

**GEORGETOWN CHARTER COMMISSION
MEETING MINUTES
WEDNESDAY, MAY 20, 2020, 7:00 PM
ZOOM VIRTUAL MEETING**

Meeting Called to Order: 7:03 p.m.

Members Present: Amber Becraft-Johnan, Andrew Dunn, John Paul Durham, Brian Faught, Kelly Heslar, Michelle Hopkins, Greg Housh, Patrick Hornschemeier, Arthur Owens, Gary Potter, Matt Staggs, Zach Triplett, Jeremy Varner

Members Absent: Mark Anderson, Barb Virost

Guests Present: Andy Clift, Kelly Cornette, Robert Freeland, Nancy Montgomery, Tyler Thompson

I. Participation by the Public:

A. Topics discussed by commission so far: No comments.

B. In general: Nancy Montgomery recommended moving forward Joe Braun be at every meeting as we going back through and finalize the first draft before submission to the Council and Mayor. She believes it's important for him to be there to discuss necessities, legal issues, etc.

II. Approval of minutes of previous meeting

In 12.03 the first vote for thirty percent was corrected to include two abstentions for a total of 13 votes of the members present.

No other changes to the minutes (with the exception of the text changes listed below) the minutes are now approved and can be promulgated to the public.

Approval of text discussed at previous meeting, including final revisions to Article XI Finance and Article XII Nominations, Elections and Salaries:

In 12.03, the first sentence was changed from: ...provided by the laws of Ohio. And changed to: ...provided by the Constitution and laws of Ohio.

In 12.04, wording changed from: ... of Council and Mayor shall be set... and changed to: ...of Council and the Mayor shall be as set...

In 12.01(A): Changed from: ...by the Board of Elections of Brown County, Ohio. Changed to: by the Board of Elections.

With no other changes, the text was approved as the second draft of text and can be promulgated to the public.

III. Discussion of Article XIV Transitional Provisions

Patrick Hornschemeier created a draft of the changes he thought should be made to Article XIV Transitional Provisions, and after lengthy discussion, the following was created for Article XIV.

Section 14.01 Succession

The Municipality of Georgetown under this Charter, is hereby declared to be the legal successor of the Village of Georgetown under statutory law, and as such, it has title to all property, real and personal, owned by its predecessor, including all moneys on deposit and all taxes in process of collection together with all accounts receivable and rights of action. The Municipality is liable for all outstanding orders, contracts and debts of its predecessor and or any other obligations for which it may be held liable, as such successor, by any court of competent jurisdiction. All contracts entered into by the Municipality or for its benefit prior to January 1, 2021, shall continue in full force and effect.

No other changes to Section 14.01; however, the first sentence needs legal clarification from Joe Braun.

Section 14.02 Effect of Charter on Existing Laws and Rights

The adoption of this Charter shall not affect any preexisting rights of the Municipality, nor any right or liability or pending suit or prosecution, either on behalf of or against the Municipality or any officer thereof, nor any franchise granted by the Municipality, nor pending proceedings for the authorization of public improvements or the levy of assessments therefore. Except as a contrary intent appears herein, all acts of the Council or the Mayor of the Municipality, including ordinances and resolutions in effect at the date this Charter becomes effective, shall continue in effect until lawfully amended or repealed.

No action or proceeding pending against the Municipality or an officer thereof shall be abated or affected by the adoption of this Charter, but all such actions or proceedings shall be prosecuted or defended under the laws in effect at the time of the filing thereof.

No other changes to Section 14.02.

Section 14.03 Effective Date of Charter

This Charter shall be submitted to the electors of the Village of Georgetown at the general election held on November 3, 2020, and if approved shall take effect on January 1, 2021.

No other changes to Section 14.03.

Section 14.04 Transition Provisions

For the purpose of providing an equitable transition for the provisions of this Charter, the following provisions shall be observed:

(A) The Mayor shall continue to serve the remainder of this term which ends December 31, 2023.

(B) To bring it about that the four-year terms of Council members will have three expiring on December 31, 2023 and three expiring on December 31, 2025; in the regular municipal election of November, 2021, the three persons receiving the most votes for Council shall be elected to four-year terms expiring on December 31, 2025 and the person receiving the fourth-largest number of votes for Council in the regular municipal election of November, 2021 shall be elected to a two-year term expiring on December 31, 2023.

No other changes to Section 14.04.

Section 14.05 Continuation of Present Officials.

Any board, committee, commission or agency in existence at the time this Charter takes effect and which is not abolished by this Charter, shall continue in existence until modified or terminated in accordance with the procedures in Section 10.01 in this Charter.

All persons employed at the time this Charter takes effect, shall continue in their office or position and in performance of their duties until provisions shall have been otherwise made in accordance with this Charter for the performance or discontinuance of the duties of any such office or position. When such provision shall have been made, the term of any officer shall expire and the office shall be abolished, and the tenure of the employee will end.

NOTE: Check with Joe: does our charter address the very things in statutory law (e.g. mandatory full-time employees) that we want to avoid?

No other changes to Section 14.05

Section 14.06 Continuance of Present Employees

Every employee of the Municipal government on the effective date of this Charter shall continue in such employment and thereafter shall be subject in all respects to the provisions of this Charter.

No other changes to Section 14.06.

No other changes to Article XIV.

IV. Discussion of items noted earlier to be added to final document, including to Article XIII

Discussion was held regarding public notices and how to accomplish these (Section 13.07 Public Notice Including Publication of Ordinances). Brian Faught made the motion to indicate that public notices would follow the requirements of the ORC and additionally use an active social media account; seconded by Kelly Heslar. However, further discussion ensued and Brian Faught amended his motion to state: Publications shall be in accordance with the laws of Ohio and one regularly utilized Village social media account. Kelly Heslar was in agreement as a second to the amendment. Motion carried. Votes: Yay-10; Nay-1; Abstain-1

V. Meetings are scheduled for May 27 and June 3. No meeting scheduled for June 10th. Village Council Meeting is on June 11th

Patrick Hornschemeier proposed that we have the proposed text to the Village by June 4th or 5th for their review before the Council meeting of June 11th. The meeting of the 27th will accomplish: 1) Complete Article XIII; and 2) Begin the process of smoothing out the entire document thus far looking for loopholes, errors, omissions (June 3rd would be finishing this process with a polished first draft); and 3) Any items we wanted addressed in this charter, see if you think they are addressed, and if there is something we didn't address it should be brought up and suggest where it should be noted in the charter. Any thoughts/suggestions can be emailed to everyone to review before the meeting.

VI. Adjourn

Meeting was adjourned at 8:58 p.m.