

**TROTWOOD CITY COUNCIL
WORKSHOP MEETING MINUTES
MONDAY, OCTOBER 17, 2011**

The Trotwood City Council held a Workshop Meeting on Monday, October 17, 2011 at 7:05 p.m. at St. Margaret's Episcopal Church, 5301 Free Pike, Trotwood, Ohio. Mayor Joyce Sutton Cameron asked everyone to join in the Pledge of Allegiance.

ROLL CALL

COUNCIL MEMBERS PRESENT: Council Member Rap Hankins, Vice-Mayor Ronald Vaughn (Absent at roll call, joined Council at 7:15 p.m.), Council Member Bettye L. Gales, Council Member Mary A. McDonald, Council Member Barbara J. Staggs, Council Member Nicole Johnson, and Mayor Joyce Sutton Cameron.

STAFF MEMBERS PRESENT: City Manager Michael J. Lucking, Police Chief Quincy E. Pope, Finance Director Patricia Shively, and Clerk of Council Lois M. Singleton.

VISITORS: Oscar Holliday, Totsie Holliday, Thomas L. Clay, Mattie M. Clay, Dave Norvell, J. D. Williams, Fr. Ben SpeareHardy, Homer Williams, Sam Collier, Sr., Beverly Tomlinson, Herbert Marshall, Tom Grady, Keith Engelhardt, John T. Fecke, Joseph McDonald, Jay Young (DP&L Co.), Octavia Clay, Janice Chinn, William Richardson, Kenny Goodpasture, Virginia Ward, Barbara Hudson Banner, and Brendalee Roseman.

FINAL REPORT OF THE TROTWOOD CHARTER REVIEW COMMISSION 2011:

Mrs. Johnson suggested the legislation to be placed on the March 2012 Election ballot. Law Director Steve McHugh said the Charter Amendments must be placed on a Regular General Election ballot in November.

Mr. Hankins said Issues A, G, and D are straightforward.

Law Director Steve McHugh said a 2/3 vote of Council is needed to place a Charter Amendment on the ballot.

e). Term Limits

Section 3-2. MEMBERS AND TERMS.

At the general municipal election in November 1997, and thereafter, one (1) member of Council shall be elected from each of the four (4) districts, into which the Municipality shall be divided, at the general municipal election in November 1995; two (2) members of Council shall be elected from the Municipality at large. Individual terms of office for all members of Council shall be four (4) years in length.

The members of Council shall begin their terms on the first business day of January following their election. (Amended 11-6-01).

Proposed: Consider Term Limits in the last sentence of paragraph one, "shall be 2 four (4) year terms of office.

The majority of Council believe term limits are in place already with the election process. Mrs. Gales would be in favor of placing term limits on an election ballot.

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Proposed: Consider removal of Districts, and all Council elected At-Large.

Mrs. Gales is in favor of Districts. Mrs. Johnson agrees. Mr. Vaughn and Mrs. McDonald also agree and in favor of Districts. Consensus – leave as is. Council should look at date to redraw District lines. Staggered terms.

a). Mayor's Succession

Section 3-7. VICE-MAYOR.

At the regular January, 1996 meeting following its election and every two (2) years thereafter, the Council shall choose one of its members as Vice-Mayor to exercise all the powers and perform all the duties of the Mayor in case of his or her temporary absence or disability.

Should the office of Mayor become vacant, the Vice-Mayor shall succeed to that office until the next regular Municipal election. At such election, a Mayor shall be elected to serve for the unexpired term, if any; if not, for a full term. Upon the election of a Mayor, other than the Vice-Mayor then serving as Mayor, the Vice-Mayor may retain a position as Councilmember for the remainder of his or her unexpired term. Amended 11-3-98).

Proposed: The Law Director will draft language to alleviate some of the pitfalls when the Vice-Mayor fills the Mayor's seat, and another individual is appointed by Council to fill the seat vacated by the Vice-Mayor. Pitfalls i.e. The Vice-Mayor must become Mayor in the absence or disability of the Mayor in the

current Section 3-7, and the person who is appointed to fill the Vice-Mayor's seat must run for election almost immediately they are appointed.

Section 3-7 and 3-4 to be reviewed.

Consensus to change language. Law Director will draft legislation. Address: Mr. Vaughn – if the person does not want to become Mayor. Person would step in as interim, no election process.

See some drafted language – draw upon the white board

b). Executive Session

Section 3-8. MEETINGS.

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Council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once each month. All meetings shall be open to the public pursuant to Ohio Revised Code 121.22 known as the Ohio Sunshine Law as amended.

A regular organizational meeting shall be held during the first week in January in each year. A majority of the members elected to Council shall constitute a quorum to do business, but a lesser number may adjourn from time to time.

Special meetings may be called by the Mayor or any three members of Council on twelve hours' notice served on each member personally or left at his usual place of residence. The purpose of a special meeting shall be stated in the notice and no other business shall be transacted at such meeting.

All meetings of Council Members called for the purpose of official business and action shall be conducted in open and public meetings, unless the subject matter is specifically excepted hereinafter.

Exceptions to Public Meetings:

1. The members of Council may hold an executive session only at a regular or special meeting for the sole purpose of the consideration of any of the following matters:

- a. Unless the public employee, official licensee, or regulated individual requests a public hearing to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a Public employee or official, licensee, or regulated individual. Except as otherwise provided by law, the Public body shall not hold an executive session for the discipline of an elected official for conduct related to the performance of his official duties or for his removal from office.
- b. To consider the purchase of property for public purpose, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advance to a person whose personal, private interest is adverse to the general public interest. No member shall use this division as subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member that has not been disclosed to the general public in sufficient time or other prospective buyers and sellers to prepare and submit offers.

If the meetings of a public body show that all

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meetings and deliberations of the public body have been conducted in compliance with this section, any instrument executed by the public body purporting to convey, lease, or otherwise dispose of any right, title or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bonafide purchasers, lessees or transferees of the properties concerned.

- c. Conferences with an attorney for the public body concerning disputes involving the public body that are subject of pending or imminent court action.
- d. Preparing for, conducting or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.
- e. Matter required to be kept confidential by federal law or rule of state statutes have specialized details of security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.
- f. Specialized details of security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.
- g. To receive and consider from an applicant for a permit, license, variance, zoning change or similar privilege granted by the City, the

following information confidentially received from the applicant.

- (i) Marketing plans;
- (ii) Specific business strategy;
- (iii) Production techniques and trade secrets;
- (iv) Financial projectures; and
- (v) Personal financial statements of the applicant or members of his immediate family, including but not limited to tax records or other similar information not open to public inspection, provided, however, that the vote to accept or reject the application, as well as all proceedings not subject to this subsection,

shall be open to the public. (Amended 11/6/01).

The Council shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media that have requested notification, except in the event of an emergency, the member or members calling the meeting shall notify the news media that

have requested notification immediately of the time, place and purpose of the meeting. (Amended 8-4-92).

Proposed: Law Director is recommending with the concurrence of membership to remove much of this section and replace with State Statute “in accordance with the Ohio Revised Code 121.22 Sunshine Law.”

Law Director recommends removing this section to simply state incorporating the Ohio Revised Code Section 121.22 as the Ohio Sunshine Law as amended.

Consensus of Council – they agree.

g). Municipal Clerk

Section 6-7. MUNICIPAL CLERK.

The Council shall appoint a Municipal Clerk, also to be known as the Clerk of Council, for an indefinite term, whose duty it shall be to keep the journal and other records of the Council and to perform such other duties as the Council may require.

Council in its discretion may assign the duties of the Municipal Clerk to some other regular employee of the Municipality.

Proposed: Remove from Section 6-7 and place in Article Three – Council, new section 3-10 as Municipal Clerk is not a department. In first sentence replace Municipal Clerk with Clerk of Council, and Clerk of Council with Municipal Clerk. Add section that would mirror first sentence in Section 5-6 Removal, 4 affirmative votes of Council to remove the Clerk of Council.

Consensus of Council agree.

d). Administrative Appeals

Section 7-2. APPEALS FROM BOARDS AND COMMISSIONS.

Any person, firm or corporation, or any officer, department, board or agency of the Municipality, or any interested elector of the Municipality who has been aggrieved or affected by any decision of any board or commission may appeal such decision to the Council. The appeal shall be perfected by filing notice of intent to appeal with the chairman of the board or commission within five days after journalization of the decision and by filing a petition of appeal

with the Clerk of Council within ten days thereafter. The petition of appeal shall include a summary of the decision being appealed and the grounds of such appeal. A decision shall be

deemed journalized when the minutes of the board or commission incorporating such decision have been approved at its next meeting.

Council shall hold a public hearing on such appeal not later than thirty (30) days after such appeal petition has been filed and by majority vote shall affirm, reverse or modify the

decision of the board or commission. Such decision shall be final, subject, however, to the provisions of Chapter 2506, Ohio Revised Code.

Proposed: In first paragraph change 5 days to appeal with the Chairman of the board or commission to ten (10) days. In last paragraph, add language that would exclude appeal process for Civil Service Commission to Council, but to O.R.C. provisions of Chapter 2506.

Section 7-2 O.R.C. Chapter 2506

Mr. Vaughn – both Board of Zoning Appeals and Civil Service should be appealed as in Chapter 2506. Consensus of Council to agree with the recommendation. Civil Service Commission only should be appealed to Chapter 2506, and changed in Charter.

c). Recall

Section 9-3. RECALL.

The electors shall have the power to remove from office, by a recall election, any elected officer of the Municipality.

If an elected officer shall have served for six (6) months of his term, a petition demanding his removal may be filed with the Clerk of Council, who shall note thereon the name and address of the person filing the petition and the date of such filing. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument.

Each part shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds for such removal. Such petition shall be signed by the number of electors which equals twenty-five (25) percent of the total number of electors voting for the candidates-at-large at the preceding election, in the case of the proposed removal of a councilman-at-large or the Mayor, or the number of electors, voting for the candidates for a particular district, at the preceding election, in the case of the proposed removal of a councilman from a district. Within ten (10) days after the day on which such petition is filed, the Clerk of Council shall determine whether or not it meets the requirements herein.

If the Clerk shall find the petition insufficient, he shall immediately certify the particulars in which the petition is defective, deliver a copy of his certificate to the person who filed the petition with him, and make a record of such delivery. If the Clerk shall find the petition sufficient, he shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose recall is sought, and shall make a record of such delivery. If such officer shall not resign in five (5) business days after the day on which such delivery shall have been made, the council shall thereupon fix a day for holding a recall election, not less than sixty (60), days nor more than seventy-five (75) days after the date of delivery.

At such recall election, this question shall be placed on the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with provision on the ballot for marking "yes" or "no" on such question. If a majority of the votes cast at such election shall be "yes", such officer shall remain in office. If a majority of the votes cast shall be "no", such officer shall be considered removed, his office shall be declared vacant, and such vacancy shall be filled as

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provided in this Charter. The officer removed by such election shall not be eligible for appointment to the vacancy thereby created. (Amended 11-6-01)

Proposed: Change to language that would meet the requirements of the O.R.C. allowing 30 days for the gathering of signatures once intent has been expressed in writing with the Clerk of Council that you would like to start a recall process, and to submit them to the Clerk of Council within 6 working days after the 30 days clock has ended.

Section 9-3

Similar size electorate, what is number of days to gather signatures. Suggestion – 60 days; Hankins -75 days; Gales – 90 days.

Consensus of Council – 60 days, majority.

Add language for petition language. See O.R.C. Chapter 2506.

MOTION TO ADJOURN

Mayor Cameron requested a Motion to adjourn this meeting at 8:35 p.m. A Motion was made by Mrs. Staggs and seconded by Mrs. McDonald. Roll call resulted in 7 yes votes, and the motion was approved unanimously.

ATTEST:

APPROVED:

Lois M. Singleton, Clerk of Council MMC

Mayor Joyce Sutton Cameron