

Village of Sunbury Charter Commission

Minutes

May 22, 2019

Chairperson Steve Mazzi opened the Sunbury Charter Commission meeting at 6:30 p.m., May 22, 2019 in Council Chambers at Town Hall with the Pledge of Allegiance.

Those answering roll call: Patti Cavinee, Anne Frost Steve Mazzi, Jodi Norton, Daniel Sexton, Randall Rentz, John Maar, Cindi Cooper, J. David Diehl, and Michael League, Eugene Frost, Murray Neff and Richard Ryba. Arriving late: John Dankovich

Also, in attendance Paul Rutter, attorney from Bricker & Eckler, David Brehm, Village Solicitor, and Administrator Allen Rothermel.

Motion by **Ryba** and seconded by **Rentz** to approve May 8, 2019 minutes. Upon show of hands 13 Yeas and 1 Abstain

Mazzi

- Started discussion on Article IX – Finance, Taxation and Contracting
Referred to prior minutes regarding the discussion around the contract bid process; specifically the \$50,000 bid requirement
- Question was do we maintain the \$50K as the ORC currently stipulates or should Council be allowed to set dollar threshold?

Brehm

- Mentioned we currently follow the ORC of \$50K. Should a situation arise a declaration of emergency can happen in the event that emergency work is needed.
- Expressed concern that the ORC amount of \$50K hasn't been adjusted to allow for inflation
- Stated that checks and balances are built in to govern Council decisions

Rutter

- The provided language came directly from Bricker's construction attorney's office and in fact one of the former Bricker construction attorney's is now Obetz's City Manager whose Charter language was used to write a portion of Article IX.
- States flexibility is needed to control city's own destiny

Mayor Hatfield

- Council does not openly approve everything without information and typically 3 quotes are provided for any work regardless of the cost of the project or task because it's the right thing to do.

Village of Sunbury Charter Commission

Minutes

May 22, 2019

- Regarding work on Town Hall, the **Mayor** had an in-depth conversation with **Brehm** on how to proceed prior to work being done regarding the \$50K threshold and need to bid. To avoid the cost of a general contractor in addition to cost for subs, it was best for the Village to spec out individual projects such as painting and windows so we could rely on contractors that specialize in specific areas. 3 quotes were given to Council for approval on all the specific areas. It was challenging at times to find contractors that specialize in historic and restoration of buildings.
- **Mayor** was asked about the brick and mortar repair job of the exterior of the Town Hall. 3 bids were received and given to CT to assist in the creation of the RFP as a lot was learned from the conversations with the subject matter experts in brick restoration. **A. Frost** asked about the quotes being given to CT to write the specs—**Hatfield** assured her that all bids were given.

Brehm

- Stated large projects such as road repair are no problem following the traditional bidding process; however when dealing with smaller projects and dealing with smaller companies, they might not even bother to submit a bid.
- When the topic of adhering to the 10% overage came up and bids are received over the 10% allowance, Brehm stated that is when the engineers go back to see what was wrong with their cost estimate.

Ryba

- Stated it is common language now for engineers to use “opinion of probable cost” not “estimate” which gives engineers’ flexibility—such as when materials cost increase should bids come back higher than initially planned.

Mayor Hatfield

- Mentioned the time lag that often occurs with the bidding process and it can be a constraint to getting things done in a timely manner.

Motion by **Ryba** and seconded by **Diehl** to approve as written. Upon show of hands 9 Yeas 5 Nays

Mazzi

- Led discussion on Article XII – Charter Review Commission

Rutter

- Referred to redlines of XII in packet. Conversation around adding the term “elected” office to who could be selected for the charter review.

Village of Sunbury Charter Commission

Minutes

May 22, 2019

Motion to approve by **Sexton** and seconded by **Ryba** to approve with the addition of the word “elected” under Section 12.01. Upon show of hands 14 Yeas

Rutter

- Led discussion on Article X – Elections, Recall, Initiative, and Referendum

A. Frost

- Asked why there would be a need for a primary election—Rutter explained it had to do with partisan vs. non-partisan elections

Rutter

- Section 10.02 recall language was reviewed by the Delaware County Board of Elections and confirmed that the time lines were realistic. May, August, and November are the months currently that elections are held based on the State framework. If another election outside of the normal cycle would cost an estimated \$15K to hold.

Brehm

- Historically a recall has not occurred that he is aware of but if there is someone that needs to be recalled, it is worth the cost of a special election to eliminate the problem.

Motion to approve by **Ryba** and seconded by **E. Frost** with revisions. Upon a show of hands 14 Yeas

Mazzi

- Led discussion on Article XI – General Provisions

Rutter

- Reviewed Memorandum & Schedule 1 & led conversation regarding conflict of interest and also added 11.04 which was the definition of business vs calendar days

Brehm

- Recommended to remove “or by the Council” phrase and follow the state laws pertaining to conflict of interest

Motion to approve by **Dankovich** and seconded by **E. Frost** after the removal of “or by the Council”. Upon a show of hands 14 Yeas

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Rutter

- Led discussion on Article XIII – Transitional Provisions

Rothermel

- When asked, stated the final confirmation of the city status will be no later than April, 2021 based on Census protocol.

Motion to approve by **Diehl** and seconded by **Ryba**. Upon a show of hands 13 Yeas (Frost left prior to vote)

Mazzi

- Members deemed it not necessary to have an extra meeting; all is in good position for and on track for **June 12th** meeting

The meetings will start at 6:30pm.

Motion to Adjourn by **Ryba** and seconded by **Diehl**. **All Yeas.**

After motion to adjourn, **Rothermel** shared with the members the Open House being held on June 6th for insight for the master plan for Parks & Recreation and invited all to attend.

Steven Mazzi, Chairperson

Kathy Belcher, Fiscal Officer