

**MINUTES**  
**City of Geneva**  
**Council Meeting**  
**May 14, 2018**  
**6:04 p.m.**

Susan Hagan opened the Council Meeting at 6:04 p.m.

Roll Call – Susan Hagan, Philip Cordova, William Buskirk, Wm. Lucas McDaniel, Mario Butera, Cynthia Miller, and Dana Schenk

Pledge of Allegiance to the Flag was said and prayer was offered by Rev. Daniel Finnerty – Assumption Church.

Motion was made by Mario Butera to approve the Minutes of the April 23, 2018 Council Meeting, seconded by Cynthia Miller. Roll call, 5 yeas, 2 abstentions. Motion duly passed.

**Department Presentation** – Income Tax Department – Shelly Huff, Presenting.

The Council Packet included revenue for the first quarter. The numbers are not final.

The Tax Department mailed out 4,200 notices. In the last five days of the tax season, the Department served 524 people. The Finance Department helped with overflow. The Police Department and Fire Department monitored the volume of people. Lauren assisted with collections.

Ms. Hagan stated that the Tax Department does an excellent job.

**Citizens** –

Ms. Hagan read a Proclamation for “Click It or Tick Ticket Mobilization.”

**Items for Consideration of Council** –

**Ordinance No. 3229 – Third Reading.** An Ordinance Amending Codified Ordinances Chapter 222 – Ordinances and Resolutions.

Mr. Buskirk stated that he had concerns.

Ms. Hagan made a Motion to Pass the Ordinance with the elimination of Section C.

Mr. Buskirk stated that he was concerned with the elimination of the 30 day waiting period. The Charter Section 21 states that Ordinances and other measures adopted by Council shall be subject to referendum to the extent and in the manner now or hereafter provided by the Constitution and the laws of Ohio. The State Code at ORC 731 provides for a 30 day referendum. Mr. Buskirk acknowledged that it does not get used often. Council has the option to pass the legislation by emergency.

It may be more efficient but citizens have stated that Council passes too many things by emergency. These are built in checks on the powers of government.

Ms. Gardner stated that Council does do three readings.

Mr. Cordova stated that Council always has the ability to pass an ordinance by emergency. Mr. Cordova is in favor of tabling the legislation and referring it to Committee.

Discussion was had regarding allowing a member of Council to attend remotely and the stated process of those in attendance voting to allow the Councilmember to vote remotely. Concerns were raised that the Councilmember wishing to vote remotely could be shut out in order to achieve a tie vote i.e. allow a councilmember to vote when it is in their favor and oppose when it is not.

Ms. Gardner states that there is Geneva Law and there are specific laws. It is hard to tell how far the Charter mandate goes. The emergency window is in Ohio Revised Code. Teleconferencing has not been challenged, there is no specific case law. Ms. Gardner stated that she understood Council's concerns regarding where do the home rule powers end. In the last decade the Ohio Supreme Court has found a way to limit home rule powers. There is no case law right now to allow a council member to appear remotely.

Ms. Gardner further stated that if the 30 day waiting period were challenged, it could go either way. No one has challenged legislation during the 30 day waiting period since Ms. Gardner has been the Solicitor. Ms. Gardner stated that it was her personal opinion that an Ordinance should go into effect once passed; however, it is up to Council. Ms. Gardner stated that she felt that this legislation would hold up in the Supreme Court but that does not mean that it would.

Mr. Buskirk stated that Council passed an Ordinance to allow Executive Sessions. The Charter did not State that the City could have Executive Sessions. The City ended up losing the suit and had to amend the Charter.

Further discussion was had regarding remote attendance by a councilmember. Discussion regarding whether appearing remotely could be abused. Mr. Butera was in favor of testing allowing councilmembers to appear remotely. Mr. McDaniel agreed. Ms. Schenk stated that there was something to be said for people being in the room. Mr. McDaniel noted that if you have six people in the room does it matter if the seventh is remote. Mr. Buskirk did not disagree. Mr. Buskirk stated that there was no evidence on how this work with the Sunshine Law.

Susan Hagan made a motion to send Ordinance 3329 to the Service Committee. Wm. Lucas McDaniel seconded the motion. Roll call on passage. 7 yeas. The motion duly passed.

**Ordinance No. 3230.** An Ordinance to Amend the 2018 Budget through Appropriations and Fund Transfers, attached hereto and marked Exhibit "A," and declaring an emergency.

Motion by Mario Butera, seconded by Wm. Lucas McDaniel that the rule of law requiring certain Ordinances be read at three separate meetings be waived and suspended and Ordinance No. 3230 be placed on the final roll for passage. Roll call, 7 yeas. Motion by Philip Cordova to declare and pass Ordinance No. 3230 as an emergency measure, seconded by Cynthia Miller. Roll call, 7 yeas. Roll call on passage, 7 yeas. Ordinance No. 3230 duly passed.

**Resolution No. 3410.** A Resolution Authorizing Participation in the ODOT Winter Contract (018-19) for Road Salt., and declaring an emergency.

Motion by Mario Butera, seconded by Wm. Lucas McDaniel that the rule of law requiring certain Resolutions be read at three separate meetings be waived and suspended and Resolution No. 3410 be placed on the final roll for passage. Roll call, 5 yeas. Motion by Mario Butera to declare and pass Resolution No. 3410 as an emergency measure, seconded by Philip Cordova. Roll call, 7 yeas. Roll call on passage, 7 yeas. Resolution No. 3410 duly passed.

**Resolution No. 3411.** A Resolution Declaring it Necessary to Improve the Streets in the City of Geneva by Supplying Electric Lighting, and declaring an emergency.

The rate remains the same.

Motion by Dana Schenk, seconded by Mario Butera that the rule of law requiring certain Resolutions be read at three separate meetings be waived and suspended and Resolution No. 3411 be placed on the final roll for passage. Roll call, 7 yeas. Motion by Philip Cordova to declare and pass Resolution No. 3411 as an emergency measure, seconded by Cynthia Miller. Roll call, 7 yeas. Roll call on passage, 7 yeas. Resolution No. 3411 duly passed.

**Resolution No. 3412.** A Resolution Authorizing the City Manager to Apply for an Ohio Department of Natural Resources NatureWorks Grant Program, and declaring an emergency.

The project being applied for is the ADA Bathroom Renovation of the public restrooms at Memorial Field Park. There is a required local share. The City's CDBG RLF will also be utilized for the project. There will be a small balance.

The City has distributed a questionnaire regarding the project. The people in attendance were encouraged to complete a questionnaire. The Mr. Starkey stated that the City would like to address both the restrooms and the roof issues.

The City has been in contact with Ohio Development Services Agency and they do want the City to use the funds. The State felt this was a good project for those funds.

There is \$81,000 in the CDBG RLF Fund. This project will use half of it. The hope is to use the other half to leverage against a sidewalk project.

Mr. Starkey stated that the total project cost is around \$80,000.

#### **City Manager Report –**

The Patricia Green family has donated the benches in front of Reese's.

The next council meeting falls on Memorial Day. Mr. Starkey sees no reason to hold a special council meeting. The next meeting will be in June.

Mr. Starkey asked if Council would like to coordinate some of the summer council meetings off-site. A meeting could be held at the Training Center or Street Department.

The City of Geneva was awarded Tree City USA for the tenth (10<sup>th</sup>) year.

The Capital Budget is included in the council packet. The needs continue to grow with limited funding to put toward it.

The Plaque of the WWII Vets that worked at the Fork & Hoe, which became True Temper, was restored and is hanging in City Hall.

Ms. Hagan made a motion that the May 28, 2018 council meeting be cancelled. Mario Butera seconded the motion. Roll call on passage. 7 yeas. The motion duly passed.

**Unfinished Business –**

The next approval for the Benson Property will come to Council June 11. They will be encapsulating the blacktop. The City had a conference call last week. They are moving forward. They anticipate obtaining a No Further Action Letter. The City is anticipating being able to utilize the Benson Property for parking by fall.

**New Business –**

Susan Hagan made a motion to designate Douglas Starkey the representative to attend the Ohio Sunshine Law Training on behalf of the Council of the City of Geneva. Wm. Lucas McDaniel seconded the motion. Roll call on passage. 7 yeas. The motion duly passed.

**Payment of Bills –** None.

**Committee Reports –** None.

**Citizen –**

Bill Tobias  
57 Roosevelt Drive, Geneva, Ohio

Mr. Tobias inquired about the Sunshine Law.

Mr. Buskirk stated that one a term councilmembers are required to attend a training on the Sunshine Law. The training includes updates to the Sunshine Law including records that are required to be kept, public records requests, information that should be redacted. There is a section on executive sessions and what is allowed to be discussed, what constitutes a quorum.

Mr. Buskirk stated that Mr. Tobias could access the Sunshine Law online.

Council thanked Mr. Starkey and the Street Department for the repairs made on the playground equipment at Memorial Field.

Mario Butera made a motion to adjourn.

Cynthia Miller seconded.

Council meeting adjourned at 6:55 p.m.

Recorded by: Phyllis Dunlap  
Clerk of Council

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President of Council

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Clerk of Council