



Charter Review Commission Minutes

Stow City Hall Boards and Commissions Room, Thursday, July 9, 2015, 5:30 p.m.

Members Present: Andrea Denton, Robin Kory, Annal Vyas, Kelly Johnson, and Mary Botts

Members Absent: John Long, Tim Schofield, and Nicole Walker

Also Present: None

Meeting called to order at 5:34 p.m. by Robin Kory

Approval of Minutes ó Motion to approve the minutes of June 25, 2015 by Andrea Denton, seconded by Kelly Johnson, motion passed 4-0 with no changes.

The Committee reviewed the following open dates for future meetings: July 16th and July 23rd.

Ms. Kory began the meeting saying that she wanted to note in a vague way, was to bring up the newspaper article in the Stow Sentry. I just want to be very clear that we are defining clear business requirements of things that we are adding on. As you can read from the article from a few weeks ago, it is not clear and I don't want things to be misconstrued. I want to be very sure that we are all on the same page; what we are asking for, why we are asking for it because if this person who wrote the article was able to not get the right idea, other people are not going to be able to get the right idea, we are not going to be able to go forward with what we want to do. If we are looking for extra details or anything like that, please speak up and let me know that we are documenting the right things.

Ms. Kory said we have gotten down to just a handful of items.

First items were Section 4.12, 10.02, and 10.05 adding verbiage, Section 3.07 adding words, Section 3.06, wanting to clarify that 3.06 A and B.

Regarding Sections 4.12, 10.02, and 10.05, Ms. Kory said anything we are adding words to, we are going to clarify but the one item was the physical location issue so that would be an addition, not just a clarification. Mr. Vyas said I don't think we should bring it to the voters, we may be able to just have Amber add verbiage. Mr. Vyas said as it stands, if the law is being interpreted, it could be separate. Ms. Kory said we will ask Amber and look at that and make sure we have it documented right because we are saying these sections. Section 4.12 was the location and we wanted to make sure we added an internet location posted on line.

Section 4.02 ó Council Compensation and Termó Update Council terms from 2 years to 4 years. Do we want to increase to four year terms? Ms. Kory said on our vote, Nicole and myself placed this as a high priority and everybody else placed this as low. Ms. Denton said I could go either way on this but it really seems to me that two years, they are either trying to catch up with what is going on and then they are running again so you get a year and a half out of them basically. Looking at other cities, most of them have four year terms. Ms. Johnson said then maybe we should put it on the ballot for the voters to vote on. Ms. Kory said I vote for four year terms. Ms. Kory said and the purpose for this, let me make this clear, the purpose of increasing from two to four is to enable our councilman to spend more time working and less time running. It saves them money, increases their time in office to actually get things done. Mr. Vyas said I think there are some people who you are part of something, letø say year three you are kind of skating because you donø have to run but if you guys are all for four year terms, letø put it to the voters. If I was a citizen I would vote against it and I wouldnø want it to be something that two years to me, how long does it really take to get up to speed, a month? Ms. Kory said I think two years is just a waste of time. Ms. Denton said it just seems so quick. Ms. Johnson said I am for putting it to the voters. Ms. Kory said again, the purpose of this is to enable our councilmembers to work more, spend less of their time and money campaigning. That is a lot of money with signs and time knocking on doors. Looking at the Charter in this section, nothing has been changed since 1990. It would also match a lot of the surrounding communities.

Ms. Kory said we had agreed to discuss staggered term limits. I think we decided on or the other. Mr. Vyas said I was the one at the beginning to think that staggered terms might work out but the more I thought about it, it would just be too problematic so now I am not for staggered terms. Sometimes you see that in the non-public sector with non-profit boards to stagger terms but for this, after talking with people. Ms. Kory agreed. This will be removed from possible ballot item.

Ms. Kory said which section was it that we needed to update regarding the wording, the loophole from going to Ward Council to At Large and back? It was Section 21.08, about term limits. Ms. Kory said the intent was to make sure someone in Council can only hold a position for eight consecutive years and must take a two year break before any additional council work. Mr. Vyas said what we worried about was after their eight years, they would run for at-large or ward so they could be a ward council for eight years and then immediately jump into the at-large. Really it is eliminating the word øsameø in elected office. Ms. Kory said or may serve eight consecutive years as an elected official. Ms. Botts said you can explain it to Amber Zibritosky and she can come up with the wording. Ms. Kory said so letø just worry about saying any councilmember no more than eight consecutive years regardless of a ward or whatever. Mr. Vyas said I am in favor of this one. Ms. Kory said so the business requirement would be to update the verbiage to support what the people voted on previously and that is no councilmember can be in any council position for more than eight consecutive years without a two year break. Ms. Vyas said again, it says no elected official. This is also a situation where we have to keep in mind that if someone is on Council for eight years and they want to run for Mayor.

Ms. Kory said we have it written down to specify eight consecutive for Council and then change from eight to twelve for Mayor Law and Finance. Ms. Denton said I started stirring that up when we talked about PERS but looking at the PERS today, now you need twenty years to get healthcare. Ms. Denton said I think we should scrap that item because we are not going to take it to twenty years either. Ms. Johnson said I am in agreement on that. Ms. Kory said so the full idea in another section was to provide a pretty compensation package to entice professionals to give up their expensive day jobs and take our lower paying city jobs as far as a total compensation package, we would have college money (state monies), we would have the retirement fund like any other company does. They would have another four years pension in their PERS, paid for by the State, not the taxpayers of Stow. Now that it is a twenty year run by the State, twenty year minimum for healthcare, and that twenty can be broken in service, it can be any government position. Once the pension money is in there and you leave, you have the option to keep it in PERS or take it out when you leave. Ms. Kory said so the whole purpose, again was to make that total compensation package larger, however, after further diligent resource by our members of the Charter Review Committee, we find that twelve is no longer twelve, it is twenty for health benefits. We don't have a lucrative package to offer with twelve years. After a vote, this item will be removed for the ballot.

Mr. Vyas said the last item we talked about the eight consecutive years that we talked about, one thing that we may want to try to communicate to Amber is, I am just thinking of the following scenario. Someone is a council person for eight years and then they run for Mayor, do you guys think that should be prohibited or no? Because right now if we change eight consecutive years to unelected office, then that would theoretically prohibit that person for running for Mayor after eight years of Council and I don't know how you want to approach that. Ms. Kory said so you are talking about going from Council to Mayor or Law or Finance. Mr. Vyas said maybe if someone is in council for eight years maybe it is a natural thing to run for Mayor. If we put it to eight consecutive years in any elected office, then we need to address it. There is certainly language that Amber can come up with to address it. I just think that should be an exception. Ms. Denton said maybe we can put a note in it specifically for councilmembers that you can't switch to a different council office. Mr. Vyas said that would fix it.

Ms. Kory said that would leave us with five items for the ballot:

Section 3.07 ó Vacancy for the Mayor ó We talked about this last week. Ms. Kory said we want to add verbiage to cover if the Mayor is recalled for military service, sick or incapacitated. Section 3.06 ó Acting Mayor ó We wanted this to be in reverse order with Section 3.07. Mr. Vyas said I have read these two provisions every single time we deal with them I have had to re-read them because they are so complicated. Ms. Kory said we were going to determine or identify what to do if Mayor is recalled for military service, sick or incapacitated. Section 3.06, which should come after Section 3.07, in Section 3.06, we have acting temporary while Mayor is unavailable for a specific amount of time. Mr. Vyas said we wanted to get rid of inaccessible, and get rid of subsection A and B and just keep C and D. C and D would really cover A and B. Ms. Kory said I think another question was how long are you acting Mayor? Acting was temporary, vacancy was permanent. Section 3.06 ó Sentence 1, Acting Mayor, clarify who determines the decision between President of Council or any member of Council, are we concerned

about that? Mr. Vyas said I don't think it is worded great, but I don't think it needs to be changed. Ms. Kory said it was the word "President of Council" any member of council designated by the majority of the vote. Ms. Kory said why wouldn't it be President of Council and what instance would it not be? What instance would you put it to a vote? Mr. Vyas said I think we should keep it as is. Ms. Kory said I just want to make sure it is clear enough. This will be taken off the ballot list.

So in Section 3.06 and 3.07, we will leave on vacancy and acting mayor. Ms. Kory said, again, this is just clarifying business requirement for the vacancy and acting mayor just to be clear is to give clear direction. We are not actually changing anything just clarifying.

Section 4.12, 10.02 and 10.05 - Posting online. Ms. Kory said we want to make sure everything is posted online and stated in the Charter. We will see if Amber can just add this or does it have to go to the ballot? Mr. Vyas said I am okay with posting in six public places for residents who can't go online and that is fine. I just think that the current places that they put them on are not intuitive. Ms. Johnson said the only thing that bugs me is that they include Giant Eagle Supermarkets. The name of the market could be changed at any time so why put Giant Eagle? Ms. Kory said I just want to make sure this is available online as a requirement to ensure in addition to all the other myriad of obscure places, we also will be posting online so that if you don't get to one of the seven places, you can always access it online for our citizens. That is what the motion is for.

Section 4.02 - Update Council Terms from Two to Four Years - Mr. Vyas said he was against this but was outvoted by all the other Charter Members. Ms. Kory said the purpose, for the record, is to provide councilmembers more time to address issues for the citizens and less time running for office and numerous signs throughout the City and more continuity, and to save money as well.

Section 21.08 - Closing the loophole for Councilmembers. Ms. Kory stated that we were going to give this to Amber Zibritosky our business requirements which are to ensure councilmembers are elected for eight years no matter what seat and can't circumvent the term limit requirement just by running for a different council position. You can't go eight years in ward position and go directly at large position. You have to go eight years, off for two years, then eight more years. Mr. Vyas said so if anything, we are making the term limits stronger by that provision. Ms. Kory said we believe this is what was originally intended before the loophole with the wording came in. Again, we are making this specifically for Council. Mr. Vyas wanted to know what about going from Council to Law, or Law to Mayor? Mr. Vyas said I think if you are on Council for eight years, you have a lot of experience to transition from Council to Mayor. Ms. Kory said so the verbiage we are adding is strictly for Council seat to Council seat, it is not for Council to any other position. Mr. Vyas said I think that makes sense.

Ms. Kory said we looked at 8 years to twelve years term limits for elected positions but that is now off the table for possible ballot issue.

Section 4.15 - Council is knowledgeable enough to decide the salary for Law, Finance and Mayor as well as for themselves. Ms. Botts said she had received two responses

from Councilmen. Mike Rasor said this has only come up once in six years in Council and he said he believed it should be market value is the fairest way. Mr. Costello said that the Council salary has been frozen for a few years and is currently frozen now. The salaries of the Mayor, Finance and Law Directors were established when all City salaries were reviewed around 2006 in a classification study conducted by an outside source. Ms. Denton said she looked at a few other salaries in other communities and they were hard to find. I did find that Kent's Council salary is \$13,752 and the Council President is \$14,496.00. Ours get \$14,000 and \$1,500 addition for the President which is really close to that. Aurora, which is smaller than us, is \$10,400. Akron is interesting, it is 20% of the County Executive salary and I couldn't find the salary for that. Hudson is \$10 per month. Macedonia was \$7,200. So we are pretty even with Kent. I also found Akron, their salary was \$26,031 and those are still part-time positions. My feeling is that we are kind of where we belong. Ms. Johnson said she agreed. Mr. Vyas said I am still a little uneasy about the Council setting their own salary but they had their salaries reviewed in 2006 and what if maybe people in 10 years say money, money. Ms. Kory said I don't think anybody here on the Council is qualified to decide their salaries. I think there are firms that all they do is review salaries. Mr. Vyas said he was comfortable with the way it was. He would feel more comfortable if this was in the Charter but maybe this would be too complicated. Ms. Johnson agreed. This section will be removed from the ballot.

Ms. Denton said regarding changing to the four year terms for Council, what happens to people who have been in it, i.e. Mike Rasor has been in for six years. Mr. Vyas said we can make the effective date two years from now so everything starts at that time. Ms. Kory said but what happens for the person who runs today? Mr. Vyas said I think that all can be clarified by Amber. Ms. Kory said I don't want to put in another loophole. If we say two to four years, let's make sure we know how to deal with like we said, Councilman Rasor is in at six right now and is about to run for another two so if we went with four that would put him at ten years, is that okay? But then he wouldn't run again. Do we want to go that route? Nobody will be restarting, we know that so no grandfather business. So how do we deal with someone with six years now running for a four year term? Mr. Vyas said that is a real good point. Ms. Kory said we just need to make sure that is covered. Ms. Denton said and it would just be this election. Ms. Kory said for election year 2015 only. Ms. Kory said Mr. Zuravel was here last meeting and he said anyone serving now would restart the term limits and that was not a true statement so as our Law Director said, there is no grandfather reset clock.

Ms. Botts asked if the Commission wanted to meet with the Stow Sentry when they have finalized what they wanted to bring to the voters to explain why you are putting the issues forth? Ms. Kory said I think we should as a group to get the truth out there as we know it. Ms. Denton said there is a group that meets in October at the VFW where people can come in and talk about things that are on the ballot. That is something we could go to.

Amber Zibritosky came into the meeting. She was in very brief because she had to be at the Council meeting. She said she knew they had some questions about the twelve years, would that restart? The answer is no. There is some debate about when it restarts but that was more of a debate when they were putting on term limits because some people would have already been in office for eight years and did that mean they were kicked out

even though they might be running for election. Adding four more on shouldn't require the clock to start over. Ms. Kory said so if we were to increase, does the clock restart? Ms. Zibritosky said I don't think so. I think people are getting confused because that was an argument when they were first putting term limits on. Ms. Zibritosky then left.

Next Charter Review Commission Meeting will be July 16th. Councilman Lowdermilk will be in attendance. July 23rd will be the final meeting with Law Director Amber Zibritosky in attendance.

Motion to adjourn by Annal Vyas, seconded by Andrea Denton. Meeting adjourned 6:28 p.m.

Mary Botts, Secretary

Robin Kory, Chairperson