior to adoption of the budget.

(4) Council shall be responsible for organizing the special notification of Village residents of a hearing at which Council shall advise the village residents of the scope and detail of any and all capital projects in excess of ~~\$250,000.00~~\$2,000,000.00. The purchase of real estate is exempted from the above hearing. The hearing shall be held in a timely manner relative to the planning of the above capital projects. The purpose of this hearing is to better inform the Village residents regarding any suggested or planned major capital projects and to inform Council of the "Opinion of the Village" on the matter. Council shall be prepared to cover the following in this meeting.

(a) General scope and detail of the project.

(b) Total estimated cost.

(c) Time frame for completion.

(d) Funding plans and impact on taxes.

The hearing shall be advertised at four prominent locations around the village at least forty eight hours prior to the meeting. ~~It shall in addition be advertised in a short presentation to be included with a Waynesville water bill. This short presentation shall cover points 1-4 above.~~

SECTION 7.07 PARKS AND RECREATION BOARD — MEMBERSHIP.

There shall be a Board of Parks and Recreation consisting of five members, three of whom are appointed by Council, two of whom shall be members of Council appointed for a term of one year, ~~and two citizen members, as well as one member appointed by the Board of Education to serve four year overlapping terms of office.~~

SECTION 8.01 NOMINATIONS.

(A) Nominations for members of Council shall be made only by petition signed by at least twenty-five qualified electors of the Municipality. Such a petition shall be accompanied by a declaration of candidacy and shall be filed with the election authorities no later than 4:00 pm of the ~~seventy-fifth~~ ninetieth day before the date of the regular Municipal election.