



## **Charter Review Commission Minutes**

Stow City Hall Boards and Commissions Room, Thursday May 21, 2015.

**Members Present:** Andrea Denton, Robin Kory, John Long, Tim Schofield

**Members Absent:** Kelly Johnson, Annal Vyas, Nicole Walker

**Also Present:** Jeff Saunders, Stow Sentry

Meeting was called to order at 5:32 by Robin Kory

Approval of Minutes – Motion to approve the minutes of April 30, 2015 by Tim Schofield, seconded by John Long, motion passed unanimously with no changes.

### **Public Concerns regarding the Charter**

There were no public concerns.

### **Charter Review Commission Work**

7.04 Purchasing – How are formal bids advertised - Akron Beacon, Stow Sentry, has a bid open date. They did want to know if they were posted anywhere. This was pretty clear and standard. The Board felt this could be closed.

8.03 Police Department – Thoughts on election versus appointment. This provides the checks and balance. All 3 authorities have a part in verifying the appointee's qualifications. The Mayor is the Public Safety Director and has the power to appoint the individual and that person reports to the Mayor. He or she must also meet all applicable civil service qualifications listed in the position's job description. Before the Chief is sworn in, the Mayor's appointment must be confirmed by Stow City Council. The Board felt this should be closed.

8.04 Fire Department – Again all 3 entities have a part in verifying the appointee's qualifications. The Board felt this should be closed.

9.02 Qualifications – Commission questioned if this should be reworded as they believe the intent was to state the Law Director was a full time employee of the city, to be doing city work full time; instead of a saying a specific building, maybe reword it to say "city property" or something along those lines.

Mr. Schofield noted that one concern was that as soon as this language was made specific, something could change and then the following year, a situation could occur with the changing of office space.

Ms. Kory stated that she thought the original purpose of a statement in there was to say "You work for the City – you are not in your personal law office, doing your business and city work – you are a member of the City workers, but to say, building numbers, etc. is being too specific.

Mrs. Denton mentioned the word "campus" going in there, -"city hall campus" or city hall property.

This will be left open for possible rewording.

9.05 – Vacancy – The Commission looked at rewording, "where such vacancy occurs less than 31 days prior to filing petition" - Law Director Zibritosky has a concern about that wording. Ms. Kory noted that the Charter read "In the event of death, resignation, recall or removal of the Law Director, the Mayor shall have emergency power to appoint a temporary replacement for up to 75 days with confirmation of Council required to continue beyond such time." Said appointee shall serve until a successor is elected at the next general election of City offices. Where such vacancy occurs less than 31 days prior to filing petition deadlines for next City elections, said appointee shall serve the remainder of the term."

Mr. Schofield stated that based on the concerns the Commission had in section 3, they probably should keep that open. Ms. Kory explained that 3.07 Q3 is closed. That was where they obtained 2010 notes and review. 9.05 – Vacancy will remain open.

9.06 Outside Legal – What does this refer to, is there history behind it? The attorney or firm of attorneys shall present their findings to the Council and the Law Director. Committee felt this should remain.

10.01 – Planning Commission – How are the people chosen? Can anyone apply? Note: it is a 4 year appointment. Ms. Kory read the Charter, stating " The Planning Commission shall consist of one member of the Park Board and 4 electors of the Municipality office, all of whom shall serve without compensation.

Ms. Kory was curious how the people are chosen, but did not want anything changed. Mr. Long thought it was fine. Ms. Kory will check with Mrs. Botts. She also wanted to point out that it was a 4 year appointment. She is still questioning the different terms for Boards and Commissions.

10.02 – Planning Commission – Organization –Where are the meeting notices published? Ms. Kory was wondering if this had been clarified. Mrs. Denton stated that Mrs. Botts had told them. The web site, library, the high school, Marc's, and a grocery store.

Mr. Long stated that he thought this Commission did not feel a need to have it published at grocery stores, drug stores, etc. They leaned more towards high school,

library, city building and web site. Members seemed to be satisfied with this explanation. Ms. Kory will just get clarification from Mrs. Botts.

10.05 – Public Hearing – Where is this advertised? Council shall hold a public hearing on each resolution or ordinance enacting, amending, or repealing zoning or building regulations, and shall give 30 day public notice of the time and place thereof.

Mrs. Denton noted that these are the signs that go in the front of buildings. She also received a notice in the mail regarding a zoning issue.

Ms. Kory stated that the section of the Charter states – “Where the subject of such public hearings involves 300 or more of the property owners of the Municipality, then written notice to owners of the hearing, shall not be required”

Mr. Long was curious as to what the radius that they go by—is it 1/10 of a mile, etc.

Mrs. Denton stated that Section 10.05 stated that it is at least 20 days before the date of the public hearing, to the owners of the property within a contiguous area which is the subject of the proposed resolution or ordinance.

Ms. Kory stated she did not think this would be anything they would want rewritten, they just wanted to know.

Mr. Long stated that he thought they needed clarification, as this has affected him a few times in his business as he owns the building where he is at. He would like to know how far of a reach do they have to go to notify people. Ms. Kory will get clarification from Mrs. Botts.

11.01 Comp and Term of Board of Zoning and Building Appeals. Again staggered and 5 years – why?

Mr. Long stated that this needed to be discussed. Ms. Kory asked if they should get clarification from the Board of Zoning and Building Appeals. Again, this is inconsistent with other Boards/Commissions.

This will be left on for further research.

11.03 – Jurisdiction – decipher how the 1<sup>st</sup> section states “decide appeals and variances, but then no authority to grant.” They had asked the Law Director to pick that one apart. Law Director states that it appears it is just bad wording. Ms. Kory suggests leaving this open. Law Director stated that Rob Kurtz and Tony Catalano are better resources to provide some language.

11.04 – Meetings & Procedures – City Hall – Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The answer was the meetings shall be held at City Hall. The Board felt this could be closed.

13.02 – Parks & Rec Board – This is a 5 year term with the Chairman at 2 years. The Board felt this could be closed.

13.03 –Powers and duties –Department of Public Service, Mayor, Parks & Rec –how do these areas communicate/work together? It was noted that this was Councilman Adaska's example of the picnic table and those in authority not communicating.

Ms. Kory thought that they found that they did. Mrs. Denton wrote down that they should look at 7.01 and 13.01 and 13.03 for responsibilities and duties. Ms. Kory stated that responsibilities tie back to communication. She noted Mrs. Adaska's notes referred back to 7.01, 3.04. 7.01 states "the Director of Public Service shall be the head of the Department of Public Service, and shall be appointed by the Mayor with confirmation by Council." This is the person that purchases everything.

3.04 states "The Mayor shall be the chief executive officer of the Municipality" also the Mayor shall execute on behalf of the Municipality all authorized contracts, conveyances, evidences of indebtedness.. etc.

Ms. Kory stated that the Department of Public Service reported to the Mayor. Parks and Rec – who do they report to? Mr. Long noted that they are appointed by the Mayor.

Mrs. Denton read that the Parks Board shall consist of one member from the Board of Education with the concurrence of Council.

She noted that in 13.01, it says the Parks and Recreation Director is appointed by the Mayor with Council affirmation.

Mr. Long noted that the Service Director is the immediate Head.

Ms. Kory was trying to find something that says the Department of Service, Mayor and Parks & Rec do work together and communicate. This would have avoided the situation that Councilman Adaska brought up. Or, is it really a situation and was it handled properly?

Mr. Long's interpretation from listening to Mr. Adaska was that this was a communication issue amongst them. Ms. Kory stated that this was her question --- was it even Council's business.

Mr. Schofield stated that yes it is because it says that Parks and Recreation will also advise Council and the Mayor concerning Administration maintenance of all municipal parks. They are subject to, the Council and the Mayor for control. It seems as if they are under some guideline of interaction with the Mayor and Council. He is thinking back to the example of Mr. Adaska, it seems like this may have been a communication gap. His take is that they do not have the ability to freelance and do what they want, they have to interact. He does not see anything in 13.03 that he would change. Others agreed.

14.01 Keep it open because of the staggered 3 year terms.

14.03 Power and Duties – Mr. Long noted that they wanted clear verbiage. Leave this open for possible rewording.

15.01 – Limit of Rate of Tax – Question can 7.2 and 2.3 occur in the same year? It was determined that the answer was yes.

18.01 – Granting of Franchises – They requested some samples. Charter Section 18.01 and 18.02 refer to Stow's ability to regulate cable television rates for basic cable. They had requested some clarification from the Law Director and received it via an email. The Law Director stated that the FCC allows municipalities to regulate rates and some programming content for the basic local channels by creating non-exclusive franchising agreements with the Cable provider.

Mr. Schofield in reading the last line of the Law Director's comments " Generally speaking, I would avoid changes to this area since it adequately reserves our right to regulate without restricting our flexibility to address current concerns in future agreements."

Ms. Kory stated she did not think they wanted to make changes, they just wanted to understand what it meant.

20.02 – Duties of the Charter Review Commission. The statement "no later than August 1 of the same year, recommend to Council such amendments. They were concerned with the wording "recommend" to Council versus give to Council. Mrs. Denton suggested "report to Council".

Ms. Kory thought this might be okay because under "Submission to the Electors", it states that Council shall submit all such proposed amendments"

Mr. Schofield suggested that they could end this time with the recommendation to leave the Charter as it is. So it is more like a recommendation as opposed to a mandate. This Committee does not have to come up with changes. His suggestion was to leave the recommend as is.

21.02 – Removal of Appointive Officers and Employees and Members of Boards and Commissions. They decided if the Mayor can appoint, the Mayor can remove and if Council appoints, Council can remove. This is clear.

21.08 Term Limits for Elected Officials - They were looking at rewording "too many different "as of" dates. They wanted some suggestions from Law regarding terminology. This will be left for further research.

Term limits of 8 consecutive years. This could pose an issue when someone was in for "Special Election" at two years then runs 1<sup>st</sup> election at 4 years. Some people do not want career politicians and some are against term limits, especially for Finance and Law. Mr. Schofield felt this should be left open and Commission agreed.

Term limits - Law Finance and Mayor. Commission would like to see other verbiage. Ms. Kory would like to categorize the Commission's basic concerns regarding term limits. Thus far they have items they would like reworded and many questions around term limits, expiration, number of years in a term.

Mr. Long noted that they discussed staggered terms.

Mr. Schofield stated he thought terms and re-verbage are the two biggest ones.

Ms. Kory stated that at this time they needed to prioritize and just understand what is going to be the most important. For an example, if they recommended to Council to “remove term limits and extend the term” – it probably is not going to happen at the same time. So they need to make the best suggestion that they have, based on the input that they have had, and their feelings and findings. Which one do they think is going to be better or more promising? They are going to have to be categorized. She will do a resort and clean them up. Rewording should be simple and if it is a word or two, maybe, let it go, depending on the amount of things they have.

Mrs. Denton stated that there were some rewording things that the Law Director has the authority to do. If it is just clarifying, simplifying and not changing, the Law Director can do that. If it is something like 21.08, here were 4 different dates in there. That kind of thing would have to go through a vote.

Ms. Kory will keep a list for the next 5 years and give to Mrs. Botts. The next meeting will be for prioritizing and pass reword off to the Law Director for some suggestions. She questioned if they needed to ask Parks and Rec – why are they 5 year term limits, etc. Mrs. Botts had previously suggested this Commission could email the different Boards and Commissions and not having to wait for a meeting. Ms. Kory will send some questions to Mrs. Botts and she will forward to the various Boards and Commissions.

Mr. Long questioned who determined their length of terms- is it broken down by each one? Is there one person to ask this question of? Could the Law Department or Mayor explain term limits?

Mr. Schofield noted that the Parks and Recreation Board might say – because they are following the Charter. The Mayor/Law Director might be able to explain exactly why the terms vary.

Mrs. Denton stated this could also be noted in the Ohio Revised Code.

Ms. Kory in reviewing the list of things to look into would be:  
A couple adds, not just rewords. Such as 3.06 – adding that verbiage, in case the Mayor would be called for Military Service. This is mostly clarifying and standardizing is what they are looking at doing. The biggest change she sees is if the Commission would recommend a longer term for Council or changing term limits or going to the staggered.

Mr. Schofield noted that there have been a variety of responses to the term issue.

Ms. Kory asked the Commission if they were here for the first 10 years that Council members keep referring to? Most of the members did not pay that much attention to the vote.

Mr. Schofield stated he thought most of Council persons were referring to the most recent vote in 2010. It is probably worth a larger discussion with the team. It seems like there is some clarity from the standpoint that the voters made a decision by a large majority. It is worth keeping in mind as they try to prioritize.

Mr. Long stated that he feels this is the most accurate reference they could go to because it is the people who have spoken – the registered voters voted and this is what they had to say. He thinks this is the best point of reference to go to get a feel for what people think. Maybe they could go back prior to 2010 and see what was the last time they voted regarding the same topic. They will ask Mrs. Botts to research ballot language for Council term limits from 2005 and 2010.

Mrs. Denton, in looking at the Charter, noted that the original Charter became effective on January 6, 1958 and was amended on numerous dates, but the most recent were November 8, 2005, November 3, 2009, November 2, 2010 and then 2012.

Ms. Kory stated that they would definitely take a look at that as far as when that section was amended. From a timing standpoint, and how can they be productive.

Mr. Long questioned when this had to be wrapped up. Mrs. Denton stated it had to be August.

Mr. Long thought they had streamlined it pretty well in picking out what needs to be addressed. He thought they might have to meet twice a week at some point.

Ms. Kory stated that at the next meeting, they should be ready to start prioritizing. She will get everything together and send it out. If the members can highlight their top 10 and categorize 1 – 10 and see how many line up.

### **Next Meeting:**


After much discussion, it was decided to have the next meeting on June 1<sup>st</sup>. There may be a meeting on June 4<sup>th</sup>.

### **Motion to Adjourn:**

Motion to adjourn by Mr. Long, seconded by Mrs. Denton. Meeting was adjourned at 6:13 p.m.

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Vicki Huff, Acting Secretary



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Robin Kory, Chairman