



## **Charter Review Commission Minutes**

Stow City Hall Boards and Commissions Room, Thursday, April 30, 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 Brian D'Antonio, Councilman Mike Rasor, Councilman Matt Riehl, Joe Mumper, 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 April 16, 2015 by Kelly Johnson, seconded by Andrea Denton, motion passed 6-0 with no changes.

Councilman Mike Rasor and Councilman Matt Riehl were present to testify. Mr. Rasor said he had looked over the Charter and had a few things I could talk about but I would be happy to answer questions however the Chair would like to conduct the meeting. Ms. Kory said we do have a list that we can start going through and start gathering additional responses from Mike and Matt.

3.02 Qualifications – Do we want to drop this, are we okay with the info that we have or do we want to do further research? Were we good with 2 year residency, are we good with what we found? The Commission decided to close this from the information that was gathered.

3.04, Executive and Administrative Powers – The question was if the Mayor doesn't supervise Finance or Law, who does? We found out it was no one, they were independent, having 3 separate positions provides checks and balances. This was closed.

3.06, Acting Mayor – How long does the Mayor have to be away before being considered absent, inaccessible, unable to perform duties. We have situations specific, should be incapacitated and communications are more advanced now so less of a worry. Did we want to put in wording as far as a timeframe or as far as saying if she is incapacitated, I think we left this up to the Law Director in another Section, didn't we? The Board felt we could close this.

3.06 – Acting Mayor – Should a condition be added in case the Mayor is recalled from military service? This has happened already to the Law Director. We may need to add a simple sentence to all three positions; Mayor, Law Director and Finance Director, just in case. Further research will continue on this.

Mr. Rasor said he had marked up 3.06 just because I think it is a little “wishy-washy”. The word “temporarily” is definitely vague. I think the only ones, A through B, that should be there is “unable for any cause or reason to perform the duties of Mayor”. Everything else is just asking for a problem. Ms. Denton said but then do we have to do something about who decides he/she is unable? Ms. Kory said it was said previously that it was the Law Director. Ms. Kory said so President of Council or any member of Council designated by majority vote of Council shall become acting Mayor with all powers of the Mayor in the event the Mayor, or one acting in capacity for the Mayor is temporarily A, absent from the municipality, B, inaccessible, C, unable for any cause or reason to perform the duties, or D, until Council elects a Mayor in the event of vacancy of said office. Mr. Rasor said I would strike the word temporarily and I would also strike A, B, and D and just say C. I suppose it would be the Law Director who makes that determination. Ms. Denton asked and would it have to be written that the Law Director makes that determination. Ms. Kory said because you would be taking power away from the Council here. Mr. Schofield said the flip side of it is even in the current wording and maybe with the just keeping letter C, we still leave the opportunity, what does it mean “unable for any reason to perform the duties”, I don’t know if there is any clarifying wording that is going to impact it at all but say you get a Law Director who is unable to do it, but I when we talked about it last time, I think we just left the door open that there are multiple factors that could be considered prior to being just unable to perform the duties. I don’t know how we package that or word that in a way. I agree with the sentiment of not wanting this to be open ended but I realize that we open the door for a little bit of the questionable because somebody is going to have to make that call and I think the spirit of this was written more for health, some long term injury, leave of absence type so that would be my only comment on this. However that gets worded, it gives some parameters. Mike Rasor said you would want all the elected officials or all the branches to be onboard with that decision so we could say a majority of Council with concurrence of the Law Director and Finance Director and then you have a few safe guards. Ms. Kory said who determines the “or” decision, President, Council or member of Council and then we went on to say, Council or Law Director or both, some sort of group pick there. We will research further.

3.07 – Vacancy – What if the Mayor becomes sick or incapacitated? We talked about adding verbiage here and I think this is the one we decided it was up to the Law Director to determine incapacitated. Mr. Schofield said I think it needs to be connected to 3.06. Ms. Johnson said I have a note that also said “legally” incapacitated, not just incapacitated.

3.07.2 – President of City Council fulfills vacancy of the Mayor who will be sitting in the 6<sup>th</sup> seat. This was the 3/3 discussion we had and we figured out that it will never be a tie, it has to be a majority. If it does come in tied, they drop it and if you want it re-voted on again, you have to resubmit it until you get that majority vote. Ms. Kory asked if they were good with the wording. Mr. Vyas said how do we rephrase it in a way that doesn’t make it, I think that is part of my concern. Ms. Kory said we will leave it open and will look at wording and come back to it.

3.07.3 – Obtaining 2010 notes & reviews – Information was received.

4.02 – Composition and Terms for Council – Ms. Kory said a two year term. Ms. Denton asked Councilmen Rasor and Riehl what they think about that. Mr. Riehl said two year term. I think it keeps you more responsible to the voters. If every two years you have to answer to your constituents on decisions that you make, it forces you to get out into the community and talk to your residents and see what is on their mind, whereas at four years, you can get in there and you can coast for three years. Mr. Rasor said I agree, not in our best interest, obviously, because I can tell you from personal perspective, I don't like running every two years, it is tough. Ms. Kory said how much time do you spend preparing, if you were a totally new guy and this was your first year, how much time would you spend on board and then how much time would you spend getting ready to run for the next election? Ms. Rasor said it is different questions. Mr. Riehl said first of all, nobody wakes up and they are a Councilman. You have to know you are getting into this so you are thinking about it a year in advance, a minimum. We are going to file in June so from June until the election, you are attending City Council meetings, you are out talking to people, you have a gist of what is going on. It is not like you walk in there on January 2<sup>nd</sup> and you are absolutely clueless to what is going on. If you have been good and responsible, you have been talking to residents, you know what is on their mind and you show up and aside from legislative things, like *Roberts Rules of Order*, you should be good to go. Mr. Rasor said when I said different questions, there is a question of *Roberts Rules of Order*, that is how the meetings operate. I personally had to acquaint myself with that as soon as I got elected. In the time between election and taking office, is about two months so I took that time, I think most City Council people have taken that time to meet with every Department Head and to look over the Charter and to scan over the basic structure of the code. The thing that does take a little bit of time is what sort of legislator you want to be, how you feel on policy and how you developed your personal perspective on those things but it doesn't prevent you from being effective, in my opinion.

Ms. Vyas said one of the things that I was thinking about and I think we had discussed before was staggered terms, I bring it up all the time because it came up and I am debating internally the pros and cons and I see both sides. I was just wondering where you guys fall with that, having staggered terms. Is that a problem? Mr. Riehl said I am against it for two reasons. One, this went before the voters in 2005. The voters voted it down overwhelmingly, 58% to 42% so my questions would be, what has happened since 2005 to 2015 that we need to ask these voters that question again? Has there been a large scale change in Council? No. Has there been any problems, no. Mr. Rasor asked Mr. Vyas on staggered terms, are you coming at this assuming they are four year terms and then staggering them? Mr. Vyas said no, having two years. Mr. Rasor said so half the Council runs in even years and half runs in odd years? That, I think, it going to produce some very unexpected results because as anyone who has run for election knows, you study the numbers very heavily, you are very attuned in what it takes to get elected. What it takes to get election in a presidential year is entirely different than what it takes to get elected in a city only year. A non mayor election, like last year was in Stow. Would it be good or bad, I don't know, I just don't think that it would be helpful. Ms. Denton said part of our concern has been that it is possible that everybody could be new at the same time. Mr. Rasor said that is good. Ms. Denton said Mayor, Finance, Law and every Council person. Mr. Rasor said if something happens where this City is going that far down hill, everyone deserves to be out, that is my perspective. I think the department

heads have the institutional knowledge. If the Mayor comes in here and says I am firing all my department heads as well, that could cause a problem but that person is not going to do that. Mr. Riehl said and I would even look at past election cycles so if you look at 2006 to 2012, you have had very national anti-incumbent sentiment. Even in those anti-incumbent years, we have lost two in any given election. There has never been this wave of everyone getting voted out. When you run for Council, I did close to 2,000 doors, you are out there in the community and you know you, if there is a situation though where they vote you all out of office, like I said, something had to be amiss. There is obviously anger in the community and there is a reason for it. Another reason that I am against staggered terms is it creates a political situation. An example is there was a county-wide election a few years ago so county council is all the same, you have the same amount of votes, it is staggered, so you have a person who was in a district on County Council run At-Large for County Council for the exact same position. Now what was the purpose of that? The purpose is that if that person runs county-wide and the political party appoints their placement so you are running for the same job for no other reason but for playing politics. We have done a pretty good job in the community. We have cut politics out and I think that if you stagger terms, you invite that sort of thing. Mr. Razor said I think staggering terms could make sense with four terms but I would not even be in favor of that but I think with two year terms, staggering would not be good.

Mr. Long said just for clarity, how long have we been with two year terms. Mr. Riehl said at least back to the 90's. Mr. Long said since 1990 we have had two year terms for Council? Mr. Riehl said yes, I think that was done by a petition, I don't even think that was done by the Charter Review process. If I'm not mistaken, residents went out and demanded it, they got the signatures. Mr. Long said the chances of where you would have a completely new regimen come in is probably very unlikely but the fact of the matter is, the way it is written, it could occur, based on how it is written. Mr. Riehl said what is the risk there? Mr. Long said I just know from a business standpoint, whether you run a small or big business, if you just completely washed out everybody that was any kind of administrative capacity, I just think that would not be a good thing. That would be very difficult to keep the ship running the proper way. I am looking at it from a business side, that is where my head is at. Mr. Riehl said I am looking at it from a point of the public. If the citizens are the ones who made that decision, and two is you are not getting fresh people. These are people who have attended meetings, these people know what is going on. I would say maybe 3 out of our 7 members of Council have run and lost before they ran and won. I would say that they are in a much greater position than say a fresh person who was just maybe appointed to that seat. It doesn't appear in a vacuum. You file in June, campaign, elected or defeated in November, you have two months to prepare to get in office and you are good to go. You are writing legislation, you are reacting to resident calls with what the people want, and you are being prospective with your ideas. I don't think that a wholesale change would put the city in any kind of risk. Mr. Razor said John I think you bring up a good point in comparison as I like myself to compare government to business and what is good for business is usually good for government. I would compare a business that has all of its employees and officers swept out. The way you are bringing it up almost sounds like things are going smoothly and then everybody is gone. This is more like a situation where we have a corporation whose shareholders are getting completely frustrated, stock falling, you have theft going on maybe in the corporate level, they sweep out the directors, they fire all the

officers and they bring in all new corporate leadership. Where it is not that things are going good and then now we have uncertainty. If things are going very bad and now we have uncertainty. That is the situation I compare.

Ms. Denton said one of the things we have talked about is that things could be going well and because of the term limits, if a couple of people lost the election and the term limits came up at the same time, people could be gone. Mr. Rasor said that could easily happen and it could easily be a situation where you have all three of those offices being occupied by new people, but the people, I think, have spoken overwhelmingly every time, even when the previous Charter Reviews have tried to trick the voters, the voters still get it right and say they want term limits. So a policy perspective, I understand if that doesn't make sense. From a practical and republic standpoint, the people don't agree. Mr. Riehl said you can be for term limits, you can be against term limits but the people have spoken on this so many times. Ms. Denton said but that is part of the reality that we have as it stands today, we have those limits and so if they were all to leave and Council were all to turn over at the same time, this could be a problem. Mr. Riehl said that was put to the voters in 2005 and what has changed to make that big of a swing? It was five years ago for term limits. Mr. Rasor said it was ten years ago. I have the voting record. This is when the residents struck down a proposal to expand the term of Council to four years. It was 58/42. Mr. Riehl said if you look at the way the term limits were structured in 2010, they were all on the ballot so if there were two questions on the ballot together, that said should term limits be removed for the Mayor, should term limits be removed for Law Director, and then there were also two separate questions is should they be added to these two respective offices. People at the time said voters, they are not going to be confused and all that, they got it right on the money, it was pretty unanimous right across the board. Ms. Denton said I am not trying to argue for or against term limits, I am just saying the fact is they are term limits but this could happen. Mr. Riehl said it could happen but the voters are aware of it. Mr. Rasor said since you brought up the term limits in connection with the staggering terms, having a few council members left over if you happen to have a Mayor, Law Director and Finance Director, all being new, Council members are like akin to the Board of Directors, we are not going to be here day to day and telling the Service Director what he is supposed to do on a day to day basis, I don't think there would be an advantage to that. Ms. Kory said the City of Hudson has four terms and they stagger. Mr. Riehl said I am not aware of any municipalities that have elections in an even numbered year. Ms. Kory said we will look at that.

4.03 – Qualifications – Ms. Kory said do you believe two years of residency is enough time? Board agreed. This will be closed.

4.04 – President and Vice President of Council – Ms. Kory asked if Mr. Rasor and Mr. Riehl would be against running for that position more than two times consecutively because it is a two year limit. Mr. Rasor said I think it is good to have fresh blood leading the body every two years. After this term is over, it will be a different president. It could serve to mix up committees because it is the role of the President to choose committees and chairs. Mr. Long said so you are okay with the way it is stated? Mr. Rasor said I think it has worked well.

Mr. Rasor said I had a few items. Section 4.12 – Public Notice. Two years ago, Council passed legislation, transparency legislation basically to put everything that we look at as legislators on the internet. It looks here like we can't, if we are going to make something public, we have to post it in six public places. It is 2015 and I think that we should be able to choose between the governmental portal that we created. Ms. Kory said that was my question, because we have the posting of ordinance is in Chapter 125 of Codified Ordinances, public postings selected as a medium for public notices, public places in the City are established; Giant Eagle Norton Road, Stow Library, Fires Station No 3., Stow Safety Building, Stow City Hall Stow Fire Station No 2, Lakeview Intermediate School and the high school. Mr. Rasor said I would add a second option, instead of the six places, it can be posted on the what is called the Government Transparency Portal that we created. Ms. Kory said is there any reason that it can't be online? Ms. Denton said is that part of the Stow website and Mr. Rasor said yes. Ms. Denton said as long as it is still posted somewhere else for people who might not have a computer.

Mr. Rasor said Section 9.02, Qualifications of the Law Director, we have in Ohio, qualifications to be a judge, I think it is five years, I don't know if you need to be five years but someone fresh out of Law School we would not want running our Law Department in my opinion. In a municipality you have to be somewhat of a generalist, you have to be around the block a little bit to know how to face a number of different issues that may come up. Ms. Kory said so you want to say a minimum of a couple of years experience? Mr. Rasor said maybe not five but definitely more than one. I don't have a position strongly one way or the other.

Mr. Rasor said the last section I noted was Section 4.15. I have made it no secret that I think that City Council is overpaid. There are people who think they are underpaid. What I think the Charter does is give Council the authority to set compensation for other elected office holders but not its own except for 120 days out. Perhaps an independent board would be a thought to have somebody take that away from Council. Ms. Kory said to take their ability to give themselves that raise or the other people? Mr. Rasor said themselves. Council is able to set pay for other positions but who sets Council's pay? Well it is Council. You can put some safeguards in there such as no more than a 10% change either direction in any given term, they should be guided by market values which to me means similarly situated communities, what they pay their city council members. Ms. Denton asked if he knew any of those? Mr. Rasor said yes, maybe four years ago I started going around to the neighboring communities and find out what they were paid and my calculations showed that council should be paid \$10,000. Back then it was \$16,600, we then reduced it to \$15,500 a year. Ms. Johnson said I thought it was down again. Ms. Kory said \$14,000 a year and the president gets an additional \$1,000. Mr. Rasor said I am not sure that is right. I could be wrong. I think it should be market based, in my opinion, and it should be an independent decision. Mr. Riehl said I think what happened in that year is it was very much an economic crisis and we lowered the salaries of Council and the Mayor and we were unable to lower the salaries of the Finance and Law Director per the Charter so we took a cuts and the Mayor took a cut. Mr. Long asked if Mr. Rasor knew of an agency that did this type of thing. Mr. Rasor said no, I would suggest it be something just like Charter Review, independent members of the communities that don't have a dog in the fight but are able to look at numbers and do all the research. Mr. Riehl said they may look at it different too. They may look at it

and say wow, you brought a business to Stow that employs 300 people and increase the payroll and you deserve a raise. They can go the other way too. You did a bad job, the budget is down, employers aren't coming to Stow, they are leaving Stow. That is sort of like a business compensation. Mr. Rasor said if you think about it in a business, the shareholders choose the director's pay, if any, and to us, the shareholders are the residents of the City. Ms. Kory said we will review this.

Section 4.06 – Rules and Journal of Council – This can be closed.

Section 4.08 – Regular Meetings – That was just a question on what was covered in executive session. This can be closed.

Section 4.10 – Quorum – If only three people are in attendance, what do they do during the meeting? How many meetings can a councilman skip? Mr. Riehl said I believe with a quorum, the meeting just opens and you can't really pass any business items so you can just open it and wait for someone to arrive and if not, we close it. I believe in my years on council, we may have done that one time, we opened the meeting and didn't have anybody there. We know ahead of time who is going to be there. We had to cancel a council meeting a month ago because we had four people who weren't going to be there so a lot of that stuff, there is a lot of communication that goes into it and if that happens, we just cancel the meeting. Ms. Kory said what if, historically, you have not been showing up. Mr. Riehl said the voters vote you out. Ms. Kory said well we vote you out but do we wait the full two years? Mr. Riehl said you can recall them. Mr. Rasor said how many times can you not show up to your job before they say, hey, don't come back. Mr. Schofield asked how would they (residents) know that? Mr. Riehl said we have a very aggressive campaign system and I would say that an opponent, as somebody in this room did, will make that an issue in an election and I think the voters are very sympathetic to that sort of message. Ms. Kory said so right now if I wanted to know what your attendance record is, where would I check? Mr. Riehl said City Council office. Mr. Rasor said online, you can go through the minutes on line. Mr. Riehl said it says right at the top the members present, members absent. Mr. Rasor said not everyone would but someone who is running will. Mr. Riehl said if you have somebody who is not showing up for meetings on a regular basis and then you get to a situation, okay, so what meetings count. As President, I put myself on one committee, Finance, so do I have to show up at Planning and Roads & Safety? I think it is a good system. The highly partisan election system is actually a check and balance of itself because if somebody is not showing up and not doing their job, you are going to find somebody who is going to run and make an issue out of it and most likely win.

Mr. Long said prior to election time and during your term, has it ever occurred where somebody is just negligent or maybe they have some personal issues? Mr. Riehl said it doesn't happen but it is also assuming that the council meeting is all that you are basing it on. We get tons of calls every week. I spend more time on the phone than I do at a city council meeting so it is sort of hard to justify or quantify who is doing their job and who is not. If somebody has a personal problem and they don't show up at meetings, that is going to be an issue. Does that mean that person is not taking your telephone calls if there is a problem on the road or taking your telephone calls if your road has snow on them and your plow hasn't seen it or your basement is flooding? They might be doing

their jobs so I guess it is really how you quantify what they do. For an open meeting like that, it is a public record, if you start missing meetings, the Stow Sentry is going to start asking questions or fellow members of council are going to start asking questions. You can subject yourself to a recall by the voters. There were no further comments. This will be closed.

4.12 – Public Notice – Ms. Kory said we just talked about this and the government transparency portal. Mr. Riehl said it takes our clerk between an hour and two to actually post all of those notices around the City. This is posted anytime there is a public meeting. Mr. Riehl said back in the day it made sense. If you were in Giant Eagle and you wanted to know what is going on with your City, you can see it. Ms. Johnson said I think we need to reword that to update to 2015 standards and put it online and let people know that. Mr. Vyas said if you think posting it in all those six locations really doesn't benefit the public, is there a place that is centrally located that you think would be good, that we have it both online and physical? Ms. Kory said I think the locations are good for people who don't use a computer but I think not having it online is such a disservice. Mr. Schofield said knowing that somebody is running around posting in six locations in 2015, I am okay with City Hall, the library and just the city buildings. Mr. Vyas said part of this the activity cost of somebody who is spending all of that time doing that and they could be doing other things. Mr. Riehl said just to have the option. Right now they e-mail off the notices to people on the e-mail list. They do it for Charter Review and Council meetings and it is on the website as well. Some people prefer going to the library to use the internet and some don't have the internet so the library is an ideal place and City Hall too. Ms. Denton said and then you can take it out of commercial establishments and get rid of the question of okay, you have it in Giant Eagle, do you have to put it in Meijer's or Aldi's.

4.15 – Compensation and Bonds – Ms. Kory said this is what Mr. Rasor was just discussing about compensation for Council. We will keep this on the list to review.

4.15.4 – Compensation and Bonds – What type of charges is Council authorized to repair and reimburse. Council may authorize the payment or reimbursement of expenses occurred by any officer or employee, member of any board or commission or municipality. Ms. Kory said we had questions regarding the specific dollar. We will close this one.

4.15 – Compensation and Bonds – Mr. Rasor said this sounds like D&O insurance, Directors and Officers Insurance which we have on us. This will be closed.

4.16 – Vacancies - How long is an office vacant before it is identified as a vacant office? Mr. Vyas said there was a provision saying it was after 45 days. Ms. Kory said that is in event that council should fail to fill a vacancy. Mr. Vyas said we are talking about removal in the next section and resignation and death I would assume. Ms. Kory said whenever the office of council person shall become vacant for any reason. The vacancy shall be filled by a majority vote. Mr. Vyas said those are the three primary ways I believe a seat can be vacated; resignation, death or removal as per 4.17. Mr. Vyas said I don't think there will ever be a gray area if something is vacant if that answers the question. This will be closed. Mr. Riehl said even like you were talking before about not

showing up at meetings. I would argue that 4.16e, Gross Neglect of Duty, could fit that if somebody is not showing up, not doing their job, not talking to residents and not doing anything. I think there would be a strong argument that is a gross neglect of duty. I think that is already in there. Ms. Denton said Council can remove the person, it doesn't even have to be a recall by the voters. This item will be closed.

4.17 – Removal of Elective Officers – This will be closed.

6.01 – Department of Finance – Election vs. Appointment – Some preferred Mayor's appointment. Mr. Riehl said he is 100% for elections. Mr. Rasor said checks and balances. You hear about theft from government a lot but I don't think you will hear it that much if you had independently elected executive and finance. We will leave this open for now.

6.04 – Controls – Any internal audits or checks/balances? John Baranek related the State Auditor's process. That was just a question we had. We will close this.

6.06 – Disbursement – Is there a limit to transaction amount? Ms. Kory said we had asked if there was a limit to transaction amount. This went back to Section 4.15. Will close this item.

Due to members schedules, there will be no meeting on Thursday, May 7<sup>th</sup>. Next Charter Review Meeting will be Thursday, May 14<sup>th</sup>.

Motion to adjourn by Robin Kory, seconded by John Long. Meeting adjourned 6:31 p.m.

---

Mary Botts, Secretary

---

Robin Kory, Chairperson