



Charter Review Commission Minutes

Stow City Hall Boards and Commissions Room, Thursday, June 25, 2015, 5:30 p.m.

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

Members Absent: Nicole Walker

Also Present: Paul Zuravel

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

Approval of Minutes ó Motion to approve the minutes of June 18, 2015 by John Long, seconded by Andrea Denton, motion passed 6-0 with no changes.

The Committee reviewed the following open dates for future meetings: July 9th, July 16th, July 23, and possibly July 30th.

Mr. Zuravel spoke first. Mr. Zuravel said I know you guys were looking at term limits and I just wanted to caution you that any changes made to what is there now will reset the term limits so anybody who is serving now, any wording that is changed in the Charter will automatically reset that term limit that they are involved in. I think the term limits should stay, this was voted on five years ago in 2010 and the people overwhelmingly, like 75% of the public. I read some of the comments about the ten years being something that was needed for retirement or forgiveness for student loan debt, and as a taxpayer, I don't really think we should be setting things on them for things like that. It is not our responsibility to set the term limits according to what somebody who has served in that amount of time, to get their student loan forgiven because that is not offered to anybody in the private sector, for student loan forgiveness for serving in their job. I am for term limits the way they are and like I said, if any wording is changed, it is going to reset those term limits. As far as Council goes, it was mentioned that they do set their own pay, which they do, and Hudson actually works for \$10 a month on their City Council and the Council pay, a few years ago the Council people tried to cut it in half to \$7,000 a year because the Council automatically get PERS as part-time employees which a lot of part-time employees don't get any benefits at all and that is something that I think we should look at too, do they really need to be involved in the PERS. I think that is set by the State and I don't know if we can do anything about it anyway but the pay, I think being set by Council, they set their own pay which is great for them. It might be wise to have a separate committee or something looking at that, especially when you look at Hudson, the type of community it is, the property values, and the way it is run and everyone volunteers at \$10 a month. I don't think that a paying person necessarily equates to the quality of the person who is serving, otherwise, and that comment has been made that if you don't pay Council people you won't get quality people. Well using that parameter, I

would say that nobody here is a quality person and nobody who serves on Boards & Commissions are quality people so really as far as council people go, pay doesn't necessarily equate to the type of job you are going to do because I would like to see more wards looked at. Right now we have four Wards and three At Large, so if we had more wards, you could get better attention from the Council people because with the At Large position, I contacted At Large people, texted them, phoned them, e-mailed them and not gotten a response, where if it is a Ward Council person, they are a lot easier to get ahold of and be more responsible to what you as a constituent need in your particular ward and I don't know if we need three At-Large, maybe 1 At-Large, split up the wards so they are smaller so that the people can do a better job within their ward.

Regarding Planning Commission, right now the Planning Commission are appointed by the Mayor for five year terms and some people have been on the Planning Commission for twenty five years or twenty years dating all the way back to when the Comprehensive Plan was formed in 2001 which hasn't been updated since 2001. Most communities update their Comprehensive Plan every ten years, we haven't updated ours even though that is the responsibility of the Planning Commission so when the Mayor appoints the Planning Commission, we have four Planning Commission members appointed by the Mayor and one that automatically gets appointed by the Parks Board, so there is really no qualifications for being on the Planning Commission and if you look at the history of Planning Commissions from the township type of government which is where they are forming and are empowered by the State of Ohio, you will see that the Planning Commission is a very powerful unit. It directs the planning of the whole community as far as zoning and everything like that goes so I think that maybe looking at Planning Committee members as an elected position so that the same person doesn't get appointed for twenty years and you don't get new ideas in there or new faces and give other people opportunity to be in there. I have been here ten years and have applied every year and never been appointed for anything, any commission, which I would gladly volunteer for. I just think that maybe if those commission people were elected by the township trustees are, the township trustees have the same role as the Planning Commission members and they are elected in the townships and I think there are a lot of people who would run for that office. As it is, they are appointed by the Mayor so each Mayor is going to appoint people that she picks, whether they have any background in planning or zoning or not. They may or may not so there needs to be some type of qualifications or parameters put on that because they meet twice a month, they handle a lot of the economic development in the City through the Planning Commission.

These are the items I wanted to address and hopefully you will take them into consideration.

Ms. Kory said so the point he made about twenty years for Planning Commission, do they get paid? Ms. Botts said no, none of the Commissions get paid. Mr. Vyas said I can't remember if we looked at this, I recall some discussion about increasing the number of members on Council? I believe this had to do with the census? Mr. Long said I believe this is out of our jurisdiction. Ms. Kory said we can't do anything about that. We will look at past minutes on this.

Ms. Kory said regarding what Mr. Zuravel said about anyone serving now will automatically set the term limits, we will have to ask Amber if this is true or false and how that will work. If you are in eight years and we put this rule in, you can have twelve years, do you start at zero or do you only get four more. Mr. Vyas said I felt that this one we can address with language modification with effective dates. Ms. Kory said correct because we don't intend them to reset these dates for anybody but if that is a loophole, we want to make sure that this is not going to happen, no resets. We will ask Amber to make sure that won't happen. Ms. Kory said regarding student loans, again the whole purpose of that twelve years, it is not come here and work here so we can pay your student loans, it is because the pay is so far below what a lawyer or finance director can make in the real world, that is part of the whole compensation package that we want to offer to attract new recruits to come in and say I know you are new, come work for me for no money compared to the real world and look at this one thing we can do for you, total compensation so it is not just one thing. Ms. Denton said is it student loan forgiveness? It is not like Stow is paying for that. Ms. Kory said no. Ms. Botts said certain jobs that are hard to fill, even the military, will offer student loan forgiveness. Ms. Kory said so this is not Stow money being spent. Ms. Kory said the purpose of looking at that is to try to attract better talent for a little bit of pay. Mr. Schofield said and you create a spirit of longevity because if you only get eight years you don't qualify for any of that but if you stay in for some degree of time, there is a perk coming. Mr. Vyas said here is my counter, so one of the Councilman e-mailed me today and said hey, it is not actually ten years, it is twenty years to qualify, I know there is no loan forgiveness but there were new regulations starting January 21, 2015, that you had to have twenty years of qualifying service, credit and at least be age 60. I don't know about increasing twelve would really make a difference. Ms. Botts said that was in regard to health care and not pension. Mr. Vyas said the other thing regarding student loans, I feel that he has merit in his argument. There are often times a lot of people are vying for these positions. Ms. Kory said it was finance and law that were most concerned about getting the best qualified people to take that pay cut. Mr. Vyas said you talked about public sector making less than private sector, that is true, I took a pay cut to go to the University and I am fine with that. I feel better about my job and feel like I am giving back to my community and so it is almost like both; yes the salary and all that stuff, it just struck me the first time you talked about it last time and I was a little uneasy and I continue. I don't know how many other jurisdictions do that and John had the point about who cares about other jurisdictions but on the other hand, there is some degree of is this really a concern or do we not have enough qualified candidates? I don't know that we do. Ms. Kory said I think I would like to bring in the differential between ten years PERS versus fifteen years PERS. Do you get anything at ten or do they just say, instead of ten now, nothing comes now until twenty. I would like to get an understanding of PERS. Let's see if we can get some information regarding ten years versus twenty or is it no ten years at all. Mr. Vyas said this is for the health and not for the pension. Ms. Botts stated that 10% is taken out of your pay and put into your PERS. Mr. Vyas said I would be curious to what everyone else's take is on the term limit issue just because it seems like the hot button issue everyone is talking about.

Ms. Denton said when he (Paul Zuravel) talked about people being on the Planning Commission for twenty years and they are appointed mainly by the Mayor. Ms. Botts said I can tell you about Building and Zoning Appeals. You apply for a position on the

board that is available at that time, if appointed, you get appointed for five years and you either ask to resign at the end of your term or you extend another five years at the Mayor's discretion and approved by Council. I am not sure how the other commissions work. Ms. Denton said but they are appointed by the Mayor, approved by Council. Mr. Long said of what I know of it, and I know people on Planning Commission and I can't rattle off their length of time, but I know a few who have been on more than five or eight so it is a long time. Another part of it is, from what I hear, it is difficult to get people to step up and do that. It is a commitment, something like what we are committed to but they meet a lot more frequently, there is no compensation and you want to get qualifying people sitting on that type of commission who know how to make those type of decisions. I think he makes a good point, I would have liked to ask him if he has thrown his hat in the ring a few times to be a part of Planning Commission, why was he turned down, I don't know. I think it would be a good idea to change those folks say every five years or so but it is probably difficult to get people. Mr. Long said so how do you out someone? I could see where that could possibly be an issue. Mr. Schofield said when they re-up, how does that work? Ms. Botts said their commission expires on a certain date. Mr. Schofield asked do they go through a re-approval? Ms. Botts said when their commission is ending, they are asked if they want to renew and then the renewal goes to Mayor and then Council for approval. Mr. Schofield said I think this is intriguing, but it doesn't spike to the highest level for me as far as a suggested change. It doesn't feel like Council people are that concerned about that. Mr. Long said none of the Council members had brought that up as a concern. Mr. Schofield said he appreciated the insight but we should keep it as is. The Board agreed to keep this as is.

Regarding council pay, Ms. Kory said is Hudson really \$10? Ms. Kory asked if we knew different cities pay. Ms. Kory asked if the commission wanted to look at the pay. She thought \$10 for Hudson was pretty surprising. Do we want to look at Munroe Falls and Kent and see what they do? Mr. Long said I don't know if we need to look at all these other cities. I would like to have some discussion on rather than Council be deciding what their pay is, to open it up to a Commission of some type to do the study and make a recommendation as to what their pay is as opposed to them deciding. Ms. Kory said so that is another subject then. Mr. Vyas said I like that idea and I was playing around with that idea. One of the things that I was working through is then what standards do we provide to that outside Counsel in order to determine payment and compensation. Ms. Kory asked what was the one group we were talking about last week? Ms. Botts said Civil Service Commission. Mr. Vyas said do they say here is what you should be looking at and here is how it should be adjusted? Ms. Botts said they go by a Biennial Report that is then given to Council for consideration of their salary. Mr. Schofield said if I read this correctly here in Section 4.15, Council shall decide compensation of the Mayor, Finance Director, Law Director and members of Council and each officer and employee, or member of any board of commission, of the Municipality, whether elected or appointed, except as specifically provided otherwise in this Charter. So these men and women are given a significant responsibility for more than just themselves. At least when I enacted with them was it seems like these members are good with not trying to overexert more for themselves and I realize if we open that door, we are also potentially opening our door for the fact that there are seven that set pay for multiple offices on them. Mr. Long said let's say that we decide that an outside commission or whatever you want to call them decide on a pay scale for Council, you are saying that taking it from there, they also set

the standard for Finance, Mayor and Law. Mr. Schofield said I am asking the question that in the current Charter, that gives the council significant responsibility to establish not just their own, but all of these others so if we take it away from their own salary, are we connecting that to the inability to select the salary for the other positions too or just solely to themselves? Ms. Denton said in Kent, Council has the right to fix the salaries and compensation for all officers, and then Council, there is a separate group that sets Council's salaries. Mr. Long said so an outside group sets Council's scale and then Council sets pay scales for others. Ms. Denton said Council shall offset the power to fix the salaries or compensation for all its members. Every two years prior to fixing council member's salaries, a nonpartisan group of citizen shall be appointed by council to review and make recommendations on the salary of the council members. So they approve their salaries but based on the outside group of citizens. Mr. Schofield said I thought the loophole was compensation should be set for the next term so I am setting this in something that I, in reality, would not be elected for. So in some ways, there is some judicial responsibility there and not try to escalate it up too high. It is not self-motivated. Mr. Long said I understand what you are saying but there is still the possibility that you are setting a scale that you could be in that position. If you don't even let that be a possibility, you can be setting the pay scale on your next term and that is taken out of the possibility occurring. Ms. Kory said I don't think anybody should be allowed to set their own pay. Ms. Johnson said she is kind of torn a little bit here. I think that I don't really have a problem with Council setting their own pay but I don't think that we should really necessarily change anything in the wording but that is just me. Ms. Kory said I don't like it but I don't know if it is really being abused so why change something that is not being abused, but looking at City of Hudson at \$10 a month, makes me rethink what we are doing here. How much does Council get? Ms. Denton said \$14,000 for Council and \$15,000 for President. Ms. Kory said versus \$120 a year for Hudson. Ms. Johnson said I just feel like they are donating their time, this is a part-time job and I think they should be paid more than what Hudson is doing. Mr. Schofield says so what if an outside group comes in and says it should be \$18,000? Mr. Long said that would be their call. Ms. Kory said I would agree. Mr. Schofield says if we come in here and say, you are now going to make \$10.00 an month, what if nobody runs? Ms. Kory said there really isn't a problem right now. Mr. Long said I just think, and Robin touched on it too, the fact of the matter is that they, the councilmembers, are having the say so in determining what they get paid. They are making that decision. I think that maybe we need someone outside. Ms. Kory said I thought that they should not be doing Mayor, Finance or Law because that is not their specialty. How do you know that those three groups are getting the right pay? Are they doing their research? If you want to get rid of that Mayor you can cut that salary. Is it an independent decision, not emotional, based on facts. That is why I brought that one up. It is not on our high priority list. If I was on council right now, I have no business making the salary for Law, Finance or Mayor nor am I qualified to make that number. I would ask an external group. Mr. Long asked could we do this, since it is Brian Loudermilk coming in on July 16th to talk to us, should we ask him how Council determines salaries? Mr. Vyas liked that idea and would like to ask all the Councilman. Mary Botts will send an e-mail to all Councilmembers asking how they determine salaries. Ms. Kory said we will definitely look at this in Section 4.07. Mr. Long said when Mike Rasor was here, he touched on the topic of Council people deciding amongst themselves. He thought that was a concern that he would like to see an outside commission determine that for Council people.

Ms. Kory said other than the Planning Commission, some we can cover and some we can't. What we want to do from continuing on with our items, what we want to do is go over them before we give them to Amber and tell her our intent. What do we want this to do.

Section 3.07 ó Add verbiage to cover if the mayor is recalled for military service, sick or incapacitated ó Ms. Kory said regarding the vacancy of the Mayor, so what are we looking to add? Ms. Denton said the military service was in question. Ms. Kory said with everything, if the Mayor became sick or incapacitated or for military service. I don't think it was clearly stated that the Law Director would determine it, would make that call. Mr. Schofield said the question is who is determining that they are incapacitated? Ms. Kory said Amber said Law Director may determine incapacitated, but it is not in there and then military service is not in there either. Mr. Schofield said say I asked for an extended absence and I am going to visit my family with a phone. With technology now, I can be visiting my in-laws in Indiana and being able to stay in touch with what is going on even though I am not in the City of Stow. Ms. Denton said with where it says unable to perform the duties of the Mayor, if we were to say something like, if the Law Director and Council together determine but I don't know if that gets into a sticky wicket, I am just trying to throw something out there, to determine that the Mayor is unable to perform the duties of the Mayor. I am reading Section 3.06 above 3.07. What it is in vacancy is death, resignation, recall or removal of the Mayor. Mr. Schofield said that one was amended in 2010, that was part of the hypotheticals as well. I have in my notes was the suggestion to remove A, B and D and keep C. Ms. Kory said that came from Mr. Rasor. Ms. Denton says City of Hudson says the Office of the Mayor shall be deemed vacant in the event in the resignation, death, removal from office, disqualification or inability to perform or not having performed the duties of the office of the Mayor for a period of sixty days or if made otherwise provided by this charter. Mr. Vyas said that is an interesting point because that illuminates the discussion of 3.06 where we say unable for any cause or reason to perform the duties of the Mayor, well what if you are unable for any cause or reason to perform the duties of Mayor for a day or a month, or two minutes. Technically, if you are not able to perform the duties for two minutes! Ms. Kory said so you are saying if unable to perform the duties so if we leave C in there and add a timeframe. Ms. Denton said sixty days seems like a long time to me. You have to wait for sixty days to determine. Mr. Schofield says sixty days call into that if they were in surgery and had to recover, thirty is quick. Ms. Kory said what if it was not an emergency situation. Ms. Denton said what if I had a knee replacement, of course with that you could talk on the phone. Ms. Kory said what if you had a baby and you are on medical leave, who stands in? You are going to be gone for more than thirty days. Mr. Vyas said one of the other things is that this is for the Acting Mayor and I am in a pivot still but you can still have this only comes up in the Acting Mayor. Ms. Kory said so this is the Acting Mayor and someone has to step up, right? Mr. Schofield says it covers both though. It says though the power of the Mayor in the even the Mayor or one acting in that capacity for the Mayor is temporarily. Mr. Vyas said I am saying that is the way that you appoint an acting Mayor. Ms. Denton said it is almost like you should read 3.07 before you read 3.06. Mr. Vyas said you should do it that way.

Ms. Kory said so if you read 3.07 in the event of death, resignation, recall, removal, which is where we wanted to add Military Service, members of council elect one of its members to serve as Mayor, said mayor shall not forfeit said mayor's council office. Mr. Vyas said and now that I look at it again, 3.06 says temporarily so it is just really for that temporary timeframe where it is 2 minutes or maybe a couple of hours. Ms. Kory said or is it I am on medical leave. Mr. Long said I think we should slash A, B and D and let it go. Ms. Kory said so acting and vacancy are two different things. You believe acting is more of a temporary and vacancy is, we need to fill this position. Mr. Long said that is my take on it. Ms. Kory said we will ask Amber. We all agreed to removing A, B and D, are we good with that? Mr. Vyas asked do we want to get rid of D? Mr. Vyas said so then if there is a newly elected Mayor, that newly elected Mayor comes in, the Acting Mayor immediately relinquishes his or her responsibilities as Acting Mayor. Ms. Kory said so we will leave C and D in, and eliminate A and B. So in 3.07 we are going to ask if this is a permanent appointment and 3.06 make sure we understand Acting is a temporary appointment as Mayor is unavailable for a specific amount of time. Maybe we will need to add that in there. Make sure we understand if that is where if someone was on medical leave.

Section 9.02 ó Ms. Kory said that was the building A, cube 5. Were we good with removing that? I believe the intent was to state the Law Director was a full-time employee of the City, not to tie her to a specific location. We are keeping this for the ballot. Mr. Vyas said right now there is a legal decision interpreting this and I feel that Amber's opinion should be given authority. If people aren't understanding what the issue is and then all of a sudden they say, they should all be in the same place and then we are basically reversing the legal opinion of counsel and now we have a situation where we are forced to have the Law Director or everyone at a different location. Mr. Long said so you are saying to just let whatever Amber's recommendation is, how things are worded, since she is our current city legal authority, to make that call and leave it at that, is that what you are saying? Ms. Kory said are you saying leave it as it is? If we add it, it will just add confusion? Mr. Vyas said what if we get a situation where everyone is like let's give it to the voters. Ms. Kory said do you think we would add more confusion? Ms. Denton said I would feel silly if I were a voter deciding where Amber's office should be. Mr. Long said I agree. Ms. Kory said no one else has that in there, you must sit at this desk. Ms. Kory said I almost want to remove the whole thing. We don't tell anyone else where to sit. Mr. Long said very well said. Ms. Denton said if we don't talk about it again it stays in there that she should be in City Hall. Ms. Kory said we are all in agreement stating the exact location is boloney. Do we change it to say she can sit wherever she wants or do we change it to take that whole sentence out? Either way the intent of the original statement, from our understanding, is to say, you are a fulltime employee. I don't care where you sit, you are working for me forty hours a week, that was the intent. How can we not confuse anyone further? Mr. Vyas said right now Amber has rendered her opinion. She doesn't have to be in City Hall and my concern is that if we don't provide this in the proper context and it is put on the ballot and then the voters say, hey, you have to be on City Hall, then that essentially invalidates Amber's legal opinion. Mr. Kory said so if we put it on there we could potentially bring more questions. Ms. Kory said let's talk to Amber about it. Mr. Long said it sounds to me like someone is nitpicking. Mr. Vyas said I don't think this is significant enough to take to the voters. Mr. Schofield said is it something that she (Amber) could just reword without

going to ballot? Ms. Johnson said I just don't think this is worth bringing to the voters. Mr. Long said does Amber have the ability to reword that? We will ask Amber.

Next Charter Review Commission Meeting will be July 9th.

Motion to adjourn by Annal Vyas, seconded by John Long. Meeting adjourned 6:35 p.m.

Mary Botts, Secretary

Robin Kory, Chairperson