

CITY OF TWINSBURG, OHIO

CHARTER REVIEW COMMISSION MINUTES

March 31, 2014

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

ABSENT: D. Detweiler

ALSO PRESENT: Gary Sorace, Council Member
Katherine Procop, Mayor
David Maistros, Law Director

Meeting Called to Order at 7:00 PM by R. Syphen

APPROVAL OF MINUTES:

Clarifications of March 3, 2014 Minutes

- Mr. Romito is identified as the person who had a question regarding lines of succession for the law director. (under Audience participation)
- Last paragraph of first page of the minutes states that "Vice Mayor is president of council..." Question to Mr. Maistros if that statement is correct. Mr. Maistros states that we do not use the term "Vice Mayor". Mr. Maistros states that in the absence of the Mayor, the President of Council would be acting Mayor in a temporary manner.
- Under Old Business, the fourth bullet point, Mr. Romito is identified as the speaker in question
- Under Old Business, tenth bullet point, committee is unable to identify the speaker in question
- Under review of Section 7A, Mr. Detweiler is identified as the reader of that section.
- On the third page, second bullet point, Ms. Spera is identified as the speaker in question
- Under Article VII Section 8.01, Speakers are identified as Mr. Romito and Ms. Spera.
- Under Article X, speaker is not identified
- Section 11.01 speaker is identified as Mr. Romito
- Adjournment motion was made by Mr. Martin. Unknown who seconded the motion
- Ms Spera has a question regarding Page 1, under Audience Participation, Pete Metropulos, last bullet- She believes that it should read "getting to specific in the charter should be avoided", not "...removed". Mr. Metropulos clarifies that specific issues should not be addressed in the charter, for example specifying specific days of meetings.

March 10, 2014 Minutes - no corrections

MOTION TO ACCEPT THE MARCH 3, 2014 MINUTES AS AMENDED AND ACCEPT THE MARCH 10TH 2014 MINUTES AS PRESENTED.

Moved by Mr. Syphen

Seconded by Ms. Jones

Upon roll call, motion passed unanimously.

AUDIENCE PARTICIPATION:

Pete Metropulos of 9044 Gettysburg Dr. Twinsburg Oh 44087

Distributed a letter that gives his opinion on the following three points

- Appointment of Boards & Commission members should remain with council.
- Strong mayor form of government vs. city Manager form of government: No form of government guarantees a good form of government.
- Removing positions from the classified civil service – Each position should be listed as separate ballot issues
- Primary for the Mayor – If there are three candidates and no one has more than 50% of the vote, consider holding a runoff election a month later as another option. There is an additional cost for this, and candidates would have to go out and campaign in November / December.

Mr. Romito responds:

- He agrees with the idea of a runoff election. Mr. Romito asks Mr. Maistros to look into that possibility. Mr. Maistros will look into other cities that handle primaries that way.
- Asks Mr. Metropulos to clarify if he means that the mayor should have no input with regards to Boards and Commissions appointments. Mr. Metropulos responds that the mayor may have input, but that should not have a vote or appointment. Mayor Procop states that she has sat in on interviews in the past, but has not done so in 4 or 5 years.

ISSUES TO DISCUSS:

Mayoral Primary:

- Ms. Spera feels that the May primary is too far from the November election. She is in favor of moving the primary to September. The issue would be that currently the charter states that the new mayor takes office on December 1st, so this may pose an issue if there is a run off after the November election
- Mr. Syphen asks if anyone has any negative thoughts on moving the primary from May to September. Mr. Magnes, Mr. Syphen, and Mr. Romito are in favor of moving it from May to September.
- Mr. Maistros confirms that prospective candidates must submit their names 90 days prior to the primary election. Mr. Maistros explains that a potential issue with that would be if a person wishes to run for mayor or council, they would have to chose which seat to run for. Currently if they run for mayor in a May primary and don't seat in the top 2 candidates, then they have time to run for a council seat in November.
- Mr. Albright and Mr. Sorace discuss the timing of filing; they have question on the language in Section 8.01 (90 days vs. 75 days). Mr. Maistros clarifies that it states "...nominations for elective office, other than Office of the Mayor shall be 90 days". The Office of the Mayor is 75 days prior to the primary election.
- Ms Spera asks if the way around this issue be to go into August for the primary election.
- Mr. Maistros states that they can establish if it is a 75 or a 90 day filing deadline by charter. States that once the commission establishes when they want to hold the primary, they can discuss the pros and cons of 75 vs. 90 days.
- Ms Spera expresses concern that if the primary is in September, there would not be enough time in either case, whether it was 75 or 90 days. Mayor Procop and Mr. Maistros confirm that candidates would have to choose whether to run for council seat or mayor.
- Mr. Syphen states that if only two people are running, there will be no need for the primary.
- Mr. Masitros states that to make the change in Section 8.01, it would only require one word to be changed change from "May" to "September".

- Ms. Spera asks if the commission needs to advertise for an open forum before the commission votes on proposed changes. Mr. Sypen explains that these meetings are the open forums.
- Mr. Sorace explains that the media and public have been invited and have been made aware of these Charter Review Commission meetings.
- Ms Spera asks for clarification on the process: Mr. Sorace and confirms the following:
 - 1) Commission decides what they are going to recommend
 - 2) That recommendation list is forwarded to Council
 - 3) It is placed in the paper at that point and residents can address council
- Mr. Maistros adds the following to the above process:
 1. Commission decides what they are going to recommend
 2. Mr. Maistros drafts the language on the sections that the commission wishes to recommend.
 3. Once the commission agrees to the drafted language, final language will be given to the commission for their next meeting.
 4. Commission will sign off and approve that is an item or section that they will send to council. It will be incorporated into legislation that will go to council. A resolution with ballot language to place it on the ballot.
 5. Council will have that resolution on their agenda for discussion.
 6. It is then sent to the Board of Elections with the language that the Charter Review Commission had approved, unless council rejects it with a super majority vote.

MOTION TO RECEIVE LEGISLATION FROM MR. MAISTROS REGARDING CHANGING THE DATE OF THE PRIMARY FROM MAY TO SEPTEMBER

Moved by Mr. Sypen

Seconded by Mr. Romito

Upon roll call, motion passed 8-0 (Mr. Detweiler absent)

Section 4.04 Vacancy in the Office of Mayor

- Mr. Maistros gives a copy to Mr. Metropulos
- Mr. Maistros provided clarification in the line of succession in a vacancy in the office of the Mayor: President of Council, Vice President of Council, vote of all 7 council members.
- In regards to length of time for the temporary office of the mayor position: Current language reads the individual will hold office up to six months on a temporary basis. Mr. Maistros suggests changing the language to read “until next municipal election” or “within two years”, (instead of the six month language). This would avoid the need to hold a special election.
- Mr. Sypen would like to see the language stay at six months. If a member of council agrees to take the position on a temporary basis, they may not be willing or able to hold the office long term (2 years)
- Other commission members agree to keeping the six month language and holding a special election if need be. Ms. Spera agrees, stating that the people should have the right to vote for a new mayor if the need arises.

- Mr. Sypen asks what would happen if no one on council wants to accept the position. Discussion between Mr. Sypen, Mayor Procop, Ms. Spera and Mr. Maistros: If the council members all hold full time jobs, they may not be able to make a long term commitment to serve as mayor. Mr. Maistros states that other city charters have a provision in them that if a council member ends up sitting as mayor, it would temporarily be a part time position. Ms. Spera concerned over interpretation on “part time”. What are the parameters? Acting person must perform the duties of the mayor.

MOTION TO REQUEST FROM MR. MAISTROS THE FINAL LEGISLATION THAT WOULD BE VOTED UPON BY COUNCIL FOR COMMISSION TO REVIEW FOR ONE LAST VOTE

Moved by Mr. Sypen

Seconded by Ms. Spera

Upon roll call, motion passed unanimously 8-0.

Section 4.05 Powers of Mayor

- Mr. Sypen discusses inserting language that the Mayor shall serve as the Director of Public Safety for the city and he / she shall serve in this capacity until or unless they designate someone else.
- Paragraph 3 – No discussion

MOTION TO ACCEPT THE LANGUAGE AS PRESENTED AND REQUEST FROM MR. MAISTROS THE FINAL LEGISLATION THAT WOULD BE VOTED UPON BY COUNCIL FOR COMMISSION TO REVIEW FOR ONE LAST VOTE

Moved by Mr. Sypen

Seconded by Mr. Romito

Upon roll call, motion passed unanimously 8-0.

Section 7A01

- Mr. Maistros explains that the intent of 7A01 was that any change in the zoning of any piece of property needs to go on the ballot. (i.e., commercial / industrial / residential)
- The way it is currently written, “*Any* change in zoning classification”, has been subject to debate
- He has drafted a revision to read that changes in classifications or sub-classifications shall first, go to planning commission, shall second, go to Council and shall third, be approved by the majority of the city *and* the majority of the ward in question
- Mr. Maistros explains the differences in the zoning classifications and sub classifications. He explains that each classification further lists Permitted and Prohibited uses.
- Discussion between Mr. Sypen and Mr. Maistros regarding how these changes would or wouldn't affect current litigation. Mr. Maistros sent a copy of his proposed changes of Copy of 7A01 to Mrs. Gaydosh's legal council.
- Mr. Sypen recommends tabling this discussion for now.

MOTION TO REQUEST THE FINAL LEGISLATION ON 7A01 AS AMENDED BY MR. MAISTROS

Moved by Mr. Romito

Seconded by Ms. Monachino

Upon roll call, motion passed unanimously 8-0.

7.12 Department of Parks & Recreation

- Ms. Monachino presents her proposal on her proposed language changes to section 7.12
- Ms Spera and Mr. Sypen agree with Ms. Monachino that this section needs to be expanded.
- Ms Spera and Mr. Maistros discuss if all of the Boards and Commissions general provisions should be listed in the same place (Article 7), since several are addressed in other Articles / Sections. Some are left out of the Charter and are addressed in the City Code.
- Ms. Monachino will invite Derek Schroeder to a future meeting to discuss proposed language change.
- Clarification made that the Mayor appoints all Directors of the departments.

Section 12.04 Use of Electronic Notification

Mr. Maistros drafted a change in the General Provisions by adding Section 12.04 regarding the Electronic publication for advertising.

- Ms. Spera would like the phrase “and/or” be changed to just “and”
- Mr. Maistros explains that going all electronic would be result in a cost savings and would eliminate the timing issues of submitting items to the paper. We have more control over an electronic posting.
- Discussion on changing wording to “or” and removing “and”
- Mr. Sypen and Mr. Maistros discuss requirements of the Ohio Revised Code regarding locations of posting.
- Mr. Sypen suggests reviewing this and discussing at the next meeting.

AUDIENCE COMMENTS:

Ted Yates, Darien Lane Twinsburg OH

- Mr. Yates requests that the commission consider that there are many digital options available and more become available all the time. The city utilizes digital signs, blackboard messages, and other mediums to communicate with residents.

MISCELLANEOUS:

- Ms Spera will invite Ms. Mohr to a future meeting to discuss summer vacation schedule for council.
- Deadline to have the commission’s proposed changes complete is the end of May
- Ms. Spera asks if Mr. Maistros drafted a proposed change to the section regarding Competitive and non competitive Civil Service group. Mr. Maistros will present that at the next meeting.
- Per Mr. Romito’s request, Mayor Procop and Mr. Maistros will draft language on how Boards & Commissions Appointments should be determined. Commission will review the draft at the next meeting and determine a course of action.
- In regards to a previous meetings’ comment by Mr. Sengstock that questioned ballot language being changed (2009/ 2011) : Mr. Sypen explains that upon research on the Board of Elections website, the ballot language had not changed, and it was in fact, identical.
- Article VI, Section 6.01 Limitation on Rate of Taxation: Mayor Procop reads the official explanation from the Summit County Fiscal Office.

NEXT MEETING DATES: April 7, 2014 at 7:00 PM
April 21, 2014 at 7:00 PM

ADJOURNMENT:

Mr. Sypen makes a motion to Adjourn

Seconded by Mr. Martin

This meeting unanimously adjourned at 8:50 PM