

CITY OF TWINSBURG, OHIO
CHARTER REVIEW COMMISSION MINUTES
May 24, 2018

Meeting was called to order by David Post at 6:07 pm

ROLL CALL Kathi Procop, Susan Johnson, Dan Sypen, David Post, Dwayne Smith, James Shafer, Brian Davis

ABSENT: Dean Martin, Adam Gockowski

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

AUDIENCE PARTICIPATION

No audience participation

APPROVAL OF THE MINUTES

Motion to accept the minutes from the meeting on May 10, 2018 was made by Mr. Post and Susan Johnson seconded the motion. Approval of the minutes was unanimous.

OLD BUSINESS

Mr. Maistros gave everyone a packet that included a summary of the full charter with all of the revisions.

The only changes that were made at the last meeting that were not yet reviewed in redline form were Article VIII and IX. The changes that were discussed were:

- Eliminating the sentence regarding the window of opportunity to circulate petitions only for the Mayor.
- Changing the primary from the first Tuesday after the first Monday in May to the first Tuesday after the first Monday in August. March, May, and August are the months for special elections to be held. There are some cities that hold special elections in September, but they wanted to stay clear of that.
- Cleaned up the qualifications language in Section 8.04, which is “Each elective officer of the City shall be a qualified elector of the City and shall have continuously resided therein, or in territory annexed to, for a minimum of one (1) year for Council, and two (2) years for Mayor, and shall continue to reside therein during their term.”
- In Section 9.03, the recall section, they agreed to add the wording “to be voted on by the members specific to that Ward” at the end of this sentence -- “At such recall election this question shall be placed on the ballot.”
- All of the other sections have been gone over. This includes Articles III, IV, VI, VII, VIII, and IX.
- Mr. Maistros mentioned that the way this will go to Council would not be as one packet, but each article would be a separate piece of legislation. It would take 5 member of Council to disapprove/override changes. Council can amend the charter, but then it would have to go back to the Charter Review Commission to override and then make changes that would appease everyone. Mr. Post was wondering if there were too many changes to the Charter this time to go to Council. Mr. Maistros said that there was a lot of language clean-up in the process. What Mr. Maistros is recommending is putting an entire article

where changes are made on the ballot instead of just a section of it. There will be six different ballot issues. Board of Elections limits you to the amount of language for each ballot issue.

- Mr. Maistros stated that like any other issue on a ballot, the public would have to do their homework to see what they are or are not voting for. Mr. Scaffide stated that, in the past, the City has sent out a booklet outlining all of the Charter changes that would be on a ballot. Mr. Post recommended possibly putting together a PDF of all of the proposed Charter changes and doing an e-mail blast to all of the people who are registered with the city and put a link in the e-mail pertaining to all of the proposed changes. Mailing booklets would be costly. Mayor Yates responded, but was not audible. Mr. Maistros explained the process. He mentioned that historically there are one or more members of the Charter Review Commission that come and present it to Council with some explanation. The readings will be June 12th and June 26th, with the final reading and public hearing being on July 10th.

NEW BUSINESS

- Kathi Procop suggested going over the changes and to have someone read the specific sections just to make sure everyone is comfortable with the wording of everything. Dwayne Smith did the reading of all of the revisions to each section.
- **Section 3.02** - Wards – Districting Commission. Eliminating “excepting therefrom members of the Twinsburg Development Foundation.”
- **Section 3.03** – Council Qualifications – added “Any sitting Councilmember who has two or more years left in their current term shall be prohibited from running for a different council seat without first resigning his/her current seat on Council. Such resignation shall take place prior to the Councilmember filing petitions with the Board of Elections for the new Council seat.” It was clarified that the Board of Election does not enforce the rules and regulations of our City Charter. It is up to the Charter Review and Law Director to enforce the rules of the Charter.
- **Section 3.07 (B)** – Meetings of Council/Special Meetings – wording to change to reflect that “Notice in e-mail of each special meeting called at the request of the Mayor,…”
- **Section 3.10** – Ordinances and Resolutions – The second paragraph will now read “No bylaw, ordinance or resolution of a general or permanent nature, or granting a franchise, or creating a right, or specifically authorizing the expenditure of money, or the levying of a tax, or for the purchase, lease, sale or transfer of property, shall be passed unless it has been fully and distinctly read on three (3) different days unless five (5) members of council vote to suspend this rule.”
- **Section 4.04 (D)** shall read “In the event of a vacancy in the Office of Mayor and the unexpired term of the Mayor is in excess of six (6) months, the office of Mayor shall be filled by the electorate of the City at an election. The election to fill the vacancy in the Office of the Mayor for the 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.”
- **Section 4.04 (E)** shall read “In the event that any individual becomes the acting Mayor as the result of a vacancy in the office of Mayor, such acting Mayor shall be entitled to be compensated in the same capacity as to if he/she was dually elected to the position. Any councilmember that accepts the position of acting Mayor shall be permitted to do so in a part-time capacity at the pro rata compensation rate as to if he/she was full-time. However, anyone serving in the capacity of acting Mayor shall only be entitled to compensation as acting Mayor and not councilmember. This provision shall not apply to

any temporary absence or incapacity of the Mayor as contemplated in Section (A) above.”

- **Section 4.05 (D)** – “The Mayor shall be entitled to all benefits currently afforded other full-time employees of the City. The salary of the Mayor shall be 5% above the salary of the highest paid Department Head in the City, excluding the Law Director as established by ordinance adopted by Council. Should the salary of the highest paid department head decrease in any given year, the Mayor’s salary shall not be reduced but shall only increase at the same percentage rate granted all other department heads.”
- **Section 6.02** was pretty clear and not discussed.
- **Section 7.01** – “The City shall invite eligible persons to apply for available appointments to boards and commissions by publishing notice of the terms of, and qualifications for, such appointments in a newspaper of general circulation within the City. Such notices shall appear once 60 days prior to the expiration date and once 30 days prior to the expiration date of the term of each such appointment. Any vacancy in a board and/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 for the full term appointment 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 prior to the making of such appointment.”
- **Section 7.02 (A)** was just some language clean-up.
- **Section 7.03 (B)** shall read “The Division of Police shall consist of a Chief of Police appointed by the Mayor and such other officers, police officers and personnel as recommended by the Mayor and approved by Council shall be deemed advisable. All promotions, hiring and appointments other than the Chief shall be appointed from the Civil Service register by the director of Public Safety.”
- **Section 7.03 (C)** is similar with the exception that it refers to the Fire Department.
- **Section 7.03 (D)** was eliminated since the Mayor is the Director of Public Safety.
- **Section 7.05** – The first section wording will now be as follows - “The Civil Service Commission shall consist of three (3) electors of the City not holding other municipal office in Twinsburg to be appointed by the Council to serve for terms of six (6) years, except that the first appointment shall be for six (6), four (4), and two (2) years respectively.”
- **Section 7.05 (A) #2** - The term “Golf Course Superintendent” was corrected to reflect “Golf Course Maintenance”. Also added was “Restaurant Operations Director” as well as “Banquet Operations Director” that are new. The rest of the language is clean up that the Civil Service Commission requested so that it is consistent as to what titles those individuals really are.
- **Section 7.05 (B)** - The language was added “that are not covered by collectively bargained agreements” to the language in the paragraph just after “The Non-Competitive group shall include...” This wording has been added at the recommendation of the Civil Service Commission.
- **Section 7.06** – Language will now read “The Mayor shall, subject to confirmation by the majority of Council, appoint an Attorney-at-Law who shall be the Director of Law. The Director of Law shall be duly admitted to the practice of law in Ohio. He or she shall have a minimum of five (5) years of practice in the field of municipal law. Said Director shall serve at the pleasure of the Mayor. The Director of Law shall act as legal advisor to and attorney for, the City and for all officers, boards, and commissions of the City.” The following language was removed from this section – “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.”

- **Section 7.07** – Removing the wording “excepting membership on the Twinsburg Development Foundation.” Also removing the following wording - “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” because this has already been covered previously.
- **Section 8.01 – Nominations** – Eliminated “Such nominating petitions shall not be circulated prior to one hundred fifty (150) days before said election.” It was approved to change the primary election date in the Charter from the first Tuesday after the first Monday in May to the first Tuesday after the first Monday in August.
- **Section 8.04 – Qualifications** - “Each elective officer of the City shall be a qualified elector of the City and shall have continuously resided therein, or in territory annexed to, for a minimum of one (1) year for Council, and two (2) years for Mayor, and shall continue to reside therein during their term.”
- **Section 9.03 – Recall** – Added the language that if the Councilmember that is the subject of the recall is a ward Councilmember, then the ballot issue shall only be presented to that Councilmember’s ward for consideration. If the Councilmember that is the subject of the recall is a Councilmember at Large then the ballot issue shall be presented to the entire electoral.
- Mayor Ted Yates was responding but it was inaudible.
- Mr. Maistros guided everyone as to what happen next in the process. He said that if everyone agrees with everything that is in front of them, then the six ordinances would be created, one for each article, and presented to Council for three readings, the first reading being on June 12, 2018. The Mayor will let the Clerk of Council know so that they can have time in the Caucus to address and go over these Charter changes, so if some of the Charter Review Commission were at that Caucus as well as the Council meeting to explain things that would be great. Members of Council will get a copy of all of these Charter changes prior to the meeting on June 12, 2018. Second reading will be June 26, 2018. The third meeting in July (July 10, 2018) will be the Public Hearing for these Charter changes. Timing of the Public Hearing is to be determined.

Mr. Post and Mr. Maistros thanked everyone for their time and just reiterated how important the City Charter and the Charter Review Commission is.

There was a motion to adjourn by Kathi Procop and the motion was seconded by Mr. Davis. Motion passed unanimously.

ADJOURNMENT

This meeting unanimously adjourned at 7:00 PM (?)

Approved as written:

David Post, Chairperson

Shannon Collins, Secretary