



City Council Meeting Minutes

Wednesday, February 17, 2021

7:00 PM

1) **Call to Order: Zoom link: <https://us02web.zoom.us/j/85296856170>**

2) **Roll Call of Members**

Monique Lampke Chair, Mayor Kessler, Bill Harvey, Matt Klingler, Marc Fishel, Lori Ann Feibel

3) **Pledge of Allegiance**

4) **Committee Discussion on Charter Review Commission Proposed Amendments**

Ms. Lampke said this is the first of several public meetings to discuss the Charter Review's suggestions. She said the first part of the meeting will be to provide a brief overview; timeline for this committee's work; committee discussion on how we will make recommendations to Council; and lastly; delving into the language of the changes.

Ms. Lampke provided the history of the Ordinance passed by City Council to create a 2020 Charter Review Commission and on January 27th, 2021 the Commission presented their suggestion to City Council. These members met every week for approximately two hours to discuss the Charter.

Mr. Harvey said he spoke with the Board of Elections and they have to have everything at least 90 days prior to the election. They would prefer to have the information prior to early August in the event some wording changes need to be made prior to submitting to the ballot. Mr. Fishel said a June, 2021 goal of having everything finalized to submit to the Board of Elections would be a good time frame. Ms. Lampke said City Council could have the first reading in May for the three readings in the event that we would need to Table the Ordinance for any reason. Ms. Lampke said May 11th will be the first reading of the proposed Ordinance.

Mr. Harvey said the Board of Elections does have final approval on the wording listed on the actual ballot. Ms. Lampke would be open to having a public forum in April or May if needed. Mr. Fishel said City Council has the option to adopt all or part of the recommendations verbatim; Council has the authority to add language or other issues if desired; and Council has the right to take no action if so desired. Mr. Harvey said there is also a requirement to publish this information in the newspaper prior to the election but within a two-week period prior to voting.

Ms. Lampke said it is her hope that all residents will be familiar with the wording on these matters by fall. Mr. Fishel said we are also required not less than 30 days prior to the elections, to submit to all of the electors by mail a copy of the proposed ballot. It must be published once a week for at least two times at least 90 days prior to the election.

Ms. Lampke wanted the sub-committee to discuss how they would like to proceed in reviewing the suggestions. She said there are eight different categories; or we can start with the bigger issues first, or what we think are more Ordinance minded. President Feibel said she felt the diversity issues were the most important to the Charter Review Commission. Further discussion was held regarding the best approach to move forward. President Feibel said she thinks the Charter Review Commission put a lot of time into this and it is her hope to value as much of their suggestions as possible. Mr. Fishel said the proposed amendments can be bundled but should probably stay in the single digits because less is more. Discussion continued.

Ms. Lampke suggested everyone re-visit the videos of the meetings both for Charter Review audios along with their presentation to City Council. Ms. Lampke asked if they wanted to delve into the material or wait for the next meeting. President Feibel was in favor of moving forward with the information. President Feibel said she has a few legal questions for Mr. Fishel as well concerning some of the issues. Mr. Fishel said he would like to discuss some of the issues in the Civil Rights Articles as well. He said the question for the other Council members, outside of this committee, they can contact only one of you about that issue in order to not have a problem with the Sunshine Laws. Mr. Harvey said all members could speak to Mr. Fishel, Mayor Kessler and Mr. Harvey about these issues since they are not Council members.

Mr. Fishel highlighted some of his legal concerns. One in Article 1, Section 2 and Section 4. In Section 2, it states "employees must strive to ensure that no one working for the City are discriminated against....". "Shall ensure no person or group attempting to conduct business with the City or any other cause not related to any government purpose" - takes us way beyond the typical language over and above the typical categories. Does that state that the City might be on the hook if some future Mayor says "I'm not appointing someone to a Board because they are bald". Again, he sees that phrase and sees some lawyer trying to latch on to that language and comes to mind. Ms. Lampke asked if that one phrase was removed, would it eliminate his concern? Mr. Fishel said absolutely. President Feibel suggested getting another opinion from a "diversity and legal" perspective.

Section 4 - his concern was about the phrase in the second sentence. "to avoid disparate impact based on their race, sex, etc." For example: if the City said we are looking for clergy to teach a religion class at the Parks and Rec. on Saturday mornings - this would have a disparate impact on those that are Jewish. This possibly gives the idea that we are going far beyond typical discrimination. No laws that discriminate against anyone - even if unintended. Charter Review did approve this language by an 8 - 7 vote after he discussed his concern. He would have the same concern if this language was placed in an Ordinance. He wanted to point these two concerns out for this group to think about while you are looking at these matters more closely. Ms. Lampke had concerned about "shall be interrupted" and that also caught her eye as well. Mr. Fishel said the idea behind it is that we want to go above and beyond to make sure we do not have any discrimination.

Ms. Lampke wanted to take a look at Section 1, 2 and 3 regarding diversity and inclusion. This truly discusses a new era in Bexley and she feels strongly in considering these areas. She would suggest that we bundle these areas. Mr. Klingler certainly agrees that it could be trimmed and made more concise. Ms. Lampke asked if anyone had a few in particular that they wanted to discuss with the committee tonight. President Feibel said it might be a better idea to see what we can bundle and then see what needs tweaked. She agrees the diversity item should be included but she is very anxious about cutting even one word from the section after they spent so much time to deliberate on the exact language.

Ms. Lampke said we now have our timeline; homework assignments and will work on grouping some of these issues together. Discussion was held for the next meeting to be scheduled. It was decided to set the meeting for March 3rd at 7:00 p.m. Ms. Lampke thanked all the members for being available and willing to take on this task.

A) Charter Review Suggested Changes

5) Public Comments

Mr. Mark Masser, 2479 Fair Avenue - Mr. Masser said Ms. Lampke is doing a wonderful job and he has great confidence that they will do a great job. He said you want to put yourself into the place of the voter and have to be precise. He said bundling is the key to what you are doing. You do not want to put a controversial issue with others because you might get a "No" vote for all of them. He said Section 4 language, when the attorney said he has concerns about wording, then you listen to the attorney. He said use and pick Mr. Fishel and Ms. Lampke's legal brain because you get a bite of the apple every ten years. We are looking toward the future and what is in the best interest for the City going forward. There is usually a theme every year. This year the theme was diversity and inclusion and he suggested they spend the bulk of their time on those areas. He thanked them for taking on the responsibility of serving on this Sub-committee. Ms. Lampke thanked him for serving on the Charter Review Commission.

6) Adjourn

Motion was made by Mr. Klingler and seconded by President Feibel.