



## **Charter Review Commission Minutes**

Stow City Hall Boards and Commissions Room, Thursday, April 2, 2015, 5:30 p.m.

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

**Members Absent:** Nicole Walker

**Also Present:** Councilman Bob Adaska, Councilman Brian Lowdermilk, Mary Mumper, Janine Gross, and 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 26, 2015 by Kelly Johnson, seconded by Andrea Denton, motion passed 5-0 with no changes (Tim Schofield not there at this time, Nicole Walker absent).

Ms. Kory thanked the audience for attending and asked that everyone sign in. She asked that if anyone was going to ask questions, please make sure you state your name as well so we can get that for the record. We are going to limit questions to 3 minutes each for the first half hour of the meeting so until 6:00 p.m. we are going to take any questions, comments or concerns about items that are currently in the Charter for review and if you have again any questions, we will just go ahead and log them. If there is anything not in the Charter you have a question on, we ask that you contact City Hall to get that addressed.

Ms. Kory thanked Councilman Bob Adaska for joining us today. Hopefully Brian Lowdermilk is on his way, he may be running a little late. Ms. Kory asked if there were public concerns regarding the Charter that can be brought up at this time? There were no questions from the audience. Ms. Kory asked what Mr. Adaska's concerns were. Mr. Adaska said he had some points to bring up.

Mr. Adaska said on page 6, section 3.04, paragraph 3, it says "the Mayor shall keep the Council advised of the condition and needs of the municipality and the Mayor shall recommend to Council such measures as the Mayor may deem necessary or expedient for the welfare of the municipality." Mr. Adaska said that particular section, I have a problem with, not so much the wording, it might just be the people that might be serving in that position or person that might be serving in that position. I will just give a brief example, halfway through last year, the Mayor and some of her staff members, decided that they were going to remove a picnic pavilion from Silver Springs Park and move it to the golf course, reason being the building needed a new shingled roof and they felt that the picnic shelter was underutilized at the campground and therefore, didn't want to spend the money to replace the roof there but yet, there was a need for a building like that out at the golf course so the Mayor instructed some of her staff members to remove the

building from the park and take it over to the golf course and expend some amount of money there to reestablish that picnic pavilion thereby leaving no pavilion for the people at the campground to be able to utilize. The only reason I am mentioning that example is because if you read paragraph 3, it starts off saying that the Mayor shall keep the Council, shall keep the Council advised of the condition and needs of the municipality. By the Mayor not consulting Council or the Parks Board on that particular move of that building, it created problems for some City Council members because we had to answer to our constituents from the campground area, saying hey, where is our picnic pavilion, we came to rent a space at the campground and all we see is a cement slab, there is no overhead protection from the weather so if we want to eat, we have to eat in our tent or eat in our motor home but we are not going to be able to eat outside in inclement weather so some of us council members had to answer for that. The Mayor gave only one excuse and that was that the building needed some repairs to the roof and the administration felt, there again, that it wasn't necessary because of this clause that they contact Council or the Parks Board of their decision to move that shelter so I would like the Charter Commission to review that section and maybe change some of the wording there. I was thinking that "as the Mayor may deem necessary" maybe strike those words from that paragraph because I think it is important for the Council to share what is going on in their districts with the Mayor, and keep the Mayor apprised of things that are happening in your district, and I think it is healthy for the Mayor to keep the Council apprised of what is going on around the City and what their thoughts are before they just unilaterally do something like this. It took the Parks Board a long time to work within their commission and find the funding to put up that picnic pavilion. It took years; I would say probably about twelve to fifteen years to finally get the funding to be able to put that pavilion out there at the campground. Now Council approved that and appropriated the funds for that structure but yet because of this section in the Charter, the Mayor was able to remove that structure that the Council appropriated for that and move it somewhere else without consulting the City Council. I have been involved in the City for quite some time, at least thirty years, and I can tell you that was the first time something like that has ever happened. I have worked with other Mayors and other Mayors have always come to Council and Council has gone to the Mayor. Each body has never acted on their own to do something like that. We have always kept each other in the loop as to what we are doing. I would appreciate if you would look at that.

Mr. Vyas asked if there a legal opinion then that that allowed the Mayor to do that based on that subsection? Mr. Adaska said if you look at that and look at the Public Service Director powers, if the Mayor instructs the Public Service Director to either maintain a building or move a building, the Public Service Director has the authority then to do that and it doesn't take Council's approval unless they need to spend over \$15,000 in the process, I think that would be the catch right there. Mr. Adaska said so this is another thing that bothered me too, it doesn't really concern the Charter Commission but I will just add this as well if it helps you make your decision. The Mayor decided that although this project, moving this shelter, was going to cost more than the \$15,000 allowed by the Ohio Revised Code in this manner, what they did was they broke each cost, each task of the project, down into separate costs and billed or approved those items to the Mayor's Board of Control separately so that is a problem too, in my opinion. Council is going to try to address that in the future because that is something administratively that we have to work on. Ms. Kory asked was the Director of Public Service in on that? Mr. Adaska said

yes. Ms. Kory said and that is the person responsible for approving and dealing with all things with public buildings, grounds, cemeteries, public parks? It wasn't the Mayor unilaterally just went off and did it, it was something that was headed by the Department of Public Service who is in charge of the parks? Mr. Adaska said from what I understand, they kept the Mayor in the loop. The Mayor had to make the final decision. The Parks Board should have been, if you look at the Charter there again because you are studying the Charter, if you look at the section in the powers of the Parks Board, the Parks Board should have been advised of what was going on. Ms. Kory said Public Service has the responsibility for construction, improvement maintenance of all public works, buildings, grounds, cemeteries, parks and streets, all public places. Mr. Adaska said now look at the Parks Board authority. Mr. Adaska said why have a Parks Board if you are not going to tell the Parks Board what you are going to be doing in the Parks? Ms. Kory said so it sounds like Service didn't talk to Parks? Mr. Adaska said no, they didn't talk to Parks. Mr. Adaska said I talked to each Parks Board member independently and none of the Parks Board Members knew until a month after this was done that it was even done. They were very shocked and surprised and they really felt like they should have been consulted because they are serving on that board for free, they are volunteering their services. It would have been nice if the administration, or even the Council, would advise them of what they are going to do, if they are going to make any substantial changes to their parks system. It would have been nice to send that to the Parks Board first for recommendation. Mr. Long said regarding this particular incident, using this as an example, so how this Charter is laid out, and if it was a reference to Section 13.01 by council member in council chambers regarding this particular situation, that I think, at least in my opinion, that should have been brought up. I felt that maybe the Mayor was out of line. Mr. Adaska said it was brought up. Mr. Long said what I am trying to say is why don't you lean on this Charter to support what you just clarified there to make a stand or statement and let that being taken care of in council chambers? Mr. Adaska said the problem is, the Charter specifically spells out the powers for each body. The Parks Board recommends changes and maintenance. Now it didn't used to be that way but at some point in the near past, that was changed, because the Parks Board and the Service Director would become at odds from time to time and things weren't getting done so it was decided that the Parks Board would be a body that would make recommendations for service, for maintenance, for new equipment to the parks and so on but the overall authority would be the Public Service Director which would then, if you would look at our organizational chart, the Mayor is above that so the Public Service Director can't really do anything on his own, he would have to go to the Mayor for final approval.

Ms. Kory said so it sounds more like a Public Service and Parks communication issue. Public Service followed the rules as it was written. Mr. Adaska said when you have a Public Service Director, and I am not even saying it was this person that made the decision to do this but if the decision was made in Public Service, then it would be up to that person to advise the Parks Board that this was their thinking, this is what they wanted to do and allow them, at least to make a recommendation, that is my only concern here because why else do you have a Parks Board if you are not going to get their recommendation, especially for something like this. Last year, the campground experienced their busiest year in Stow's history, that was just this past year and it is just ironic that that was the year that their picnic pavilion was removed and nobody was consulted and the only people that knew about this was the Mayor and the Service

Director, and the Service Director's employees that removed the shelter. That was why I was thinking, I don't want to put too much time into this, but that was what I was thinking that paragraph 3, if we can somehow change the words there so that it would have to go to Council and get a recommendation and it should say "Shall go to Council" for recommendation just so the Council knows what is going on. That was an expensive item. I think it cost the City Council and the City of Stow around \$60,000, I will have to check that number but it was in the area of \$60,000 originally when that was purchased and installed there. Council had to appropriate the funds for that so you would think that they would have at least been consulted if it was going to be moved somewhere else. Ms. Kory said we will note that and also note about looking at communication, responsibility between Public Service and the Parks Board.

Mr. Adaska said the second item I had would be on Page 17, 9.02, paragraph 2. It says the Law Director's office shall be in City Hall and the Law Director shall devote full time and effort during business hours and other such times as necessary to properly conduct the business of the municipality. The problem here is, we have the same wording for the Mayor and the Finance Director and that is fine because this really doesn't relate to them but the Law Director at the beginning of the Mayor's term three years ago, moved from the City Hall to the Safety Building and some of the council members felt, including myself, felt that number one it was in violation of the Charter because it specifically says that his or her office would be located in City Hall and the reason for that is, if I need to see the Law Director, I pretty much have a pass to get into the Safety Building, I still have a few processes that I have to go through because it is a locked building, but I can still get over there to see the Law Director. In this case, if a citizen comes in and the law office used to be upstairs at the top of the steps to the left, the door was unlocked, it was an open door policy if you had to see the Law Director, if someone was in the office, the door would be closed. If nobody was in the office and the Law Director wasn't busy with anybody, you could, as a citizen, go in and see the Law Director, but the way it works now with the Law Director being in the safety building, that the Law Director is not as accessible to the public and keep in mind, the citizens of Stow passed this and I think that they would want the Law Director to still be in City Hall and if the Commission doesn't think that it is necessary and still valid for the Law Director to be in City Hall, then I think that paragraph has to be modified and put on the ballot. Ms. Kory said we do have that in the notes to modify the verbiage. Location at the Safety Building is still a City building and from my understanding, you don't need a pass, you can just walk in the front door and there is a receptionist that can help you. We do have that down for looking at the rewording of that. Mr. Adaska said you must have gotten your information from the administration and maybe even the Mayor or the Law Director, what I am saying is the information that you are reading from, you say you have notes on that, what I am trying to tell you is my thoughts on it and some of my constituents thoughts and they would like the Law Director to be accessible to the citizens when they walk into the City Hall Building. If you come into City Hall to take care of business in city hall and say it is raining, now you have to go outside of city hall, walk clear across the parking lot, go into a building that you are unfamiliar with and find the Law Director. The person is not as accessible in that building. That is why the citizens voted that they wanted the Law Director to be in the City Hall so that when they come into this building to take care of their business, I am assuming that is why they want the Law Director and the Mayor here and the Finance Director here so they can take care of all their business while they are in

one building. It is not up to these people here in the room (Charter Review Commission) to decide, it is up to the people out there who vote this in because the Charter is the people, not the members of the Charter Commission, with respect. Ms. Kory said I am not sure about that statement but we have a note on that. Mr. Adaska said the statement means that the Charter is the people of the City of Stow, that is how I feel, so you have to put that information out there and let them decide. If the Mayor and some of the Commission members feel that it is okay for the Law Director to be over there, let's let the people decide that so I would like to see that go back on. Ms. Kory said we have a note for both sides for the Commission to review. Mr. Adaska said the other thing is the Law Director can have two offices. If she feels that she needs to be in the Safety Building for part of her day, then she can be there during certain hours, otherwise, if you don't want to address that by placing that to be reaffirmed on the ballot, then the Law Director could have an office here (city hall) and establish office hours here at certain times of the day so that would be an example of what you could do but let's not leave it undone because I am getting complaints that it is hard to see the Law Director and I don't think that is what it was meant to be. Ms. Denton said I wonder if the complaints about seeing the Law Director have to do which building she is in or general accessibility. Mary Mumper said I actually had to go see the Law Director and I went over there and I had to talk to a policeman and they have to buzz somebody and then somebody came down and she got me what I needed so that is what happened with me. Mr. Adaska said it wasn't actually our new Law Director, Amber. This didn't start with Amber. The Law Director, Brian Reali, for some reason from what I understand, being that they have to prosecute people, he felt, at one time, that he was not safe because his office was so accessible to the public by coming in the front door at City Hall, walking up the steps, that there were times that he felt that he wasn't safe and so he advised the Mayor of that and then the Mayor decided to give them space in the other building and so that is what I understand, however, I will add that we have had a Law Director in this building since it was built in 1987 and before that in the old building, the Law Director was there and it was open door. I don't see a problem with it. All our public officials in this building are accessible to the public and I don't see why that one particular individual felt unsafe. The other thing is that particular individual that felt unsafe is no longer here. I asked the new Law Director and she said she feels perfectly safe when she is in the building. I asked her if she would mind moving back into the building and she said that the Mayor provides a work place for her office and it happens to be at the safety building right now so until somebody advises the Mayor we either have to address this in the ballot as a ballot issue or provide office hours here in this building, I think we have a problem. I would just like you guys to take a look at it.

Mr. Adaska said the last item I had this evening, and I see by reading the minutes, that term limits have come up quite a bit in discussion in this committee and Section 21.08 is really just kind of thrown together. I am thinking that the only reason it has been pieced together like this was because this particular paragraph has been modified at least two or three times, I think, so things were just stuck onto it so I think Section 21.08, needs to be gone over by your body and maybe put, I would like to keep term limits in place, personally, because they really haven't taken effect yet and we need to see how it is going to work out before we decide to take anything away. The citizens voted unanimously to have so what I did was, I know this Section 21.08 needs to be addressed so what I did was I took it upon myself to come up with some wording and I thought you

guys could just take a look at it and do all the modifying you want to it. I just thought this would be an example (Mr. Adaska passed out possible wording for Section 21.08) of what we can do to Section 21.08 and once and for all, straighten out the wording.

Section 21.08 Term Limits for Elected Officials

Commencing with the term of January 2, 2012, no elected official shall serve more than eight consecutive years in the same elected office. Any elected person disqualified from holding public office due to the aforementioned term limitation shall become eligible to hold the same public office upon the expiration of two years. (amended 11-5-02, 11-2-10)

Section 21.08 Term Limits for Elected Officials

Commencing with the term of January 2, 2012, no elected official shall serve more than eight consecutive years in the same elected office. For the purposes of this section, a ward council person and an at large council person is to be considered the same elected office. Any elected person disqualified from holding public office due to the aforementioned term limitation shall become eligible to hold the same public office upon the expiration of two years. (amended 11-5-02; 11-2-10)

Mr. Adaska said now the top one, they are both the same, different wording but both the same paragraphs, the top one would be if commission members want to call the existing, you have ward and you have at-large and some of the people that I have been talking to, would like it so that if you served at large for eight years and say you are term limited, you can't come back, right now you can come back from what I am told, and run for ward and so there by circumventing what I feel the voters really meant when they said you can only serve eight years in an elected office. So because Council is considered, whether you are at-large or whether you are a ward councilman, a lot of the public still consider you a councilman, they don't really distinguish the difference between ward and at large from the respect that when it is time to be term limited, you are term limited. I think from what I am being told is, that if you served your eight years on council, you should get off for two years and then you are eligible to run again in two years, so that is why I typed this up two ways. If the commission doesn't agree with me and they want to use the wording on the top, you could use that and thereby, say you are at large and you are term limited, you can still run that eighth as a ward councilman and get yourself back on council and serve another eight years. Personally, I think the intent of the public was serve eight years on council and then get off for two years, be disqualified for two years and then you can run again. If you believe that the public feels the same way, then use the wording in the second paragraph and that would just be an example of what we can do because if you look at the difference between these two paragraphs I typed up and the 20.08 in our Charter, there is a world of difference and it just makes it a lot cleaner. Like I said, this is just an example. If you ask me what I think and I have been on council, this will be my fifth year that I am serving now. I served four years starting in 1990 and through the end of 1994. I was at large but I got really busy at work and I decided that I was going to voluntarily get off council at the end of my second term in 1994. At that point, I got the highest vote for Council or Mayor had ever gotten. I could have just gotten myself right back on Council and probably served thirty years if I wanted to because at that time, there were no term limits. The thing is, I voluntarily got off, I thought I would give someone else a chance to serve on Council and then recently I retired and decided to try it again and see if I can do some good so here I am. This time

around, I decided to run for Ward 4. My feeling is if I get reelected this fall for Ward and I continue running every two years and I am term limited at the eight years, I am gone. I don't plan on running at large to try to stay on Council for another eight years. I think the intent of the public is to give other people the opportunity. The thing is, when you get on Council and you get so well known, there are examples of past council people who have served for 22 years. I don't think the intent the people had was that the same families, the same individual would come and serve so long on City Council because I think getting some new blood in there brings some new ideas. We face so many challenges here in the City, I think it is important to get that new blood in because it brings new ideas to the table and we can get a lot more things resolved.

Mr. Long asked what Mr. Adaska's take was on four years versus two year terms. Mr. Adaska said when I first got elected or I first started running in 1989 for that 1990 position, we had four year terms back then. I personally circulated petitions to change that to two years and I will tell you why. I thought it over carefully and I looked at the councilman we had and how they had served and at that particular time, the people that we had, in my opinion, some of them were unresponsive to the residents. You would call them on the phone and you wouldn't get a call back and they just didn't seem to be responsive until it was election time. Now election time, they would answer any question you had and they would want you to fill out their petitions so they could run for reelection but after that, four years would go by and you wouldn't hear from them. The thing with two years is, every other year, you are in front of the voters again so that being the case, you are going to be more responsive to your constituents, I feel. If you are going in front of them to get reelected every other year, because the first year obviously you are clear but that second year, you have to run that fall for reelection so you are right back in front of the constituents. Now I can see candidate-wise, it is not fun running every two years, but I am not here for me, I am here for the people and I am just thinking that it is better for them if I am staying in contact with them and letting them know what is going on and seeing if there is anything on their street that I can do for them or whatever because that is really the only time you are talking with your constituents, unless they have a problem, they call you on the phone or send you an e-mail. Most of the time when you go out to get your petition signed, that is when it is two people face to face and you are seeing them in person, you are getting ideas of what their problems are in the neighborhood and I think that is healthy, but every four years, I don't think it works well. It didn't work good back then and I think since then, it is not perfect two years because some council people still don't return phone calls so you still have that problem a little bit but for the most part, I think it works better than four.

Mr. Vyas said one of things that we had talked about was staggering terms because there is the possibility that if there is an election, then you could have a completely new Council including new Mayor, new administration. What are your thoughts on that, would you prefer staggered or do you think it is okay the way it is? Mr. Adaska said I like it the way it is, I think it works great. Staggering terms allows other council members to run for other positions or other elected officials to run for other positions. If you are on council and say the finance director's job comes up for reelection and you have a degree in economics or accounting, you can actually put your council seat aside for a year and run for election. Now if you are running for election you are not really doing your job, at least not entirely, because you are expending all your resources and

energy running for election. I think you either decide to run for city council, it is a two year term, you should be on for two years. The problem with staggering the terms, it allows that person to run for Mayor every couple of years or every four years while they are still holding a council seat. That way if they lose the Mayor's job, they can still keep their council seat. Mr. Long said so you think it is okay for a complete new regime in there. Mr. Adaska said not a problem. Mr. Long said so you guys are working this and that is why we are asking these questions, because you are working and living it, so you are comfortable with that every two years we could possibly get all new faces in position and you think we could function effectively, efficiently, with the parties to be, the Mayor primarily, and all that would be good. Mr. Adaska said absolutely, I have done it before. The thing is with a two year election, I think that if you are worried about getting everybody in new, it is not a problem. It has never happened or never even close to happening and I don't think it could happen. The other thing is when you are running for election, you are vetted so properly through the process. I mean you have to go to luncheons, Chamber of Commerce, you have to go to Rotary and then you have candidate night once or twice. I mean you are vetted. There is no way that you don't get up to speed on what is going on. You are sitting in the audience at Council meetings, at least I did and I know Brian did, I know Brian D'Antonio did. A lot of us sit in the audience and learn the issues for seven or eight months, sitting out there and participating on what is going on so when or if we do take our seat January 2<sup>nd</sup> and sworn in, we are up to speed on what is going on. You don't just waltz right in and not know what is going on and even if it happened and you had all new council members, it would be healthy and it would be a good thing because when you get on a city council, you work together and you hear what the issues are and you vote on those issues. The Mayor is the CEO, that person runs the city during the day and during the week. The City Council reviews matters of finance, matters of appropriation, matters of discipline in executive session and you don't have to be a rocket scientist to know that stuff. It is just common sense and you pick it up rather quickly. I started last January. I hadn't been on Council for twenty years and I sat down at my seat and ten minutes into the meeting, I felt like I had never gotten off council and that is the truth.

Ms. Johnson said that is good for you but is that true for everyone. Mr. Adaska said if you get through the election process and you get elected to City Council, I would think that you could do it easily because it's just not about me or Brian, we see the people that are just coming on and even though I wasn't on Council, I sat out in the audience and watched other new people getting vetted during the process and saw them get up and sit down on City Council and be able to do the same business that we are doing now. Like I said, if you get your stuff during the week from the Clerk's office and you read through it, ask questions during the week, then when it is time to vote, that is the biggest thing is voting so on every other Thursday night when it is time to vote, you don't just sit down and get the stuff in front of you that night. I mean we are getting it days in advance and as long as we are doing our reading, we are prepared when we sit down to be able to vote on this stuff. I truly feel that we can do it.

Mr. Lowdermilk said I will add to that. When you are campaigning, you get a whole host of questions and things from the residents and I have yet to know of anybody who has sat at home and didn't talk to any residents that got elected. As a matter of fact, I think you would be hard pressed to find anybody that got elected that wasn't involved in some way,

shape or form with the city either with commissions or through issues that have affected their neighborhood or their community in some way. Typically, people don't wake up one day and say, hey, you know what? I would love to be a councilman. I am going to run for Council. People get involved because something has pushed them to get involved or some interest has been involved long before they ran for office. There are a lot of people out there that are more than qualified to hold the office of council. I think you would be hard pressed to find anywhere with term limits where they changed over an entire council anywhere. Just to clarify, we are not talking two year, we are talking eight years. You have eight years that each office can serve and eight years should be plenty. Companies move people in and out for that reason. You become stagnant, nothing changes, you get in a rut so you need those new ideas flowing in. If I can go back and answer the staggered terms, when you look at government in general, you can look at the county level and state level, even the federal level, staggered terms allows them to get a 2 for 1. When you have somebody that runs for county council and it happened in the last election, sitting council members that have staggered terms run for another instead of a ward and at-large and what happens is that they get to appoint who they want to fill that spot so now you are getting a 2 for 1 and it is a way for people, in some cases, stack the deck without having an election to do it so just strictly on that premise, I would be opposed to staggering terms where you can allow people to run from a protected seat to do that.

Mr. Vyas said so it sounds like with term limits and staggering terms, you agree on but as far as the four year and the term year do you feel the same about two years? Mr. Lowdermilk said I think that two years, like Bob said, you need to get back out. It is too easy for people not to be responsive. How many phone calls do you get during a congressional election, how many robocalls do you get during the presidential election? You don't get any unless they want you to give them a deposit on something. Mr. Adaska said regarding staggered terms, I remember an issue about eight to ten years ago where the residents were tired of seeing political signs every year. The city was full of signs and so the City being nonpartisan, the citizens came to council and said, we got to figure out how we can have less of this because they just got tired of some of these signs. Now I realize that if you go four years, it could be the potential of less signs cuz now they are every four years rather than every two years but the balance is good at two years. If you have staggered terms, now it is going to be every year. With two year terms, it is not as good sign-wise for that aspect of it, but it is still a good balance because like Brian pointed out, you get back to your constituents more often and I think it is just healthier for the City to have that. Brian said to consider something happening every year, by Charter and I believe by the Ohio Revised Code, we can only have elections on certain years so whatever it would be, you are not going to be able to do it in a way that would be every year we wouldn't be able to do that. Mr. Lowdermilk said I believe it is the Ohio Revised Code that states that your municipalities are different than the federal so you are not having all these elections at one time and they are off years. The Mayor is up in four years. She wasn't up last year, same time as Presidential because it is staggered so it doesn't work that way. Mr. Vyas asked can we get Amber to look at that? Brian said I apologize for being late, we had a funeral.

Mr. Lowdermilk said when we look at the Charter, what I think we have to keep in mind is that the Charter is like the City's constitution, it is like the Ohio Constitution. It

shouldn't be used as way for a City to gain power or to add to its capabilities. It should be limiting in what the City can do. It should side with the residents. The Charter should lean toward getting the residents more power. Term limits addresses some of that. It ultimately makes sure it simply just name recognition, that this guy has a bank account that allows him to do more advertising than the average guy so when you are looking at it, and we have had instances I would encourage you when you look at the Ohio Revised Code, the Ohio Constitution, five years ago, when we circulated petitions to change this prior Council to increase the number of signatures required for initiative petition, it violated the Ohio Constitution and it actually came down to basically forcing the City. We had filed petitions to change that and there was somewhat of a discussion that was had and it was myself and the Law Director at the time, that that was unconstitutional and I think we have to look at that part of it to make sure anything you are considering or things that are currently in the Charter, how do they line up with the State Constitution and with the Ohio Revised Code. In this case, and if you go back to the meeting minutes, part of what had happened was Council had passed something and the City, I can't remember if it was specifically term limits, that they had an initiative petition that overturned it and council said no, it should be very difficult for the residents to undo what their government has done and I will tell you that is exactly opposite of what the case should be. If there is something that the residents feel that strongly about, they need to have a way to undo that so consequently, they raised the number of signatures making it harder. This goes back to term limits. People come into this wanting to do the right thing but I truly believe the longer you are involved in it, the more the influence and harder it is.

Mr. Adaska said I wanted to add something there too while I have the opportunity. When you get comments from other council members that they would like four year terms. If you look at how long they have served and how long they plan on serving, there seems to be a correlation there. The longer the terms are for them the better it is because then they only have to campaign once every four years and they will be back every four years and if you look at the history, it goes on and on and on. Just recently before term limits were put back on, we have had council members that serve eighteen, twenty, twenty-two years and that is a long time and it doesn't give other people the opportunity because if you are involved in clubs in the city and you get your name out there, you get a pay check for being on council. You could take that paycheck and put it aside just so that you could have a lot of fun so that you could run for reelection if you wanted to do that for yourself. If somebody out in the audience wanted to run for office, they would be hard pressed to be able to. Ms. Johnson said we have your opinions and we have some other council people's opinion and it is something that we will definitely take into consideration. I think us as a commission need to focus on actually getting through the rest of the Charter, we have only gotten through ten sections so I think our number one job is to get through all of this and get an idea of just what we are dealing with and focus on those kind of things again later on as we are getting closer to the time that we are done with reviewing everything and taking recommendations to the Board of Elections.

Ms. Kory said we are going to move on with the next item on the agenda which is reviewing Sections 11, 12 and 13.

Section XI – Section 11.01 – Composition and Term – Ms. Denton said this talks about composition and terms of the Board of Zoning Appeals and it is staggered. Ms. Kory said and it is a five year term so there seems to be a lot of inconsistencies between terms and how they are set. Terms are staggered, is that something we want to note and look at later? Ms. Denton said I was curious why that was five years and staggered when nothing else is. Mr. Lowdermilk asked if he could add to that. Ms. Kory said not at this time we are just going to go ahead and go through our notes. We are going to collect opinions just during the first thirty minutes of the meeting. Mr. Lowdermilk said so the residents don't have the option of come in and address it after? Ms. Kory said they can at the next meeting, the first thirty minutes, the rest of the meeting is saved for work in session.

Section 11.02 – Organization – No further questions.

Section 11.03 – Jurisdiction – Ms. Denton said she found this section confusing. In the first sentence it talks about the Board of Zoning and Building Appeals shall have the power and decide appeals for exceptions variances and the applications of resolutions, ordinances and regulations, and then further down the last sentence says they shall not have the authority to grant conditional zoning certificates or to grant variances where up at the top it talks about the variances. I don't understand that at all. We will ask Amber to decipher this.

Section 11.04 – Meetings and Procedure – No further questions. Ms. Kory said where are the records and Ms. Botts said they are found on the web site and in City Hall.

Section 11.05 – Appeals to the Board – No further questions.

Article XII, Civil Service Commission, Section 12.01 – Establishment – No further questions.

Section 12.02 Powers and Duties – General – No further questions.

Article XIII – Parks and Recreation Board – Section 13.01 Appoint of Director of Parks and Recreation – No questions.

Section 13.02 - Ms. Kory said again, there are five members but it is not staggered. Their chairman serves for two years. There seems to be inconsistencies.

Section 13.03 – Power and Duties – Ms. Kory said this would be a good point to refer back to tonight's notes, the 13.03 for Parks, Section 7.01 for Public Service and the Section 3.04. Circle those together and tie them in as far as responsibilities and communication.

Article XIV – Cemetery Board – Section 14.01 – Composition and Term – Ms. Kory said now it is a three year, not five and it goes back to staggered. Let's look at all the different boards and why they are different in terms, why some are staggered and some are not. Pull that all together in our notes in one topic. Mr. Vyas said it seems like the two that were staggered were both amended in 1997. 11.01 and 14.01 are both amended

in 1997 and they are both staggered, I wonder if that might shed some light. Mr. Lowdermilk said they are staggered because they are appointed positions by the Mayor, confirmed by Council and in that case, you can have a complete commission eliminated by a new Mayor or Council if they weren't staggered and that is the difference between.

Section 14.02 – Organization – No further questions.

Section 14.03 – Powers and Duties – Ms. Kory said the first paragraph says subject to the provisions of Section 7.03 and 10.03, which is Department of Public Service and Planning Commission and Zoning. How does 14.03 tie in with 7.03 and 10.03? Do those duties fall under them? I don't understand that statement. Mr. Long said I think you have to refer to each section to get clarification for their duties, that is the way I interpret that. They have to abide by those commissions. Mr. Schofield said I think it is referring to them all working together. Ms. Kory said if that verbiage could be clearly understood that maybe an assisting verbiage that we could use on the other ones that we don't have documented as talking together. Mr. Schofield said right because under 10.03, it is under the Planning Commission and Zoning so since on the cemetery board you can't just come in and say this is where we are putting in the cemetery without going through zoning. We just want to make sure it is what it means and if it is, then we can do something similar with the other groups to work together as was Mr. Adaska's point.

Section XV – Finances – Section 15.01 – Limitation of Rate of Taxation – Ms. Botts stated that Mr. Baranek is scheduled to appear before Commission on April 16<sup>th</sup>. Ms. Kory said we can review it and get our questions ready now and then when he gets here we will be ready. Regarding the first paragraph, is it 7.2 mills in any one year AND an additional maximum of 2.3 mills, so a total of 9.5 mills? That would be a question we would have, can the 7.2 and 2.3 mills go in the same year.

Section 15.02 – Checks – No further questions.

Article XVI – Nominations and Elections, Section 16.01 Regular Municipal Elections – Ms. Kory said this is what they were referring to earlier about making sure it aligns with State guidelines. No further questions.

Section 16.02 – Nominations – Ms. Kory said so having all of them at the same time so if that staggering were to be considered, that is where they would run for Council while they are sitting in a different seat. No further questions.

Section 16.03 – Selection of Candidates – No further questions.

Section 16.04 – Ballots – No further questions.

Section 16.05 – Special Elections – No further questions.

Section 16.06 – The Laws of Ohio Applicable to Elections -

Mr. Long said something triggered my head tonight with Bob and Brian being here and I think it might be something we might want to consider, two things. I think we should reach out to the council people and for example, Brian you weren't here and you came in a little bit later but if there is anything in the Charter that you feel should be tweaked, amended, whatever, why don't you put something in writing, through an e-mail, hard copy, and give it to us, and let us digest it and chew on it. I am using you as a reference point but I think any council member. That gives us the opportunity to hear what you folks have to say because again, I think you are living and working this, we are not. We have discussed this before and it was brought up by the Mayor, we are not here to rewrite this, it is not our task but we are combing through it and ultimately it is the power of the people that can make the decision. The other comment I had would be this; some of the hot topics that we talked about, for example, term limits, if these things were amended last time and the people voted on that, I would like to see what the voting results were. We have heard numbers thrown at us, 70% unanimously, whatever that number is and I for one, would like to see what exactly was that percentage and number two, how was it worded on the ballot where the people checked the yes or no and what were the results because in my opinion, I don't think, for example let's say it was 85% of the people said let's go to two years, why should we, four years later, really have a lot of discussion about this and maybe think about changing something that the majority of the voters already gave a strong statement, hey, we want it this way so why ask them again. Maybe there are other things that haven't been addressed. I am just throwing this out because just to get you up to speed with us, we are just starting to comb through this and all we have been doing is processing this. We have been asking questions to people who are here and asking questions amongst each other and then we are going to have our meetings and sink our teeth into it and start and recommending this and that. It opened my eyes tonight talking to Bob and previous council people that were here; Mr. Pribonic, Mr. D'Antonio and the Law Director was here but I think it is important to hear your comments and your suggestions and for us to obviously consider that and talk about it. Mr. Lowdermilk said I appreciate that. I am reading the minutes and keeping up on what you are discussing. We can add some background, especially when this involves petitions and the last time it had to be rewritten two or three times to get the wording correct. The time it was overturned, yes was a no and no was a yes, that is what happened there. It has been overwhelming the majority each time it has been accurately worded and the last time we were very careful, we participated in that process actively to make sure it was reworded which the Board of Elections, I think it was on the third time is when they finally accepted it. Mr. Long said don't take this the wrong way and I am just being very candid here, when we ask a question, sometimes it takes fifteen minutes to get the answer and I understand everything is not yes or no, but in order for us to be effective and efficient and do our due diligence and have constructive meetings that we can move forward and make some decisions. So if you give us something in an e-mail and we had a paragraph or two paragraphs, you don't have to be here. Obviously everybody is welcome to come, it is an open meeting but we can take what you say and we can discuss it and it helps us make some decisions that we have to make.

There were no further comments or concerns. Mr. Vyas said he will not be able to attend a meeting next Thursday. Ms. Kory said we will do a head count to see if enough people can attend the meeting next week. Next week's homework will be Chapters 17 through

the end of the Charter. Ms. Kory said we will finish the chapters and then the next time after that we will go ahead and start putting all our questions in that format that we had. We can ask Amber about any legal questions.

Motion to adjourn by Andrea Denton, seconded by Kelly Johnson. Meeting adjourned 6:56 p.m.

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Mary Botts, Secretary

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Robin Kory, Chairperson