

**MINUTES
LOUISVILLE CITY COUNCIL
SPECIAL MEETING
JULY 1, 2020
5:00 P.M. VIA ZOOM**

Louisville City Council met in special session with Mayor-Council Member Fallot presiding.

CALL TO ORDER

COUNCIL MEMBER GUILLEY MOVED, SECONDED BY COUNCIL MEMBER ALJANCIC, and the motion carried approving the July 1, 2020 Special meeting agenda. The vote: All yea.

Council members bowed their heads for a moment of silent prayer followed by the Pledge of Allegiance.

MEMBERS PRESENT

Patricia Fallot, Mayor-Council Member
Joanie Aljancic, Council Member
Richard Guiley, Council Member
Richard Slackford, Council Member
Corey Street, Council Member

CITY OFFICIALS PRESENT

Larry Collins, City Manager
Tiffany Justice, City Clerk
Robert Duffrin, Law Director
Andy Turowski, Police Chief/Assistant City Manager

CHARTER REVIEW COMMISSION MEMBERS PRESENT

Bob Nau, Chair
Angie Burick, Member
Rick Flory, Member
Dave Thorley, Member
William Hanna Esq, Charter Review Legal Representative

Mayor-Council Member Fallot presented the City Clerk's Certificate of Open Meeting.

NEW BUSINESS

Charter Review Commission Chair Nau presented Council with the completed Charter Review recommendations. Chair Nau thanked Council and City Manager Collins for such a great, diverse and respected group and stated that it has been an honor to serve on it.

Chair Nau reported that the Charter Review Commission began in February and were delayed by COVID-19. Chair Nau reported that each article was reviewed one at a time. The recommendations are to improve/change procedures, revised the section on Executive Sessions to reflect updates in the Ohio Revised Code (ORC), clarified the section on Ordinances and Resolutions, legal advertisement requirements to reflect technology/newspaper changes, contract signing ability of the City Manager without Council's approval up to \$25,000, minor administrative changes in the department sections, added the language for future Charter Review Commissions and frequency. Chair Nau stated that early in the Commissions review the income tax fund versus the general fund was determined to not be a Charter function. Chair Nau reported that it was a pleasure to work with such a great group of people.

Mayor-Council Member Fallot thanked Chair Nau for chairing the committee and the entire group for their work.

City Manager Collins reported that this is one of the best community committees he has ever worked with, and they were able to review as community members and elected officials. Mr. Collins recommends that Council adopts all recommendations and will answer the four questions presented by Council.

- 1) Council Salary (Article II, Section 3) – Mr. Collins reported that the recommendation of the committee was to leave the current language in the Charter which allows for Ordinance revisions. The committee determined that it offers more flexibility and transparency to be done by Ordinance.
- 2) Department of Law (Article V, Section 3) – the question was if the wording was broad enough in current language to engage a law firm or if it restricts to a singular director. Mr. Collins reported that according to the ORC current language allows a firm to appoint a director. Attorney Hanna reported that the language includes the word “assistants” and is acceptable in ORC section 2921.421. Council Member Guiley thanked Attorney Hanna for his help in this process and thanked the committee for all their hard work that the public appreciates it.
- 3) Excused versus unexcused absences of Council Members (Article II, Section 14) – Mr. Collins reported that the question arose regarding unexcused versus excused absences and asked Clerk Justice to read the section. Clerk Justice read the proposed language: *The Council shall determine its own rules and order of business. It shall keep a journal of its proceedings and the journal shall be open to public inspection. Any council member may, after unexcused absence from three consecutive regular meetings, be removed by a majority vote of the remaining members of Council and any council member shall, after absence from five consecutive meetings, be removed and their office declared vacant.* Commission Member Thorley reported that the discussion concluded that the word may was used for 3 unexcused and shall after 5 and that this topic was thoroughly debated.

- 4) Emergency legislation language (Article II, Section 21) – Mr. Collins reported that clarification was requested regarding the proposed additional language about emergency adoption. Attorney Hanna reported that emergency language means that it takes immediate effect. Attorney Hanna reported that when public improvements are undertaken but additional ordinances are required for it that they may all be passed by emergency measure without a second reading or public hearing according to ORC 731.30. Discussion followed regarding the emergency language and examples of when this could occur with public improvements legislation.

Mayor-Council Member asked Council Members if they would like to move forward with the Charter amendment recommendations on the November ballot, if they want it as a whole or separated by Articles.

City Manager Collins reported that the third option is to not take any action. Mr. Collins reported that ballot is large being a presidential election and will include the school ballot issue. City Manager Collins recommends doing the whole Charter under one ballot and the information needs to get out to the voters. Campaigning is not permissible using City dollars or City staff time. If it goes down at this election it could be on the ballot in spring.

Council Member Slackford commented that this is a lot of information to take in and could be overwhelming in the voting booth if not done in its entirety.

Council Member Street commented that it is wise on a practical and political level to do as a whole with all updates and to streamline with state laws.

MAYOR-COUNCIL MEMBER FALLOT MOVED, SECONDED BY COUNCIL MEMBER GUILLEY, and the motion carried accepting the Louisville Charter Review Commission's final report and directed City staff to prepare legislation for the next Regular Council meeting to place ballot language on the November ballot for the Charter revisions as a whole. The vote: All yea.

DISCUSSION: Distribution of Income Tax Dollars for Utility Funds

City Manager Collins reported that initially it was thought that this could be done with a Charter amendment but through Attorney Duffrin and Attorney Hanna's guidance were advised that it was not possible. The quarter percent of the 2% dedicated to utilities. Mr. Collins recommended the consideration of changing the wording to revise the current word *shall* to the word *may* which gives Council the flexibility to use that percentage to other funds where it may be of more use. Mr. Collins reported that if Council chooses to direct staff to prepare ballot language that it must be to the Board of Elections by August 5, 2020 and will need passed by emergency at the second meeting in July for an immediate effective date.

Mayor-Council Member FalLOT questioned if the quarter percent being dedicated to utility funds hindered grants. Mr. Collins reported that it appears too well-funded for receiving

grants. Mr. Collins recommended the simple one word change to be on the November ballot. Mr. Collins stated that Council may choose to find a group to help the voters understand.

MAYOR-COUNCIL MEMBER FALLOT MOVED, SECONDED BY COUNCIL MEMBER STREET, and the motion carried directing City staff to prepare legislation ballot language stating that “one-fourth (1/4) of the proceeds thereof may be used in such respective amounts as the Council shall time to time determine, for paying costs of acquisition and construction of additions and improvements to the City’s water and wastewater utilities and for payment of debt service charges on obligations of the City for such purpose” for the next Council meeting for the November 2020 ballot. The vote: All yea.

The meeting was adjourned.

Respectfully submitted,

Tiffany Justice, CMC
City Clerk