



Sunbury Charter Review Commission Agenda
Tuesday, April 22, 2025
5:30 P.M.

Town Hall
3rd Floor, Council Chambers
51 East Cherry Street
Sunbury, Ohio 43074

1. Call to order
2. Approval of Minutes
3. Public Comments
4. Discuss Article IX – Finance, Taxation and Contracting
5. Discuss Article X – Elections, Recall, Initiative and Referendum
6. Discuss Article XI – General Provisions
7. Discuss Article XII – Charter Review Commission
8. Discuss Article XIII – Transitional Provisions
9. Adjourn

If you have any questions regarding this agenda, please direct them to Rebecca Princehorn, Bricker Graydon LLP, at (614) 227-2302.



Charter Review Commission
Regular Commission Minutes
April 8, 2025

Members Present: Amy Berger, Nancy Crawford, Matt Hochberg, Randy Rentz, Shannon Stark, Joey Thomas

Members Absent: Kris Heller

Staff Present: Kaitlin Grafmiller, David Brehm, Rebecca Princehorn (Bricker Graydon)

Others Present: Cindi Cooper, Daryl Hennessy

Call to Order

Chairman **Randy Rentz** called the meeting to order.

Roll call was conducted by **Kaitlin Grafmiller**, confirming six members were present. Ms. Heller was absent.

Approval of Minutes

- **Motioned:** Nancy Crawford
- **Seconded:** Amy Berger
- **Approval:** Unanimous (6-0)

Public Comments

There were no public comments.

Review of Work Plan

Ms. Princehorn presented the revised work plan. She outlined the schedule of article discussions to ensure timely completion for the Charter's placement on the ballot this year. The final meeting is anticipated to be on May 13, 2025.

Approval of Revised Work Plan

- **Motioned:** Joey Thomas
- **Seconded:** Ms. Crawford
- **Approval:** Unanimous (6-0)

Discussion of Article VII – Administrative Departments and Personnel Systems

- **Uniform Suspension Language**
 - The language regarding the suspension of the Chief of Police was updated to match the suspension procedures already outlined for the City Manager and Clerk of Council, ensuring consistency throughout the Charter.
- **General Language Cleanup**
 - Ms. Princehorn provided an update on minor language revisions and clean-up, reflecting previously approved changes made by the Commission.

Discussion of Article VIII – Boards and Commissions

- **Term Alignment**
 - Ms. Princehorn and Mr. Brehm discussed the terms for the Planning Commission and Board of Zoning Appeals, noting that changes to Council terms would also require changes to these boards to ensure alignment. However, the recommendation from legal counsel is to maintain current term structures for both Council and Boards/Commissions.
- **Board Member Term Limits**
 - Ms. Stark raised the question of whether term limits should be implemented for board and commission members.
 - Mr. Brehm responded that all terms are open for public application and being an incumbent does not guarantee reappointment.
- **Planning Commission vs. Board of Zoning Appeals**
 - Mr. Brehm also clarified the distinct functions of the Planning Commission and the Board of Zoning Appeals. He recommended that the existing Charter language regarding these two entities remain unchanged.

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- **Final Meeting and Vote**

Ms. Princehorn informed the Commission that the **next meeting will serve as the review for Articles IX and XIII.**
- **Review Frequency Discussion**

Ms. Stark suggested **changing the review cycle** of the Charter from every **ten years to every five years.** General discussion followed regarding the pros and cons of this change. The Commission **agreed to revisit the topic and make a final decision at the next meeting.**

- **Commission Attendance**

Ms. Crawford informed the Commission that she will **not be in attendance** at the next meeting.

Adjournment

- **Motioned:** Ms. Stark
- **Seconded:** Ms. Crawford
- **Approval:** Unanimous (6-0)

The meeting was adjourned.

Next Meeting: April 22, 2025

ARTICLE IX
FINANCE, TAXATION, AND CONTRACTING

9.01 General

The laws of the State of Ohio relating to budgets, appropriations, taxation, debts and borrowing, assessments, deposits and investment of funds, and other fiscal matters of the MunicipalityCity shall be applicable to the MunicipalityCity, except as otherwise provided by this Charter or by the Council.

9.02 Contracting Powers and Procedures

This Section sets forth procedures for the procurement of contracts for designing and constructing public improvements including, without limitation, roads, bridges, traffic signalization and signage, sidewalks, buildings, treatment works, storm sewers and other storm water management improvements, flood control improvements, sanitary sewers, waterlines, other utilities, parks, monuments, and trails and other recreational facilities.

This Section also sets forth procedures for the procurement of contracts for the purchase of equipment, supplies, materials, or services for the operation and maintenance of public improvements and otherwise promoting the functions and operations of the MunicipalityCity, which contracts may or may not be associated with the construction of a public improvement.

(A) Consistent with Section 6.01(B)(10) and except as otherwise provided in this Section, the City ManagerAdministrator or an authorized designee shall award and execute all contracts on behalf of the MunicipalityCity.

(B) The Council shall establish procedures for competitive bidding of contracts, including a threshold amount for requiring competitive bidding, notice provisions, and such other procedures as it deems appropriate. At the Council's discretion, such procedures may contain a prohibition against awarding a contract in excess of a specified percentage of an engineer's or other design professional's estimate of cost or opinion of probable cost. When the cost of any contract for the construction of a public improvement or the purchase of equipment, supplies, or materials is estimated to exceed the competitive bidding threshold established by the Council, the contract shall be competitively bid unless exempted under Section 9.02(C) or if bidding directly to the City is inconsistent or incompatible with the construction project delivery method chosen from Section 9.02(D). The Council shall award a contract to the lowest and best bidder, provided that Council may reject any and all bids in whole or by items.

(C) By an affirmative vote of at least five of its members, the Council may waive the competitive bidding requirement of Section 9.02(B) if the Council determines that an emergency threatens public safety or property, or an item or service is only available from a single source or provider, or when funding could be lost due to time constraints, or if the item or service is available under the cooperative purchasing program administered by the Ohio Department of Administrative Services pursuant to Ohio Revised Code Section 125.04 (or other government cooperative purchasing program?), as amended, or other governmental purchasing program authorized by law, or if the Council determines that a waiver of the competitive bidding requirement is in the best interest of the MunicipalityCity.

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(D) The ~~City Manager~~Administrator shall select the construction project delivery method that in the ~~City Manager's~~Administrator's sole discretion is in the best interest of the ~~Municipality~~City, which project delivery method may include, without limitation, construction manager at risk, design-build, design-bid-build, single prime contracts, or any other method of project delivery pursuant to procedures established or approved by Council that must promote competitive pricing to the extent practicable. However, the Council shall have the authority to direct the ~~City Manager~~Administrator to select a particular construction project delivery method.

(E) Notwithstanding any provision of the laws of the State of Ohio, contractors and vendors shall not be entitled to receive interest on funds temporarily retained on a contract pending final acceptance of work performed or goods supplied, nor shall the ~~Municipality~~City be required to maintain a separate escrow account to hold such retained funds.

(F) Contracts or other agreements for professional services, including, without limitation, information technology/computer, architectural, engineering, surveying, testing, inspection, and legal services, shall not be subject to the competitive bidding requirements of this Section and shall not require authorization by the Council if the current operating budget provides sufficient funding for the services to be provided or if the Council has otherwise appropriated moneys for such services. Contracts for professional design services as defined in Ohio Revised Code Section 153.65 (as amended or revised) shall not be subject to the requirements of Ohio Revised Code Sections 153.65 through 153.73 (as amended or revised), but instead will be procured through procedures established by the Council.

(G) The Council shall establish procedures for alterations or modifications of contracts. Modifications or alterations of contracts shall not require competitive bidding. Such procedures may include a requirement that the Council approve cumulative contract modifications that exceed a specified percentage of the original contract value.

[End of Article IX]

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ARTICLE X
ELECTIONS, RECALL, INITIATIVE, AND REFERENDUM

10.01 Elections

(A) Regular municipal elections shall be held on the dates and times fixed by the election laws of the State of Ohio.

(B) The Council may, at any time, order a special election by legislation which shall set forth the date and purpose of the election, including, without limitation, ~~the advisory questions or the~~ referral of pending legislation to the electors for their approval or rejection. Special elections may be held on any date.

(C) All regular and special elections shall be conducted by the election officials of Delaware County, Ohio and the State of Ohio. Elections shall be held in conformity with the provisions of this Charter or as otherwise provided by the Council. Where not addressed by this Charter or by the Council, the provisions of the election laws of the State of Ohio shall be followed.

(D) The Council shall have the power to appropriate and expend public funds to pay the cost of providing information to the public in connection with tax, bond, and other non-partisan public issues, but not in connection with the election of any candidate for public office.

(E) There shall be no primary election for any elected office of the **MunicipalityCity**.

(F) Nominations for the elected offices of the **MunicipalityCity** shall be made by petition signed by not less than 25 nor more than 75 electors of the **MunicipalityCity**. Petitions shall be in the form determined by the election officials of the State of Ohio for the nomination of non-partisan candidates. Group petitions shall not be permitted. Petitions shall be filed with the election officials of the State of Ohio as provided by the law of the State of Ohio.

10.02 Recall

(A) The electors of the **MunicipalityCity** shall have the power to remove from office by a recall election any elected official of the **MunicipalityCity** in the manner provided in this Section.

(B) As to any elected official who has served at least six months of a term of office, an elector or electors of the **MunicipalityCity** may serve written notice upon the Clerk of Council of their intent to circulate petitions for the recall of the elected official. Petitions for the recall of the elected official may not be circulated until the written notice of intent is served upon the Clerk of Council.

(C) The petition shall contain a statement of not more than 100 words setting forth specific grounds upon which the removal of the elected official is sought. The petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name of the elected official whose removal is sought. Separate petitions are necessary for each elected official whose removal is sought. The petition shall be signed by at least that number of electors equal to twenty-five percent (25%) of the electors voting at the last preceding November general municipal election.

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(D) No later than 30 days after service of the notice of intent on the Clerk of Council, the petition demanding the removal of an elected official shall be filed with the Clerk of Council. The Clerk of Council shall note upon each petition the name and address of the person filing the petition and the date of such filing, deliver to such person a receipt for the filing of the petition, and attach a copy of the receipt to the petition. Within 20 days after the day on which the petition is filed, the Clerk of Council shall determine, subject to assistance received from the Board of Elections of Delaware County, Ohio to verify that petition signatories are registered to vote and live within the **MunicipalityCity**, whether or not such petition meets the requirements of this Section. If the Clerk of Council finds the petition insufficient, the Clerk of Council shall promptly certify the particulars in which the petition is insufficient, deliver a copy of the certificate to the person who filed the petition, and make a record of delivery. The person who filed the petition shall be allowed a period of 10 days after the day on which delivery of the certificate of insufficiency was made in which to make the petition sufficient and refile the petition with the Clerk of Council. The Clerk of Council shall have five business days from the date of refile to obtain assistance from the Board of Elections of Delaware County, Ohio to determine the sufficiency of the amended petition. If the Clerk of Council finds the amended petition sufficient, the Clerk shall promptly certify the petition to the Council and shall deliver, within five business days from the date of such certification to the Council, a copy of the certificate to the person whose removal is sought and make a record of the delivery. If the Clerk of Councils finds that the amended petition is still insufficient, the Clerk of Council shall reject the petition and promptly certify the particulars in which the petition is insufficient, deliver a copy of the certificate to the person who filed the petition, make a record of delivery, and take no further action thereon.

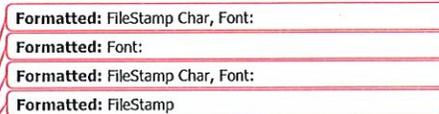
(E) Unless the elected official whose removal is sought resigns within five business days after receiving delivery of the Clerk of Council's certificate pursuant to Section 10.02(D), the Council shall, by ordinance or resolution, fix a day for holding a recall election occurring not less than 90 days nor more than 120 days after the date of the Clerk of Council's certification of sufficiency to the Council, and shall cause notice of the recall election to be published (i) on the **MunicipalityCity**'s website, (ii) on the same day of each week for two consecutive weeks in a newspaper of general circulation in the **MunicipalityCity** if such a newspaper exists, and (iii) by such other procedures as the Council may use to provide notice of legislation pursuant to Section 4.15. At the recall election, this question shall be placed upon the ballot: "Shall (name of elected official whose removal is sought) be allowed to continue as (elected official's position)?" with provisions on the ballot for voting affirmatively or negatively. If a majority of the vote is negative, the elected official shall be immediately removed, the office shall be vacant, and the vacancy shall be filled as provided in this Charter. If the elected official is not removed at such recall election, no further recall petitions shall be filed against the elected official for a period of one year following the recall election.

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10.03 Initiative and Referendum

Legislation, issues, and other measures may be proposed by initiative petition and adopted by election as provided by the Constitution and laws of the State of Ohio. Legislation adopted by the Council shall be subject to referendum, as provided by the Constitution and laws of the State of Ohio, except that legislation by the Council calling for an election shall not be subject to referendum and the Rules of Council shall not be subject to initiative or referendum as provided in Section 3.07.

[End of Article X]



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ARTICLE XI
GENERAL PROVISIONS

11.01 Conflicts of Interest, Ethics, and Campaign Financing

Unless otherwise provided in this Charter, the laws of the State of Ohio pertaining to conflict of interest, criminal misbehavior, ethics, and financial disclosure by municipal officials and employees, campaign financing and other election practices of candidates for municipal office shall apply under this Charter.

11.02 Effect of Partial Invalidity

A determination that any provision of this Charter is invalid shall not invalidate or impair the force and effect of any other provision, except to the extent that the other provision is wholly dependent for its operation upon the provision declared invalid.

11.03 Initiative and Referendum

This Charter may be amended or revised by the electors as provided by this Charter or the Constitution and laws of the State of Ohio.

11.04 Definitions

All references to "days" in this Charter shall mean calendar days unless otherwise stated. References to "business days" shall mean Monday through Friday except for federal or state holidays.

[End of Article XI]

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ARTICLE XII
CHARTER REVIEW COMMISSION

12.01 Composition and Term

In ~~2025-2030~~ and as often as necessary thereafter, but no less frequently than every 10 years, the Council shall appoint seven electors of the ~~Municipality~~City, holding no other elected office or employment with the ~~Municipality~~City, as members of a Charter Review Commission to serve until their duties as provided herein are completed. The members shall serve without compensation. The appointment of a Charter Review Commission within the prescribed periods shall not preclude the Council from submitting recommended Charter amendments to the voters from time to time as permitted by the Constitution and laws of the State of Ohio.

12.02 Duties

The Charter Review Commission shall study and review the provisions of this Charter and the operations of the ~~Municipality~~City and, by a majority vote of its members, shall report its recommendations, if any, for changes or revisions in this Charter to the Council no later than the first day of July following the appointment of the Charter Review Commission, unless a later date is specified by the Council. The Council shall submit any amendments or revisions to the Charter recommended by the Charter Review Commission to the voters in the manner provided by the Constitution and laws of Ohio; provided, however, that the Council may, by an affirmative vote of at least five Council members, (a) submit such amendments or revisions to the voters in a form different than recommended by the Charter Review Commission, or (b) decline to submit to the voters all or a portion of the amendments or revisions to the Charter recommended by the Charter Review Commission. The Council shall appropriate funds to the Commission as determined to be necessary to carry out its powers, duties, and functions, including amounts required to pay any consultants or special legal counsel to the Commission.

[End of Article XII]

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ARTICLE XIII
TRANSITIONAL PROVISIONS

13.01 Effective Date of Charter Amendments

~~Upon approval by a majority of the electors of the MunicipalityCity voting thereon at the election held on November 5, 2019, this Charter shall take effect on January 1, 2020. If approved by a majority of the electors voting thereon, any subsequent amendments to this Charter shall take effect from the date the final result of such election is certified by the relevant election authorities unless such amendments specify a later effective date; provided, however, that such certification date shall be the effective date for the purpose of designating, nominating, and electing officers of the MunicipalityCity and conducting municipal elections.~~

~~— 2025 Council Election~~

~~— One member of Council elected at the 2025 election shall be elected to serve a term of two years.~~

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13.02 Succession

~~The municipal corporation existing as the Village of Sunbury under the laws of the State of Ohio shall continue to be a body politic and corporate under the same name under this Charter or until such time as it becomes a city in the manner provided by the Constitution and laws of the State of Ohio. At such time, it shall then be known as the "City of Sunbury" unless otherwise provided by the Council, and, upon advancing to city status, the provisions of this Charter shall apply to the City of Sunbury.~~

The MunicipalityCity under this Charter is hereby declared to be the legal successor of the Village of Sunbury under the laws of Ohio, and shall have title to all property, real and personal, owned by its predecessor, including all monies on deposit and all taxes or assessments in process of collection, together with all accounts receivable and rights of action. The MunicipalityCity shall be liable for all outstanding orders, contracts, and debts of its predecessor as well as any other obligations for which it may be held liable by any court of competent jurisdiction. ~~All contracts entered into by the MunicipalityCity or for its benefit prior to the effective date of this Charter shall continue in full force and effect.~~

~~13.03 Continuation of Ordinances, Resolutions, Codes, Rules, and Regulations~~

~~All ordinances, resolutions, codes, rules, and regulations of the Village of Sunbury in effect at the time of the adoption of this Charter or any amendment thereto shall remain in effect until amended or repealed, except as superseded by the provisions of this Charter.~~

~~13.04 Continuation of Employees~~

~~Every employee of the MunicipalityCity on the effective date of this Charter and any subsequent amendments shall continue in such employment, subject in all respects to the provisions of this Charter and ordinances, resolutions, rules, or regulations existing on such effective date or subsequently enacted or promulgated under this Charter.~~

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[End of Article XIII]

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