

**GEORGETOWN CHARTER COMMISSION  
MEETING MINUTES  
WEDNESDAY, APRIL 8, 2020, 7:00 PM  
VIRTUAL MEETING**

**Meeting Called to Order:** 7:08 p.m.

**Members Present:** Amber Becraft-Johnan (late arrival to meeting), John Paul Durham, Brian Faught, Kelly Heslar, Michelle Hopkins, Greg Housh, Patrick Hornschemeier, Arthur Owens, Gary Potter, Matt Staggs, Zach Triplett, Jeremy Varner, Barb Virost

**Members Absent:** Mark Anderson, Andrew Dunn

**Guests Present:** Joe Braun, Nancy Montgomery, Natalie Newberry, Tyler Thompson

**I. Participation by the Public:**

Nancy Montgomery indicated she had two issues she wanted to discuss:

1) Article 3.06 – Removal: The first and second sentences: The Mayor and Council shall be the sole judges... She is assuming this does not preclude citizen petition to recall. Jeremy Varner indicated this doesn't come until Article 13 and was previously noted to make accommodations for the public to do so; however, Patrick Hornschemeier recalled Article 13 to be about public notices and believed removal petitions would be listed in Article 8, which we have not discussed yet. Nancy Montgomery indicated she didn't know if it had to be, but it is in the ORC. Joe Braun indicated we could put this in. Patrick Hornschemeier recalled that it was our intent not to preclude that, just not dealing with it in 3.06, and it would be addressed later.

2) To her knowledge there is nothing in existence that addresses public participation at meetings and doesn't know where it should go but believes it should be there. Joe Braun indicated there is nothing in the ORC that indicates you have to have public participation, doesn't believe it should be in the charter but part of Council rules. Nancy Montgomery felt it should be what the Charter Commission decides. Joe Braun indicated the Charter Commission could, but this is normally found in Council Rules which are codified and can be amended. Patrick Hornschemeier indicated this would be in Article 8 of the Charter, which covers ordinances, resolutions and motions and all procedural matters of the Council meetings.

No other comments from the public.

**II. Approval of minutes of previous meeting:**

The header of 3/11/2020 minutes indicated the meeting took place in the Georgetown Elementary School Library. This is incorrect; the meeting occurred in the meeting room of the Georgetown Elementary School and will be simply indicated as Georgetown Elementary School.

Page Three, in the paragraphs regarding Section 4.03, these changes were made:

...employment with the Municipality, nor shall they...**changed to:** ...employment with the Municipality, nor shall the Mayor...

...herein enumerated may... **changed to:** ...herein enumerated the Mayor may...

...Council in which such member... **changed to:** ...Council in which the Mayor...

(Note: Accordingly, these changes were also made in the draft text of the Charter.)

The minutes stand approved as amended and can be promulgated.

**Approval of text discussed at previous meeting:**

Although there was a consensus that no changes needed to be made, the changes in the 3-11-2020 minutes (noted above) were changes in Article 4.03, and have been made accordingly.

The draft of text from 3-11-2020 is now a second draft of those sections and can be disseminated to the public.

**III. Continuation of discussion of “Executive” Article V:**

**Article 5.01 – Appointment**

**Previously read:** The Administrator shall be appointed in accordance with Section 5.05 hereof. The Administrator need not be a resident of the Municipality or the State at the time of appointment, but shall within six (6) months after appointment reside within the Municipality unless such residency requirement is temporarily waived by Council.

**Changed to:** The Administrator shall be appointed in accordance with Section 5.05 hereof. The Administrator need not be a resident of the Municipality or the State at the time of appointment, but shall be encouraged, after appointment, to reside within the Municipality. The Administrator shall be appointed based on their executive and administrative qualifications.

NOTE: The order of these articles will be adjusted, if necessary, when the final draft is approved.

No other changes to Article 5.01.

**Article 5.02 – Acting Administrator**

...temporary absence, the Assistant Administrator will assume... **changed to:** temporary absence, the Mayor would assume...

...duties of the Administrator until such time... **changed to:** duties of the Administrator unless...

...two-thirds (2/3)... **changed to:** two-thirds...

No other changes to Article 5.02.

### **Article 5.03 – Compensation**

No changes to this article.

### **Article 5.04 – Responsibilities**

**(First Paragraph) Previously read:** The Administrator shall be responsible to the Mayor and Council for the Administration of all municipal affairs placed in the Administrator's charge by the Charter and Council. The responsibilities of the Administrator shall include, but are not limited to, the following:

**Changed to:** The Administrator shall be responsible to the Mayor for the Administration of all municipal affairs placed in the Administrator's charge by the Charter and Council. The responsibilities of the Administrator shall include, but are not limited to, the following:

5.04 (A) ...the administration of Water, Wastewater, Street, Cemetery, Zoning, Finance and Collection, including public buildings and places, except as otherwise provided by this Charter.

**Changed to:** The Administrator shall direct and supervise the administration of all Municipal functions except Fire, Police, Solicitor and as otherwise provided by this Charter.

No other changes to Article 5.04 (A)

5.04 (B) No changes.

5.04 (C)

...hereof, the Administrator shall formulate... **changed to:** ...hereof, the Administrator in concert with the Mayor shall formulate...

...agreements, and sign all contracts... **changed to:** ...agreements, and may sign all contracts...

No other changes to Article 5.04 (C).

5.04 (D) No changes.

5.04 (E) Discussion held regarding the Administrator adding/hiring positions. No changes made to (E).

5.04 (F)

The Administrator shall develop... **changed to:** ...While all new positions must be authorized by Counsel, the Administrator shall develop...

No other changes to Article 5.04 (F).

5.04 (G) No changes

(Note: was listed as 5.04 (H) having skipped the letter G.)

5.04 (H) No changes.

(Note: was listed as 5.04 (J) having skipped letters G and I.)

No other changes to Article 5.04.

### **Article 5.05 – Personnel**

(Note: Refer back to 5.01 regarding adjustment of articles upon final draft.)

5.05 (A)

...by a vote of two-thirds (2/3) of its members, discharge the Director of Law, the Fire Chief and the Chief of Police. **Changed to:** ...by a vote of two-thirds of its members, discharge the Solicitor, the Fire Chief or the Chief of Police.

The Mayor shall appoint the Director of Law... **changed to:** The Mayor shall appoint the Solicitor...

...each such appointment shall be for a term of one year and shall be subject to the approval of Council by a vote of two-thirds (2/3) of its members. **Changed to:** ...each such appointment shall be subject to the approval of Council by a vote of two-thirds of its members.

Reappointments of the Director of Law, the Fire Chief and the Chief of Police will be made by the Mayor and approved by council at the organizational meeting each year in January. In the event that no appointment is made by the Mayor and approved by Council at the organizational meeting each year in January. In the event that no appointment is made by the Mayor and approved by Council prior to the expiration of the term of the then-current Director of Law, Fire Chief or Chief of Police, as the case may be, the then-current Director of Law, Fire Chief or Chief of Police shall remain duly appointed and responsible for the performance of their duties until the Mayor and Council shall duly appoint a successor. If the then-current Director of Law, Fire Chief or Chief of Police shall be unwilling to so act, the Mayor shall appoint an individual to act as interim Director of Law, Fire Chief or Police Chief, as the case may be, until the Mayor and Council shall duly appoint a successor.

**Changed to:** In the event these positions become vacant, the Mayor shall appoint an individual to act as interim Solicitor, Fire Chief or Chief of Police, as the case may be, until the Mayor and Council shall duly appoint a successor.

Second paragraph under (A) - listed directly below – after discussion, was removed.

Notwithstanding any provision of Section 5.05(A) to the contrary, the term for which the Director of Law, the Fire Chief, or the Chief of Police may be appointed may be varied pursuant to the terms of an employment contract between the Municipality and the Director of Law, the Fire Chief, or the Chief of Police, as the case may be, provided that each such contact shall be approved by Council by a vote of three-fourths (3/4) of its members.

No other changes to Article 5.05(A).

#### 5.05 (B)

The Administrator shall appoint, supervise, discharge and discipline all Department Heads and the Assistant Administrator, provided that any such appointments shall be subject to the approval of the Council by a vote of two-thirds (2/3) of its members.

**Changed to:** The Administrator shall appoint, supervise, discharge, and discipline all other Department Heads.

No other changes to Article 5.05(B).

#### 5.05(C)

The Mayor shall appoint, supervise, discharge and discipline the Administrator, provided that any such appointment shall be subject to the approval of Council by a vote of two-thirds (2/3) of its members and provided further, that the Administrator may be terminated or suspended from office only upon a two-thirds (2/3) vote of Council and the Mayor. The Administrator shall serve pursuant to the terms of an employment contract between the Municipality and the Administrator, provided that any such contract entered into between the Municipality and an Administrator on or after January 1, 1997 shall be subject to the approval of Council by two-thirds (2/3) of its members.

**Changed to:** The Mayor shall supervise and discipline the Administrator, but appointment or recommended termination of the Administrator shall be subject to the approval of Council by a vote of two-thirds of its members.\*\*\* The Administrator shall serve pursuant to the terms of an employment contract between the Municipality and the Administrator, provided that any such contract entered into between the Municipality and an Administrator on or after January 1, 2021 shall be subject to the approval of Council by two-thirds of its members.

\*\*\*We would like to look at adding the ability for council to initiate the removal of the Administrator.

Second paragraph under Article 5.05(C) has been removed. This paragraph read:

The authority of the Administrator to supervise, promote, discharge and discipline employees shall be subject at all time to the provisions of this Charter and any applicable ordinances, resolutions, rules or regulations promulgated from time to time by or under authority of Council.

No other changes to Article 5.05 (C).

No other changes to Article 5.05.

#### **Article 6 – Assistant Administrator**

After discussion, it was decided to remove this article as there currently is no Assistant Administrator.

Discussion held to have another meeting on 4/15/2020 since we're behind and decided we should. Wednesday, April 15, 2020, at 7 p.m. will be our next scheduled meeting and again held as a Zoom virtual meeting. Jeremy Varner will make those arrangements and notifications.

**IV. Meeting adjourned: 9:12 p.m.**