

1. Agenda - April 8, 2025

Documents:

[CITY OF SUNBURY - CHARTER REVIEW COMMISSION - 4-8-25 AGENDA \(20268740.1\).PDF](#)

2. Meeting Minutes - March 11, 2025

Documents:

[CHARTER REVIEW COMMISSION MIN 3.11.2025.PDF](#)

3. Commission Work Plan

Documents:

[CITY OF SUNBURY - CHARTER REVIEW COMMISSION - REVISED 2025 WORK PLAN\(19995544.1\).PDF](#)

4. Charter Article VII - Departments And Personnel Systems

Documents:

[ARTICLE VII.PDF](#)

5. Charter Article VIII - Boards And Commissions

Documents:

[ARTICLE VIII.PDF](#)



Sunbury Charter Review Commission Agenda
Tuesday, April 8, 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. Revision of Work Plan
5. Discuss Article VII – Administrative Departments and Personnel Systems
6. Discuss Article VIII – Boards and Commissions
7. 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
March 11, 2025

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

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

Others Present: Mayor St. John, Cindi Cooper, Daryl Hennessy

Call to Order

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

Roll call was conducted by **Kaitlin Grafmiller** , confirming all members were present.

Approval of Minutes

- **Motioned:** Mr. Rentz
- **Seconded :** Shannon Stark
- **Approval:** Unanimous (7-0) with edits

Public Comments

No attendees wished to make public comments. However, **Ms. Grafmiller** reminded the Commission that City staff received an email from **Mr. Paul Hollar** and the final comments from his initial email are included in their packets.

Review of Work Plan

Ms. Princehorn presented the revised work plan, noting that the Commission will not meet March 25th. She outlined the schedule of article discussions to ensure timely completion for the Charter's placement on the ballot this year.

Discussion of Article V - Mayor

- **Military Powers**
 - o Remain with the Mayor per Ohio Revised Code (ORC 705.59 & 733.03).
 - o Consistent with other municipalities (e.g., New Albany).
- **Economic Development in Executive Session**

- It was discussed on whether to include economic development discussions to take place in executive session, ultimate it was decided to not include it in the Charter since it is already covered by Ohio Revised Code.
- **Police Department Oversight**
 - If the Mayor is unavailable, the Council President serves as Acting Mayor and assumes emergency powers.
 - Further discussion needed regarding clear delegation of authority.
 - Currently under the Mayor's supervision.
 - Proposed **transfer of police oversight to the City Manager** for better day-to-day administration.
 - Discussion about whether the **City Manager should reside in Sunbury**—decision made to keep the current flexibility to attract candidates from a broader pool.
 - **No formal residency requirement** but expected responsiveness to emergencies.
- **Emergency Chain of Command:**
 - If the Mayor is unavailable, the Council President serves as Acting Mayor and assumes emergency powers.
 - Further discussion needed regarding clear delegation of authority.
- **Mayor Holding Office or being a Delegate for a Political Party**
 - With the desire to keep Council and the Mayor nonpartisan, there were concerns raised about allowing the Mayor to hold political office or be a political delegate.
 - Mr. Brehm stated that, with First Amendment rights in mind, there was no compelling reason to take this language out of the charter.

Discussion of Article VI - City Manager

- **Appointment & Qualifications (6.02)**
 - Merit-based appointment clarified.
 - Prohibited from holding other public employment without Council approval.
- **Acting City Manager (6.04)**
 - The City Manager may delegate authority through written correspondence instead of only by letter.

- o Discussion about whether the Assistant City Manager should automatically serve as Acting City Manager.
 - Decided to allow flexibility since the position may not always be filled.
- **Suspension & Removal (6.05):**
 - o Revised process to align with Loudermill case law (due process for public employees).
 - o Key Changes:
 - The City Manager may be suspended or removed by Council resolution.
 - The opportunity to be heard must be provided.
 - Removed specific timeframes (e.g., 5-day/30-day rules) to allow for flexibility.
 - Council has sole discretion over the final decision.
 - Discussion on whether placing the City Manager on paid administrative leave also requires a hearing—awaiting legal clarification from ongoing case law.
- **General Powers & Duties (6.01)**
 - o Considered requiring New Community Authorities (NCAs) to publish minutes & agendas.
 - Decided that NCAs are independent bodies and should handle their own records.

Good of the Order

- Ms. Princehorn stated that next meeting will review **Articles VII & VIII**
 - o There is also the possibility to adjust the work plan based on progress made in our review

Adjournment

- **Motioned:** Ms. Heller
- **Seconded :** Ms. Crawford
- **Approval:** Unanimous (7-0)

The meeting was adjourned.

Next Meeting: April 8, 2025



SUNBURY

Sunbury Charter Review Commission

2025 Work Plan (Revised)

January 28, 2025	Articles I, II
February 11, 2025	Articles III, IV
February 25, 2025	No Meeting
March 11, 2025	Articles V, VI
March 25, 2025	No Meeting
April 8, 2025	Articles VII, VIII
April 22, 2025	Articles IX-XIII
May 13, 2025	Final Review

ARTICLE VII
ADMINISTRATIVE DEPARTMENTS AND PERSONNEL SYSTEMS

7.01 Departments

The ~~Municipality~~City shall have a Department of Law, a Department of Finance, a Police Department, and such other departments as the Council may create. Except for the Department of Law and the Department of Finance, the Council may abolish, combine, merge, change, or alter any department of the ~~Municipality~~City.

7.02 Powers, Duties, and Functions

Departments of the ~~Municipality~~City shall have those powers, duties, and functions as provided in this Charter and by the Council.

7.03 Department Directors

(A) Departments of the ~~Municipality~~City shall be under the supervision of each department's respective director.

(B) The Chief of Police shall be appointed and removed by the ~~City Manager~~Mayor, subject to the consent and approval of the Council, and the Chief of Police shall serve at the pleasure of the ~~City Manager~~Mayor and the Council subject to Section 7.03(C). The Director of Law and the Director of Finance shall be appointed and removed by the ~~City Manager~~Administrator, subject to the consent and approval of the Council, and the Director of Law and the Director of Finance shall serve at the pleasure of the ~~City Manager~~Administrator and the Council. All other directors shall be appointed by the ~~City Manager~~Administrator and shall serve at the pleasure of the ~~City Manager~~Administrator. ~~With the consent of the Council, the~~
~~City Manager~~Administrator may serve as the director of one or more departments or may appoint one person as the director of two or more departments.

(C) Notwithstanding the ~~City Manager's~~Mayor's authority to appoint and remove the Chief of Police pursuant to Section 7.03(B), the Council may propose the suspension or removal of the Chief of Police by a resolution of the Council, which shall include that shall set forth the reasons for the proposed suspension or removal and, which resolution must receive an affirmative vote of at least five Council members. ~~A copy of such resolution shall be served immediately upon the Chief of Police. The Chief of Police shall have five days from the date of receipt of service in which to reply in writing and request a public hearing. Upon request, the Chief of Police shall be afforded a public hearing, which shall occur not earlier than 10 days nor later than 30 days after the public hearing is requested. After the public hearing, if requested, and after full consideration, the Council may adopt a final resolution of suspension or removal. After providing the Chief of Police with an opportunity to be heard, and after full consideration, the Council may adopt a final resolution of suspension or removal,~~ which resolution must also receive an affirmative vote of at least five Council members. If the Chief of Police is suspended or removed from duty as provided under this Section, the ~~City Manager~~Mayor may appoint an Acting Chief of Police pursuant to Section 7.06.

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7.04 Director of Law

(A) The Director of Law shall be an attorney-at-law duly authorized and licensed to practice law in the State of Ohio.

(B) The Director of Law shall be legal counsel for the MunicipalityCity and shall represent the MunicipalityCity in any proceedings before any court or before any administrative board or body, including serving as Prosecutor of the Mayor's Court. Subject to the approval of the Council, the Director of Law, where appropriate, may alternatively facilitate representation of the MunicipalityCity by the hiring of assistant(s) or engaging outside counsel. The Director of Law shall perform other duties as required by this Charter, by legislation of the Council, and by the City ManagerAdministrator. The Director of Law shall not be required to represent any school district or any other unit of government other than the MunicipalityCity.

7.05 Director of Finance

The Director of Finance shall be the chief financial officer of the MunicipalityCity; shall exercise the powers, duties, and functions as required by the laws of the State of Ohio, this Charter, legislation of the Council, and by the City ManagerAdministrator; and shall provide full and complete information concerning the financial affairs and financial status of the MunicipalityCity as required by the City ManagerAdministrator and the Council.

7.06 Acting Department and Division Heads

In the event of a vacancy or the temporary absence or disability of the head of any administrative department or division authorized by or created pursuant to this Charter, ~~(A) the Mayor may appoint an acting Chief of Police for the Police Department until the vacancy is filled or the temporary absence or disability is removed, and (B) the City Manager Administrator, for every other department besides the Police Department,~~ may appoint an acting head of the department or division until the vacancy is filled or the temporary absence or disability is removed.

7.07 Contract Services

Professional services not otherwise provided for in this Charter may be provided by way of contract engagements authorized by the Council. The Council may substitute or supplement services to be provided by municipal personnel through contracts with other political subdivisions or other government agencies or by contracts with private persons, firms, corporations, or other entities.

7.08 Administrative Code

Subject to the provisions of this Charter, Council shall adopt and may amend an administrative code (the "Administrative Code") which shall provide, in detail, the organization of the MunicipalityCity's government, define the powers and duties of each organizational unit, and set forth administrative procedures. Amendments to and revisions of the Administrative Code shall be made by the Council. Where the Administrative Code is silent as to a matter or function, the officers and employees of the MunicipalityCity shall have and may exercise all the powers and duties provided for similar officers and employees under the laws of the State of Ohio. However,

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provisions of the Administrative Code shall supersede those of the general laws of the State of Ohio in case of conflict to the fullest extent permitted by law.

7.09 Personnel Systems

~~(A)~~ Section 7.09 shall be effective once Sunbury is declared to be and classified as a city under the laws of the State of Ohio.

~~(B)~~(A) All appointments and promotions of employees of the MunicipalityCity shall be made on the basis of merit and fitness demonstrated through a competitive selection process to the extent practicable and except as otherwise provided by the Council.

~~(C)~~(B) The Council shall establish a classified and unclassified service for employees of the MunicipalityCity. The Council shall include as a part of the Administrative Code, adopted pursuant to Section 7.08, a section or sections to define and govern the classified and unclassified service of the MunicipalityCity. All original appointments and promotions to full-time positions within the Police Department below the level of Chief of Police shall be within a classified service.

~~(D)~~(C) Appointments to and removal from all elected and appointed offices, including the MunicipalityCity’s boards, commissions, and committees, shall be made in accordance with the specific applicable provisions of this Charter or the specific applicable legislation of the Council, and shall not be subject to Sections 7.09(BA) and (CB).

~~(E)~~(D) The laws of the State of Ohio governing the retirement of employees of municipalities shall be applicable to MunicipalityCity employees under this Charter.

[End of Article VII]

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ARTICLE VIII

BOARDS AND COMMISSIONS

8.01 Creation of Boards and Commissions

The ~~Municipality~~City shall have a Planning and Zoning Commission, a Board of Zoning Appeals, and a Personnel Board of Appeals as set forth herein and such other boards and commissions as may be created by the Council.

8.02 General Rules for Boards and Commissions

The following general rules shall govern boards and commissions:

(A) each board or commission created by the Council shall consist of at least three members;

(B) compensation, terms, appointments, and removals shall be determined by the Council unless otherwise provided in this Charter;

(C) each member of a ~~City~~ board or commission shall be and shall remain an elector of the ~~Municipality~~City during the term of appointment unless otherwise provided by the Council;

(D) a vacancy occurring during the term of any member of a board or commission shall be filled for the unexpired term in the same manner as the original appointment;

(E) each vacancy shall be filled within 60 days or as soon as practicable if no acceptable candidates can be found within such time;

(F) each board and commission shall establish its own rules of order to be approved by the Council;

(G) members of boards and commissions shall serve without compensation unless otherwise provided by the Council; and

(H) all meetings of boards and commissions shall be open to the public, except as allowed by the laws of the State of Ohio.

8.03 Planning and Zoning Commission

(A) The Planning and Zoning Commission shall consist of six voting members who are electors of the ~~Municipality~~City. The Mayor shall be an automatic and permanent member of the Planning and Zoning Commission. In addition to the Mayor, the Council shall appoint one of its members to be a member of the Planning and Zoning Commission who shall serve at the pleasure of Council and shall be subject to such term on the Planning and Zoning Commission as specified by the Council but not exceeding the remainder of that Council member's term on the Council. The Council shall appoint the other four members of the Planning and Zoning Commission to serve overlapping three-year terms with two members' terms ending on December 31 of every third year, provided that tThese citizen members shall not hold any other office or employment

Commented [DH6]: Not true for an NCA board. Need additional language to clarify these requirements apply to the three boards listed and ?

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with the MunicipalityCity. Upon adoption of this Charter, the Council shall initially appoint some members to shorter terms in order to accomplish the intended staggered terms or it may carry over existing members and terms of the Planning and Zoning Commission for such purpose.

Commented [DH7]: Clarify that this does not apply to NCA boards and ?

Commented [DH8]: Adjust as necessary to achieve the staggered term outcome and identify that terms begin end December 31 (just like BZA).

(B) Any school district with territory that overlaps the territory of the MunicipalityCity may appoint a representative of such school district to the Planning and Zoning Commission who shall be permitted to participate in the meetings of such Commission without having a vote on any matter before such Commission.

(C) The Planning and Zoning Commission shall have the power and duty to hear applications for land use, zoning classifications, or districts and, as merited, to submit written recommendations for legislative action or to render final determinations for administrative action; to initiate, review, and recommend legislation, rules, and regulations on all matters of municipal planning, land use, and zoning classification; and to exercise such other powers, duties, and functions as provided by the Council.

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(D) The Planning and Zoning Commission shall select its own officers annually. All action taken by the Planning and Zoning Commission shall be by an affirmative vote of at least four members thereof.

8.04 Board of Zoning Appeals

(A) The Board of Zoning Appeals shall consist of six voting members who are electors of the MunicipalityCity, provided that these citizen members shall not hold any other office or employment with the MunicipalityCity. The Council shall appoint the Board of Zoning Appeals to serve overlapping three-year terms with two members' terms ending on December 31 of each year. Upon adoption of this Charter, the Council shall initially appoint members with shorter terms in order to accomplish the intended staggered terms.

Commented [DH9]: NCA and other clarification needed.

(B) The Board of Zoning Appeals shall have the power and duty to hear and decide appeals for exceptions to and variances in the application of resolutions, ordinances, regulations, other legislative measures, and administrative determinations governing zoning in the MunicipalityCity, as may be required to afford justice and avoid unreasonable hardship. The Board of Zoning Appeals may make advisory recommendations to the Council and the Planning and Zoning Commission concerning zoning matters, and the Board of Zoning Appeals shall exercise such other powers, duties, and functions as provided by the Council.

Commented [DH10]: Is this authority too broad?

(C) The Board of Zoning Appeals shall select its own officers annually. All action taken by the Board of Zoning Appeals shall be by an affirmative vote of at least four members thereof.

8.05 Personnel Board of Appeals

(A) Section 8.05 shall be effective once Sunbury is declared to be and classified as a city under the laws of the State of Ohio.

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~~(B)~~(A) The Personnel Board of Appeals shall consist of three members who shall serve overlapping three-year terms with one member's term ending on December 31 of each year. ~~After the effective date of this Section, the Council shall initially appoint members with shorter terms in order to accomplish the intended staggered terms.~~

~~(C)~~(B) The Personnel Board of Appeals shall have the power and duty to hear appeals from administrative determinations made pursuant to the Administrative Code, and such other powers, duties, and functions as provided by the Council.

[End of Article VIII]