



Charter Review Commission Minutes

Stow City Hall Boards and Commissions Room, Thursday, March 26, 2015, 5:30 p.m.

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

Members Absent: Kelly Johnson

Also Present: Gerry Bettio, Don Daugherty Linda Amperson, Joe and Mary Mumper, Janine Gross, Ken Barnhart, City of Stow Parks and Recreation, Jeff Saunders, Stow Sentry.

Meeting called to order at 5:31 p.m. by Robin Kory

Approval of Minutes – Motion to approve the minutes of March 19, 2015 by Nicole Walker, seconded by Andrea Denton, motion passed 6-0 with no changes.

Ms. Mumper asked I would just like you to go over a quick review about some of the things you have been initiating. Ms. Kory said we have just started reviewing the Charter sections. We have gotten through Sections 1 through 4 and we are just taking notes. We really don't have anything up for complete submission yet but just noting different things that stand out maybe that we want to look at or ask Council Members their opinions on. Ms. Gross asked how many sections are there. Ms. Gross asked how do we get a paper copy of the Charter. Ms. Botts said it is available online. Ms. Gross said she did not have a computer so Mary Botts had an extra copy she gave to Ms. Gross. Ms. Mumper said is there a way to make sure that whatever amendments or suggestions that you have are compliant with the Ohio Constitution and that they are constitutionally correct? Ms. Kory said I believe that anything we request to have added is reviewed by the Law Director as well as the Board of Elections. Ms. Gross said okay.

Mr. Daugherty said he had been hearing grumblings around town about the fact that you folks were discussing about taking the Law Director and the Finance Director out of an elected position and moving it back to a Mayor's appointed position, is that true? Ms. Denton said we were questioning how it happened, why it happened and all that in the past but we haven't made any decisions, we are just asking questions.. Mr. Daugherty said the biggest reason it happened, I think, was the fact that when they were appointed by the Mayor up until 1989 when they became elected positions, you actually had to get approval from City Council to ask either one of those entities a question. You couldn't just go directly to them and the citizens felt that was a bad thing and those of us who are against removing them as elected position, feel that it is going back to the same type of effect and we don't want that at all. The second one is the term limits on City Council. Term limits were enacted again in 1989, they took effect in 1990. A couple of Council Representatives at that time put it back on the ballot, six years later, and they changed the wording around so that if you were voting yes, you voted to remove them, because they

didn't want them on there. Now they were put back on the ballot again and re-enacted in 2012 by an overwhelming 70% majority of the citizens in this city. They wanted them the first time, they got tricked when they voted them out and they brought them back. Now there has to be a reason for that. We don't need career politicians and municipal politics which is kind of what you will end up with. We could end up with another Akron Junior, like Don Plusquellic Junior, we don't need that in Stow. We have Council people who have been on City Council for over thirty two years. They have been there longer than the Mayor. We found out in the past, that if you allowed those people to be in there for four years instead of telling them to get out after two, the first two years they were pretty doggone lazy. Then they knew they were coming up for re-election and they would get busy the second half of their term just so that people would think they were doing something, and I think it would be in the best interest of the City to leave it that way. I don't think removing any of that from the City Charter would benefit the City at all. I think it would actually be bad for them. You will be taking us back into the 1980's if you did that. It is just something that I think you guys need to consider, you need to go back and look at the history of why they were brought in, why they were voted out and why they were brought back. Keep in mind, 70% majority voted for them to be brought back in 2012. If you put it on the ballot it is going to go down.

Ms. Gross said I think if voted in the past to go with term limits and elected officials, why are you wasting time and money to do this again? Who is instigating the wanting of the change? Why are you thinking of this? Someone had to think about this and present it to you because you are not just going... Ms. Kory said I did. Mr. Schoefield said I will answer that. As Robin said, this is our 5th session so we are five weeks into the journey for this group of people. We began by walking through the Charter section by section and just looking at it and asking what are some questions you have. Then we took a few sections and we had some of the different Councilman come in, just different people, just to interact with them to hear some of their feedback so right now it is very much a research gathering part of the process. No official decision has been made. Our goal tonight was just to spend some time looking at the next several sections just to get an overview, what questions come to mind. Mary has been a great help for us in learning what former commission teams have done, knowing that we have a target deadline toward making our way to August. I would say no decision has been made yet on anything outside of this gathering and from hearing from different people. Ms. Gross said so it wasn't any particular persons that were interested in those particular two issues. Ms. Walker said no and there has been no proposals made either.

Ms. Gross asked has any of your information been published in the Stow Sentry. Ms. Walker said there is usually a representative here from the Stow Sentry and I don't see any. Mr. Saunders acknowledged he was from the Stow Sentry. Mr. Saunders said I have not been to all of them but Ms. McKenna has been to some also. Ms. Gross said and nothing has been posted in the Stow Sentry (regarding minutes). Ms. Walker said what we are doing is trying to get through the chapters of the Charter, read them and understand them at this point. We have had some of the City Officials come in to clarify some of the provisions that we have been unclear on and I think that term limits did some up and Mary has provided us with some history on what has happened in previous commissions but at least from my perspective, it seems like the same issues tend to repeat themselves with the various commissions.

Mr. Daugherty said one other thing that I would add to my statements, you also need to remember that when they were brought back and put on the ballot the last time around when they were enacted, City Council did not want to put them on the ballot, the people actually went out and gathered petitions to have that put on the ballot because City Council would not approve that to be put on the ballot.

Ms. Gross asked could you tell us who has come to speak to you from Council and/or any other Department? Ms. Kory said Mayor Sara Drew, John Pribonic, Brian D'Antonio, Amber Zibritosky and Jim Costello. Mary Botts stated the minutes are on the City of Stow's webpage, they are posted every week so if you want to look at them, they are available. Ms. Denton reiterated that we have made no decisions yet. We are still going through asking questions. Ms. Kory said these are just working sessions to understand the Charter, I don't think, myself, I have never even looked at the Charter before. We have not gotten past Section 4 as far as working together.

Ms. Bettio asked elected versus appointed, is that something you decide or it is something that you put on the ballot. Ms. Kory said we don't decide anything. We would put that on a ballot if we decided that maybe we should put this to the public to vote on. We don't add anything, we just make suggestions of things that should be reviewed. Ms. Mumper said so if anything changed or any suggestions would be put on the ballot. Ms. Kory said absolutely, it is not decided by this group at all. Ms. Mumper said so it goes to City Council first? Ms. Kory said it goes to City Council just to notify them but they do not get to agree or disagree, it just passes through them and goes to Board of Elections. Ms. Mumper asked does the Mayor agree or disagree on any of it? Ms. Kory said no. The verbiage and legality goes through the Law Director.

Mr. Vyas said this is the first time that we are looking at the Charter and I will confess I never looked at the Charter before so if you have suggestions, or if there is something that strikes you that no one else from the Council has brought to our attention, that is great too, I am glad to see the turnout so that you can, maybe you have reviewed the Charter and you said hey, there is something really wrong with Section 6.02 (example), that would be great to know so that we can talk about it. I would encourage that.

Mr. Daugherty said so basically what you are doing right now is you are just doing a fact research type of thing and you are looking for input from the community as long as somebody doesn't fly off the handle at you because they thought you were doing something. There are a few people out there who are hot under the collar about this rumor about the term limits coming up on the ballot again. Ms. Kory said we can't make any changes. Mr. Daugherty said I understand that but there are a few people who are pretty ticked about it. Someone asked who determines the wording of the ballot. Ms. Kory said that was specific request of ours last week when we met with Amber, the Law Director, that when our group is going to submit things for the ballot, that it is written in plain English so that everybody could understand. We requested specifically that our submissions are very easy to understand. Mr. Vyas said if you look at the minutes from last week, there was a discussion about we need to have things in plain English because it is crazy trying to figure out what the heck you are voting for or against. I said last week that the best legal writing is plain writing because sometimes it is all confusing and that is

not the point. The point is, everyone needs to know what they are voting on, what they are okay with, what they are not okay with or else you have subverted the democratic process, so absolutely, we want that clarity.

Ms. Gross asked can you tell me how you were selected for this Committee? Ms. Kory said we all had to apply, there was a few weeks of notification sent out in various different ways. I believe the Stow Sentry had it, the web site had it where you could submit an application and based on your requirements, I am not sure who decided the seven, and then it went past Council who had to approve. Ms. Gross said so it wasn't just one person who made the final decision. Mr. Daugherty said there is one from each ward and 2 at-large, that is the way it is supposed to be. Ms. Kory said all wards are represented. Mr. Daugherty said the way they used to do it was the City Council Representative would, from that Ward, pick somebody as the appointee and then the Mayor got to pick the other three, that way it is a very diverse group. Ms. Kory said during the Council meeting our names were presented and our resumes and applications were reviewed and there was some discussion here and there.

Mr. Vyas said I just wanted to reiterate this is the first time we are looking at this. If you guys have questions or have input, things that we should look at, that is great, let's have a dialogue about it. The more minds looking at something, maybe the better we can look at something.

Mr. Daugherty said I just wanted to clear the air about the term limits and if you guys are discussing it, I would like to know what is going on. Mr. Schofield asked did you hear about this from reading the minutes? Can I ask how you heard this? Mr. Daugherty said believe me, I have friends down here at City Hall and I am not going to say who they are. Ms. Kory said even if this is something that we decide to go forward with, it is not our decision, it is our proposal and the citizens will vote for it. Mr. Biel said as long as it is on the ballot where it is clear and in plain English where everyone can understand it. If there are term limits and you have somebody who is a ward representative who has been on a few times, what is to prevent him from running for Council At-Large? So I mean technically with term limits, you can have a career politician run for ward for two times, run for council at-large two times and they come back and run ward again. Mr. Daugherty said I don't think they can come back, I think that is the way that is worded. Once you leave a Ward position and you go to At Large, you can't go back to Ward. I am not sure if they move to a different Ward, one Councilman that is there now, did that. He jumped from a Ward Councilman to At-Large and I think there is one now that jumped from At-Large to Ward because they both had six years in already. Now they are trying to squeeze out another 6 or 8 years but once they reach that limitation where they are no longer on City Council, I don't believe they can come back. Don't quote me on that but I believe that is the way it is set up. Mr. Biel said I think it should be the two terms and that is it. You are not going to find that wording in the Charter.

Mr. Vyas said I believe Robin had actually talked about, was there any way we could put this entire Charter in plain English. Ms. Kory said I did try and I think my exact term was "Joe Public" needs to understand because I don't understand. I have no law knowledge, I do not understand what we are saying so the problem that we are having, and we very often read something, and we have to refer to the Law Director to ask for

help understanding what this means, so we understand how to move forward with it. Ms. Kory said one of our most important missions is to ensure anything that we submit to the public is very clear and easy to understand for anybody walking in, whether you are a Stow resident or not. Ms. Walker said I would just like to add that just because we are assembled here doesn't mean that we need to submit proposals either. We are still in the process of reviewing the Charter. I don't think it is incumbent upon us necessarily to put forth any proposals to change it. Ms. Mumper said we appreciate what you are doing and we wanted to say thank you. Mr. Daugherty said and about being open. Mr. Vyas said I would like to thank you for showing up. It is 6:00 on a Thursday and you are here talking about the City Charter and that is fantastic. Ms. Gross asked if the Commission was meeting next Thursday and Mr. Vyas said yes, we meet every Thursday normally. The meeting dates are posted on the web page and Stow Sentry. Mr. Long thanked everybody for being here and it is very good to get input and to just not continue repeating what has been said by everybody who is sitting here but we are just combing through this and having discussion with Council persons, the Mayor and the Law Director and working through this a piece at a time. I would ask all of you that are present here, is there anybody that would like to make a comment of what you feel you would like added or subtracted or any comments you have that you want to bring to us? Ms. Mumper said I am favoring term limits because unfortunately, I think a lot of times the public, they are kind of unaware and they just vote on a name and I think it is nice to have some rotation. Ms. Gross said sometimes the newspaper doesn't carry everything in an open non bias way, sometimes they are biased and it should be all on an even keel for everything they do and every issue instead of reporting particular people's issues. Mr. Biel said we would just like to see the City of Stow be very transparent and not the transparent that Obama talks about. Ms. Kory said anything that we do is open. It is in the minutes, we welcome you to come to review last week's minutes and bring your questions or comments or review the Charter and if there is something that maybe you didn't know about or you want more clarification on, we can review that as well. Anything that we do finally decide to add to the elections, again, it is not anything that we are changing automatically, it is all up for being voted on by the City. Mr. Daugherty had to leave at this point.

Ms. Kory said we did get through Sections 1 through 4 so we are now going to talk about Article 5. We are going to discuss the different sections, we are not going to be reading, I will just read the titles. We will just jot notes and keep moving forward.

Section 5.01 – Division of Municipality into Wards - Ms. Kory said we did ask questions if 4 wards was the right number of wards to have based on population, how often are the wards divided upon? I think we have some pretty clear feedback on that. No other concerns at this point..

Section 6 – Department of Finance. Section 6.01 Election. This was what was referring to election versus appointment and why was that in place. We did get a little bit of feedback. Ms. Kory asked if there were any other comments. Ms. Walker said she remembered asking about the pool of candidates so that it is hard enough that you have to have such qualifications; we don't have that many people that can fit that bill and then if that is an elected position and say you only have two or three candidates. Ms. Denton said I asked who was it that looks at the fact that they are elected that they do meet all the

qualifications that are in the Charter and I believe that was Board of Elections. Ms. Walker said I think our concern was that we have a limited pool for a lower paid position for a higher qualified candidate so if you are running election, sometimes it is hard to get somebody to step away from a professional position because they may make more from the private section and that was the concern. Ms. Kory asked was that a concern? Ms. Botts said that in 2010 they looked at that because if you go to the second paragraph on what you had to have, they added the word “and” because there used to be an “or” so that you had to have both, it just firmed up the position. Ms. Walker asked historically has there ever been a lack of candidates? Ms. Botts said she didn’t know. They had thought about maybe putting CPA in there but then they thought that would really limit the pool of candidates so that is why they just put the “and” in it. Ms. Walker said my feeling is that until there is a problem, there is no need to really revisit that. I am not aware of anytime that there has been a lack of qualified candidates to run. Mr. Schofield said I think that was what part of the feedback was. If you narrow down too far and require that they have a CPA you are now going to get a smaller pool. Ms. Kory said so you don’t really see an immediate need to address that.

Section 6.02 – Qualifications – Ms. Kory said that was just edited but it is not a CPA. Ms. Vyas said you know how Amber was talking about the office that it should be in City Hall and there was that City with the Law Office? Where is the Director of Finance’s Office? Ms. Botts said he is in City Hall on the second floor. Ms. Kory said it was the Law Director’s position that had that in it. Ms. Kory said the purpose of that wording, I think, she explained was to make sure you were aware that is her only job. Mr. Biel said shouldn’t the Law Director, who is an elected position, shouldn’t she have access to the citizens? If a citizen or resident comes in and has questions, shouldn’t that citizen have access to the Law Director? Ms. Kory said they do. Mr. Biel said how could they do it over in the Safety Building? They have to go through all of those metal detectors and everything else to get in. Ms. Botts said there is a front receptionist and you can ask for her. Also, she can be reached by phone or e-mail. Mr. Biel said so this isn’t an issue? It just seems to me that it would be easier if her office was here. Ms. Kory said she will note that. Ms. Walker said wasn’t her office moved because of some kind of issue with the building? Ms. Botts said we no longer have the Parks and Recreation building on Stow Road and so Parks and Recreation were moved over to City Hall and they did some logistical moves and it was felt that since she worked so close with the Police Department, that she should be at the Safety Building. Ms. Kory said that made sense. Ms. Walker said she is typically available at the Council meetings, correct? Ms. Kory said we will put that in our notes.

Section 6.03 – Duties in General – Ms. Kory asked if there were any questions on this section. No further questions.

Section 6.04 – Accounting Procedures and Budgetary Control – Ms. Kory asked what would type of internal audits or checks and balances are done against those records? Ms. Botts said we do have State Auditors but John Baranek would be the best person to ask about this. Ms. Kory said we will look into that and just make sure we understand the frequency of the State audits and what they check.

Section 6.05 – Custody of Funds – No further questions.

Section 6.06 – Disbursements – Ms. Kory said my only question on 6.06 is there a limit to the transaction amount that the Finance Director can approve without having an okay from Council. Ms. Denton said I believe my note here says \$15,000 unless it is in the budget. We got that answer from Amber. Ms. Kory said it is under Compensation and Bonds in Section 4. Council approves up to \$15,000, Board of Control \$15,000 to \$20,000 and Finance Committee over \$20,000 full vote of Council. It is written in the Council Rule Book. So this has been answered previously.

Section 6.07 – Vacancy – Mr. Schofield said I think that is going to be one that you are going to see consistent across the board for different positions. Mr. Biel said the only question I would have, I used to work for the State of Ohio and sometimes Departments will, if there is a limit on what you can spend, they will contact the contractor and say, well say the amount is \$25,000 and they will say we can only pay you \$15,000 for the purchase order this time and write another purchase order for \$10,000. How would that change that? I guarantee it happens. Ms. Kory said a contract has to be decided on and if the contractor is for \$15,000 of work, it has to be agreed upon at the beginning. Mr. Biel said regarding buying salt or something and you need another \$20,000 for the salt and they can only approve \$15,000, they will approve \$15,000 and then come back and buy another \$5,000 at the same time but just with another purchase order. Ms. Kory said I think that is a different situation with the salt due to the weather and the fluctuation but if it was something like a concrete job, the contract, I would assume, you would have to agree upon the full dollar amount for the contract and if it was well over budget. Ms. Walker said I would say that is a question for Council or John Baranek. Mr. Long said so your point would be Nicki that is something that would be discussed at Council and Council would make those decisions. Ms. Walker said that would not be under our prevue here. Mr. Long said I agree with you.

Article 7 – Department of Public Service – 7.01 – Appointment – No questions.

Section 7.02 – Qualifications - Ms. Kory said regarding experience and knowledge of position. They are not required to be an Engineer so my question is there is no degree or formal training required? This is the person in charge of and responsible for construction, improvement, maintenance of all public works buildings, grounds, cemeteries, parks, etc. Mr. Schofield said they are just leaving the opportunity open for trying to get the best candidate without creating a pool so small again. You can have somebody with a crazy amount of experience, high level and may not have had the educational piece that somebody else did but their resume, their experience speaks for itself. The way I look at it, and maybe we will get more into it with the duties, you realize they are not just making the decision solo. There are a lot of processes that have to go into that. We don't want to close the loop too small.

Section 7.03 – Duties in General – No further questions.

Section 7.04 – Purchasing Function – Ms. Kory said my question was how are formal bids advertised? Where are they advertised? Ms. Botts said they are advertised in the paper, on the web page, and then they set a bid opening date and the bids are opened. Ms. Walker asked if they are posted anywhere else and Ms. Botts will ask Bonnie. Ms.

Gross said so it is not just limited to the City? Ms. Botts said the bidding process? Ms. Gross said yes because most of the information is just available in the City. Ms. Botts said it is advertised in the Akron Beacon Journal also.

Section 7.05 – Employees – No further questions.

Article 8 – Department of Public Safety – 8.01 – Appointment – Ms. Kory said the Mayor is Director of Public Safety. Mr. Vyas asked if is normally someone appointed for this Director of Public Safety? Has someone been appointed in the past? Ms. Botts said the Mayor is Director of Public Safety. Mr. Long said so she oversees the Police and the Fire Department. Ms. Gross said she also oversees health, safety and sanitary regulations. Those are very broad topics and very means of having expertise in the field. Mr. Long said I think the Mayor has qualified people under her to weed through all those important decisions. Ms. Gross said all they speak about is the police and the fire. Ms. Kory said the concern is the safety and sanitary portion. Ms. Botts said the County handles our sanitary sewer and I don't know in here if they are talking more about sanitary regulations or other entities. Mr. Long said so it will be County and EPA? Ms. Kory said we need to get a better understanding on 8.02. We need a better understanding of health, safety and sanitary regulations, where are those sections called out? Who is in charge? What their duties and responsibilities are? Ms. Gross said EPA people are not elected, they are, who knows how they get their positions, it is a non-elected position as far as EPA intervention and that is an issue. Ms. Kory said I think I am kind of lost on your point of EPA. Ms. Gross said the point is the EPA people are not voted on by American citizens on any level and I have no clue how they got to the organizations they are and the funding from private things and grants that come to the government so if you are going to look at health, safety and sanitation regulations and you enter the word EPA just in passing a few minutes ago, I just want it so noted that EPA's are non-elected people. Ms. Kory said that would not be built into our Charter. Ms. Gross said okay. Ms. Kory said EPA regulations and guidelines that D.O.E.S. follows and that was in reference to that. Ms. Gross said and my statement is EPA regulations come from nonelected people. Ms. Denton said I interpreted 8.02 to basically be the "buck starts here with the Mayor" that she basically is over all responsible and if something isn't going well, there is a head of the police and the head of the fire because those are not elective. Ms. Kory said so where the Finance is separate and elected, the police chief is not so they would report to her. Mr. Biel said that could be a conflict of interest. It seems like to me that at least the police should be elected. The Summit County Sheriff is elected. Ms. Kory said so elected versus appointed again. Mr. Long said to expand on that, as long as I can remember, the Police and Fire Chief have always been appointed. I can't recall where we voted on that. That is the way it has been structured. Ms. Gross said are the Stow candidates presented to the Council and they vote? Is that an option? Ms. Botts said it also says in here that in accordance with Civil Service Law, for those individuals eligible for such position, either from within or outside the police department so it has to go through Civil Service Commission and whatever they require. Ms. Denton says so that takes it out of just having a direct appointment that is has to meet Civil Service requirement. Ms. Kory said I think my biggest concern with all of these electives is that if you have all these individual departments and we want them all elected officials, that you kind of lose the continuity and you get a very silo situation where everybody is on their own agenda because they are elected versus the agenda of the city. Mr. Biel said

it would still come under the Mayor though, it is just that the Mayor would not appoint their own people that they grew up with or whatever that meets the qualifications. If say, the Police Chief was picked by the Council or elected by the people, it would more accountable to the people. Ms. Denton said I think that is partly what the Civil Service Commission determines accountability there that they have to meet. Ms. Kory said I will note appointed versus elected. Mr. Long said but again, just to get clarity here, and correct me if I am wrong, the Police and Fire Chief have to be approved by Council. Once the Mayor, and I don't know the details of that process, how they get to that point, but when it gets to the point where one is recommended, it is approved through Council so Council has the say so, right? That is the way I understand it. Ms. Denton said the first line says the Police Department shall consist of a Chief of Police and such other officers and personnel as council shall be advisable and basically based on the Civil Service Review provisions. Ms. Kory said that would be the same kind of situation for the Fire Department so will just reiterate for 8.04. Ms. Bettio said in Section 8.03 it says the last sentence, Other officers and personnel shall be appointed by the Direct of Public Safety subject only to applicable civil service provisions of this Charter. It should probably say with approval by Council. Ms. Kory said we can ask Amber about this section.

Article 9 – Department of Law – Section 9.01 Election – No questions.

Article 9.02 – Qualifications – Ms. Kory said this was brought up earlier. Law Director's office should be in City Hall. That statement was added to make sure the Law Director was doing City business and city business only. There wasn't a graphical restriction necessarily but just to say that the Law Director can't be sitting in his personal law office doing other tasks as well. I know there has been some discussion about clarifying that to be more of what it meant.

Section 9.03 – Duties in General – No questions.

Section 9.04 – Charter Changes – No further questions.

Section 9.05 – Vacancy – This was further discussed when the previous Law Director was deployed.

Section 9.06 – Outside Legal Counsel – Mr. Vyas said he noticed it was amended 5 years ago. Ms. Botts said she believed it was something about they hired outside Counsel and they went with findings to Council instead of dealing with the Law Director. They always included the Law Director on the findings but according to the Charter, they did not have to. Mary Botts will review the Charter Review 2010 for more information. Mr. Long asked Nicki and Annal, since you are our two legal people, are you comfortable with the way this was worded, do you think there is any reason to revisit this and pull it apart. Nicki said no. Mr. Vyas said he just wanted to know why it was discussed and changed. Mr. Vyas would like to do more research on this Section. He feels it does not carry a lot of weight. Just by adding number 4, does not necessarily take care of the issue of working with the Council and not the Law Director. Ms. Kory said my concern would be we hired a third party, should we automatically go with that or do you have to get approval for clearance from Council, from the Law Director, is that the way we want to

move forward? Mr. Vyas says subsection one says it has to be approved by Council by resolution and it has to be limited to a specific matter for the max amount of money, which I think is a very good thing to have. Mr. Schofield said so you don't like the wording that says the attorney or firm of attorneys shall present? Mr. Vyas said I don't have any problem with anything. I just right now want to know why it was changed. That is the only thing.

Article 10.01 - Planning Commission and Zoning Procedure – no further questions.

Section 10.02 – Planning Commission – Organization – no further questions.

Section 10.03 Planning Commission – Powers and Duties – no further questions.

Section 10.04 – Mandatory Referral to Planning Commission – no further questions.

Section 10.05 – Public Hearings by Council – no further questions.

Section 10.06 – Action by Council – no further questions.

Ms. Vyas said we need some input because it seems like the other topic, other than term limits was staggering the seats. Does anyone have any opinions on that? One of the things that was an issue that some Councilperson to talk about was that if everyone is up for re-election for the same time and then everyone is vote out, there is a real concern about the lack of institutional knowledge and that makes sense to me because that is scary if you have a bunch of new people coming in for the first time and so any feedback on that. Ms. Gross said I think they should be staggered but it is a question of how you make that staggering positions set up. Ms. Kory said Amber said there is something about this election coming up that the timing that it might work nicely, whether it was staggering. She had mentioned it would be a good time to do it. Ms. Gross said how are you going to do that? Ms. Denton said we haven't decided to do that yet. We have no idea how it would be done. Mr. Long asked if she had a suggestion. Ms. Gross said she belongs to a professional organization that does it really well that way and it started that way and so you always had competent people in the positions in there moving up through it, it was relative. They knew what was going on. If you have the same number of people, who is going to stay an extra year, who is going to delete a year or how are you going to adjust that to have a change in the voting situation. Ms. Gross said I think you should contact the Board of Elections and see if they had any suggestions for you on how to do that. Your school board does that. It is a very wise idea. It makes for much better efficiency. Mr. Schofield said one of the quick suggestions that was brought up was a distinction were those that serve in a specific ward and those at-large. That would be distinction between the two.

Mr. Long asked were there any other questions or anything you want to talk about? Ms. Bettio said she had a question regarding double dipping and if the Charter covers people who retired who come back. I don't have anything against people retiring and working a second job or going back to work, but I do have a question about people retiring, especially in a City position, and coming back with the same amount that they retired from. I firmly believe that if that is the case that something should be adjusted and they

come back as a new employee starting at the bottom like seniority and all that. Personally, I worked in a position for thirty something years and when I retired, I retired. The thing of it is, if I was to go back to work, I think that you should be considered like a new employee and I don't know if the Charter even covers that but I know the City has people that are doing that and they are collecting a good retirement because public employees get good benefits and to do that and then come back and get full compensation, hospitalization and everything else. Ms. Kory said it is not part of the Charter or if that is part an employment handbook of the city but we can submit to the Law Director and see if it falls under our coverage because I think it is a good question. Mr. Biel said I know on school boards, I have seen situations where superintendent will retire from one school district and then get hired on as the superintendent of another school district. Mr. Schofield said if I retired as a superintendent, I have earned that retirement package, and I decided to retire early, and I see an opening and step in as a Superintendent, what I get reduced though or get paid for what the position is? I am saying there are two different things that you guys just brought up there. Mr. Biel said I think the tax payers should benefit, not the Superintendent or the worker. If the tax payers have to pay for somebody twice, it is not fair. Ms. Bettio said the situation I was talking about it's the same employers, they retired back into the same position. If you retire out of a position, that position should be open to new, younger people and progressive people. You shouldn't get the same person back. It should be open to the public as a consideration to rehire somebody in the same position they were. Mr. Schofield I believe this is above the pay grade of this Charter. I believe that is a Council decision. Mr. Biel said if you have a Parks Director that retires and gets hired back as a consultant or he gets hired back on just in the interim until somebody else could be found but it goes on and on and on because they don't appoint anybody. I can see situations where that would occur. Ms. Kory said I don't know if this is covered in here but I do totally understand and agree with your concerns. Mr. Biel said it going on in the Engineer's office this past year, because the new engineer could not adapt to the old engineer's method of thinking and planning the job. Now excuse me, but if you change doctors or change lawyers, they should be able to be somewhat qualified and they kept the same person on for an extended period of time because we are in the middle of a project. I think that is an expertise you need to think about and I don't know if it is going to come up in this. Ms. Kory said we can ask Amber about it and if it is covered in any of our City Laws or documents, we can at least get the answer and say where is it covered so that if it is of concern, something we can ask. Mr Biel said regarding the Engineering position, he came back because nobody else can understand what you are planning on doing. If you are an Engineer, you should either know the job or you are not qualified to do it, you are going to hire somebody who is qualified to do it or have the foresight that if somebody is going to retire within the next six months, we get somebody in there to kind of learn the roads and transition. If he falls over dead, you are still going to get somebody new. Ms. Denton said there are rules and regulations that come from the PERS and the City, and sometimes as long as people are following those regulations, the City can't do much about it because they are following that. Mr. Mumper said the municipality does have the power of decision to say yes, we will hire you back and in this position and at this salary. It is basically a financial question.

****NOTE**** Below is listed the Law Director's Opinion on both "Double Dipping" and how the Police/Fire Chief are appointed:

1. The rules associated with the practice of retired public employees receiving pension funds and then being re-hired as a contract employee, commonly known as “double dipping,” is not something that would generally be within the purview of the Charter Commission to regulate. The applicable state pension board, i.e. OPERS or the police/ fire pension, determines the rules for how and when someone can “retire” to collect their pension and under what circumstances he or she may re-enter the workforce for a public employer and still receive pension payments. The City does have a couple of “double dipping” employees, for lack of a better word, that are hired as contract employees with the City. Each contract is set for a specific period of time and must be approved by Council via ordinance. When the contract period expires, a renewal contract must be offered and passed by City Council. Therefore, the Mayor and Council must agree on the contract and all of its terms, including salary, before the “double dipping” employee may be permitted to return to Stow’s employment, and then even upon their return, their employment is limited to the time period within the contract. Since such agreements are subject to legislative approval, the question of whether to hire “double dipping employees” and what to compensate them is traditionally considered a political one left in the hands of the City’s elected policy makers. The charter commission could technically submit a proposal to the electorate prohibiting the City from re-hiring those receiving pensions but doing so effectively would likely be complicated (i.e. do private pension collectors count or only public ones? What about employees from other political subdivisions?). Furthermore, a clear charter prohibition might result in legal challenges (i.e. it could be argued an outright prohibition discriminates on the basis of age). From a practical perspective, it will also foreclose even limited and temporary double dipping contracts that are needed to search for a suitable candidate, thus hurting the City unnecessarily. Finally, it should be noted that residents for or against the practice of hiring double dippers may communicate their concerns to their elected officials (i.e. mayor and city council) and use the power of their vote during the election process if they do not like the decisions made on such issues by those officials.
2. The short answer to your question is all three authorities have a part in verifying the appointee’s qualifications. The Mayor is the Public Safety Director and therefore has the power to appoint the individual and he or she will then report to the Mayor. He or she must also meet all applicable the civil service qualifications/ rules and the qualifications listed in the position’s job description. Finally, before a Chief may be sworn in, the Mayor’s appointment must be confirmed by City Council via ordinance. So, as you can see, there are a number of different checks and balances in place to ensure the appointee is the best qualified candidate for the job.

There were no further comments or concerns. Next week’s homework will be Chapters 11, 12, and 13. The next Charter Review Commission Meeting will be held Thursday, April 2nd at 5:30 p.m. in the Boards and Commissions Room.

Motion to adjourn by Nicole Walker, seconded by Tim Schofield. Meeting adjourned 6:56 p.m.

Mary Botts, Secretary

Robin Kory, Chairperson