



City Council Meeting Agenda

Wednesday, April 21, 2021

7:00 PM

- 1) **Call to Order**
- 2) **Roll Call of Members**
- 3) **Pledge of Allegiance**
- 4) **Review Minutes of April 7, 2021**
 - A) Minutes of April 7, 2021
- 5) **Committee Discussion on Charter Review Commission Proposed Amendments**
- 6) **Public Comments**
- 7) **Adjourn**

All agendas are subject to change.

City Council Policy for Correspondence:

All correspondence addressed to City Council or requested to be distributed to City Council by the sender is a matter of public record and will be placed on the City of Bexley Website (www.bexley.org) at Public Documents > City Council > Council Correspondence. If the subject of the correspondence is not on the Council Agenda, the sender may discuss the issue during Public Comments. If the subject of the correspondence is on the Council Agenda, the sender may discuss the issue at the time the issue is addressed during the Council meeting.

City Council Policy for Public Comments:

Members of the public are encouraged to provide comments to City Council at the following times:

For issues that are not on Council's agenda:

- At a designated public comment period near the beginning of the meeting

For items on Council's agenda (when speaker slip has been filled out in advance):

- During an ordinance or resolution that is being discussed
- Residents may submit up to two separate speaker slips per meeting
- Please note that the speaker slip must be filled out prior to entering Council chambers and must be promptly handed to the Council secretary

For items on Council's agenda (when a speaker slip has not been filled out in advance):

- During the public comment period after a motion has been made and seconded to adopt an ordinance or resolution (typically the third reading)
- During a designated public comment period at the end of the meeting

Time limits for public comments:

While City Council will not routinely impose time limits on either Agenda or Non-Agenda visitors who wish to address City Council, those commenting are asked to confine their remarks to approximately five (5) minutes and for Agenda items, to direct their comments to the subject matter being addressed in the legislation. This five minute limitation also applies to City Council members per 220.01 (rule 13).

Additional guidelines for public comments:

- Any speaker addressing Council shall provide his/her name and address.
- Undue interruption or other interference with the orderly conduct of remarks is not permitted.
- Defamatory or abusive remarks are always out of order.
- Violation of this policy may result in termination of the speaker's comments and/or removal from the meeting



City Council Meeting Minutes

Wednesday, April 7, 2021

7:00 PM

1) Call to Order

Meeting called to order by Chair Ms. Lampke.

2) Roll Call of Members

Members: Monique Lampke Chair, Matt Klinger Council Member, Lori Ann Feibel Council President

Others: Marc Fishel, Mayor Kessler, Bill Harvey

3) Pledge of Allegiance

4) Review of Minutes of March 3, 2021

A) 3-3-21 Minutes

Motion to Amend by Ms. Lampke and seconded by Mr. Klingler.

Vote - 3-0 AMENDED

Motion to approve the Amended Minutes made by Ms. Lampke and seconded by Ms. Feibel.

Vote 3-0

APPROVED

5) Discussion of Charter Review Recommendations

Ms. Lampke reviewed some suggested changes. Section 1 should be included and perhaps wordsmith the title. Section 2, Mr. Fishel has suggested that we strike one clause which includes "government purpose". Ms. Lampke said the committee that we might want to tweak the title of Section 2 as well. Section 3 - include the term "qualified" and perhaps removed "under qualified" terminology. Add the term "diverse workforce" and "women and minorities".

Section 4 - suggested change is to add the word "discriminatory" to the second sentence.

The committee was in agreement with the list of changes. Ms. Lampke also went back to listen to some of the meetings of the Charter Review languages, she feels confident in her support of

Sections 1 through 4. Mr. Harvey discussed some of the wording for corrections. Mr. Fishel said Mr. Harvey brings up a reverse discrimination area by adding in "women and minorities". This does not state we are going to give priority to women and minorities - but that they will be provided due consideration vs. the treatment they have had in the past. Ms. Lampke thinks it is important to leave that wording in Section 4.

Ms. Lampke wanted to propose a "gender neutral" section on our ballot. She said it might make sense to have a gender neutral wording included in some of these provisions. President Feibel said we do need to update our Charter everywhere we can in order to be inclusive.

Sections 1 through 5, Ms. Lampke asked if there is any section included that should be on the ballot separate from the other items. Mr. Fishel said that is a policy question. He said you might want to leave Section 5 separately in the event that someone might not want a Citizens Review Board. He said all five of these can be bundled together for the ballot or maybe gender neutral language should be included with Sections 1 through 5. Mr. Fishel said if this committee thinks there is something in Section 1 through 5 that something needs to be passed and may not if bundled with another issue that might not be passed. Mr. Harvey said he could see people saying that they agree with the discrimination issues but be hesitant with Section 5, Citizens Review Board. He said bundle 1 through 4 but leave Section 5 separate. Everyone agreed with Mr. Harvey. Ms. Lampke said she agrees that we should make our language for the Charter to be gender neutral.

Decision: Leave Sections 1 - 4 bundled and Section 5 to be on the ballot separately.

Section 8 had some language that was tweaked by pulling the one sentence and adding it in Sections 1 through 4. Ms. Lampke said there are a number of issues that we need to delve into. Section 40 - Recall of Elected Officials was discussed. Mr. Fishel said this probably needs to be included in the Charter vs. an Ordinance. He said this is a question - how important does this rank if we are going to limit it to five items on the ballot. The language here does make a recall petition more streamlined than just using the Ohio Revised Code. Discussion continued regarding removal of Council Members, but reason can be policy because people were unhappy with the way Upper Arlington Council changed a park. This essentially is removal "without cause" compared to the Ordinances which is "for cause" only. President Feibel said she thinks this could be placed on the "back burner". Mr. Klinger agreed with President Feibel.

Ms. Lampke said the staggered terms - If we decided to address this on the ballot, perhaps creating one Section to address this issue. President Feibel asked if this has to be included in the Charter to resolve it? Mr. Fishel said it would have to be included in the Charter because it can not be done by Ordinance. Mr. Harvey said he thinks it makes sense to change or current policy. We have at times appointed people for less than 3 years but if someone complains, you might have to throw out a whole process. Mr. Fishel said it has to be changed on the Charter to create staggered appointments. Further discussion was held concerning this subject.

Decision: The staggered terms would be another stand alone on the ballot.

The next issue is Section 62 regarding conflicts of interest and campaign financing. Mr. Fishel said the first paragraph is already covered by State of Ohio law. Committee was comfortable not

placing this issue on the ballot since they are trying to minimize the changes. Ms. Lampke wanted to make it clear that all this will be discussed with City Council and things could definitely be changed.

Section 66 - Timing of Elections - Ms. Lampke asked Mr. Fishel is this could be addressed by way of Ordinance? Mr. Fishel said he would like to look at that question but this would allow citizens more opportunities to put things on the ballot. There were some individuals that wanted to place some changes on the ballot but he is not sure if Council can do this solely by Ordinance or if it has to be in the Charter. He can not answer that right now. The Charter Review thought this would be a more "democratic" way to address issues sooner than later.

No decision made pending Mr. Fishel's response. If we do not reach all five, this could be a potential 4th option. He would prefer to do this by Ordinance to leave room for more things to be added to the ballot.

Sections 48 and 49 - Power and Duties of the Chief and Removal of the Chief - Mr. Fishel said he believes Section 48 started out with a requirement of an annual performance review. The Mayor was not completely on board with that so Charter Review changed it to this language. Section 49 seems to be a little more of a clarification than anything else. The language will not do anything to either protect or make the Chief more susceptible to discipline than the Chief currently is presently. Ms. Lampke said this does not actually change the terms of removal. Section 49 does not make any changes, it is strictly clarification. Section 48 could be handled by Ordinance vs. Charter. Mr. Harvey said even if they can be changed by Ordinance, the next Council has the right to change these things but once it is included in the Charter, it is up to the residents to change it - not City Council.

Decision to ask Council if they would consider an Ordinance to handle these issues vs. placing it on the ballot.

Ms. Lampke said those were the items she had on her short list. Mr. Klingler said he would like to discuss Section 64 under Public Utilities. He said with 5G coming, he was wondering about the suggestion to restore the right of way to the prior condition in the event of construction or maintenance by the utility.

Mr. Jim Wilson, member of the Charter Review was asked to share his thoughts on this issue. He said when the trees were removed on Clifton, Mr. Harvey specifically told them to come to him if they had any problems or concerns. They did not and took down the trees and residents were not happy. He said as long as our current Ordinance remains in place, this is a strange area of the law. He said the public utility commission can set the tariffs of what a City can do in dealing with a utility company. He thinks there are limits on what we can require utilities to do. We did major work on Drexel and the utility company came and tore up our street without replacing the whole street. Perhaps this is held for the next couple of years but at the end of the day, he does think it is important for a city that is an arboretum. Ms. Lampke thanked Mr. Wilson for his input. Mr. Harvey said one of his concerns was he no there are times that we have an intention to do something to one of our streets or alleys and not make it a street or alley again. This could actually work the reverse for the city.

Further discussion was held regarding additional Sections. President Feibel said she thinks the other sections are definitely on the back burner. She thinks if we are really trying to say "less is more", she does not feel compelled to add her second tier on to the Charter. Ms. Lampke suggested that we could take a look at the bundle and perhaps borrow this one sentence to ensure fairness in our Mayor's Court.

Mr. Fishel said he would like to discuss the Section regarding the City Attorney. Currently, the City Attorney can only be removed "for cause" and he thinks that is ridiculous because Council and the Mayor should have the right to hire or fire a lawyer of their choosing since this position is appointed and not elected. Mr. Fishel said this cannot be resolved through an Ordinance. It has to be included in the Charter. Section 13 and 14 addresses the termination of the City Attorney. He said any client should be able to get rid of their lawyer if it is not working out. Mr. Harvey said this is a very valid point on this Section that does need to be changed. Maybe we take the opportunity to change important issues or correct things, maybe we consider adding more than 5 issues. He does not think Council will considering adding these items later in two years.

Potential 5th Issue - Section 13 and 14th

Ms. Lampke asked if there were any additional items to discuss in depth tonight. Everyone was satisfied. Ms. Lampke asked if there were any new items to be placed on the ballot that were not suggested by Charter Review.

Mr. Klingler asked about Section 24 - notification of Council and Section 27 regarding publication requirements. He thinks it would help bring us up to the 20th century. Mr. Harvey said this would have to be included in the Charter and cannot be added via Ordinance. Mr. Fishel said the language in 24 is right now you have to have it served personally and people can waive by stating "yes". Mayor Kessler said in the worst case scenario, you could get together with three other like minded members because the other members may not receive their email that weekend which is subject to manipulation if the Council is not getting along.

Ms. Lampke will put together a draft of our recommendations and break into categories - items for the ballot, address with Ordinance or possibly placing on the back burner. She would like to have one last meeting prior to presenting this to Council on April 25th. She would like to introduce the Ordinance for approval on May 11th.

Discussion for dates for the next meeting - April 21st at 7:00 p.m. will be the next meeting.

6) Public Comments

Jim Wilson, Bexley Park Road - He wanted to thank the members for their thoughtfulness in considering these items. He said Section 62 was important and perhaps over restrictive regarding the statutory language. Section 66 was actually not intended to expand access to the

ballot but to clarify why issues can't go on the State elected ballot - people could call for a Special Election which could cost the city \$20,000.00. Lastly, he wanted to reiterate about the importance of the city attorney provision. Mr. Wilson thinks he has the legal provision telling him that he has to withdrawal when his client wants him to - and then you have the Charter stating conflicting rules. He thanked the committee for their hard work and consideration. President Feibel said they are very grateful for Mr. Wilson and his hard work.

John Offenbergl - He thanked the members of this committee and also wanted to thank Mr. Wilson for his dedication and knowledge. He agrees with Section 66 explanation and said the Board of Elections did not realize what we had stated in our charter. Mr. Offenbergl wanted to see that you made every effort to state that this is not a reflection on Marc at all. As far as the gender neutrality, all members were in favor of this change. We did not state what words should be used appropriately. He thanked them for their hard work on this review.

7) Adjourn

Motion to adjourn made by Mr. Klingler and seconded by Ms. Feibel. Vote 3-0
ADJOURNED at 8:40 p.m.