

**ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
TO BE HELD ON TUESDAY, JANUARY 21, 2020**

The meeting was called to order by Council President Vecchio at 7:00 p.m., the clerk called the roll and the following Members of Council answered:

SCOTT, SCHMUCK, ORCUTT, TROYER, MENCINI, POINDEXTER, SALVATORE

Also in attendance were Mayor Gammella, Law Director Horvath, Service Director Garner, Recreation Director Elliott and Finance Director Cingle (7:15 p.m.).

DISCUSSION:

1. PROPOSED AMENDMENT TO COUNCIL RULE #4

Motion by Mr. Scott, supported by Mr. Troyer, to place on the Council agenda immediately following under J-2.

ROLL CALL: AYES: Scott, Troyer, Mencini, Poindexter, Salvatore, Schmuck, Orcutt
NAYS: None. The motion carried.

2. PROPOSED AMENDMENT TO COUNCIL RULE #5

Mr. Orcutt clarified there are three different types of changes?

Mr. Vecchio responded yes, the three amendments would be; deleting the time from 7:30 p.m. and inserting 7:00 p.m., deleting City Hall and inserting in the Council office and inserting 7:00 p.m. or as per the Council schedule.

Mr. Orcutt suggested an amendment to insert second and fourth Tuesday of the month at 7:00 p.m. or per the City Council schedule.

Mr. Poindexter commented with the way the amendment reads 7:00 p.m., or as per the Council schedule, that says it all and would be consistent.

Mr. Orcutt commented liking the idea of having four (4) meetings and having the second and fourth Tuesday included in the Council rules.

Mr. Poindexter responded currently with the schedule there nothing on the fourth Tuesday and if Council decides to put in the fourth Tuesday then another rule change wouldn't be necessary.

Mr. Scott concurred with Mr. Poindexter.

Mr. Troyer stated in agreement with Mr. Orcutt because the rule is not changed

Discussion: cont.

yet so the second and fourth Tuesday is in there and by adding or per Council schedule, the second and fourth Tuesday is in there.

Mr. Vecchio commented through the process and following the Charter and obvious the Council rules. The rules currently state prior to the amendment the second and fourth Tuesday. Council doesn't meet on the 4th Tuesday so the new amendment eliminates that and follows by the Council schedule and puts Council in line with what we're currently doing and should be doing.

Mr. Salvatore stated liking the idea of meeting every four weeks and sees no reason to change it. By passing a different schedule then what was done in the past would change that automatically. By the way the Council schedule hasn't been passed for this year and also understands if the schedule passed doesn't have the fourth meeting then so be it, this rule would allow that to happen.

Mr. Mencini concurs with colleagues Poindexter and Scott and if needed a fourth meeting can be called.

Motion by Mr. Orcutt, supported by Mr. Troyer, to keep the second and fourth Tuesday of each month at 7:00 p.m. or per approved City Council schedule.

ROLL CALL: AYES: Orcutt, Troyer, Salvatore, Schmuck

NAYS: Mencini, Poindexter, Scott. The amendment carried with a vote of 4-3.

Mr. Troyer stated keeping with the rest of the wording, third paragraph, for calling a meeting the last line reads and/or a majority of the Members of Council. Thinks it should read or any three of the Members of Council.

Mr. Vecchio read the paragraph 'All Regular Standing Committees consisting of the Committee of the Whole shall hold their regular meetings on the second (2nd) and fourth (4th) Tuesday of each month at 7:00 p.m. Should additional meetings be required, they may be scheduled at the discretion of the President of Council and/or a majority of the Members of Council; that is for scheduling meetings the other one is for special meetings.

Mr. Mencini clarified the majority is four and to call a special meeting would be the Mayor, Council President or three Members of Council.

Mr. Salvatore concurs with Mr. Troyer three Members of Council can always call a special meeting

Discussion: cont.

Mr. Mencini interjected what is considered a meeting is it a regular or special meeting?

Mr. Salvatore responded it doesn't matter, three Members of Council have the authority to call a (special) meeting.

Mr. Poindexter stated if that were the case then three Members of Council can set the (Council) schedule.

Mr. Salvatore commented that is not the case.

Mr. Poindexter stated that is exactly the case.

Mr. Salvatore stated read the Charter it will clarify.

Mr. Vecchio stated the Charter doesn't have a provision for calling regular meetings just for the calling of special meetings. That would be section 4.05(a) on page 11; Special meetings. The charter doesn't have provision for calling regular meetings just special meetings has the provisions, if that change is made Council is definitely going against the Charter.

Mr. Troyer stated (the rules) read should additional meetings be required which would be a special meeting.

Mr. Poindexter commented it's doesn't read special meeting.

Mr. Troyer if it's an additional meeting, it's a special meeting.

Mr. Vecchio commented maybe the verbiage should be changed 'should a special meeting be required'. Which would follow the Charter because an additional meeting would be a special meeting, because it's not a regular scheduled meeting.

Mr. Troyer stated the President of Council cannot change the schedule so any (meeting) called would be a special meeting.

Mr. Vecchio responded correct, the only way this can be done is by a vote of Council. So, in this case, that would be a special meeting having that provision.

Mr. Salvatore stated reading further in section 4.05(b) clarifies that three Members of Council can call for a meeting.

Discussion: cont.

Mr. Vecchio responded correct for special meetings and read part of the provision of the Charter section 4.05(b) Special Meetings. Special Meetings of the Council may be called in accordance with and as provided for by the rules, regulations or by-laws adopted by the Council. In the absence of such provisions, special meetings may be called by a vote of the Council taken at any regular or special meeting thereof, or shall be called by the Clerk of Council upon the written request of the Mayor or President of Council or three Members of Council.

Mr. Salvatore stated if there is no meeting scheduled it's a special meeting; three members of Council has the right to a call a meeting.

Mr. Vecchio concurred and with changing the verbiage of 'should additional meetings be required to read should special meetings be required. So maybe the amendment to make is delete 'additional meetings' and insert 'special meetings'.

Mr. Troyer commented an additional meeting is a special meeting.

Mr. Vecchio concurred and commented they are not regularly scheduled.

Motion by Mr. Troyer to delete a majority and add any three.

Mr. Vecchio stated that is for a regularly scheduled meeting and can't be done on a regular scheduled meeting; those are called from the floor.

Mr. Troyer retracted his first motion and stated should additional meetings be required they may be called from the floor by a majority Members of Council. The President of Council cannot call a meeting from the floor, that would take a vote of four.

Mr. Vecchio stated it reads they may be scheduled by the President of Council; doesn't read the Council President calling anything. In calling for a majority of Council from the floor is already done. If a motion is made to call a meeting for tomorrow evening it's voted on by the majority.

Mr. Poindexter stated looking at rule #5 the context of that whole paragraph is regular standing committee meetings, not special committee meetings. By changing that to three members then Council is given the authority to change the schedule with a vote of three members, not the majority of four. Three members can call for a regular standing committee meeting if the rule is changed, don't see the need to change it. If three members want to call a special meeting it's in the Charter.

Discussion: cont.

Mr. Mencini commented no problem with calling of that meeting but hope it would be for the right reasons.

Mr. Salvatore stated looking at the last line it reads can be scheduled at the discretion of the President of Council and/or a majority Members of Council; that is the identical wording except for the majority would be three. If the Council President can call a meeting from the floor, then three (3) members of Council should have that authority also because the Charter provides for that, thinks rules should be in line with the Charter. See the law director shaking her head, why?

Mrs. Horvath stated I think rule #4 covers special meetings as delineated in (Charter) section 4.05 (b). In rule #5 Council is looking at standing committee and Caucus meetings that are regularly scheduled meetings of Council; there are times when Council as a whole may decide to vote to add extra meetings. For instance, there are budget issues or some other very important issue where Council determines by majority that the extra Caucus meeting is needed; I believe that's what the current rule is talking about. By a majority of the Members of Council all collectively decide that an extra fourth (Caucus) meeting is needed per month; to have a minority call for that would be incorrect. Council rules cover special meetings separately in rule #4 and rule #5 refers to the annual (meeting) schedule. Council, at any time, can determine that what is scheduled is enough and by majority would vote to add that meeting or other meetings. I think Council is mixing apples and oranges to have three members call for a regular scheduled meeting would probably be incorrect; Council already has (provision) for three members to call a special meeting by Charter, those are my thoughts.

Mr. Salvatore stated to Mrs. Horvath are you referring to a meeting being called from the dais.

Mrs. Horvath responded no, I'm referring to the idea that Council may and certainly has the authority to change your schedule, if so desired. For some reason it's determined that there are issues that need much discussion for the rest of the year that fourth Caucus meeting is needed. That would be an example of how the majority Members of Council would call for those additional meetings. But, for some reason Council wanted to change the regular standard meeting schedule that would have to be done by a majority members of Council; special meetings are different. If Council wanted to go back to having that regular Caucus meeting per month, I believe, that the majority members vote would be needed to make that change.

Mr. Salvatore concurs and stated the fourth meeting can be put on the schedule but if not enacted would take four votes to meet on that fourth Tuesday of the month. This is calling for the requirement that may be scheduled at the discretion of the

Discussion: cont.

President of Council.

Mrs. Horvath continued think of it as having macro and micro meetings, the micro-meeting being a special meeting that three members would call. The macro-meetings are the annual broad meeting schedule voted on at the beginning of the year that the majority of members determine what it should be. If that is going to be changed all the way through December then the rule covering the standing committee and those meetings should be changed by a majority of Council, not by three members. Three members are a minority that can call for a special meeting that makes sense. The minority may wish to be heard on a particular topic but if Council is going to change the annual macro schedule it should be done by a majority of Councilmembers.

Mr. Salvatore concurs and stated I don't want this change to interfere with what is in place with three members of Council having the right to call a (special) meeting.

Mrs. Horvath stated I don't think it will and think rule #4 refers to special meetings in the Council rules and think Council would have another rendition on what the Charter says about three members calling for a special meeting. The difference is it is split out between rule #4 and rule #five. Rule #4 deals with special meetings, micro-management of schedule and rule #5 deals with the macro-management of Council's annual (meeting) schedule. When Council sets items out the majority should determine how many meetings will be held annually and if the majority wants to change they can do so.

Mr. Troyer stated to Mrs. Horvath my understanding of what you're saying is a regular meeting is not a special meeting. When it says regular meeting that means a regular scheduled meeting not a special meeting.

Mrs. Horvath concurred.

Mr. Troyer continued I understand the original idea of three, something has to be changed on this. Leave the majority there and delete 'the President of Council and/or'. Because meetings would be called with a majority vote and scheduled at a later date. It would not be a special meeting it would be scheduled from the dais. The President of Council doesn't have the ability to do that.

Motion by Mr. Troyer, supported by Mr. Poindexter, on the last sentence delete the President of Council and/or.

Discussion: cont.

Mr. Vecchio reiterated the motion to strike from Rule #5 - Standing Committees the President of Council and/or to read 'All regular standing committees consisting of the Committee of the Whole shall hold their regular meeting on the second (2nd) and fourth (4th) Tuesday of each month at 7:00 p.m., or as per the Council schedule. Should additional meeting(s) be required, they may be scheduled at the discretion of a majority of the Members of Council'.

Mr. Salvatore commented that amendment is cleaned up and consistent with talking about standing committees and doesn't interfere with how the Charter reads; or other portions of the (Council) rules and limited to just standing committees.

Mr. Vecchio suggested rescinding the motion with support and start over.

Mr. Mencini concurred.

Mr. Poindexter removed his support, Mr. Troyer removed his motion.

The clerk read the proposed amendment to read 'All regular standing committees consisting of the Committee of the Whole shall hold their regular meeting on the second (2nd) and fourth (4th) Tuesday at 7:00 p.m., or as per the Council schedule. Should additional meeting(s) be required, they may be scheduled at the discretion of a majority of the Members of Council'.

Motion by Mr. Troyer, supported by Mr. Poindexter, to amend rule #5 - Standing Committees as read by the clerk.

ROLL CALL: AYES: Troyer, Poindexter, Mencini, Salvatore, Scott, Schmuck, Orcutt
NAYS: None. The amendment carried.

Mr. Vecchio stated the next amendment is rule #5 - Standing Committees (second paragraph deleting 'at City Hall' and inserting in the Council office where listed in the rules. Next would be an amendment deleting hospital board of trustees and representative to Berea school board and inserting Special Committee listing hospital board of trustees, representative to Berea school board and Technology and Innovation Committee with the concurrence of the Members of Council.

Motion by Mr. Orcutt, supported by Mr. Mencini, to approve the amendments to rule #5 - Standing Committees.

ROLL CALL: AYES: Orcutt, Mencini, Troyer, Poindexter, Salvatore, Scott, Schmuck
NAYS: None. The amendment carried.

Discussion: cont.

Motion by Mr. Mencini, supported by Mr. Orcutt, to move Council rule #5 - Standing Committees as amended to the February 4, 2020 Caucus Prior to agenda.

ROLL CALL: AYES: Mencini, Orcutt, Schmuck, Scott, Salvatore, Poindexter, Troyer
NAYS: None. The motion carried.

3. PROPOSED AMENDMENT TO COUNCIL RULE #9

Mr. Vecchio stated the amendment is to the second paragraph after the word 'mode' inserting except for the Clerk of Council using her cell phone or other electronic device(s) for livestreaming purposes.

Motion by Mr. Poindexter, supported by Mr. Troyer, to place on the Council agenda immediately following under verbal approval.

ROLL CALL: AYES: Poindexter, Troyer, Mencini, Salvatore, Scott, Schmuck, Orcutt
NAYS: None. The amendment carried.

There being no further business to come before this meeting a **motion** by Mr. Mencini, supported by Mr. Poindexter, to adjourn.

ROLL CALL: AYES: Mencini, Poindexter, Salvatore, Troyer, Orcutt, Schmuck, Scott
NAYS: None. The motion carried.

Council President Vecchio declared this meeting adjourned at 7:35 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*
Michelle Blazak
Clerk of Council

APPROVED *February 4, 2020*

THESE MEETING MINUTES ARE A SYNOPSIS, NOT TRANSCRIBED IN THEIR ENTIRETY, ALTHOUGH ACCURATE.

2,740 words