



City of Powell, Ohio
City Council

MEETING MINUTES
JANUARY 29, 2013

A special meeting of the Powell City Council was called to order by Mayor Cline on Tuesday, January 29, 2013 at 8:00 p.m. City Council members present included Jon Bennehoof, Tom Counts, Mike Crites, Jim Hrivnak and Brian Lorenz. Sarah Marie Brenner was absent. Also present were Steve Lutz, City Manager; David Betz, Development Director; Gene Hollins, Law Director; Susie Ross, City Clerk, interested parties and members of the Press.

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

Mayor Cline opened the meeting to Citizen Participation for items not on the agenda. Hearing none, he closed the Citizen Participation session.

APPROVAL OF MINUTES

Councilman Hrivnak noted a correction on page 3 of the minutes.

MOTION: Councilman Counts moved to approve the minutes of January 15, 2013, as corrected. Councilman Hrivnak seconded the motion.

VOTE: Y 6 N 0

Mayor Cline thanked everyone for attending this special meeting to discuss Charter Amendment proposals. He said on June 19, 2013 Council did an extensive review of the various Charter Amendment proposals before them tonight. He said they took comment from the members at that time. He said Staff circulated to Council the minutes from that meeting and he asked that they review them before the next meeting. Mayor Cline said he will read each ordinance in order and open each for discussion. He said they intend to take each ordinance to a second reading on their Tuesday, February 5th meeting.

FIRST READING: ORDINANCE 2013-02: AN ORDINANCE TO PROCEED WITH PLACING ON THE BALLOT CERTAIN PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF POWELL TO UPDATE AND REORGANIZE THE CHARTER.

Mayor Cline said this ordinance is intended to make technical amendments to the Charter such as correcting grammatical errors, updating language into gender neutral language and things of that nature. Mr. Hollins noted that because of the red-line system, the only way to show just the technical changes was to black-out the substantive changes. He said those areas are covered by separate ordinances. Mayor Cline opened the floor for discussion.

Councilman Crites said he reviewed Section 5.03 (Consideration of Ordinances) and he does not think it was the intention of the Charter Review Commission to reduce the number of votes from five to a majority of all Council (four votes) to dispense with the two reading requirement. The proposed amendment language changed "2/3" of Council to "a majority of Council" so the language is consistent. Mr. Hollins said the suspension of rules or making ordinances immediately effective usually takes a super majority (2/3 votes). He said this was transposed incorrectly.

Councilman Bennehoof said he questioned that in several sections of the amendments. He said he assumes a "2/3" vote is five votes. Mr. Hollins said that is correct. Councilman Bennehoof confirmed that where it now says "2/3" vote, it is intended to be that specific language meaning five votes, and that all else it would be four votes required. Mayor Cline said that is correct. Councilman Hrivnak asked if the wording at the end of Section 1.02 is required. Mayor Cline said the Commission wanted to make it so that lawyers using the Charter could track the amendments to various parts of the Charter; if the changes are approved, one would see a notation of when the amendment was approved by the voters.

Councilman Bennehoof asked about the rationale behind adding the words "honestly and impartially" in Section 2.01. Mr. Lutz said that amendment was taken from State language. Councilman Crites said they looked at the State statute on oaths and used their language. Councilman Bennehoof said Section 2.02, fifth line, reads "and omissions;" he asked if it should read "or omissions." Mayor Cline said it should be "or omissions" because either one would give potential rise to liability. Mr. Hollins agreed. Councilman Bennehoof said in the amendment 3.04 they speak to vacancies but it does not state if there is a process to choose the Vice Mayor if that person steps into a vacant seat as Mayor. Mr. Lutz said he believes that is addressed in amended Section 3.02. Councilman Bennehoof said it appears that Section 3.072(d) was removed because it was redundant. Mayor Cline said that is correct. Councilman Bennehoof said in Section 4.02, Qualifications, he questions if they should reverse a previous position. He said they typically annex vacant land but if a person has resided for a long time on a piece of land that has been annexed, should they allow them to be an elector who has resided for one year in the City because of the longevity of his residence. Mayor Cline said they intentionally chose to remove that language. Councilman Crites said at least a couple of individuals on the Commission felt very strongly that anyone who runs for Council should have been a resident of the City for one year. He said that is a policy decision that Council can consider, but the Commission members voted unanimously to support that policy. Councilman Counts said he can foresee someone thinking he or she can come in and change the City, and have the City annex the property so they can run for Council. He said that would be inappropriate and one year is such a low bar to set and not a significant detriment. Councilman Lorenz said he agrees and allowing "immediate claim" would allow an unfair advantage. He said he supports the recommendation of the Charter Commission.

Mayor Cline asked if in this context this change moves this section to a separate ordinance because it is reversal and not a technical change. Councilman Bennehoof agreed. Mr. Lutz suggested they flag this item until later in the meeting. Councilman Bennehoof asked if the term "intensity of land use" in Section 4.07(c) is synonymous with "density." Mr. Hollins said it is typically a term used in planning. He said a commercial property could be considered "intense" if there is not sufficient open space; it is not always synonymous with "density." Mayor Cline said "density" is a sub-set of intensity. Councilman Lorenz said they have different code classifications where the higher the number, the more dense, i.e. the more intense.

Councilman Bennehoof said upon review of Section 7.02 (Special Elections) he would like to know the cost of holding a special election. Mr. Hollins said if there is another county-wide issue on the ballot, a special election requires no cost to the City. He said if the City asks the Board of Elections to hold a special election on one of the dates available for that, the City will have to pay approximately \$1,500 to \$2,000 per precinct.

Councilman Bennehoof said Section 13.042 was removed and it may break the chain of legislative history. Mr. Hollins said these parentheticals are edited by the codifier. He said Council can direct the codifier regarding how they want the code to appear. He said State code shows every change ever made. He said if Council desires, the form may be changed to reflect all of the changes. Mayor Cline agreed that this does seem to be in conflict with the goal of keeping a good history.

Councilman Lorenz had no questions or comments.

Councilman Counts said his comments were made during the June reading. He said he would argue that the deletion in Section 13.042 is appropriate because it has been almost 20 years after that change and it has no usefulness. He said because of its insignificance, it is not worth including. Mayor Cline said it could be included in the codifier comments. Councilman Counts agreed.

Councilman Crites and Councilman Hrivnak had no questions or comments.

Mayor Cline said Section 3.01 (3.07) is unclear in the second sentence. Councilman Counts said the sentence should be re-written in more active voice. Councilman Crites said they will make amendments to this part of the section.

Mayor Cline opened Ordinance 2013-02 to public comment. Hearing none, he closed the public comment session.

Mayor Cline asked if they will mail the amendments to the residents if these go to the ballot. He said the blacked-out portions need to be completely solid so they are unable to be read. Mr. Hollins said when they mail it to residents they will receive a complete Charter that is red-lined to show all of the changes made and covered by the different ordinances. Mr. Lutz said it will be a finished product that does not include blacked out areas. Councilman Counts suggested they add a superscript to identify that a paragraph will be

addressed by another ordinance. He said they can have a catch-all for everything else. Councilman Lorenz said full disclosure is important but he wonders if there is another way to convey all of these changes to the residents aside from mailing. He said it sounds like they are required to mail the amendments. He asked if they could post it on the City web site and send a post card to direct voters to that area. Mr. Hollins said they have two methods, mailing to all registered voters or publishing the entire document in the newspaper. He said the latter option is very costly. Councilman said in today's world it seems expensive and wasteful to mail it. Mayor Cline said Council should look at that in the next seven days. Councilman Crites said this is in the Ohio Constitution rather than in an ordinance. Mr. Hollins said they only have two options.

Ordinance 2013-02 was carried to a second reading.

FIRST READING: ORDINANCE 2013-03: AN ORDINANCE TO PROCEED WITH PLACING ON THE BALLOT CERTAIN PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF POWELL REGARDING CONFLICT OF INTEREST.

Mayor Cline said this ordinance is the first of several that are considered to be substantive changes to the Charter.

There were no questions or comments from the members of Council.

Mayor Cline opened Ordinance 2013-03 to public comment. Hearing none, he closed the public comment session.

Ordinance 2013-03 was carried to a second reading.

FIRST READING: ORDINANCE 2013-04: AN ORDINANCE TO PROCEED WITH PLACING ON THE BALLOT CERTAIN PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF POWELL REGARDING EXECUTIVE SESSIONS.

Councilman Crites had no comments or questions. Councilman Hrivnak suggested that in the third line up from the bottom, they add the word "special" after "the purpose of the." The members of Council agreed. Mayor Cline said in the next sentence they should change "four Council members" to "a majority of Council" so it is consistent with other sections in the Charter.

Councilman Counts said in May he raised a question about the phrase "and as Council may further provide by ordinance for matters declared in such ordinance to require confidentiality." He said he believes this should be "and" and not "or" because it is something that has to be permitted to be done in Executive Session per Ohio law. Councilman Counts asked for an example of a situation where this might occur where they would have to go the extra step and provide by ordinance that would not be covered by State law. Councilman Crites said they used economic development as an example. He said technically ORC 121.22 (1-7) set forth the seven specific reasons to go into executive session. He said that list does not include economic development and in certain times it is important that they be able to go into executive session to talk about development ideas. He said the only way they have been able to do that in the past is in cases where there is a threat of litigation. He said the Supreme Court allows a Charter municipality like Powell to build upon the seven reasons for Executive Session. He said Council would take that action by ordinance. Mayor Cline said his sense was that the Committee intended this wording to be "or" and that it would expand on what the General Assembly set forth in 121.22. Mr. Hollins said the wording was intended to mean "in addition to" so they will need to change the "and" to "or." He said that would allow reasons beyond those provided by State law. Councilman Counts said he understands the development situation but it could also be anything Council might choose and that could be subject to abuse. Mr. Hollins said they debated whether to list other reasons for moving into Executive Session; other municipalities have added to their list in this way. He said the Commission felt that instead of coming up with an exhaustive list, there are procedural safeguards in the ordinance process and if the general public felt strongly that these were not appropriate reasons to go into Executive Session, they could put it on the ballot through the referendum process. Councilman Crites said the Committee only wanted the Council to have the ability to add to the list by ordinance where confidentiality was a requirement. Mayor Cline said with those goals in mind they can either strike the word "and" and insert the word "or" or they can add the word "also" after "and." He said that would make it clear that these are additional powers as opposed to redundant statements of power. He asked if it would be prudent to require a "super" majority vote for Council to adopt additional matters that may be considered in executive session. Councilman Bennehoof said that should be the requirement. Councilman Crites said a super majority vote is a good idea. Mayor Cline said once that type of ordinance is established, he anticipates that four members of Council could vote to go into Executive Session for any reason stated within the ordinance. He said the super majority applies to the adoption of the rule and then the rule is applied in the ordinance course. He said a quorum (four members) gives Council the authority to be in session, but the super majority is always measured against the total number of Council members.

Councilman Crites said the super majority would be the "2/3" vote language. Mayor Cline agreed. Councilman Counts agreed that is a fair way to resolve the issue.

Mayor Cline opened Ordinance 2013-04 to public comment. Hearing none, he closed the public comment session.

Ordinance 2013-04 was carried to a second reading.

FIRST READING: ORDINANCE 2013-05: AN ORDINANCE TO PROCEED WITH PLACING ON THE BALLOT CERTAIN PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF POWELL REGARDING ADMINISTRATION OF AN OATH AND EXPULSION OF COUNCIL MEMBERS.

Councilman Counts had no comments or questions.

Councilman Lorenz asked about the term "punish" in Section 4.13. Mayor Cline said they could use "sanction" or "censure." Councilman Lorenz said "sanction" or "expel" may be better. He said he does not feel strongly about this but wanted to raise the question. Councilman Crites said ORC 741.45 actually uses the term "punish" but he would agree with either of the other terms. Councilman Bennehoof said he agrees that another term may be more palatable to the general public. He asked why there is a blank within the amendments. Mayor Cline said the Committee considered two consecutive months which in the ordinary course of business would mean four consecutive meetings. Councilman Bennehoof agreed that is significant. Mayor Cline said questioned whether that is too short of a time period or do the citizens deserve to have someone who is active on council and manages to make it to at least one meeting out of four. Councilman Bennehoof asked if there are alternatives and in the past Council members have in the past submitted comments in writing to be read into the record. He questioned if that could be counted as an absence. He said in his case, he is considering a contract in Michigan which may require him to miss a meeting. He said if there was a way he could electronically participate, he would do so. Mayor Cline said that is a valid concern.

Councilman Hrivnak said in Section 4.12 where it speaks to the organizational meeting, should it say "regular or special meeting for that purpose." Councilman Crites said that would not hurt. Councilman Hrivnak said in Section 4.13, he thinks they should consider dividing the first sentence into two thoughts. He suggested the addition of a period (.) after "or violation of its rules." He said the next sentence could say "Council may also declare a member's seat vacant in the event of an extended or repeated absence or absences." He said Council can make that definition. Mayor Cline said the Committee discussed that kind of concept at some length and his personal preference was to have a bright line rule that is in the Charter that is very difficult if not impossible to interpret in any way other than the way it is intended. He said two straight calendar months is a pretty straight-forward requirement and a member would have to miss all of them in that time period in order to have their seat declared vacant. He said if they leave it at two months, it doesn't matter if they miss the meetings because of work commitments or illness because they are still not able to sufficiently perform the functions of the office. He said he questioned if two months is the right metric and that is the reason for the blank. Councilman Crites read the language from the ORC that was the basis for the proposed wording. He said the Commission also looked at the wording within the Charter of other local municipalities. He read the wording within Dublin's Charter. He said the Commission wanted to suggest a time frame as well as provide language for absence without excuse to address issues such as those raised by Councilman Bennehoof. Councilman Crites said it is not uncommon for City of Village Councils to excuse certain Council members by motion, thereby creating a record. He said it is really important to have the "absent without excuse" language and that they agree on a specific period of time.

Councilman Hrivnak asked who should determine the qualifications of a good excuse. Councilman Crites said that would be the members of Council. Councilman Hrivnak asked if a Council member is really serving the City if they are excused for every meeting for three months. Councilman Bennehoof said he agrees. Mayor Cline said years ago the Clerk's minutes would reflect that members were "absent and excused." He said that was a holdover from when they were a statutory village and the failure to excuse had consequences. Councilman Crites said it was still not the Clerk's prerogative and should have been the Council's decision to excuse or not excuse the absence. Mayor Cline said the Council's only decision was whether or not to approve the minutes, thereby approving the excused absence. He said he led the charge to change that practice because the only people who can excuse a member of Council for failure to attend Council meetings are the public. He said if they are going to include that type of language, they need to delineate that Council makes that decision based on the vote of a simple majority. He said he agrees completely that they need to have a "bright line" number and the two calendar months, as lifted from the ORC, is an appropriate measurement. Councilman Crites said the ORC says expulsion can occur with a

concurrence of a simple majority of Council, but the Powell Charter should require a majority of super majority for expulsion. Mayor Cline suggested they change the word "punish" to "sanction" or "censure," require a super majority (5 votes) of Council for expulsion, and allow a simple majority of Council to ratify the excuse of absence of any Council member. He said if a simple majority of Council concludes that a Council member has been absent for two consecutive months without excuse, that Council member's seat may be declared vacant. Councilman Hrivnak said he is still a little concerned about how they decide how to excuse absence if someone is sick every other Tuesday or has to work nights. Councilman Lorenz said the Council will have to formulate another policy to supplement; he asked if they need to add wording stating that Council may adopt a policy to define a "valid" excuse. Mayor Counts said he suggested last June that they strike the excuse language and not allow the opportunity for excuse, but instead make it a hard-and-fast rule. Councilman Hrivnak said at his place of employment they have a "no fault" attendance policy where they raise the bar slightly, name the number of days that may be missed, and do not care about the excuse. He said if a member of Council is not here two or three months in a row they are not a benefit to the City or its citizens. Councilman Lorenz said that is what it all comes down to; they are the people who put them in office and if a member cannot make four meetings in a row, they are doing a disservice to the community.

Mayor Cline said it would be an extraordinary event to have a member unable to attend at least one out of four consecutive meetings. Councilman Bennehoof said to expel for misconduct or violation of rules takes a super majority and it should also be a super majority for expulsion for not attending. Councilman Crites said that is his recommendation. Mayor Cline said the use of the word "may" allows for Council discretion. Councilman Crites said if a resident is elected to Council by the citizens within the community, Council should not overturn that decision lightly. He said they have to look at it very carefully and they need safeguards in place. He said he does not have a problem with excusing absence or super majority votes because the ultimate decision of expulsion overturns a decision of the citizens. Councilman Crites said he is in favor of leaving in the excuse language. Mr. Hollins said mechanically, the roll will be called and if someone is not here, one member of Council can make a motion to excuse the absence based on the criteria known. He said a second will be required, a vote taken, and then a majority will have to vote for it in order for the absence to be excused. Councilman Hrivnak said many different excuses could be made. Councilman Crites said it would be the duty of the Mayor and Vice Mayor to make a trip to that person's house to sit down with them to discuss the issue. He said after one trip like that their absence should be unexcused. Councilman Bennehoof said if someone informs Council they will not be in attendance, is participating electronically and contributing in some way, then that would be a metric for the possibility of being excused. Mayor Cline said they are identifying issues this evening and this merits discussion next week. He said if the Charter ultimately y adopts the absence without excuse language, each Council member is charged with the responsibility to decide for himself/herself what constitutes a valid excuse. He said if they have to be away and submit input to participate in the discussion, one person could think that was a legitimate excuse and other may not. He said that would be on the conscious of each individual member.

Councilman Counts said the most important thing they have to deal with is the fact that Council is a deliberative body and they can only deliberate if everyone is here. He said he takes that to heart and it is up to Council to police that for the benefit of their residents. He said he does not have a problem with declaring a seat vacant for failure to attend. He said regarding excusing absence, he has seen that excuses are routinely given for every reason; once they give an excuse they are done and can never reach the two consecutive month standard. Councilman Counts said because the language is "may" and not "shall" he would rather put the burden on the person who has been absent for two months rather than grant an excuse. He said he would not want to reinsert the "absence without excuse" wording. Councilman Hrivnak agreed.

Mr. Lutz said they captured the discussion tonight and will draft two alternatives.

Mayor Cline opened Ordinance 2013-05 to public comment. Hearing none, he closed the public comment session.

Mr. Hollins said this would be the logical place to add the feature of the qualifications for running for Council. It was the consensus of Council to draft this section with the qualifications language included.

Ordinance 2013-05 was carried to a second-reading.

FIRST READING: ORDINANCE 2013-06: AN ORDINANCE TO PROCEED WITH PLACING ON THE BALLOT CERTAIN PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF POWELL REGARDING REFERENDUM AND INITIATIVE.

Mayor Cline opened Ordinance 2013-06 to public comment. Hearing none, he closed the public comment session.

Councilman Crites had no comments. Councilman Hrivnak said in Section 6.04, Referendum, in the second paragraph, there is a sentence about repealing an ordinance in whole or in part. He said they have been served with a referendum; don't they have to repeal the entire ordinance? Mr. Hollins said it says if they don't repeal the entire ordinance it must go to the ballot. He said the intention is to say that the only option they have is to repeal it in whole. Mayor Cline said the wording "in whole or in part" should be stricken. Councilman Counts said the question suggests that these are substantive changes to resident's rights but he is not sure there are substantive changes. He said he is concerned that this may get tripped up by the voters. Councilman Crites said he thought this was not substantive but the others on the Commission disagreed and the changes were passed unanimously. He said this is one that just straightens out language and does not change rights or duties. Mr. Hollins said the real change in this was making emergency ordinances non-referendable. Councilman Crites asked if they could just carve out the Emergency/Referendum issue and put the rest under the non-substantive changes. Mr. Hollins said the deletion in Section 6.09 and Section 6.04, would need to be the ballot issue that is substantive. He said Ms. Ross' one request in the amendments was to have Council make the determination of the sufficiency and validity of the referendum petition. He said they reworked that and it is not a substantive change. Councilman Crites said the Council would make that determination as they should have. Mayor Cline said that is how it is done currently and this just clarifies some loose language within the Charter. Councilman Bennehoof and Councilman Lorenz agreed with the concept.

Councilman Lorenz asked if the 75 day requirement in Section 6.09 is the State statute. Councilman Crites said it used to be 60 days and it was changed a couple of years ago. Councilman Bennehoof questioned if the two sentences regarding the Clerk's submittal to the Board of Elections is redundant. He also asked if the City is telling the Board of Election what to do when the Charter says they shall return the petition within ten days. Mayor Cline said they are telling them what to do but that is also their statutory duty. Councilman Crites said the word "shall" is not always mandatory in the law. Mr. Hollins said he thinks they tracked statutory language and the Clerk has to submit the documents separately because they are separate things. Mayor Cline asked him to verify that the language is not redundant.

Ordinance 2013-06 was carried to a second reading.

FIRST READING: ORDINANCE 2013-07: AN ORDINANCE TO PROCEED WITH PLACING ON THE BALLOT CERTAIN PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF POWELL REGARDING COMPETITIVE BIDDING.

Mayor Cline opened Ordinance 2013-07 to public comment. Hearing none, he closed the public comment session.

Councilman Lorenz asked why the Commission felt this would be a substantive change. Mayor Cline said in the past the Charter made reference to the competitive bidding threshold. He said this allows Council to have the authority to determine the threshold and procedures. Councilman Crites said attorney Rodd Davisson practice in this area and he came to the Commission to discuss the changes. He said Mr. Davisson proposed this language and it is consistent with current practice.

Ordinance 2013-07 was carried to a second reading.

FIRST READING: ORDINANCE 2013-08: AN ORDINANCE TO PROCEED WITH PLACING ON THE BALLOT CERTAIN PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF POWELL REGARDING THE COMPOSITION AND TERMS OF MEMBERS OF BOARDS AND COMMISSIONS.

Mayor Cline opened Ordinance 2013-08 to public comment. Hearing none, he closed the public comment session.

Councilman Hrivnak suggested that they amend Section 11.01 to insert "and City employees." to the end of the sentence that states that at least five members shall be electors of the City who do not hold elective office. He said they did that in the Personnel Board of Review and it may be appropriate for Planning & Zoning Commission and the Board of Zoning Appeals. He said it can be added to 11.02 as well. The other members of Council agreed. Councilman Bennehoof asked if they should strike the language about two or more members of Council serving on a Commission because they would not be, pursuant to the other language in the section. He said P & Z considers a proposal and then makes a recommendation to Council.

He said if two members of P & Z are on Council, they will have already been a part of the decision where they review their own decision. Mayor Cline said that has happened in the past. He said he found it very helpful since he has never served on Planning & Zoning. He said the last sentence is redundant or redundant for emphasis. He said Councilman Bennehoof's question is much broader: should they have Council members on Planning & Zoning at all. He asked for input from members of Council who have served on both at the same time.

Councilman Lorenz said in his case he was appointed to P & Z and then ran for Council. He said at some point in time he decided that he needed to move along. He said P & Z is a board of the citizens but in special circumstances a Council members should be able to fill in if there is a vacancy. He said he cannot remembers any specific cases where he had to vote on something at each board but he is sure his decision at Council would have been consistent with his decision at P & Z. Mr. Lutz said from a P & Z perspective from the recent past, they have questioned why there are Council members on the Commission. Councilman Lorenz said it may devalue their ability to participate in the process. Councilman Hrivnak said they did not have much problem with one Council member on the Commission because it gave them the opportunity to hear the voice of Council. Councilman Crites said some Commissions have a limit of one Council person and make that person an ex-officio member who cannot vote. Councilman Hrivnak said they do not always get a report from P & Z since there are no Council members on the Commission. He said he would like to investigate the ex-officio idea. Mr. Lutz said it is difficult to get people to participate if they do not have a vote. Councilman Lorenz said if they are going to participate in the discussion and provide detail and information they should be able to vote. Councilman Counts said he would like to have the flexibility to have a Council member on Planning & Zoning but not have it mandatory. Mayor Cline said the language for a maximum of two members of Council is the existing limitation. He said they are not mandating that any member of council serve on Planning & Zoning. He said he likes the way it is set up at this time. He said they are all ex-officio members of that Board. Councilman Counts said he is inclined to leave this alone and not make any changes unless it is in respect to the restriction to one or two members.

Ordinance 2013-08 was carried to a second reading.

FIRST READING: ORDINANCE 2013-09: AN ORDINANCE TO PROCEED WITH PLACING ON THE BALLOT CERTAIN PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF POWELL REGARDING FUTURE REVIEW OF THE CHARTER.

Mayor Cline opened Ordinance 2013-09 to public comment. Hearing none, he closed the public comment session.

Councilman Crites said other Charter municipalities have a Charter provision that says there within a certain period of time there will be a review. He said they do not have that in the Powell Charter so they chose ten years because it is fairly consistent and in no way restricts their ability to be able to reconvene at any time. Mr. Hollins said the Commission can meet every ten years for a review and determine there are no changes necessary. Councilman Bennehoof asked if there should be any prescription about the members or size of the Commission. Mayor Cline said the language implies and the Commission members agreed that those decisions should be left to the discretion of City Council.

Ordinance 2013-09 was carried to a second reading.

OTHER COUNCIL MATTERS

Councilman Counts said they did not discuss how many issues should be sent to the ballot. He said there are nine separate issues. Mayor Cline said one proposal is to have one Charter Amendment vote and collect all of the amendments into one ordinance to go to the ballot. He said the voters would then approve all of them or reject all of them. He said the alternative is what they have considered tonight: eight different ordinances or some combination in-between, allowing the voters to decide on each change on the ballot. Mayor Cline said there are advantages/disadvantages either way. Councilman Counts said he thinks eight is way too many; he said there should be four at the most. He said he tried to figure out what they could logically group together and he couldn't figure it out. Councilman Hrivnak said it is an all or nothing vote and if they combine two good things with one that the voters may not want, they run the risk of all three being disapproved. Councilman Lorenz asked if it is possible to create a hierarchy of the importance of the items and do some in May and some in November. Mayor Cline said that is an option. Councilman Hrivnak asked if the Commission looked at the viability. Councilman Crites said they felt these were all pretty important but it was up to Council to prioritize. Councilman Bennehoof said they could do the non-substantive amendments now and the substantive changes in November but it is still a lot. Mayor Cline said they would have to decide

if they want to group them or defer some of them. Councilman Bennehoof asked if the entire content of the amendments is shown on the ballot. Mr. Hollins said the ballot language is shown within the body of each ordinance. He said that is why the City mails out the entire document so voters may review the actual language before voting. Councilman Lorenz asked how many of the ordinances are mandated because of the changes in State law. Mayor Cline said they are not being forced to make any of the changes. Councilman Hrivnak asked if the substantive changes are divided by section. Mr. Hollins said they are divided by topic. Councilman Crites said the topics do not overlap. Councilman Counts said the last Charter amendments were grouped together as one ballot issue. Councilman Crites said many communities do it that way; three years ago Granville had seven issues on the ballot and all but the technical amendment. He said it was not much of an issue to have it split into multiple issues because most were straight-forward with no flash points.

Councilman Lorenz said they should come prepared to decide on this at the next meeting. Mayor Cline said this community typically pays close attention to these types of issues. He said he would rather err on the side of giving the voters too many choices rather than not giving them enough choices. He said Councilman Counts is correct that voter fatigue is a legitimate concern. Mr. Hollins said the only other issues on the ballot in May are two social service levies. Councilman Counts said this is why the deliberative process is helpful; as much as he came in to the meeting trying to figure out how to reduce the number, the discussion has led him to believe they should just put them all on the ballot and see what happens.

ADJOURNMENT

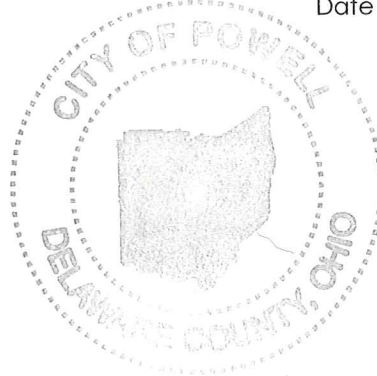
MOTION: Councilman Counts moved at 8:09 p.m. to adjourn the meeting. Councilman Hrivnak seconded the motion.

VOTE: Y 7 N 0

DATE MINUTES APPROVED: March 5, 2013

Richard A. Cline 3/19/13
Richard Cline Date
Mayor

Sue D. Ross 3/19/2013
Sue D. Ross Date
City Clerk



City Council

Jon Bennehoof

Sara Marie Brenner

Richard Cline, Mayor

Tom Counts

Mike Crites

Jim Hrivnak

Brian Lorenz