

CITY OF TWINSBURG, OHIO
CHARTER REVIEW COMMISSION MINUTES
May 3, 2018

Meeting was called to order by Mr. Post at 6:00 pm

ROLL CALL Kathi Procop, Dan Sypen, David Post, James Shafer, Dwayne Smith, Adam Gockowski, Brian Davis

ABSENT: Susan Johnson and Dean Martin

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

AUDIENCE PARTICIPATION

No audience participation

APPROVAL OF THE MINUTES

The approval of the April 12 & April 19, 2018 minutes. Mr. Post noticed that the last paragraph of the April 19, 2018 minutes may need to be revised. It was talking about the Mayor's compensation being up to 5% more than the highest paid department head. The portion that is missing is regarding if the pay for the highest paid department head should go down there is still a pay increase for the Mayor. Didn't know if it was necessary if this information is included in the April 26, 2018 minutes. Dwayne Smith approved the minutes. Kathi Procop seconded. Approval of the minutes was unanimous.

OLD BUSINESS

Mr. Maistros mentioned that everyone had in front of them Articles 4, 6, and 7, which were the Articles that were covered in their last meeting. Article 4 basically consisted of some clean up. The wording for 4.04A "Vacancy in the Office of Mayor" should now read "Temporarily unable for any cause or reason to perform the Mayor's duties." The language at the end of 4.04D was cleaned up to read "Remainder of the unexpired term shall be held at either the next primary election or the next general election, whichever comes first, after the expiration of 90 days after the vacancy occurs to give the Board of Elections time for ballots." At the end of 4.04E there was clarifying language added in the last sentence, "However anyone serving in the capacity of acting Mayor shall only be entitled to compensation as acting Mayor and not Councilmember." Everything was redlined as was discussed at the last meeting. Article 4 is now complete.

Article 6 had the one line removed based on the current conversation. (not sure which line they were referring to)

Article 7 was not totally completed at the last meeting. They got through Section 7.02, Department of Finance. There was discussion on Section 7.01 regarding the Vacancy in a Boards or Commission. “Any vacancy in a Board or Commission that is less than the full term shall be filled from the most recent list of interested candidates that applied to the notice of full term appointments as set forth above. If no candidates are available or interested, advertising notices for other than full-term appointments shall appear at least 30 days.” That is what has been discussed when there is a vacancy when an appointed member leaves before fulfilling their full-term appointment.

There was a fairly lengthy discussion regarding Section 7.02A. There was the removal of the last two sentences. This wording was replaced with “The Mayor appoints, with Council approval, the Finance Director.” Kathi Procop had some grammatical changes for Section 7.02. This was regarding Section 7.02A, so that is good to go.

NEW BUSINESS

Section 7.03A – Department of Public Safety was read by Dwayne Smith. Kathi Procop mentioned that she thought that the Police and Fire Chief were both removed from Civil Service a few years ago. Mr. Maistros mentioned that the Civil Service has revised their rules and Civil Service has a public hearing coming up the week of May 7th. Assuming that passes, Mr. Maistros suggested that the City adopts what Civil Service has adopted to keep everything consistent with the City’s current Charter, but it does remove both chiefs from Civil Service. Both B & C end with “the approval of Council”. Mr. Maistros mentioned that the intent of 7.03 A – D is to define the makeup of the Police and Fire Departments and how they are hired. Mr. Maistros mentioned that only the Police and Fire Chief are appointed by the Mayor. Everyone else needs to go through the process. The removal of the line “with approval of Council” for 7.03 A-D was debated. Mayor Yates commented from audience. His comments were inaudible. Mr. Maistros suggested that the wording should be revised to read “The Mayor appoints the Police Chief and Fire Chief. Civil Service appoints officers and staff underneath them; Council does have authority over the structure of the departments as far as the makeup.” Mr. Maistros said that is what he thought was the intent of Section B & C for both Police and Fire. Mr. Post questioned if the wording is already clarified in the “Administrative Departments” or if that is something totally different. Mr. Scaffide confirmed that this wording is just for “Boards and Commissions.” Mr. Maistros confirmed that 7.03 B & C will be reworded. Section D basically falls under the Employee Handbook as well as the Civil Service Rules and Regulations. Mr. Maistros mentioned that he would be fine with just omitting Section D all together.

Section 7.04 – Department of Public Works was read by Dwayne Smith. This section provides an overview of what Public Works is responsible for. They all concurred that it is not necessary to list every single thing Public Works does because it does change from time to time.

Section 7.05 – Civil Service Commission- Before reading this section, Mr. Maistros mentioned that this was the section where three Civil Service Commissioners have gone through this section as well as rules that they have for the past three months and they have a public hearing the week of May 7th to make changes. If their changes are adopted, then Mr. Maistros, again, suggested that the City adopts what Civil Service has adopted to keep everything consistent with the City's current Charter. He suggested that Charter Review Commission pass over this section tonight since it will more than likely be addressed at the meeting scheduled for May 10, 2018. Mr. Post asked who was on the Civil Service Commission. Mr. Maistros said that it is Tom Cornhoff, Leonard Taylor, and Paul Nees. If everyone is okay with this, Mr. Maistros will get their recommendations to this Commission by the start of this meeting on May 10th.

Section 7.06 – Department of Law was read by Dwayne Smith. Mr. Post mentioned that he thinks that the wording for this section is similar to that of the Finance Director and that the wording should be changed to reflect that of the wording for the Finance Director. It was suggested to remove “The appointment shall be concurrent with the Mayor’s elected term and shall expire at the end of each such term. Said appointment shall be made within 60 days of the commencement of the Mayor’s term and the previously appointed Director of Law shall serve until the appointment is confirmed by Council.” It was suggested to read “Said Director shall serve at the pleasure of the Mayor.” and then pick back up at “The Director of Law shall act as legal advisor to...” Mr. Syden mentioned that he thought that the “Said appointment shall be made within 60 days of the Mayor’s term and the previously appointed Director of Law shall serve until the appointment is confirmed by Council” wording should stay. There was debate regarding this suggestion and it was agreed to remove the wording as previously discussed.

Section 7.07 – Planning Commission was read by Dwayne Smith.

Pete Metropolis -- 9044 Gettysburg Dr. Twinsburg, OH

Mr. Post mentioned that Mr. Metropolis suggested that he would like to see the removal of the requirement for the Ward appointment or give the Council the option to use the “At Large” appointment if an unqualified person applies within that Ward. Mr. Metropolis explained his reasoning to having an “at large” appointment. The “At Large” appointment would give Council an option, if they do not get a qualified Ward applicant for boards and commissions. This would affect Section 7.07 and 7.09 to have just one standard person to serve two boards. Mr. Scaffide stated that he understands what Mr. Metropolis is saying and what he would like to do, although Mr. Scaffide thinks each ward should have representation. Mr. Scaffide mentioned that he would be good with an “at large applicant” if no one applied for a specific ward, but he wanted to know how they would deem if someone was qualified for that “at large” position. Kathi Procop gave a historical prospective into this issue as well. She understands that things change, but she just wanted to give some perspective as to why there has been representation from each ward for any board or commission over the years. Mr. Maistros mentioned that he agrees with Mr. Metropolis and feels that the bigger problem that they have with a lot of commissions is not getting everyone there for these meetings and therefore delaying getting work done for the City. Mr. Maistros agrees with everything that was said regarding this issue, but the one item that was

not mentioned that is an important function of Planning Commission is the recommendation of rezoning in the community. Twinsburg is a referendum zoning city, meaning that any rezoning goes to the ballot. Not only does it have to pass citywide, but it also has to pass within that ward where the property is located. That is an important function of Planning Commission as far as making the rezoning recommendations that are ward specific. Mr. Davis put forth a suggestion of having an alternate board/commission member available just in case the main board/commission member cannot attend the meeting for any reason. Mr. Maistros mentioned that this is done where he lives. The alternates get all of the mailings, all of the minutes, all of the applications, and then they are advised that if there is an absence, then they are to be at the meeting. They just started this in January of 2018, so he has not heard anything positive or negative about this process. He feels that this might be a possible solution to the “at large” issue for Boards and Commissions. Mentioned this is one way to get a full board/commission for voting on projects/issues. As of right now, there will not be any changes made to 7.07. Mr. Sypen questioned if the last sentence, “A vacancy occurring during the term of any member of the Planning Commission shall be filled for the unexpired term in the manner authorized for an original appointment”, in 7.07 should be removed from that section. Mr. Maistros agreed that it should be removed or reference 7.01 – unexpired terms. This was discussed, and decided that that wording should be removed.

Also the Twinsburg Development Foundation in 3.02B was re-discussed as to if this is actually a functioning entity. No one knew anything about this, although it did make the charter at one point and time. It was agreed upon to remove the wording “excepting therefrom members of the Twinsburg Development Foundation.”

Section 7.08 – Powers was read by Dwayne Smith. There was not any discussion regarding this section.

Section 7.09 – Board of Zoning and Building Code Appeals was read by Dwayne Smith. There was not any discussion regarding this section.

Section 7.10 – Powers and Duties was read by Dwayne Smith. Mr. Post questioned if the established dates in this section work referring to the 30 days following such action by the Board. Mr. Maistros noted that if there is a reason that an item needs to be expedited then the Council rep will make the motion before Council to expedite it and waive the 30 days.

Section 7.11 – Department of Community Planning and Development was read by Dwayne Smith. There was not any discussion regarding this section.

Section 7.12 – Department of Parks and Recreation was read by Dwayne Smith. There was not any discussion regarding this section.

**ARTICLE VIIA
CHANGES TO ZONING CLASSIFICATIONS OR DISTRICTS**

Section 7A.01 – Procedure was read by Dwayne Smith. Zoning classifications. Mr. Maistros walked through this section for everyone. Three lawsuits filed against the city were related to this section. The old language used to state that “any change pertaining to the zoning code had to go to the ballot.” The current language came out of one of those lawsuits. The language was changed to reflect the language that is currently in the Charter to outline what changes can trigger going to the ballot and what changes would not trigger going to the ballot. Mr. Maistros mentioned that Twinsburg is a referendum zoning City. This was agreed language. Section 7A.05 refers to “annexed land” because they had an issue as to how to zone “annexed land”. That is why this language at the end is referenced to that section. Section 7A.01 was added to deal with the referendum zoning. Mr. Post gave Mr. Metropolis a chance to speak. Mr. Metropolis mentioned that his recommendation is to do away with the ward veto right. Kathi Procop and Mr. Maistros agreed with him, but Mr. Maistros mentioned that if you try to go after referendum zoning, it is hard to fight the opposition to referendum zoning. Mr. Metropolis raised another question regarding zoning. He was wondering why “if you want to go to the ballot on zoning changes, why does it take three readings?” He thinks one should be sufficient. Mr. Maistros doesn’t disagree with Mr. Metropolis, but he brought up the fact that with rezoning and charter , three readings, although time consuming, is beneficial since all of Council is not necessarily at each meeting and it gives them time to digest what is in front of them. They have always set out to make sure Council has that time. They have been able to make it work. Mr. Maistros reiterated that Council can disapprove a rezoning or charter change as well. The next meeting will be May 10, 2018 at 6:00 p.m. Motion to adjourn was seconded by Dwayne Smith.

ADJOURNMENT

This meeting unanimously adjourned at 7:30 PM

Approved as written:

David Post, Chairperson

Shannon Collins, Secretary