

CITY OF TWINSBURG, OHIO
CHARTER REVIEW COMMISSION MINUTES
March 3, 2014

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

ABSENT: R. Sypen

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

Meeting Called to Order at 6:58 PM by D. Martin

MOTION: TO ACCEPT THE MINUTES

Moved by Mr. Martin

Seconded by *Male Voice*

Upon roll motion passed unanimously.

AUDIENCE PARTICIPATION:

Pete Metropulos, of 9044 Gettysburg Drive, Twinsburg, Ohio

- Mr. Metropulos passed out a memo regarding his thoughts on the Twinsburg City Charter, which includes:
 - Consider the Charter an enabling document
 - City is required to perform functions
 - Building Department personnel has gone up and down over the years
 - Addressing specific provisions in the Charter should be removed

Discussion:

- *Male Voice (19:02:34)* had a question for the Law Director regarding lines of succession. He indicated that some other Charters that he has reviewed have a Vice Mayor.
- Mr. Maistros responded by first introducing himself. He agreed with Mr. Metropulos with regard to cities get themselves into trouble when they try to take a Charter and they want to create a Charter because of one particular perceived issue. Mr. Maistros disagrees with Mr. Metropulos on the issue on the succession of Mayor. Our Charter reads the Vice Mayor is President of Council and would sit in that position in the absence of the Mayor. He further addressed both temporary and permanent absences of the position of Mayor. In the temporary absence of the Mayor, either the President or Vice President of the Council would

step in. He said the problem arises when Council members are not in a position to step-in since most members of Council are employed with full-time jobs. Believes the Charter language is vague.

- Mr. Maistros comments that the Charter that currently sits in front of each member this evening is, as amended through November 6, 2012. He says Walter Drain, our codifying agent, has not yet updated our Charter on our website and they have advised that they are currently updating it.

OLD BUSINESS:

- Mr. Martin said there is some discussion about the old business from the last meeting. He stated that Mr. Detweiler brought the limitation of rate of taxation and the Mayor was going to bring the definition to this meeting.
- Mayor Procop replied that she does have it, she left that in the office and she'll go back and get it later.
- Mr. Martin also stated that Mr. Maistros was going to discuss about possibly adding "and/or" or just "or" to the wording in the Charter for hard copies or on-line regarding Section 6.03 – Contracts and Purchasing. He also stated to Mr. Maistros there was a question on Section 7.03 – Department of Public Safety. There was some discussion about the language about the interpretation that the Mayor can select a different Director of Public Safety or that the Mayor is the Director of Public Safety.
- **Male Voice (19:18:05)** commented that no other Charters that he reviewed had specific language like ours with regards to Section 3.07 – Meetings of Council that said regular meetings would be scheduled like ours, the second and fourth Tuesday of each month/

Discussion between Mr. Maistros and Mayor Procop regarding Director of Public Safety.

- Mr. Maistros stated, after discussion with the Mayor, that we should clarify if we want to put in the powers of the Mayor that the Mayor shall be the Director of Public Safety unless otherwise designated.
- Mr. Romito brought up in Section 6.03 – Contracts and Purchasing, that a lot of times it'll say "...of at least two (2) weeks in a newspaper of general circulation within the City ..." and asked if that should be updated in the event that something ever happens to the Twinsburg Bulletin.
- Mr. Maistros agreed it is outdated and agreed with Ms. Spera that it should be updated to at least include "and/or" posted to websites.
- Mr. Martin said there was one other issue from last week, Section 7.05 – Civil Service Commission. He is looking for some clarification to Ms. Spera's question regarding competitive group and non-competitive group; that it should read the same in both the Charter and Civil Service Rules.
- Both Mayor Procop and Mr. Maistros advised it went to the ballot twice and did not pass.
- Discussion between **Female Voice (19:34:03)**, Mayor Procop and Mr. Maistros regarding the current language with the Boards and Commissions in Section 7. Mr. Maistros also indicated that Commissions is listed twice under Section 7.01 – General Provisions. Also discussed was specifically Parks and Recreation Board and changing the date of appointment of the teen representative.

Review of Section 7A.

Male Voice reads the following Articles/Sections:

Article VIIA – Changes to Zoning Classifications or Districts

Section 7A.01 – Procedure

- Mr. Maistros believes the language in this Section is poorly written and states clarity is needed especially with the requirements of what should and what should not go on the ballot. What is clear is the procedure of changing the rezoning and the permitted uses of a piece of property. To add a permitted use, it must go to the ballot. To prohibit certain uses that were currently permitted; that must go to the ballot. What is unclear is if you're going to make changes in a certain district that don't relate to the permitted uses or the prohibited uses and do not change the zoning. He would like clarity in the event somebody comes to us and says well does that go on the ballot, we should be able to look right to 7A and say without question, yes and without question, no.
- Further discussion from *Female Voice* asking if Mr. Maistros would put something together that provides more clarity in reviewing the language and how to interpret that language within the next 2 weeks? Mr. Maistros indicated that he would.

Section 7A.02 – Repeal of Conflicting Provisions. No questions or discussion at this time.

Section 7A.03 – Severability. No questions or discussion at this time.

Section 7A.04 – Publicly Owned Lands. No questions or discussion at this time.

Section 7A.05 – Zoning of Annexed Land. No questions or discussion at this time.

Article VIII – Nominations, Elections and Qualifications

Section 8.01 – Nominations

- *Male Voice (19:04:54)*, Mr. Maistros, *Female Voice* and Mayor Procop discussed the advantages and disadvantages of a primary election and the general election; i.e. the costs involved, the turnout of voters and the time frame of the primary.

Section 8.02 – Ballots. No questions or discussions at this time.

Section 8.03 – Elections. No questions or discussions at this time.

Section 8.04 – Qualifications. No questions or discussions at this time.

Article IX – Initiative, Referendum and Recall

Section 9.01 – Initiative. No questions or discussions at this time.

Section 9.02 – Referendum. No questions or discussions at this time.

Section 9.03 – Recall. No questions or discussions at this time.

Section 9.04 – Removal. No questions or discussions at this time.

Ms. Spera reads the following Articles/Sections:

Article X – Amendments to Charter

Section 10.01 – Methods and Procedure.

- **Male Voice** asked Mr. Maistros for clarification regarding the 3 ways to place something on the ballot.

Section 10.02 – Clerical and Non-substantive Rearrangements and Amendments for Reprinting of Charter. No questions or discussions at this time.

Article IX – Charter Review Commission

Section 11.01 – Charter Review Commission.

- **Male Voice** commented that further discussion should be needed regarding whether or not the Mayor should have some appointments to a Commission.

Article XII – General Provisions

Section 12.01 – Effective Date of Charter. No questions or discussions at this time.

Section 12.02 – Effect of Partial Invalidity. No questions or discussions at this time.

Section 12.03 – Effect of the Charter Upon Existing Laws and Rights. No questions or discussions at this time.

NEW BUSINESS:

- Mayor Procop discussed clarification of millage and the formula for millage.

AUDIENCE COMMENTS: No audience comments at this time.

MISCELLANEOUS:

- Since all Charter has been covered prior to the June deadline, it was suggested and discussed by several members, Mr. Maistros and Mayor Procop to meet March 10, 2014, then March 31, 2014 and then the first and third Monday of each month thereafter. All members, Mr. Maistros and Mayor Procop all agreed.
- It was asked that Shannon provide a copy of the Charter to Russ.
- Mr. Maistros confirmed that the Charter Review Commission does have a section of the City website and the Charter that was passed out this evening has been placed on the City website.

NEXT MEETING DATE: Monday, March 10, 2014 7PM

ADJOURNMENT:

Male Voice makes a motion to Adjourn at 7:40PM

Seconded by ???

This meeting unanimously adjourned at 7:40 PM