

MINUTES
Wyoming City Council
May 17, 2021

The Wyoming City Council met in regular session on May 17, 2021 at 7:00 p.m. via Zoom. Mayor Hoffmeister called the meeting to order. In attendance were:

Council Members:

Thaddeus Hoffmeister, Mayor
Nancy Averett
Al Delgado
Jeff LeRoy
Jim O'Reilly
Sarah Stankorb Taylor

Others:

Rusty Herzog, Acting City Manager
Emily Supinger, City Solicitor

APPROVAL OF CONSENT AGENDA:

Mr. Delgado moved to approve the Consent Agenda. Mr. LeRoy seconded the motion. There being no discussion, the motion to approve the following items on the Consent Agenda carried with all voting yes:

- April 19, 2021 City Council Meeting Minutes
- April 26, 2021 Committee of the Whole Minutes
- Resolution Authorizing the City Manager to Enter into a Contract with Ford Development for the Clark Avenue Improvements Project
- Renewal of Liquor Permits
- Application for a New Liquor Permit for Wyoming Vines, LLC, 518 Wyoming Avenue

SPECIAL REPORTS/MINUTES:

Mr. O'Reilly reported that OKI is looking carefully at how the Federal American Relief Fund will be spent. The effort at the First Suburbs is going well and is prepared to deal with the funding as suburbs need that funding and we are all watching what the City of Cincinnati is going to do since Cincinnati is heading in a particular direction and we are trying to determine how that impacts interactions, particularly with the Metropolitan Sewer District.

VERBAL REPORT FROM THE ACTING CITY MANAGER:

- The pop-up dog park will pop-up this Friday at Village Green and will be open through Sunday evening for you and your pooch to enjoy.
- The virtual Wyoming Art Show continues through this Sunday. You can visit wyomingartshow.org to view and purchase art from the comfort of your home.
- The Wyoming Blooms Garden Tour is this Sunday from 1:00 p.m. to 4:00 p.m. Tickets are \$10 for adults, children are free, and you can purchase your tickets at the Village Green during the event.

- The Wyoming Family Aquatic Center will open for the season on Saturday, May 29 at noon.
- City offices will be closed on Monday, May 31st for the Memorial Day holiday.

REPORTS OF STANDING COUNCIL COMMITTEES:

No reports were received.

REPORTS OF SPECIAL COMMITTEES:

No reports were received.

CITIZEN PARTICIPATION:

No citizens participated.

BUSINESS:

A. Report from the Charter Review Commission: Ms. Supinger presented the report to City Council:

The Charter Review Commission met on four separate occasions and has completed its review of the City Charter.

In general, the Charter Review Commission did not feel that there were significant changes necessary to the Charter. The Commission's recommended amendments are primarily aimed at clarifying certain provisions, ensuring uniformity throughout the Charter, and providing tools to allow the City to conduct business remotely in the event of a situation which would impair the City's ability to conduct public meetings in-person.

As City Council is well-aware, the COVID-19 pandemic and the need to avoid public gatherings, especially indoor gatherings, made it difficult for City Council and the City's boards, commissions, and committees, to conduct in-person meetings. Prior to the pandemic, Ohio did not have a mechanism to allow public bodies to meet through virtual means. To the contrary, Ohio law required all meetings to be conducted in-person and at a venue that is open to the public. In order to ensure that public bodies were able to safely conduct business during the pandemic, the Ohio General Assembly passed a temporary measure allowing public bodies to meet through telephonic or electronic means, provided public access was maintained. That measure expires on July 1, 2021.

While it is expected that City Council and City boards, committees, and commissions will resume in-person meetings within the time frame allowed by state law, the onset of the pandemic demonstrated that the City lacks the ability to conduct a meeting remotely if necessary due to a local emergency or condition. The proposed change to Section 3.07 Council Meetings would allow Council, under its Home Rule Authority, to conduct any regular or special council meeting through virtual means during a declared state of

emergency or when circumstances are such that it is prudent to do so. The addition of proposed Section 11.08 Meetings of Boards, Committees, and Commissions Through Virtual Means would extend this to all City boards, committees, and commissions.

The following are the specific changes. In these we have shown a black line version of the suggested amendments as well as the purpose for each change.

First Proposed Amendment:

Purpose: make Section 3.02 gender neutral.

SECTION 3.02 QUALIFICATION.

All members of Council shall have been qualified electors and residents of the City for at least one year immediately prior to the time of filing for office, and shall continue to be qualified electors of the City during their respective terms of office. No member of Council shall hold any other office or employment with the City, except as otherwise allowed by this Charter or by ordinance of the Council.

Any member of Council who shall cease to possess or who violates any of the qualifications of office herein provided; who is finally convicted of a crime involving moral turpitude; or who fails to attend three consecutive regular meetings of the Council, unless such absence is excused by a majority vote of the members present at such meeting or a subsequent meeting of the Council, shall be subject to forfeiture of ~~his~~ their office in the manner provided by Section 3.09 of this Charter. A member of Council shall not vote upon the question of ~~his~~ their removal or whether ~~his~~ their absence from a regular meeting should be excused. Failure to maintain such qualifications shall not render void or ineffective any action of the Council in which such member participated.

Second Proposed Amendment:

Purpose: allow Council meetings to be conducted by virtual means when necessary.

SECTION 3.07 COUNCIL MEETINGS

Council shall hold not less than 12 regular meetings per year at such time and place as designated by ordinance. An organizational meeting shall be held December 1st of each election year. Special meetings may be called by the Mayor or by any three (3) council members on twenty-four (24) hours written notice served on each member personally, or left at the members' usual place of residence. The purpose of the special meeting shall be stated in the notice, and no other business shall be transacted at such meeting. Council may conduct any regular or special meeting through virtual means, such as electronic, teleconference, web, or video conference, during a declared state of emergency or when circumstances are such that it is prudent for Council to not hold an in-person meeting. All members of council attending a meeting held through virtual means shall be considered

present, shall be counted towards a quorum, and may vote on all matters coming before Council during the meeting.

A majority of the members of Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. The vote of at least a majority of the members present, except as otherwise prescribed in this Charter, shall be necessary for the passage of any measure, and all votes shall be taken by yeas and nays entered upon the journal. All meetings of Council shall be open to the public, except as allowed by the laws of the State of Ohio and as Council may provide by ordinance for matters declared in such ordinance to require confidentiality.

Third Proposed Amendment:

Purpose: delete unnecessary verbiage; provide consistency in terminology throughout Charter.

SECTION 3.09 REMOVAL AND VACANCIES.

If any member persistently fails to abide by the rules of Council, or becomes disabled so as not to be able to perform the duties of a council ~~person~~ member, such seat may be declared vacant by resolution of Council, five (5) members concurring. Any member who shall cease to be a resident or qualified elector of the City of Wyoming, or shall cease to possess any of the qualifications set out in Section 3.02 of this Charter or is recalled shall ~~forthwith~~ forfeit such office, and Council shall by majority vote declare the seat vacant. The remaining members of Council shall, by majority vote, elect a successor to fill any vacancy however caused. The power of Council to fill the vacancy shall lapse after thirty (30) days, and the Mayor shall fill the vacancy by appointment. Any appointee under this section shall qualify under the provisions of this Charter and shall hold office and serve for the unexpired term and until such successor is elected and qualified.

Fourth Proposed Amendment:

Purpose: clarify that a decision by Council to remove the City Manager is not subject to appeal; provide consistency in terminology throughout Charter.

SECTION 4.07 REMOVAL

~~The City~~ Council may remove the City Manager by a majority vote of its members. At least thirty (30) days before such removal shall become effective, ~~the City~~ Council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for said removal. The City Manager may reply in writing and may request a public hearing before ~~City~~ Council which public hearing shall be held not earlier than twenty (20) days not later than thirty (30) days after the public filing of such request, which request shall be filed with the Clerk of Council within five (5) days of the City Manager being notified of such termination. After such public hearing if one is requested, and after full consideration, ~~the City~~ Council by a majority vote of its members may adopt a final resolution of removal, which decision is final and is not subject to appeal by any person or party.

Fifth Proposed Amendment:

Purpose: to allow City board, committee, and commission meetings to be conducted by virtual means when necessary.

SECTION 11.08 MEETINGS OF BOARDS, COMMITTEES, AND COMMISSIONS THROUGH VIRTUAL MEANS

All City boards, committees, and commissions may conduct any meeting through virtual means, such as electronic, teleconference, web, or video conference, during a declared state of emergency or when circumstances are such that it is prudent for the board, committee, or commission to not hold an in-person meeting. All members attending a meeting held through virtual means shall be considered present, shall be counted towards a quorum, and may vote on all matters coming before the board, committee, or commission during the meeting.

Ms. Stankorb Taylor asked how the proposed changes will look on the ballot to the voters and will they be able to see the proposed changes without having to read the entire document. Ms. Supinger explained that the Charter will not be rewritten for the purposes of the ballot, only the sections that have proposed revisions will be summarized in advance.

Mr. Delgado commented that the Charter is reviewed every five years which will be the next opportunity for any proposed changes to be made.

Mr. O'Reilly moved to adopt the report. Ms. Stankorb Taylor seconded the motion. Mr. Delgado stated that he believes there is a fee to the City to put this item on the ballot and he asked Ms. Supinger how much the fee is. Ms. Supinger was unsure but stated that it costs less for a November ballot issue than any other time. Mayor Hoffmeister noted that the fee is \$5,500. Ms. Averett asked what the different is between receiving and adopting a report. Ms. Supinger explained that receiving means that Council has heard the report and is not taking any action. Adopting means that Council accepts what is contained in the report. With no further questions, by voice vote, all voted yes, the motion carried.

B. First Reading of the Ordinance Authorizing the Placement of Proposed Revisions to the Charter of the City of Wyoming on the November 2, 2021 Ballot and Declaring an Emergency: Mayor Hoffmeister noted this was the first reading of the Ordinance and set the second reading and the public hearing for the June 21, 2021 City Council meeting.

C. Proclamation Declaring June 2021 as Pride Month: Mayor Hoffmeister read the Proclamation.

D. Resolution Honoring the Services of David Sparks Serving on the Historic Preservation Commission: Mayor Hoffmeister read the Resolution.

NEW BUSINESS NOT OTHERWISE ON THE AGENDA:

Ms. Stankorb Taylor commented that she was hoping Council would have a discussion about the changes to the mask mandate by the CDC and the Governor. Mayor Hoffmeister noted that the item will be on the Committee of the Whole agenda for discussion next Monday. Ms. Stankorb Taylor asked clarification with regard to the City's mask mandate and how it interacts with the state mandates. Ms. Supinger explained that the Governor announced the mask mandate would be lifted on June 2 and that the mask mandate is lifted today as it pertains only to fully vaccinated individuals. In either account, the Ordinance that was passed by City Council goes into effect when the Governor lifts his orders. The purpose of the City's Ordinance was painted as a safety net in the event that the mask mandate was lifted, or overturned, before City Council was prepared to have the same mandate lifted in Wyoming. With the Governor lifting the mask mandates, the City's Ordinance will go into effect to the extent that it is not covered by State law, the City's Ordinance still requires the wearing of masks until Council takes any action on that. Ms. Stankorb Taylor asked that for up to a week after the Governor's mask mandate is lifted, the City will be enforcing an Ordinance that goes beyond the state recommendation. Ms. Supinger indicated this was correct and clarified that it will then become a local Ordinance that will be in effect. Ms. Stankorb Taylor asked Mr. Herzog what position this puts the staff in. Mr. Herzog explained that all City properties will keep the mask mandate in effect as long as the local Ordinance remains in effect.

MISCELLANEOUS:

Ms. Averett expressed concern about cicadas affecting the new trees that were planted along Ritchie Avenue. She asked if there was any discussion about the cicadas before the trees were planted. Mr. Herzog stated that the City does not have the resources to cover all new trees with netting to protect them but he would ask each homeowner that has received a new tree recently to do what they can to protect them. Ms. Averett asked if there was any discussion about the cicadas before the trees were planted. Mr. Lippert stated that the City's arborist was consulted who indicated that the size of the trees that are planted are mature enough to not be severely affected by the cicadas. Ms. Averett commented that she believes that only certain tree species may be affected such as fruit trees and crab apple trees. Mr. Lippert confirmed that the new trees that were planted were not high risk varieties.

Ms. Averett mentioned the new yoga studio, Kindred Spirit, which is located above Half Day Café. She was impressed with the renovations that were made to the space and the business is a nice addition to Wyoming's business community.

Ms. Stankorb Taylor reported on the tonnage from UpCycle Day. Approximately 15.25 tons was collected at this year's event. The year prior, 14.5 tons was collected. The third grade students did a virtual city tour as part of their annual curriculum requirement this year. Generally, they visit city facilities in person. She noted that her daughter participated as "Mayor Taylor" and was visited by Mayor Hoffmeister and was very impressed by him. Ms. Stankorb Taylor thanked all the staff who helped make the virtual tours possible for the third graders.

Mr. O'Reilly welcomed Rob Nicolls and stated that it will be great to have him carry on the great traditions that Terry Huxel has provided to the people. He stated that one factor about snow removal is that there is a myth in the community, started under Terry Huxel's tenure, that there are secret electric wires under Springfield Pike preventing any snow from sticking to the road(s). Mr. O'Reilly wished Mr. Nicolls the best, that he has a perfect crew to work with, and wished him many years of success. Mr. Nicolls thanked Mr. O'Reilly and stated that he is looking forward to getting started.

Mr. LeRoy recalled that a couple of years ago, a group from the Library came to a City Council meeting to give a presentation on the proposed levy to support library renovations. He asked if anyone has heard anything about any planned renovations to the library or where we stand with them at this time. Mayor Hoffmeister stated that he has not heard anything from the library officials but perhaps they should be invited back.

Ms. Statt Blake reported that the Wyoming Branch Library is slated for ADA improvements to the building. They conducted a public meeting a few months ago. The City's Economic Development Commission Chairman, Chris Harmon, attended the meeting and reported back to the EDC that when the library gets their design and plans ready it will be presented to the community. It is anticipated that the renovation plans are still active.

Mr. Green wished everyone a great month. Mayor Hoffmeister asked everyone to be safe and to look out for their neighbors.

EXCUSAL OF ABSENT MEMBERS:

All members were present. There were none to excuse.

EXECUTIVE SESSION:

Mr. Delgado moved to adjourn to Executive Session Under Section 121.03(b) (1) of the Codified Ordinances of the City of Wyoming to Consider Appointments to the Historic Preservation Commission. Ms. Stankorb Taylor seconded the motion. By roll call vote, the motion to adjourn to Executive Session carried with all voting yes. The meeting adjourned to Executive Session at 7:33 p.m. Council left Executive Session at 7:39 p.m.

Ms. Stankorb Taylor moved to appoint LaBecca Hall and Rachel Kennedy to the

Historic Preservation Commission. Mr. LeRoy seconded the motion. All voted yes, the motion carried.

ADJOURN:

Mr. Delgado moved to adjourn the meeting. Ms. Averett seconded the motion. By roll call vote, the motion to adjourn the meeting carried with all voting yes. The meeting adjourned at 7:40 p.m.

Respectfully submitted,

Debby Martin, Executive Assistant

Karen Zeilman, Clerk of Council

Thaddeus Hoffmeister, Mayor