

CITY OF TWINSBURG, OHIO

CHARTER REVIEW COMMISSION MINUTES

March 10, 2014

ROLL CALL: D. Albright, K. Monachino, D. Romito, G. Spera, R. Sypen, T. Jones, J. Magnes, D. Martin

ABSENT: D. Detweiler

ALSO PRESENT: Gary Sorace, Council Member
Katherine Procop, Mayor
Karen Howse, Director of Finance

Meeting Called to Order at 6:58PM by R. Sypen

APPROVAL OF MINUTES: Minutes from March 3, 2014 meeting not completed

AUDIENCE PARTICIPATION: None

OLD BUSINESS:

- Mr. Sypen asks for a recap of last meeting. Ms. Spera explains that at the last meeting, the Charter was read through in its entirety and it was decided that at tonight's meeting the commission would determine which sections of the charter needed closer review / potential changes. Ms. Spera provided the group with a recap of what was discussed as suggested changes.
- Ms Spera's recap will be discussed under new business, point by point
- An amended charter was given to the group by Mr. Maistros at the last meeting.

NEW BUSINESS:

(Ms. Spera's recap)

Section 3.07: Meetings of Council

- Discussion between Mr. Sypen, Mr. Sorace, Mayor Procop and commission members regarding the timing of a "summer break". Mayor Procop explains that the City Engineer often needs meetings in July for legislation due to work load and the bid process.
- Discussion between Mr. Sypen, Mr. Sorace, Mayor Procop, Mr. Romito, and Ms. Spera regarding setting council meeting dates at the beginning of each year. Council has the ability to change meeting dates as needed (i.e. for holidays). Mr. Romito reads samples from other cities whose charters simply state that meetings be held at least one per month. Ms Spera suggests leaving it as is since it has worked for the past 13 years and there are other more urgent issues to discuss.
- It was decided that the commission would have discussions on each section now, and at the end of the month the commission would vote on which ones they would like to continue going forward with.

Section 4.01: Election of the Mayor

- Discussion on the timing of holding a primary election and general election. (Primary election dates – currently in May - possibly change to September?)
- Mr. Sypen asks if there is an additional expense to holding a primary in September. Ms. Howse and Mayor Procop explain that the cost of having a primary in September would simply replace the cost of having one in May.

Section 4.04: Vacancy in the office of Mayor

Two areas of discussion:

1. Who takes over mayoral duties for the interim time before council can convene.

- Ms. Spera suggests possibly having the Director of Finance or the Director of Planning & Community Development take over mayoral duties (except for contracts) temporarily until council could convene and select a member to take over. This would allow for an interim to take over day to day responsibilities until council could select someone. (Issue would be that these positions are appointed positions, not elected officials)
- Mayor Procop explains that when the President of Council is sworn in, he / she agrees to take on the duties of mayor in case of a short term need to do so until council can convene.

2. Succession of power for remainder of mayoral office:

- Discussion about having vice president of council to take over mayoral duties if the president of council is unable or unwilling to.
- The issue with the way the charter is currently worded would be that if the council president took over mayoral duties, the remaining council members would be an even number, possibly resulting in tie votes.
- Discussion to possibly remove the word “remaining”, and have the charter read “by a vote of the majority of all of the members of council”.
- Mr. Romito suggests creating a succession plan. Discussion between Mr. Sypen, Ms. Spera, Mayor Procop, and Mr. Romito to possibly change the wording to include the following succession (president, vice president, then go to a vote of all council members)

Section 4.05: The Powers of the Mayor

- Discussion between Mayor Procop, Ms. Spera and Mr. Sypen to change the language to read that the Mayor shall serve as the Director of Public Safety, unless he/she designates someone else.
- Ms. Spera and Mayor Procop agree that Mr. Maistros can simply change the wording of this section and submit it to the commission to review.
- Mayor Procop suggests pulling out the old language that singles out the Director of Public Service and change the wording to “All appointed officers shall serve at the pleasure of the mayor.”

Section 6.01: Limitation on Rate of Taxation

- Discussion on how to determine millage. State law allows council to impose up to 10 mills without a vote. Twinsburg Charter limits it to 7 mills.

Section 6.03: Contracts and Purchasing

Section 7.01: General Provisions

Section 7.05: Civil Service Commission

For the above sections – In regards to posting and notifying the public of bids, meeting information, job openings, etc - possibly re-word to allow for important information through both online and electronic methods, without taking away traditional paper methods. Mayor Procop states that Mr. Maistros feels we can structure the wording to allow an “**and/or**” statement that would cover all sections in one place. Ms Spera indicated that Mr. Maistros will be emailing the suggested wording to the commission members.

Section 7.05B Civil Service Commission

- Competitive vs. Non-Competitive group needs to be re-worded for clarification purposes
- Mayor Procop indicates that Mr. Maistros will rework the wording using the detailed language in the Employee Handbook since the wording is unclear in both the Civil Service Book and the Charter.

Mr. Sorace questions **Section 7.05A** (Numbers 2, 11 and 13 do not apply) This section has been sent to ballot with proposed changes in the past, but the changes failed to pass at the ballot. Mr. Maistros is working on making the changes again.

Article VII Administrative Departments, Commissions and Boards

- Mayor Procop had previously distributed an outline of her proposal for her appointment of Boards and Commission members.
- Discussion on whether mayor should be allowed to have at least one appointment to boards and commissions. Mayor can currently sit in and provide input, but does not have a vote.
- Mr. Sypen, Mr. Sorace and Ms Spera, Mayor Procop discuss the issue of currently having a ward requirement for serving on boards and commissions. Qualified candidates are often turned away due to the ward requirement, and also many times seats are left unfilled due to lack of applicants in a particular ward. Discussion to possibly remove the ward requirement.

Section 7.12: Departments of Parks and Rec

- Ms. Monachino provides members with samples of other cities charters. Macedonia’s charter details duties and qualifications of Parks and Rec Director.
- Ms. Monachino will send a copy of the document to Derek Schroeder to review and provide input.

Section 7A01:

- Wording and intent are vague. Ms. Spera states that Mr. Maistros agrees that the wording should be clarified because the intent does not lend itself to a clear interpretation.
- Mrs. Gaydosh and Mr. Sengstock previously requested that a penalty be enforced if the city violates charter section 7A01. Commission members discuss and agree that enforcing penalties are a courts responsibility.

- Mr. Sypen does not want to put any changes on the ballot now, while there is a pending lawsuit against the city that would potentially affect these changes. He does not want it to appear that one side is being favored over another.
- Mr. Maistros was to come up with suggested changes to wording and submit his suggested changes to the commission for review, and to possibly to get another opinion.
- Mayor Procop and Mr. Sypen discuss that the commission should be prepared, conduct research, and make their recommendations. Ms. Spera agrees, stating that the commission does not meet again for five years.

Misc Sections on Ms. Spera's Document:

Replacing language throughout the charter: "his" with "his/her", and "he" with "he/she"

- Mr. Sypen suggests giving the law director the ability to clean up language as long as it does not change the spirit of the article that is being addressed. Ms. Spera agrees. Mayor Procop states that under section 10.02 the law director does have that ability, and will look at that, as well as the numbering and layout of sections to make it flow logically.

Online access to journal records: Is this a charter issue or a city functionality issue? Ms. Spera agrees that it may not be a Charter issue, but included it on her list since it was brought up at an earlier meeting.

City Manager vs. Strong Mayor forms of government (Mr. Sengstock previously had asked that the commission look closely into the pros and cons of each form. Mrs. Gaydosh had stated that in the 1970's there was a city manager form of government)

- Mr. Sypen does not feel that it is the Charter Review Commissions responsibility to change the form of city government. If the public wanted to change the form of government, it could be done by referendum.
- Mr. Romito, Mayor Procop and Mr. Sypen discuss the cons of having a City Manager. City Managers can be changed frequently, depending on council's wishes. When there is contention among council members, this can be an issue.
- Mr. Sengstock believes it is a function of the Charter Review Commission to research this issue. He feels that since a City Manager goes through an interview process, he / she may potentially have stronger qualifications to run a city. He states that the requirements for running for mayor (i.e., resident of the city) are not as extensive as those of a City Manager. He would like to see this researched more in depth, due to the large population and budget of the City of Twinsburg.
- Pete Metropolis 9044 Gettysburg Dr. Twinsburg, Oh - Agrees with Mr. Sengstock that there are pros and cons to each form of government and believes it warrants further discussion. He was taught that the rule of thumb was that populations under 5,000 people should have a Mayor, and that populations between 5,000 and 50,000 should have a city manager.

Employees on Boards and Commissions (Mr. Sengstock's earlier recommendation that City employees not be allowed to serve on Boards and Commissions)

- Ms Spera recommends altering language to possibly include a conflict of interest stipulation

Mayor & Finance Director submitting five year forecasts and operating budgets each year.

(earlier recommendation from Mr. Sengstock. Mayor thought that to be more of a job description of the finance director than an issue for Charter Review)

- Ms. Howse addresses the issue. She states that this would fall under policy and procedures. The Charter gives the foundation for establishing a department. There are layers of budget review process that are given to the council, capital improvements and finance committee. Policy and Procedures are in place that meet or exceed this recommendation.
- Mayor Procop explains that the Charter establishes the departments. The policies of the department must remain flexible. Ms. Spera states that five years is too far out to forecast, but 2-3 year forecasts are handy.
- Mr. Sengstock asks to address this. He states that it is part of financial planning, which is mandated by state law, and that it is not part of policies. Asks that the Commission add at least one line that states “Mayor and Finance Director shall provide a five year plan”.
- Mr. Sypen and Ms Howse explain that by law the State of Ohio requires a one year plan. Ms. Howse explains that the Finance Director and the Mayor are extremely proactive in projecting and looking at all of the city’s finances on a daily basis, and that it is part of the job description, not part of the Charter.

Law Director Position should have ties to city council and a performance review.

- Mayor Procop explains that she is in daily contact with the department heads and she communicates with them on performance issues and places issues in their files if they come up. Within each department, formal performance evaluations are done for employees.
- Ms Spera asks if council has recourse to place things in the permanent file of the law director if they have an issue with his performance. Mayor Procop explains that council may address any issue with her or with the law director, but the mayor is the only one that can place something in his / her permanent file.

Penalties for non performance of elected officials (in reference to page 2 of Mr. Sengstock’s previously distributed document:

- Mr. Sypen states that, once again, enforcing penalties are a job for the courts, not a Charter Review Commission.
- Mr. Sengstock requests additional accountability of elected officials and disciplinary actions
- Mr. Sengstock expresses concern that the Charter does not address the issue of impeachment or what to do if council member or elected official is found guilty of a felony.
- Mr. Sypen and Mayor Procop explain that elected officials take an oath of office and that Section 9.04 deals with removal of elected officials.

AUDIENCE COMMENTS: Audience participated in the above sections as they were covered. Mr. Sengstock requests additional time to speak.

- Mr. Sengstock references Section 10.01 of the Charter. He states that Resolution 120-2009 conflicts with wording of Resolution 120-2012. Suggests that the commission look at the wording in Resolution 120-2012. (shall vs. may)
- Recommends that the CRC look at hiring outside counsel to look at the charter. He asks that the CRC look at Article 1. He also recommends looking at having CRC members elected rather than appointed.
- Urges Commission members to look closely at the Clarity of 7A01

MISCELLANEOUS: None

NEXT MEETING DATE: March 31, 2014 at 7:00 PM

ADJOURNMENT:

Mr. Sypen makes a motion to Adjourn at 8:58PM

Seconded by Mr. Romito

This meeting unanimously adjourned at 9:00 PM