

CITY OF TWINSBURG, OHIO

CHARTER REVIEW COMMISSION MINUTES

February 24, 2014

ROLL CALL: D. Albright, K. Monachino, D. Romito, G. Spera, R. Syphen, D. Detweiler, T. Jones (arrived at 7:15pm)

ABSENT: J. Magnes, D. Martin

ALSO PRESENT: Gary Sorace, Council Member
Katherine Procop, Mayor

Meeting Called to Order at 7:05 PM by R. Syphen

AUDIENCE PARTICIPATION:

Loren Sengstock, of 2704 Arbor Glen Dr. Twinsburg, Ohio

- Mr. Sengstock distributes a document that proposes his suggestions for changes / additions to Section V11 of the Charter, including:
 - City of Twinsburg full or part time employees should not be eligible to appointment to Boards and Commissions. These positions should be held by residents to avoid conflicts of interest.
 - A new section (7.02) that mayor and finance director submit a proposed 5 year forecast / operating budget to council at end of each year.
 - Dept of Law (7.06) law director position should have more ties to city council & implement performance evaluation for law director
 - Penalties for non-performance of elected officials

Discussion regarding Mr. Sengstock's document:

- Mayor Procop and Mr. Syphen express concern over the broad meaning of the word "knowledge" in reference to the law director position. Position requires municipal law experience. Also noted that state law specifies \$50,000 contract abilities, not \$25,000.
- Ms Spera questions if there is something in place for council to override the mayor and remove the law director if they feel he / she is not performing. Currently, the law director position operates as other department head positions in that it is "at the pleasure of the mayor".
- Mr. Romito states concern over a law director having to report to two entities (mayor and council). Feels it should be one or the other.

Discussion between Ms. Spera and Mr. Syphen to add the review of last meetings' minutes after the Audience participation section of the agenda.

Sally Gaydosh of 9250 Liberty Rd, Twinsburg, Oh

- Tallmadge charter states that the law director is elected by the people
- City of Twinsburg spent 100 million dollars in violating the charter in past ten years
- Ballot language needs to be reviewed carefully
- There have been improperly advertised ballot issues in past years
- Will offer her advice and help over the next 4-5 months to this commission. Recommends that this commission obtain outside legal counsel to assist them

Discussion:

- Mayor Procop responds that the improperly advertised ballot issues were a clerical error on the part of the Twinsburg Bulletin. City followed proper procedures, and corrected the issue as soon as they were aware of it.
- Although the Charter Review Commission can make recommendations as to what goes to ballot, the final decision of what goes to the ballot comes from council.
- Discussion on the training of clerks of council and responsibility of administration to oversee clerks

Review of Minutes:

All highlighted sections of the past two meetings were addressed and corrected.

Mr. Sorace notes that Shannon emailed copies of the requested charters to all members and that he has hard copies of them as well.

MOTION: TO ACCEPT THE MINUTES AS AMENDED

Moved by Mr. Sypen

Seconded by Ms. Spera

Upon roll motion passed unanimously.

- Ms. Spera requests that Shannon email all members updated corrected copies of the minutes.
- Mr. Detweiler asks what the time frame for receiving minutes is. Mr. Sypen says it is subject to S. Collins' workload, but the commission is requesting that they receive minutes by Friday, since they will be meeting weekly.

OLD BUSINESS:

- Mr. Sypen states that he spoke to Dave Maistros earlier in week in regards to the clarification of the word journal. Mr. Maistros would define journals as a "recording of council actions at council meetings and legislation"
- Mayor Procop shows members the actual books that the city considers the "journal". The books date back to the 1950's and continue through the current date. These books show all of the requested items, including roll call, absent members, caucus, audience participation, comments, committee reports, awards, motions, and department head reports and detailed voting on ordinances, including dissenting votes. These books are available to anyone at any time to review. Mr. Sorace shows a document that summarizes every ordinance and resolution that Ms. Collins created (2012).
- Mr. Sengstock discusses the possibility of getting the journal and the above records into a digital / electronic format online.

- Mrs. Gaydosh, Mr. Romito, and Mr. Syphen discuss the legalities and the process of adapting the charter or making amendments and putting the changes on the ballot for election. Mrs. Gaydosh states that the commission and law director should work closely together to get the correct wording for the ballots.
- Mayor Procop says that the Board of Elections will sometimes change the wording on our ballots.
- Discussion between Mayor Procop, Mr. Syphen and Mr. Romito on following the agenda and verifying the meeting format in order to keep meetings on track. Mr. Detweiler proposes going section by section and allowing audience participation at the end, but relevant to current section only. Ms. Spera suggests amending the agendas to allow comments from the audience (limited to five minutes per speaker) at the end of each meeting that pertain to the sections that were covered.

MOTION TO INSERT ON THE AGENDA AS ITEM 5 AUDIENCE COMMENTS TO BE LIMITED TO NO MORE THAN FIVE MINUTES PER PARTICIPANT AND RELATIVE ONLY TO INFORMATION THAT WAS DISCUSSED DURING THAT EVENINGS MEETING

Moved by Ms. Spera

Seconded by Mr. Romito

Motion passed unanimously

Review of Assigned Charter Sections VI and Section VII, stopping at Section 7A01.

Mr. Syphen reads the following sections:

Section 6.01, Limitation of Rate of Taxation – Mayor Procop explains that a mill is a formula by which you figure out your property taxes. Mr. Detweiler asks for a clarification of what 7 mills means. Mayor Procop will bring a definition to the next meeting.

Section 6.02, Salaries & Bonds - no comments or discussion

Section 6.03, Contracts & Purchasing – Mayor Procop explains that state law changed last year. Anything under \$50,000 can be purchased without going to bid. Anything over \$50,000 needs to go to bid. Mr. Albright and Ms Spera questions if the wording should be changed to allow for posting bids in ways other than a newspaper, (online- Bid Bridge). Mr. Sorace says Mr. Maistros will discuss this next week. Possibly add an “and / or” statement to the wording in the charter for either hard copies or online.

Article VII Administrative Departments, Commissions and Boards

Section 7.01, General Provisions – Ms. Spera asks for discussion on Mr. Sengstocks document that pertains to this section on full and part time employees serving on boards. Mr. Detweiler and Mr. Romito comment that we may not want to exclude a qualified person just because of their employment with the City. City Council would ensure that employees with conflict of interest would not be placed on specific commissions. Mayor Procop reminded the commission that some ideas / recommendations may be incorporated into Codified Ordinances instead of being changed in the Charter.

Section 7.02, Department of Finance – Suggestion to give a copy of Mr. Sengstock’s document to Ms. Howse.

Section 7.03, Department of Public Safety – Ms. Spera asks for clarification that the Director of Public Safety is actually the mayor. Ms. Spera recommends that the Power of the Mayor Section 4.05a be changed to specify that the Mayor is the Director of Public Safety. Mr. Romito would like law director’s opinion on if the language is interpreted to mean that the Mayor can select a different Director of Public Safety, or that the Mayor is the Director of Public Safety.

Ms. Spera reads the following sections:

Section 7.04, Department of Public Works - Outside contract for trash pickup is managed by Public Works

Section 7.05, Civil Service Commission – Ms. Spera asks what the competitive group is. Non competitive group is specified, but competitive group does not list anything. Non competitive is the two classifications that are listed. Competitive is everyone else. Mr. Maistros will be asked to clarify.

Ms. Monachino reads the following sections:

Section 7.06, Department of Law – Mr. Romito would like the wording to remain “majority of council” vs. “5-2” vote.

Section 7.07, Planning Commission – no comments or discussion

Section 7.08, Powers - no comments or discussion

Section 7.09, Board of Zoning and Building Code Appeals – Mr. Romito would like to have discussion regarding the mayor appointing members vs. council appointing members. Twinsburg is the only city in Summit County that does not allow the mayor some appointments to this board. Would like to see a combination of both mayor and council having appointments. Ms. Spera questions how that would be done (adding a sixth member to the board that the mayor appoints, or splitting ward appointments between council and the mayor.) Discussion on possibly adding at-large members. Mr. Sorace explains that council uses consensus when appointing members, and that the mayor may be a part of the process.

Section 7.10, Powers & Duties - no comments or discussion

Section 7.11, Department of Community Planning & Development – no comments or discussion

Section 7.12, Department of Parks and Recreation – Ms. Monachino comments that charters from other cities are more detailed in department sections.

Ms Spera notes a lack of continuity in the language of the boards and commission section. Discussion on possibly having one general comment at the beginning of the Boards and Commission section. Mr. Albright notes that in the general provisions of section 7 there is statement about allowing public comments at all boards and commission meetings. Ms Spera will make notes on all sections that she feels are lacking language continuity and bring to a future meeting. Mr. Romito also feels that more details need to be added to certain sections.

NEW BUSINESS:

- Assign all of Section 7A and Section 8 for next meeting
- Mr. Sypen will not be at next meeting.
- Discussion on succession of the Mayor will be presented at a future meeting by Mr. Maistros.
- Mr. Romito asks if the Audience Comments will be heard, based on earlier motion to add that section to the agenda.

MOTION TO AMEND THIS AGENDA AND FUTURE AGENDAS TO ALLOW AUDIENCE COMMENTS TO BE LIMITED TO NO MORE THAN FIVE MINUTES PER PARTICIPANT AND RELATIVE ONLY TO INFORMATION THAT WAS DISCUSSED DURING THAT EVENINGS MEETING

Moved by Ms. Spera

Seconded by Mr. Romito

Motion passed unanimously

AUDIENCE COMMENTS:

Sally Gaydosh of 9250 Liberty Rd, Twinsburg, Oh

- Would like to clarify that the constitution states that Council shall submit to the electors all such proposed amendments to the Charter.
- Discussion between Mr. Romito and Ms Gaydosh regarding that all proposed recommendations go to ballot, and that council does not pick and choose
- Mr. Sypen discusses Section 10. Understanding that if the Commission recommends amendments to council it must go to ballot. Mayor Procop agrees.
- Sunshine laws require that any commission or committee appointed by council must have an agenda, minutes and time and place must be publicized to the public. (Twinsburg Charter also require public participation)

MISCELLANEOUS:

- Ms. Spera asks how the Charter Review Commission meetings are publicized. It is confirmed that they are listed on the City calendar that is on the website, posted on the outside boards, and Mr. Sorace announces them at Council meetings.

NEXT MEETING DATE: Monday, March 3, 2014 7PM

ADJOURNMENT:

Mr. Sypen makes a motion to Adjourn at 9:30PM

Seconded by Mr. Detweiler

This meeting unanimously adjourned at 9:30 PM