

**CITY OF TWINSBURG, OHIO**  
**CHARTER REVIEW COMMISSION MINUTES**

**April 26, 2018**

Meeting was called to order by Mr. Post at 7:31 pm

**ROLL CALL** Kathi Procop, Susan Johnson, Dan Sypen, David Post, Dean Martin, James Shafer, Adam Gockowski, Brian Davis

**ABSENT:** Dwayne Smith

**ALSO PRESENT:** Sam Scaffide – City Council Representative, David Maistros – City Law Director

**AUDIENCE PARTICIPATION**

**Pete Metropolis -- 9044 Gettysburg Dr. Twinsburg, OH**

Previous to this meeting, Shannon Collins handed everyone a copy of some suggestions from Mr. Metropolis. Mr. Post mentioned that they briefly looked at the information that Mr. Metropolis submitted regarding sections 4.02, 7.07, 7.09, etc. in order and they have gotten up to section 4.02, Mayor Qualifications. Mr. Post requested that Mr. Metropolis clarify for them what he meant by adding the wording “territory annexed to” and to where in section 4.02 he would like to have that wording added. Mr. Metropolis specified that he wanted that wording added to where it states that the Mayor has to be a resident of the City for two years before running for office and then stops, so this text would be added to after this statement. Mr. Martin stated that he went to section 3.03, Council Qualifications, and it does state at the bottom of page 7, “A Councilmember elected to represent a ward, shall have been for at least one (1) year immediately prior to the date of the Councilmember’s election...resident of the territory annexed thereto...” David Maistros mentioned that he thought that, for example, if Twinsburg Township annexed with the City then someone from the Township could not run for Mayor or Council for one or two years from the date of the annexation. Otherwise you could have a non-city resident run for Mayor or Council. David Post mentioned that possibly this wording should be taken out of “Council Qualifications” to keep things consistent. David Maistros always viewed the one/two year requirement was to make sure that the residents who are running for Council or Mayor are vested in their community. He understands the confusion of this wording.

There is also a reference to the Twinsburg Development Foundation in 3.02B, article 7. Mr. Metropolis was wondering if the Twinsburg Development Corporation still existed since Twinsburg now has the Twinsburg Community Improvement Corporation. This was just a recommended change. David Maistros mentioned that nothing under the name “Twinsburg

Development Foundation” currently exists and that he would have to look into the criteria to see if the two are one and the same. This item will be revisited.

### **APPROVAL OF THE MINUTES**

The approval of the April 12 & April 19, 2018 minutes was postponed until the next meeting on May 3, 2018.

### **OLD BUSINESS**

Mr. Post noted that Mr. Maistros prepared revised Section 3 and 4 regarding Council and the Mayor from all of the changes from the last meeting, April 19, 2018. The revisions were reviewed. All of the revisions for Section 3 were approved.

**Section 4.04A** of the Mayor being temporarily absent is self explanatory. As for Section 4.04D, this section was read out loud as well as silently. Questions were raised in the new wording. If there is a vacancy of the Mayor and the unexpired term of the Mayor is in excess of six months, President of Council would fill in for the mayor up to the time of the next primary or general elections. Board of Elections requires at least 90 days expired from the vacancy then after that 90 days the first primary or general election. Mr. Maistros stated that the way this wording should read is as follows: “Election to fill the vacancy of the Mayor for the unexpired term shall be held at the next primary or general election, whichever comes first, after the expiration of 90 days.” The most anyone would have to fill the position is 9-10 months. They all agreed that the wording “limited to 9-10 months” should be added as well.

Mr. Scaffide questioned what happens when the Mayor is inaccessible, as well as the President of Council and Vice President of Council and a piece of legislation would need to be signed. Mr. Post questioned if this happens on a regular basis. Mr. Scaffide as well as Mr. Maistros said that it was a rarity that this happens, but it has happened. Mr. Post wanted the term “temporarily inaccessible” better defined. Mr. Syden questioned what happens to the veto power if those three are absent from a Council meeting. Mr. Maistros stated that the Council President can sign legislation and that the Mayor has a window of 10 days to sign it. It is a rarity that the Mayor is not here to go over the legislation to sign or not sign it. Mr. Post stated that the word “or” is a problem. Should maybe read “When the Mayor is temporarily absent and inaccessible and is unable for any cause or reason to perform the Mayor's duties...” Kathi Procop did agree on this point because the duties for President of Council are not clearly defined. No matter how they word it they all understand the intent, but they are questioning if the intent understood. Mr. Maistros noted that the ability to perform the duties is the most important aspect.

**Section 4.04E** states “In the event that any acting individual becomes the acting Mayor, as a result of vacancy in the office of Mayor, such acting Mayor shall be entitled to be compensated

in the same capacity as if he/she were duly elected to the position. Any councilmember that accepts the position of acting Mayor shall be permitted to do so on a part-time capacity at the pro rata compensation rate as if he/she were full-time this provision does not apply to any temporary absence or incapacity of the Mayor.” This was discussed. Again, the wording of “temporary absence” needed to further be defined. Kathi Procop stated that everything comes back to not being able to perform the duties. Mr. Maistros asked if she was going back to Section 4.04A. She said that she does not see where you need the wording “temporarily absent or inaccessible.” By saying “temporarily” you are not defining a timeframe. Mr. Maistros suggested that the wording should be “when the Mayor is unable, for any cause or reason, to perform the Mayoral duties.” In Sections “4.04A” and “4.04E” separate from B, C, and D when you are going to take some action to fill the position of the Mayor. That is the distinction whether it is a temporary absence or absence that triggers a new individual being the acting Mayor. It was agreed to use the wording of “When the Mayor is temporarily unable for any cause or reason.” This will separate it from a long term action to having it be temporary. Compensation was discussed for the person acting as Mayor. It was decided to change the wording in 4.04E to read “no Council pay” for acting Mayor. Article 4 has been put to rest.

Section 4.04D regarding Salary for the Mayor was discussed. The Mayor shall receive all benefits The salary of the Mayor shall be 5% above the salary highest paid Department Head, excluding the Law Director as ordinance established by Council. Mr. Maistros confirmed that the Mayor’s salary could not go above the 5%. It was agreed that the wording in this section was fine.

## **NEW BUSINESS**

### **Article 6 – Finances**

Mr. Maistros discussed the limitation of the rate of taxation is the inside millage (what council can do councilmatically without going to vote. The limit on that is 7 mills. in the City. ORC is 10 mil. Twinsburg is the lowest rate of taxation in Summit County. He does not think that this should change. The language for salary and bonds in Section 6.02 is standard that you see in every charter and council. This has worked for the City. No proposed changes for this section. Mr. Martin questioned if the language in 6.02, Salaries and Bonds, would change. Mr. Maistros suggested that if everyone was comfortable with the salaries languages basic compensation of the members, and just take out “that of the Mayor” as well as one of the “ands” since that is already covered in section 4.05D. Mr. Maistros explained that if there are two charter changes that are reliant upon each other, if one passes and one does not it allows for consistency. Brian Davis wanted the word “fix” explained. Mr. Maistros stated that the word “fix” is not for them, but for the next council members elected. Section 6.03 was discussed regarding bids. Council just recently passed an additional rule that anything between \$25,000 and \$50,000 needs to be brought to their attention with 3 quotes.

## **Article 7 – Administrative Departments, Commissions, and Boards**

Section 7.01 – General Provisions was read by Mr. Martin. Mr. Post wanted to clarify the wording “beyond the newspaper”. Suggested to add “and/or electronic notice”. Mr. Maistros wanted everyone to look Section 12.04 of the Charter. Everything is posted electronically on the City website and/or in the newspaper. The one issue that they run into is time requirements. Mr. Maistros suggested that if a council member or board member resigns that they should be able to contact an applicant from the list of people who have already applied within the last 12 months instead of reposting the position online and/or in the newspaper. It was suggested to add a paragraph that “in the event someone is unable to fulfill their term on a board then prospective replacements can be a person who has previously applied within the last 12 months of the last posting.” Mr. Maistros suggested then when people apply, they can ask the applicant that if a position within the board or commission becomes available if it would be okay to contact them to possibly fill the vacancy.

### **Section 7.02 – Department of Finance**

Section 7.02 was read by Ms. Johnson. Mr. Maistros had a concern regarding Section A of 7.02. His concern was that would the Finance Director’s position be considered a four year position since the Finance Director needs the appointment by the Mayor and Council? Mr. Maistros quoted from Section 4.05 that “The Mayor shall, subject to the approval of Council, appoint a Finance Director, who shall serve at the pleasure of the Mayor. Said appointment shall be concurrent with the Mayor’s elected term and shall expire at the end of each such term.” It was suggested to remove “Said appointment shall be concurrent with the Mayor’s elected term and shall expire at the end of each such term.” This will remain open to discussion for the next meeting. They will convene and start with discussion on Section 7.03 at the next meeting.

## **ADJOURNMENT**

This meeting unanimously adjourned at 7:30 PM

Approved as written:

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David Post, Chairperson

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Shannon Collins, Secretary