



Charter Review Commission Minutes

Stow City Hall Boards and Commissions Room, Thursday, March 5, 2015, 5:30 p.m.

Members Present: Andrea Denton, Kelly Johnson, Robin Kory, John Long, Tim Schofield, Annal Vyas, Nicole Walker, and Mary Botts

Members Absent: None

Also Present: Mayor Sara Drew, Councilman John Pribonic, and Jeff Saunders, Stow Sentry.

Meeting called to order at 5:32 p.m. by Robin Kory

Approval of Minutes – Motion to approve the minutes of February 26, 2015 by John Long, seconded by Andrea Denton, motion passed 7-0 with no changes.

Ms. Kory welcomed Mayor Drew and Councilman Pribonic to the Charter Review Meeting.

Mayor Drew stated that she had a conversation with Amber Zibritosky (Law Director). She was not able to be here tonight. She would like to be here as much as possible but it is just not going to work with her schedule, partly because City Council is on the 2nd and 4th Thursdays so what she asked that I relay to you is she said she is always more comfortable and better researching and providing information as opposed to answering on the fly so if you have questions, she is more than happy to have you send them to her or have Mary get them to her, and then either when she comes to the next meeting or if she is not able to be there, she would e-mail back answers. She also suggested that if there are questions about legal kinds of language or that kind of stuff, she was comfortable having Annal and Nicole utilize your professional experience. Certainly, she wasn't asking that you weigh in on an interpretation of the Charter, but if it's more of an issue of what do they mean, whether the definition, she is more than comfortable and would encourage that the two of you, given your professional backgrounds, feel free to weigh in.

Ms. Kory said if we can't figure it out or if we still have questions, we will just make a note. Mayor Drew said some meetings Amber may be here but she couldn't be here tonight. I think she is planning on coming next time or we will have City Council so she may have to scoot out a little early but she wanted you to know she is available in other ways.

Ms. Denton said one of the questions that we talked about last time was the Acting Mayor and if the Mayor is not available, is there a time limit or anything like that? Say you were out of the country for three weeks or something like that, is there a time where they say, o.k., she is going to be out of the country, she is going to be out of town, how

does that work like when you take a vacation or that type of thing. Mayor Drew said that was actually addressed five years ago in the last Charter Review Commission and I couldn't tell you off the top of my head exactly what the wording change was, but they did tweak it a little bit because it recognized that in today's world, the Mayor can still be available whether or not she or he is physically in the City of Stow. I would say that it was really more meant, and you could debate if you want to clarify the language, but it really was more meant for if I were to become incapacitated, if I had an medical emergency and were unable to fulfill my duties, certainly if I were out of the country. I would have to designate the President of Council in my stead to sign things and do some things but I would just not be there physically unable to do, but I would still be accessible even out of the Country so I think the intent on that really is more if I were to become incapacitated. Ms. Denton said because it does say "absent from the Municipality". That was the one that I wondered if it should just leave. Mayor Drew said I thought that had been removed. Maybe it was discussed five years ago, it was amended 11/10. Ms. Kory said how do you define absent; for how long; when should we get concerned. Mayor Drew said maybe you want to clarify that, that is obviously up to you but I think that was what the intent really is. Ms. Kory said so if we can't get in touch with you after x amount of time. Ms. Denton said because out of the municipality sounds different.

Mr. Vyas said so one of the things that we had discussed was if the Mayor was incapacitated, then the President of Council would act and then there was an issue with, there could theoretically be a 3/3 tie and it just seemed like there were some issues that we wanted to discuss and go through that. I am guessing that this has never really come up before but I just thought that it did arise in the future then maybe we have clear language that eliminated any ambiguity for that matter. Mayor Drew said there was just a recent example just a few years ago in Tallmadge when Mayor Grimm resigned and then the President of Council declined to take the job so another Council person took the job and then the President of Council said no, I do want the job and it was quite a mess so there is some precedence in local communities. I will say that when, by way of illustration, when a former Law Director, Brian Reali resigned last year, I had the authority, per the Charter, to appoint with Council's approval, the replacement and so I appointed Amber Zibritosky, who was the Deputy Law Director at the time. There is something about how close it is to the next regularly scheduled election and so we were close enough that Amber was able to fill out the rest of the roll. I am going to assume without the Charter in front of me, without full knowledge of the Board of Elections requirements, that the same is true for the Mayor. So if the Mayor's office were to become vacant six months before the next scheduled election, it is different than if it becomes vacant in the first year. In some cases, it would minimize the amount of time and confusion.

Ms. Kory said I was doing some reading and we had some questions around the Council and how it is set up. I know we didn't talk about it but when I was going through stuff for the Council, it said it was divided into three that we voted on independently and then four that we voted on, one for each ward. Mayor Drew said correct, four wards and three at-large, so at-large is the entire city and then whatever ward you live in you vote for your Ward Rep. Ms. Kory said so looking at the map I would think you would know your ward person and I started thinking, how are the wards divided up now and how often do we look at redesigning the ward structure because I am assuming the wards are designed

by equal size or census data so when was the last time we looked at redesigning the wards or is that something that we leave as-is. Mayor Drew said the redistricting occurs based on population changes is what can trigger it so that is based on the census. After the last census, which was 2010, there wasn't enough of a significant shift from the current parameters to trigger a redistricting. Now the Board of Elections has redistricted precincts within those wards but that is a different matter than the City itself changing our Wards. I don't know off the top of my head the last time the ward boundaries were changed but I know they have changed significantly over the years because Mayor Fritschel, when she was first elected to City Council twenty years ago or more, was from Ward 1 but she now lives in current Ward 4, so I know there has been some significant change through the years. As to the validity of the current wards, having wards, not having wards, how they are divided, I will certainly defer first to John Pribonic on his thoughts on that. He has been both a Ward Representative and At Large. Ms. Kory said so what are the benefits. Mr. Pribonic said first of all, everybody has equal power. So there is always that thought. There is a Ward Representative and there is an At-Large and a lot of people think an At-Large member has more voting power but everybody is equal. When you were talking about voting as far as the Council, each Ward is going to look at the Ward and what they really want. They are the voice of that Ward so really, they are your direct link. They really should be voting upon the way that you would want them to vote so if you hear a huge outcry that they don't want this in their ward or whatever and this is going on, they technically really should vote the way that you wish to go. That being said then, you have the three At-Large and they take a look at the large picture which then in turn allows it, I guess, to be a more fair equal voting system because if you have one person who is just looking at that ward in general, you have three people or four or actually each one looking at their own ward so I guess for lack of better term, that would be almost like selfish. For example, I am your Ward Councilman, I am selfish on looking at my Ward and my Ward only, I could care less, as long as it doesn't go on in Ward 3, it can go on in Ward 4, I don't really care so then you have your At-Large that then weighs in and says this is what we think is for the whole city so like I said, it kind of puts that balance there, I believe. I think if you just had Wards and it was all broken up, I think you could have some disparity there.

Mr. Long said just on that same thought, so if I want to run and I am in Ward 1, if you run as a Council person in your ward versus running as a Councilperson At-Large? Is there any advantage or disadvantage, for a lack of better word, for gaining votes or getting that seat that you want? Does that come into play? When these people decide to get into the ring and run, and I am throwing this thought out because if that has some kind of factor involved with their decision, should we look into rebalancing wards? Mr. Pribonic said that is a good question. First of all I can tell you that it is a lot less work if you are just running in a ward because you can actually go around, if you really hit the pavement, you can go around four or five times. When you are talking about the whole City, you are talking about thirteen or fourteen thousand households so when that makes it a big difference. The money spent would also be a big factor as far as that is concerned, going around and going to each individual household or so forth. It covers a lot more area. Mayor Drew said I am not weighing in on the ward versus at-large but I will tell you that as a former At-Large Council person and someone who has run city-wide for the office of Mayor. When you run At-Large, you are forced to think on a broader scale and I think John alluded to this in his comments and I think the folks who

run for a Ward Council seat, good, bad or indifferent, can appeal to a smaller cross section of our community. The At-Large seats have to appeal to a broader cross section of people. Now you can argue the merits and short comings of both of those and whether it is good or bad, but it is a reality that not only is it more expensive to run At-Large, you also have to be as responsive to the people who live near Fox Den and their thoughts on the golf course as you are to the people in Wyoga Lake who may be concerned about flooding, as you are to people who live near the airport who have concerns about noise. Whereas if you were in a ward, you can say, you know, I am Ward 2 and I am not anywhere near the airport so I don't need to worry about that as much. Mr. Pribonic said for lack of better term, say your ward councilperson is more agenda-driven because they call you as far as something in your ward, you want to take care of your ward, and rightfully so, you should be taking care of that ward. The person in each ward should be, or is, a stronger voice for that ward.

Mayor Drew said certainly people who serve as ward representative are more than capable of considering issues city-wide. I don't think either John or I mean to give you the impression that they are narrowly focused and they never look outside that because that is not true at all. One thing that I want to just give for your own edification is Ward Representative are not limited to only dealing with issues in their ward. For example, I live in Ward 1 and for some reason I happen to have a relationship with the representative from Ward 2, I can call that person as well. You are free to call anyone on Council. I think John and I are speaking more of the election process.

Mr. Long said just to tie in with this, I have two other questions and I know this comes up a lot and rightfully so. Currently, and correct me if I am wrong, our Council's terms are up at the same time. Mr. Pribonic said everybody's term, including the Mayor and Finance Director is four years so it could be every four years you could have everybody wiped off. Mr. Long said for Council people it is two and in two years you have to run again and the Mayor, Finance and Law Director are every four years. Mr. Long said so Council people why not stagger where your wards come up and then when your At-Large come up at different timelines. In addition to that, I would be curious to know both your comments on two year length term versus a three or four year term overall?

Mr. Pribonic said I think it is very dangerous the way that we have it right now with the non-staggering. I cannot even fathom every four years to where everybody would be new. If everybody sat down and everybody was new in January, I don't know how you would do it. That is very scary. Mayor Drew said it may not happen practically. When you look back historically that has never happened but the fact that it could happen, I would be so fearful for this organization and the services it provides. If you had five of the ten new people, it really would be just a detriment to this organization and this community. Mr. Pribonic said to compare it to my terms on the School Board, that is staggered, and the other thing you have to remember on School Board, you have the person who is in charge, your Superintendent, who is hired so what I am saying is you still have somebody who has the knowledge. You have the people in your central office who still has the knowledge. If that would ever happen, and it could very easily, then throwing a caveat into that, now you are limited now to eight years because of term limits. If that would happen, right now you could have some staggering because different people have gone on but the point is, you are setting yourself up closer and closer. Say

that all of us, at one point in time, everybody gets voted in at the same time, you have set this up for that to happen. That is very scary as far as that is concerned so when you are looking at that, staggering, you have to have history, no matter what it is. The only person who would have your history now would be Council Secretary. Mayor Drew said all elected offices have appointing authority over a number of employees so in theory, if there was a new Council, or really anytime, the Council Clerk is appointed by Council so if you have all new people, they could say hey, we want our own person. The Mayor appoints a tremendous amount of people, a new Mayor could come in and say I want to clean house, I want all new people, a new Law Director and Finance Director, same thing so you not only could have all new elected officials but depending on the intent and perspective of those new officials, you could also have pretty much, except for the people with Civil Service Protection, a whole scale new staff as well and that could really compound the problem. Mr. Pribonic said the other thing is too everybody thinks, okay, whatever the thought process was, okay eight years and you are out. Everybody can start rotating. I can go back to Ward Representative and I can run after eight years, and actually go back to Ward 3, jump into that for a year and come back and I can go eight years so what I am saying is somebody could actually stay on Council. You have not eliminated, they can bounce back and forth. A Ward Councilman can become a Council At Large and vice versa and it starts that eight years again. Mayor Drew said just as if someone had the appropriate qualifications they could in theory, be the Mayor, serve two terms, then run for Law Director, serve two terms, then run for Mayor again, serve two terms. Granted, with the Law Director and Finance Director, they have to have those qualifications but in theory, that could also happen.

Mr. Long said currently we are at two years for Council. Robin had brought up that in two years, how much can you accomplish in two years. Don't you feel that if you had at least three years, that you could be a little bit more effective? Two years and out seem like a short time. Mr. Pribonic said you bring up two interesting points. Number one as we already talked about four terms or eight years so if you went to three, you are going to have to change because then some people will be in there and you could only really run six or they go ahead and go run 2-1/2 and then sorry you are out and that is just the way it is so that would muddy the waters a little bit there. Going back to that as far as two years, I think it is very hard when somebody comes on Council. I can tell you myself your first year, you are just picking up the pace of what went on the previous years. That is why I say in my first statement, if everybody was new, I don't know what you would do. I think everybody would think what do we do next and all you would have is Clerk of Council, if they are still there because of that, would be your only history. They would not be just following Robert's Rule of Order, they are because when December 31st hits, all the issues don't automatically go away, you don't start a brand new clean slate, it carries over into the following year so if you have no history, that is the case so going back to that, I think two years, I was on School Board for four. Like I said there is the argument that it can be weighed both ways. If somebody is not good, they are off in two years. If they are good, it is four years and whatever. A lot of times you do get into that cycle to where it is hard where you really are one year without running because all of a sudden, here we go again, it is January because by June, like this year June 5th, you have to declare so what I am saying so it ultimately begins the whole cycle again. Mr. Long said can you run some for two and some for three? Mr. Pribonic said then you have to change the whole structure of the eight year term limits. Mayor Drew said having had

the opportunity to have both kinds of terms in the City of Stow, when I was on Council, I had the two year terms and now as Mayor I am ending the near of my four year term here, there are benefits to both. I think the benefit of a two year term requires the elected officials to really make sure they are being responsive to the community and it allows the community to evaluate on a more regular basis. Do we feel like this person is responsive? The downside is John is absolutely correct, especially in your first term. You spend the first term just figuring out how these public meetings work. What am I doing? When do I raise my hand? What do I say? It is hard to have a grasp on the issues. Mr. Pribonic said and also the people in the administration. Who do I call? There is a lot that goes on.

Mayor Drew said regarding three year terms, I don't know if I have ever known a public entity to have three year terms, I only heard of two, four or six. The Clerk of Courts office is six, U.S. Senators are six, and then two and four at most municipal levels. I don't know if it is just not done or if there is some reason you can't do it. I do know there are some communities that if they have ward council people and at large, some terms might be two years and some are four like maybe ward is two years and at large is four or vice versa. I think that has its own sets of challenges and issues. I will say from the administrative point of view, I think for the three administrative elected offices, it would be really hard to do two years because the council people are here on a part-time basis but the three administrative jobs are here on a full time basis and if you reduce those to two and had everybody as two years, I think really envisioning all the problems we talked about with potential all new people and I think a learning curve would really be challenging.

Mr. Vyas said you (Mr. Pribonic) served both as a Ward Councilman and an At-Large, do you feel that the current breakdown of four and three is responsible enough that there are enough council persons to respond and see the whole dynamic of the community? I am just wondering. Mr. Pribonic said I do believe it is. Like I said, Sara threw out the example that somebody might know somebody better so they call that person. If somebody calls me and say it is in Jim Costello's ward and because they know me. I will stay involved but I am also going to call Jim because that is his ward, so I mean I want to keep him up to date of what it is. They might not have called Jim because they don't know who he is or maybe they never spoke to him so it is one of those things. That's the way it should work to where that Council person should really know what is going on in that ward and not be blindsided. There are some people who still call me, still thinking that I am the Ward 3 Rep and that is not a problem. The point is that I will still make the phone call to see Nick Wren or whoever and say listen, we have a problem but I will also let that Ward Council person know. Mr. Vyas said I just wanted to make sure we had enough representatives, that we have the ward representative, that there are enough people out there who are responding to the whole community. Mayor Drew said it is balancing the needs of the community and ensuring that the community has adequate representation with the fact that we are still an organization and a body of people who need to be functioning efficiently and I think with every organization there is a tipping point where you get too many cooks in the kitchen and sure everybody is well represented but you can't accomplish things because you have too many cooks in the kitchen, but also you want to make sure that you have enough cooks in the kitchen and I agree with John. I think seven council people is a good number to represent the 35,000

residents and I think other cities have larger or smaller ratios and my observation of some communities that have smaller ratios and larger councils is that it really becomes a little harder for the organization to function efficiently. Mr. Vyas said I just wanted to get that perspective because you (Mr. Pribonic) mentioned that you served as both.

Mr. Schofield said as best as you understand, those who you are serving with, do they share a similar sentiment in term limits and the second question would be we sit here and we have been here for two full weeks and we are barely scratching the surface on part of this. From your experience, my assumption is that this has been brought up before and obviously hasn't changed. Mayor Drew said it has and in fact, has gone back and forth several times. Mr. Schofield at the end of this Charter, there are some priorities that need to be placed in front of Council. Is this a high priority in the scope of what you understand things to be? Mayor Drew said I think if you polled the ten elected officials, you would get ten different answers on what their opinions are and term limits. I will say that personally, it is an improvement that all ten offices have term limits. Previously, the Mayor and Law Director were term limited but the Finance Director and City Council were not. That was just a weird imbalance and so I think it should be a situation where we either have term limits or we don't, so if we are going to have term limits, I think it is much more appropriate that they are applied to all ten offices. I can tell you that five years ago, and I am happy to say this again, I think in every election, voters need to consider themselves the ultimate term limit. I vote for people that I think deserve to be returned to office and if I don't think someone deserves to be returned to office, I will not vote for them, even if I have voted for them in the past so I would always encourage people to remember that they have personal power in elections and you have to exercise that personal power. Mr. Pribonic said I think it works very well with that with us being nonpartisan. As Sara alluded to, hopefully people are going to go ahead and select the best person, not I vote straight along party line. Again, it is term limit but it technically isn't because somebody else can bounce back to the ward or that person can bounce back to council at-large. I am always under the firm belief that I give enough credit to the voter to say they have done their homework and if you don't want that person then vote them out. That is what voting is all about. Ms. Kory said if someone is doing a great job, why would you ever want to limit that. Mr. Pribonic said the biggest catch I see in this though is the nonstaggering. I think you are setting yourself up to at one point in time, because people say that will never happen, but as soon as you say it, it will and I can tell you that. Mr. Vyas said do you feel there is a consensus amongst Council and the elected officials regarding staggering component that most people would say hey, we really should have staggered terms. Mayor Drew said I would be reluctant to say there is consensus although I would guess that you would have more unity to your question if there was consensus on term limits. I think I made a comment if you asked ten people about term limits you would get ten different answers. If you asked the ten of us about staggering terms maybe you would get five. I think everyone does, at least appreciate, the possibility that we could organizationally really have some issues if that were to happen.

Mr. Long said so the Mayor is elected. We also elect Law and Finance Director. So my question to you would be, it used to be in some point in time, Mayor is elected, Mayor appoints his or her Law Director, appoints his or her Finance Director, is that correct? Mayor Drew said yes. Mr. Long said so as far as having a good working effective

relationship, would you feel, and I am not trying to put you on the spot, would you be more comfortable being able to pick your own Finance and Law Director after you are elected or do you like the way it is right now where the people vote on Finance and Law Director. Mayor Drew said all I have ever known so I have never known any difference as an elected official so my experience has only been that they are independently elected so I can't really speak from personal experience if one would be better than the other. Ms. Kory said you got to pick the Law Director. Mayor Drew said that was in the Charter and we knew the quality of Amber's work and it was a seamless transition. Mr. Pribonic said again when someone leaves, you have to have somebody who picks that thing up and our Law Department is not that big so it is a seamless transition so unless that person would be totally unqualified. Mayor Drew said that was a rare thing. We had not had that occur. Ms. Drew said let me answer the question a little bit differently than you asked it but I want to get at something that I think is critical. For the Finance and Law Director, there are specific professional requirements which you have to meet to be eligible to run. For example, I couldn't run for the Law Director because I am not an attorney so those two offices already have a more limited number of qualified electors to stand for that office because you not only have to meet all the requirements of being a qualified elector; 18 years or older, a resident of Stow for two years or more, live in the appropriate neighborhood or whatever, you also have to have very specific professional qualifications. When you couple that with the fact that those offices also have term limits, you also, inadvertently, I think, further shrink the number of qualified and willing individuals because now a person is saying, okay, I am going to leave my job as a Law Professor at the University of Akron, I am going to run for the City of Stow Law Director, and the best I can do is eight years and then I am going to have to go out and find a different job so I think one of the unintended consequences of the term limits vis-à-vis those specific professional requirements, which are necessary, I certainly wouldn't want a Law Director who is not an attorney or a Finance Director who doesn't have the financial background but I just want to point that out that it really restricts the number of eligible and willing people. Now I happen to have a great relationship with John Baranek and Amber Zibritosky and Brian Reali before her and we are a fantastic team and as an administrative group, we work very well together. I don't see it as so much of an issue as would it be better to pick people that I have choice over because I think it has worked well for me in that situation even though I didn't pick the Law Director and the Finance Director but I do have concerns for the future stability of the organization just because of that.

Ms. Kory said so if you think about it, how many lawyers do we have that live in Stow, that have been here for two years, that have all the requirements that they have to have and want to get x amount of money lower than they would normally get paid. Mayor Drew said the salaries for the Law and Finance Director are currently roughly \$76,000/\$77,000 a year. I would dare say that both a CPA and/or attorney in private practice would be able to command a greater market value than that so it does bring a challenge to, so I am a CPA and I am going to leave my lucrative CPA firm knowing I can only be here for eight years so it is a unique set of challenges. Mr. Pribonic said I also think it is good as far as though the people picking that person for one reason. It is almost just the same way as, going back to my experience as School Board, there is that check and balance. You have the Superintendent and the Treasurer. Even though they are not elected, the School Board themselves picks that Superintendent, picks that

Treasurer. I can tell you that they both operate on two different sides of the fence. They are going to go ahead and say, we have this much money. The Superintendent is going to be over there saying, I need this for proper education, so is there going to be merriment all the way through, no, because you actually went and kept these totally separate and if you would actually go to the School Board offices, it is totally, even though it is in the same building, it is totally locked. Only the Treasurer is in that office unless the Superintendent is invited in. It is almost like having two different offices within the same thing. I look at it as a good thing because at least you are getting a proper balance, it is a check and balance. Say Mayor Drew wanted to go ahead and her agenda would be to go ahead and spend all this money in one area and if she has put this person on there and they are thinking the same way, this could go this way. The other way, John Baranek can say to Mayor Drew, we still have this over guys so we have a problem. Mayor Drew said he is not beholden to the office of Mayor for his job. Mr. Pribonic said the danger of that is, as Mayor Drew alluded to, is your pool is very shrunk. I can tell you that right now because if you are looking at it and say you are brand new into it, it might not be a bad thing. You could end up being 23 or 24 years old, this is where I am going to start my career, I will do eight years and I will be 32 when I get out. At 40, you might go in and in eight years you are 48, can I go back into that job market and can I go from this point so it is very dangerous do they want to go in and take this risk. You also have to remember that they are in eight years and they will be collecting a different pension because you are not taking in social security, they would be collecting a different pension of eight years over here and then I am going to back into the regular population of social security so there are a lot of different thoughts there to where what is going to be beneficial for me. I think it is a good system but I sometimes wonder on that position, the difference lying City Council is part-time. This is a full-time job so you aren't going to devastate somebody if they are not voting back in as far as a council person. The other way this is a real job so I am looking at eight years out of my life and if I am going to work forty or forty-five years, that is 20% of your life is going to be devoted to this, was it worth it and where are you into that. I go back to that saying if you are not doing the job, then you can be voted out but I think you would get a much more qualified candidate because as Sara said, the pool was a lot smaller and they are making less than what you would be in business. I guess it is one of those type things you kind of look at that and say why would somebody want to do this? Everybody has different reasons as far as that is concerned but it is something I know that would definitely weigh on somebody's mind of whether they want to run or not, whether they really want to or not, they might say I can't do it because I am afraid. If they are conservative or whatever the case is or whatever their family circumstances are, they might choose not to and might be a very qualified candidate but they chose not to because of that point.

Mayor Drew said I agree. I think the intent of the voters when the Charter was changed years ago to elect the Finance and Law Director, I think that has worked well and has provided some bounds at times that has been helpful that we wouldn't have if the Mayor's office appointed those two positions and I am not sitting here advocating that it has to be changed but I do think it is important that the community understand the potential ramifications of those term limits plus the qualifications that you have to have plus the realities of just the whole scenario. I spend a lot of my time worrying and thinking about the stability and future of our organization. That has nothing to do with the elections and everything to do with long after I am gone, long after Mr. Pribonic is

gone, what's the stability of this City organization going to be because that is paramount. It has to be stable, it has to be relevant, it has to be meaningful because the community has to have the services it provides and if we set ourselves up in advertently to destabilize the organization in any way, even with the best of intentions, I think we are ultimately harming the community so I would just ask you to keep that in mind and anything that you consider. Mr. Pribonic said we are very fortunate and that will change somewhat soon, we are very fortunate that somebody carries on a legacy and that is John Earle, in the Finance Department because he can actually go ahead and give history what it would be. He isn't actually part of the administration so he is not voted in, but like I said he actually knows what is going on within the Finance Department so it is not like, say today, John Baranek would leave, we would still have some consistency through him so that is very important as far as that is concerned so we do have that stability but Mr. Earle has already retired and now he is doing this again but eventually John will leave and it is one of those type of things where you are going to have to find a person that is qualified to do it.

Ms. Denton said I have a question related to Law and Finance Director. What are the mechanics of making sure that somebody who is running for the Finance Director, has the qualifications. Do you look at that or the Board of Elections? Mayor Drew said anyone who runs for election has to basically certify that they meet the requirements so even for City Council or Mayor, you have to state that you are a citizen, that you live where you say you live, have lived in Stow for two years. It would be up to someone, it could be a community member, it could be somebody in administration, it could be the Board of Elections, to challenge if someone didn't meet that so I also have no financial background so if I put myself out there as someone who was qualified to run for Finance Director, Andrea Denton could go down to the Board of Elections and say, she does not have the qualifications. It's the same if I reported that I lived in Stow for two years which per the Charter you have to and I had only lived here a year and Nicky knew that, it would be up to Nicky to say I know she only lived in Stow for a year so she has no business running so it is true for any office and any requirement that happens to be in place. Ms. Denton asked and why do we not say that the person has to be a CPA or if they have all those other things, they are not automatically a CPA are they? Mayor Drew said correct, and that was also changed last time. It was to make sure that we had someone with relevant experience but not narrow it. Imagine we already have concerns about how many people are even qualified to stand for that office within the City of Stow. If it was only CPA's, you would really shrink that. It was to ensure that there were people with relevant experience. With the Law Director, there is no getting around it. You have to be an attorney.

Mr. Vyas said so we have talked and asked questions to you. Both of you served and actually lived this and seeing this go on, is there something when you were looking at the Charter and with your experience, that you feel is particularly relevant for us to know. Mr. Pribonic said I think the biggest thing is staggering. Out of anything that bothers me more than anything else because it would be catastrophic. Mayor Drew said I would agree with John and I will echo my comments again. Anything that is detrimental to the future stability of us as an organization is of grave concern to me. That is the most glaring thing and although it has never happened, it could happen. I would hate for us as a community to find ourselves in that situation and say oh boy, we never thought of that.

Ms. Kory said regarding qualifications, we talked about the two year residence and was that really long enough to know Stow to know the people in your ward, to know who you would be representing. Do you have any feelings about this? Is this enough time or not enough time? Mayor Drew said I personally think this is good. Mr. Pribonic thought it was good. It just depends on how much that person wants to get involved. I always look at it as I will never vote for anybody who per se, has an agenda. As soon as you get into that, that is the only reason why they are being driven to go ahead and do something because they want this agenda completed. Yes you can go ahead and have your thoughts on how you think certain things as they come up, but I don't think there should ever be per se an agenda there because they are so focused on that that the rest of it does not matter and it has to be a broad swipec with the paint brush instead of very detailed.

Ms. Kory said if the Mayor doesn't supervise Finance or Law Directors, who does? Are they on their own? Mayor Drew said they are independently elected officials just as I am and just as Council members are. Ms. Kory asked so who sets their agenda, who derives them to say I want you to be working towards this task or do they just kind of show up and do what they want? Mayor Drew said in an ideal world, and I think we do have a close to an ideal world now, we work together to set the administrative agenda and respond to issues as they arise. The voters are their supervisors. You could say that the Mayor doesn't have any Supervisor. She comes in and sets her own agenda and that is true in the sense that I come in and I don't have to call a Supervisor to say hey, what do you want me to do today? I am responsible for doing that myself but ultimately I am answering to all of you, I am answering to the community, same as with the Law and Finance Director. Mr. Pribonic said if you look at it, the Mayor, Finance Director and Law Director are a check and balance within themselves.

Ms. Kory asked how long does the Mayor have to be away before considered absent and inaccessible and unable to perform duties? Ms. Kory said it is not defined in the Charter. Mayor Drew said there isn't a time limit or situation specific and I would say from my opinion, the intent, as I said earlier, was really about being incapacitated. Mr. Pribonic said I think so much has changed with communication and you could be in India and answer a cell phone now or you can be down in Florida and get an e-mail on your phone so it is not like it used to be where they would say hopefully, I will get to talk to the Mayor tonight because I am going to call the hotel. If something big is happening where she had to come back or say she was on vacation or some type of function, she could get on the next plane because she would know right away. That has changed considerably for the good. Mr. Kory said we looked at should a condition be added in case the Mayor is also recalled for military or if the Mayor became sick or incapacitated. Mayor Drew said we did have a situation where our former Law Director, Brian Reali, was deployed to Kuwait, he had three deployments when he was the Law Director. Now again, communication made it possible that he was able to still be in touch. He did appoint Amber as his Acting Law Director when he was deployed the second time. Long story short, we have had that situation on one hand where a serving city official has been deployed for military purposes and you might consider that but I will say that even when that happened, although Brian did appoint an Acting Law Director, he wasn't completely, even in Kuwait, he was still able to be in touch. Mr. Pribonic said I think there is a difference between the Mayor or the Law Director because it is very timely so if the

Mayor was deployed over in Iraq, I don't see how you would run a city, I just don't see how you would do it because everything is very timely. The Law Director is a little bit different so I think that is one of the things you could look at so if the Mayor was deployed, what do you do because you can still reach her but that isn't the same as having that person sitting right here. Ms. Kory said we will have to look at that kind of verbiage to cover it. Ms. Kory said what if the Mayor becomes sick or incapacitated. How long? Mayor Drew said my opinion is if I am incapacitated for however long, I don't want this office to not be represented so if I leave here and have a car accident and end up in a coma, I don't care if it is one day, I would like someone to be able to be responsive as John mentioned. Ms. Kory said we will look at adding something to that as well. Mr. Schofield asked who decides if she is incapacitated or not? Mr. Pribonic said the same kind of verbiage is in the School Board but the difference is you have hired a Superintendent and you can say, sorry, you are incapacitated. Since this is an elected office, who is really deciding if that person is incapacitated. Mayor Drew said I would imagine in all practical purposes that if there were a question on whether I was incapacitated or not or fit for office, the Law Director would be consulted first and if there was still a question after her opinion. Mr. Pribonic said you may want to look at that to say the Law Director has to be the one, maybe not the sole responsibility but basing on her legal knowledge, I guess. Ms. Kory said so we can look at adding that verbiage to 3.7. Mr. Vyas said as you indicated, we have to figure out a way to say how do you determine incapacitated or who determines unfit?

Ms. Kory asked if the President of City Council fulfills the vacancy of the Mayor, will we ever be sitting a six seat Council and how do we deal with a 3/3 vote? Mayor Drew said if there is an absence, because not all seven council members are able to be there every single time, sometimes there are absences, you always have to have a majority so if there are six people present, you still have to have a majority, you still have to have the four. If there were five people present, which is a minimum, you can have for a quorum, you have to have at least three people vote in the affirmative to pass legislation so you can't ever have a tie vote no matter how many people are there. That happens with absences. If John goes out of town for a week and there is a council meeting and there are six people present, there can be a 3/3 tie but you still have to have a majority to vote in the affirmative of any legislation. Ms. Denton said so that would fail if there is not a majority. Mayor Drew said a tie is a fail. Ms. Kory asked would it be a redo till the next time Council is in session? Mayor Drew said there is something called reconsideration of legislation and you can talk about this with the Council Clerk but reconsideration has to be brought forth by the winning side and has to be brought forth in the next regularly scheduled meeting if I remember correctly. So if Council passes something and John is in the majority of the vote and the next meeting he wants to come forward and say I want this legislation reconsidered he could. That would be one vehicle that could be used.

Ms. Kory asked John Pribonic did you also agree that the two year not being as beneficial as maybe a four year term, is that your feelings? Mr. Pribonic said I really couldn't tell you that it would be the case. Say somebody is very poor at their job, you have two years to be gone; then there is going back and having to run again so you can argue either way. It all depends on the individual. Would it be better for four years? Probably would be but then again, if you have somebody who really isn't, they are locked in there for four years. It is hard to say.

Ms. Kory said that we talked about the Wards expiring at the same time and staggering may be a good idea. Ms. Johnson said what the Charter Review discussed in 2010 is that the terms need to be staggered so all members are not all up for election, etc. Why did they not change that? Mary Botts said it was just a matter of just selecting what were the most important things to pick. Mr. Pribonic I think it also would be worthwhile if you are looking at staggering, to also look at the three positions of Finance, Mayor and Law Director for the simple reason that you could also wipe those three people out too so if everybody has met up to that point, than it could be a problem too. You could clear out your whole administration on each level. Maybe it is a good thing and maybe it is bad but you can all be looking at each other, we have three people going, what do I do? That might be something to consider.

Ms. Kory regarding President and Vice President of Council, what are your feelings for running for the position more than two times consecutively? This goes back to if you are doing a good job, why boot you out? Mayor Drew said I personally think that people should be able to run more than two years in a row. There have been a number of times that people have been doing a really good job and arbitrarily, that presidency has to rotate. That is selected amongst their peers, the only people voting on Council President and Vice President are the seven council members. They know themselves, and we know the strengths and weaknesses of their fellow colleagues and I would advocate that if Council President is doing a good job and his or her peers want him or her to continue in that role, they ought to be able to do that, especially since on that they do vote and every organization meeting every January so if you have someone who has served as Council President and Council says yes, we are going to elect this person a third year and then that person doesn't do a good job, they can get a change over more quickly. Mr. Pribonic agreed.

Ms. Kory said for the executive sessions, what goes on in there? Is it recorded? Mayor Drew said it is not recorded. Mr. Pribonic said you can only discuss certain reasons and it has to be stated publicly and voted on by Council to agree to go into executive session. Examples are labor negotiations, pending litigation, promotion and compensation of a public employee but that means a specific person, property acquisition or sale, and I believe termination of a public employee might qualify, but I would defer to our Law Director on that. There are very few reasons. Ms. Kory said but that would be announced ahead of time. Mayor Drew said correct, when we schedule an executive session, we try to do it the meeting prior to that but in case something comes up in the meantime, there is notification requirements which I believe are 72 hours so the public has to be notified within 72 hours. You can't just in the middle of the discussion say oops, we want to go into executive session, you can't do that. It is illegal. Right now we are in contract negotiations with our bargaining unit. We are going to have a few in a row to talk about it but then once we are through the bargaining process, we don't need to go back for a few years on this. Mr. Pribonic said say on a promotion of a public employee, you can read in between the lines because of course then we make it public, we come out and vote on it. What I am saying is when it all comes down to it, some of that you won't hear the discussion behind it but we come out into the public part of it, we will recess and go into executive session and then come back out and you will see what it is. Mayor Drew said a very important distinction, you are prohibited from voting or taking a straw poll or

informally polling the members of Council in an executive session. You can discuss, you can offer comments, but you are prohibited from saying how is everybody here going to vote, you cannot do that. Mr. Pribonic said you also have to stick to that topic.

Mr. Long asked if the Law Director involved with executive session? Mayor Drew said sometimes. The only people in executive session are the people that the matter pertains to so often the Law Director is in the executive session but she does not have to be. I don't have to be in executive session. The only people who have to be in executive session are all of the present council members. In theory, Council does not have to invite anyone in. It has to be the seven members but it is on Council's invitation. They have never not invited me into an executive session or the Mayor but they could say no, we only want us.

Ms. Kory said we had a question on 4.10. If only three people in attendance, what do they do during the meeting? How many meetings can Council members miss? Ms. Kory said so for 4.10. Four members of Council shall constitute a quorum to transact business but a less number may adjourn time to time and compel the attendance of absent member and under such penalties as may be prescribed by resolution or ordinance so we were wondering if there was this roving bus of three council members looking for the missing four. Mayor Drew said she has never known that to occur. Ms. Kory said so how many meetings can you miss? Mr. Pribonic said I don't know if there is a number but also too if you ever notice if somebody is absent, you have to where a member of council will go ahead and bring up as a motion to excuse the absence, so you have excused or unexcused absence so say that somebody has lost their reelection and they don't show up the rest of the time. Council does not have to excuse their absence. Say they have another five meetings before the end of the year comes about and that person decides, well I lost, heck with it and I am not going to attend. They do not have to excuse that absence. Mayor Drew said in ten years that I have been involved with city government, I can only think of maybe one time that someone's absence was not excused because people are very responsible.

Ms. Kory asked how is public notice handled today and where are items posted? Bonnie gave a list of where they are posted and Mary Botts passed onto the members.

Ms. Kory asked how much do City Council members get paid? How does that compare to other local cities? Mr. Pribonic said \$14,000. It used to be \$16,000 and now it is \$14,000 and \$15,000 (President) a year. Mr. Schofield said when you said part-time, how many hours approximately are spent in Council and what does that look like? Mr. Pribonic said it all depends on what the issues are and it also depends on how good of a council person you are, how much involved you want to actually become. You have your readings you are attending, we have had them as quick as twenty minutes because there is nothing on the agenda, it could be as long as three hours. You might receive four or five phone calls that week, you might receive none and you might go out and visit that resident or address those concerns or call. It could be done by phone and so forth like that with people in the administration. There could be reasons why the Mayor might want to meet with you, so like I said, I would say probably looking at it is very indefinite. But like you said, you have your basics of your two meetings a month but there is a lot more behind. Again, it is how much somebody wants to become involved.

Mr. Long said so if you were to guess personally, would you say around fifteen hours a week average? Mr. Pribonic said I would say about that. There could be certain weeks that you might have a meeting every night and I am not saying a qualifying meeting where you are going to meet with residents or you are going with a committee.

Ms. Kory asked is it typical for a City's Council to determine its own salary and the salaries of the Law Director, Finance Director and Mayor? Mr. Pribonic said I think it is typical yes. One thing they can never go ahead and do is give yourself a raise for whatever we would vote on, it is going to go to the next election. So we can't say, okay, we are in here guys, let's go ahead and make ourselves \$40,000 a year, you can't do that. Ms. Kory said so the increase applies to the future. Mayor Drew said if I am correct, I think you cannot cut a salary within the term, you can only cut it for the future but you can give raises immediately. Mayor Drew I believe Council does have the ability to raise its own salary within the term. Ms. Kory said so you can give yourself a raise and you can set it for the next term even more. Mr. Pribonic said correct. Ms. Denton said no, you can set it for the next term, not for yourself. Ms. Kory said the first statement says you can give yourself a raise. Ms. Kory said we will have to look into that more. Mr. Pribonic said I can see where you wouldn't want to go ahead and get to the point of cutting somebody because say Council didn't like the Mayor and we said you are making \$80,000 and now you are going to make \$20,000 and that is just the way it is, you were elected in and this is your salary. You can't create harm to that person, I guess. I am not sure on the other side of it whether that is the case or not, I am really not sure. Mayor Drew said the 120 days has to do with the filing deadline for elections. People have to know the parameters of the office for which they are filing to run so you can't file to run believing you will make "x" salary and then come to find out a week before the election, no it is going to be \$20,000 as opposed to \$80,000. That is the reason for that.

Mr. Schofield said I think this give the Council the freedom to set their salary. Mr. Pribonic said it might be something you want to look at. My belief is really, and again, this is only my belief, I go back to it and look at it and say, with the School Board, if somebody raises the salary, of course they have to answer to the voters to get it, but I look at it and say really that salary should be set for the next time around. If somebody gets in there and says, okay, we are all friends, let's go ahead and up it. Sure, you are going to answer to the voter but I think it is more equitable to go ahead and say, next term, this is what the salary is going to be rather than saying, okay, we are all getting a raise because times are good. You knew when you took this office, you knew what it paid so I don't think it is right or proper to go ahead and give yourself a raise because you already knew what the parameters were. Now on the flip side, I look at it and say, if this is the case, to say maybe it is the Mayor, Law and Finance Director, you might want to go and be able to give them a raise. Just as we have gone through a lot of consolidation and job sharing and so forth like that, there are many people, including the Mayor herself and Law Director, that are doing a lot more jobs than what they ever did. The Law Director being one of them, also with the court. We piled stuff onto that person so there you have seven people on Council that okay if we feel that this is the case, this is the reason why we do it so I think that is one thing but I don't believe in voting yourself your own salary. I don't think it is proper. Mary Botts said reviewing other Charters, all raises for Council are voted on my Council. There was one in Lakewood where they go by the report of the Civil Service Commission shall recommend Council salaries to the

Council and then Council can accept, reject or modify on what the Civil Service Commissions are. The Civil Service Commission goes by the Biennial Report. Ms. Kory asked what information and research is done to determine what is fair market value for each position for Council, Mayor, Law and Finance? Mr. Pribonic said it was about four years ago when we went through this whole thing and again, Sara knew that the position used to pay \$90,000 and there was a 10% reduction because of the economic crisis and that was at the same time the Council also went and said that was the case too. Mayor Drew said the Council lowered its salaries. Ms. Kory said what is to say that Hudson or similar cities? Mr. Pribonic said that is what was kind of looked at also too. We were in line. It wasn't though, I can tell you that there are other Mayors and so forth like that making more than what Sara is making but it is a genuine consideration of the makeup of the city but again, Sara knew when she ran that she wasn't going to make \$90,000, she was going to make \$82,000.

Ms. Denton asked because this election is happening now this year, will council look at those salaries again? Mr. Pribonic said they could. Ms. Denton said it says not later than May 1st of the year in which the Mayor, Finance, Law Director and members of Council are to be elected, compensation of said offices shall be established by council for the next term so it sounds like it. Ms. Kory said so who brings that up? Mr. Pribonic said it could be anybody on Council.

Ms. Kory said Council is authorized to repay or reimburse certain expenses and the question is what types of charges does that cover? Are they preauthorized expenses, items in a budget, unbudgeted items, capital versus expense. Mayor Drew said first of all, overall, remember Council approves the budget for the City so Council has final fiduciary responsibility for the budget. Council also has approval after Board of Control of the Council Bill Listing, monthly or biweekly bill listing which includes reimbursements so for example, I went out and had an expense that was unexpected that I paid for out of my pocket, I would request reimbursement. It would still have to go through the approval process. I couldn't say hey, I want to have my Cavs tickets reimbursed. It has to be legitimate kind of stuff. So I think that alludes to that authority that they already exercise. I think it also provides some flexibility for unforeseen circumstances. For example, a tornado comes through City Hall and I pay to have a wing rebuilt, Council would have the authority to say we are going to reimburse the Mayor for all expenditures that she had during that scenario. Mr. Pribonic said going back I guess when you questioned who was over Finance Director, really when that budget is set and is okayed by City Council, that is really a check and balance so the Finance Director, if he isn't following through, the Mayor could go, we had this much money set aside for this and he is not willing to spend it on this, there is your check and balance concern. Ms. Kory said so the City Council knows what the budget is, how it is divided, and it has to be approved and then the expenses that come through, they are charged against the budget and City Council approves. Mayor Drew said obviously the budget is a planning document as every organization has a planning document, by the end of the year, the Finance Director has to balance out the projected expenditures versus the actual expenditures and actual expenditures over \$20,000 are approved by City Council along the way, so up to \$15,000 can be approved by Board of Control, \$15,000 to \$20,000 can be approved by a motion of Finance Committee and then over \$20,000 has approved by a full vote of Council. Board of Control is made up of the Mayor, the Finance Director, the

Law Director, the Service Director and the City Engineer. We meet weekly to approve expenditures off the bill listing and also then vote to forward things onto Council that are above that \$15,000 limit for Council's consideration and approval. Mr. Pribonic said also something such as a moral claim. Say a person had their mailbox, which usually approve up to a certain amount, so somebody comes in and says my mailbox, because I had it specially done, is \$1,500. Board of Control would say all you are going to get is the standard rate. Now that resident can come to City Council (moral claims over \$1,000 have to go to City Council). It could be a mailbox, a basement that flooded and they are determining that they feel that it was the cause of the city, that they disagree with the Board of Control.

Ms. Kory said referring to the premium bonds. We had a lot of questions about what is a bond. Mayor Drew said I would recommend deferring that question to John Baranek, the Finance Director.

Ms. Kory asked how long is an office vacant before it is identified as a vacant office? Mayor Drew said that would be referred to Council Rules. Ms. Denton said it was 45 days. Then the power of Council to do so shall lapse and then the Mayor shall fill it by appointment. Ms. Kory said I thought that meant that the Council has 45 days to fill a vacant seat before the Mayor jumps in. So we will refer to the Council Rules.

Mayor Drew said Bonnie Emahiser, the Clerk of Council, if she is able to come and visit with all of you, she has been with the City around thirty years maybe and she has served as clerk and she is one of those people who has that historical knowledge and she knows City Council in and out and what we see as arcane and archaic rules. So truly Bonnie is such a good resource. Mr. Pribonic said she is very good at that. Many times if you are in a meeting, you will see a Council person look at Bonnie and she will say, no, this is what you do. She does know. We are very lucky to have Bonnie, we really are.

Mayor Drew said if I can leave you with one last thought, it is that truly in the big scope of things, the issues which you are discussing are important but when you really think about how successful this organization is and how well run the city government is and how well it has functioned since the City Charter was implemented years ago, we are very fortunate and the things that you are discussing are really tweaks, not major flaws and I think that is such a testament to the people who designed this Charter, to the changes that have been made through the years and how our local government has administered itself over the past sixty years, so I would just ask you to keep that in mind that really the things you are considering are important but not major flaws or deficits in our organization. Mr. Pribonic said on the flip side, I look at this and say it is very important, your job, and I know Sara was not diminishing it, I think it is very important that this is a very important committee because again, things have come up this evening to wear things do change and some of those tweaks are very important. Things that people don't think about such as staggering terms and things like that. It might seem small, but it could become a very large problem. We talked about compensation of City Council. Maybe you want to look at something like that so what I am saying is, it is a fluid document but like I said, you are very important with your input and homework that you have done and so forth and I commend each one of you because like I said, you are doing this as residents and I think that this phenomenal. I think it is one of the more

important committees, I really do, because it touches everything. It doesn't just touch, per say, just the Mayor's office or administration, it is a whole big picture and I think it is very important that we stay, like Sara said, it is a very good working document but it doesn't stay good working if you don't stay on top of it. Just like we discussed at length, Sara being incapacitated, it is one of those type things that you have to look at because communication has changed and I think that is another thing. Again, I really commend all of you and this is a very important group.

Ms. Denton said for me anyway, it is a really good learning experience. Ms. Kory said it really points out to me just how distant I am from everything.

Mr. Pribonic said I appreciate all the time you have put into this and it has been a good learning experience, also for myself too. A lot of times people go to the poll and they might not even really study that as far as staggering, they might not think about it and it is different things like that you really have to look at until it is too late and then everybody goes how did that happen? Why didn't we do something about this, this is a mess so it is very important and I do appreciate it.

Mr. Long said I think it was very good with both of you here tonight. It is huge. I feel that in order for us, and me especially, to be effective and thorough and take this seriously, it is important for us to reach out to you people who work it to know what your thoughts are. For us to come in and start making changes or tweaks or say everything is okay, I think it is important that we have the opportunity to sit down and talk to you. I am sure there will more of you; Finance Director, Law Director, maybe other Council people to talk because you are living it. It is, to your point John, the Charter is an extremely important document for the City.

Mr. Pribonic said, and I know that Mayor Drew feels the same way that if you have any other questions, please feel free to call me or I would be happy to come back if there is something that you didn't understand maybe what I said or would like to explore further.

Mr. Vyas said it has really been helpful. Just this perspective is very insightful.

There were no further comments or concerns. Next week's homework will be Chapters 9 and 10. The next Charter Review Commission Meeting will be held Thursday, March 19th at 5:30 p.m. in the Boards and Commissions Room.

Motion to adjourn by Kelly Johnson, seconded by Robin Kory. Meeting adjourned 7:24 p.m.

Mary Botts, Secretary

Robin Kory, Chairperson