

CITY OF TWINSBURG, OHIO
CHARTER REVIEW COMMISSION MINUTES
February 10, 2014

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

ABSENT: D. Detweiler

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

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

AUDIENCE PARTICIPATION:

Sally Gaydosh of 9250 Liberty Rd, Twinsburg, Oh

- Mrs. Gaydosh asked the commission to explain the format for audience participation, expressing concern that the audience be able to interact and respond to sections as they are read by the commission. Mr. Sypen assured her that would be the case.
- Mrs. Gaydosh stated that although this is the first time she has been turned down for appointment to the Charter Review commission, she plans to actively participate at all meetings. She has the first initiative petition for the charter and asks that the commission be cautious when reviewing Section 7A01. Mrs. Gaydosh stated that this section insures that voters have a right to vote on land issues, and she has gone to court on behalf of the residents nine times due to city violations of Section 7A01. The court has ruled in favor of the residents 4 times to date. Mrs. Gaydosh would like to see the commission enact some sort of penalty action when the city is found to have violated Section 7A01, so that the right of the people to vote is not repeatedly violated. Mrs. Gaydosh states that she has spent \$60,000-\$70,000 to date on lawsuits regarding government abuse of power against the city in order to protect citizens' rights.
- Mr. Sypen responded that when the Charter Oversight Committee was created, it was created to point things out, and that it was not given any power. Mr. Sypen stated that Section 7A01 would be addressed and focused on at a future meeting.
- Mrs. Gaydosh asked the Commission if they had the black books that were purchased in 2009 that discussed the definition of charters. Discussion to check with Shannon Collins to determine the whereabouts of the books.

- Male Speaker said he would like to request charters from area cities (Solon, Macedonia & Stow)
- Mr. Syphen asked Mr. Sorace if they could request the charters from the above mentioned cities from Shannon. There was some discussion on requesting charters from other cities to use as a point of reference.

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

- Mr. Sengstock stated that he will be videotaping all Charter Review Sessions, with the intent to put them online for residents to view and be informed. The videos will be on the website “Active Citizens for Twinsburg, of which he is a trustee for, and Mrs. Gaydosh is a Statutory Agent for.
- Mr. Sengstock thanked the Commission members for serving. He would like to see things move towards the transparency of government.

OLD BUSINESS:

MOTION: READ THE ASSIGNED SECTIONS ALOUD AT THE MEETINGS AND DISCUSS THEM.

Moved by R. Syphen

Upon roll call motion passed unanimously.

Mr. Romito stated to Mr. Syphen that there should be discussion before a vote. Mr. Syphen agreed.

Review of Assigned Charter Sections

Mr. Syphen read the following:

Preamble, Article I, Name & Boundaries - No questions or discussion at this time.

Article II Section 2.01, Forms of Government - No questions or discussion at this time.

Article II Section 2.02, Powers – No questions or discussion at this time.

Article III, Section 3.01, The Council –

- Question was asked as to why it discussed two year terms. It was decided that in 1977 it was started that way in an effort to stagger elections. Discussion to keep the wording in the charter as a point of reference. Note was made to review the language.

Article III, Section 3.02 Wards, Districting Commissions – Comment made that redistricting commission are starting now.

Ms. Spera asks Mr. Sorace for clarification regarding “failure to enact ordinances” for 180 days (6 months). Clarification made that this pertained to redistricting only.

Article III Section 3.03, Council Qualifications – No questions or discussion at this time.

Mr. Magnes to take over reading of the following Sections:

Article III Section 3.04, Election of President of Council – No questions or discussions at this time.

Article III Section 3.05 Removal – No questions or discussions at this time.

Article III Section 3.06 Vacancies – No questions or discussions at this time.

Article III Section 3.07 Meetings of Council –

- Mr. Romito brought up discussion regarding the wording of Council meetings. Charter currently states that meetings be held on the second and fourth Tuesday of the month. Would like to open for discussion that wording be changed. Instead of locking into Tuesday and Thursdays always, that the meeting days of the week are left to the discretion of Council and Mayor each year. Would like to propose that Council & Mayor determine in December what the meeting days of the week for the upcoming year will be. It was noted that depending on individuals’ occupations, a different day of the week may work better. There was discussion by Mr. Syphen, Mr. Romito and Mr. Sorace. A note was made by Mr. Syphen to review at a later time.
- Mr. Syphen asked that people making comments please state their name so that Shannon Collins, who types the minutes, can identify speakers.
- Mrs. Gaydosh stated that council made decision on meeting days in 1990 and it was amended in 2001. *NOTE: Microphone is not clearly picking up comments.*

Section B, Special Meetings –

- Mr. Romito comments that in today’s age of technology most members would prefer important information be emailed or electronically sent to them, versus having it left at their residence. It was also noted that language of “his” should be changed to his / hers, and that the last Charter Review had attempted to make changes regarding his/her language.

- Mayor Procop stated that she would like Charter Review to look at this language. While hard copies are viable option, adding language “and/or” for receiving items electronically would be preferable to most council members.
- Mr. Sengstock would recommend to commission to find out the statistics on the public’s method of receiving public notifications. He stated that not all residents have internet or even phone and that news print publishings are the way some residents receive city information. Mr. Sengstock advises the Commission to use caution when making these language changes, so as not to cut out any of the public from communication.

Article III Section 3.08 Quorum – No questions or discussions at this time.

Article III Section 3.09 Rules and Journal of Council – No questions or discussions at this time.

B. Clerk of Council

- Mr. Sengstock states that in regards to the Journal of Council, he has not been able to find an actual hard copy of the “Journal of Council”. He does not believe that the city utilizes such a journal and that trying to piece together information from minutes and legislation is a difficult process.
- Mr. Syphen states that he took the Charters wording of “journal” to mean “minutes”.
- Mayor Procop clarified that in the historical background that there are volumes of agendas, minutes and legislation all filed chronologically.
- Ms. Monachino asks Mr. Syphen if it would help if there was a working definition of what “journal” means in the Charter. Mr. Syphen agreed and made a note of it.
- Mrs. Gaydosh addresses Mr. Sengstock that there had been a place on the website where ordinances, actions and votes of each council person were accessible online. She states that this was eliminated on the website at some point. There is discussion that minutes only reflect if an item passes (for example “6-1”), and that there is no record showing how each council member voted.
- Mayor Procop stated that she came on Council in 1991 and it has not been listed that way since at least that time. *There is discussion that is unclear on the recording between Mrs. Gaydosh and Mayor Procop, along with other members having side conversations Suggestion was made to table discussion until such time as the Law Director could be involved.*

Article III Section 3.10, Ordinances and Resolutions – No questions or discussions at this time.

Article III Section 3.11 Powers - No questions or discussions at this time.

Article III Section 3.12 Non-Eligibility to Hold Office - No questions or discussions at this time.

Discussion by several unidentified members as to whether The Law Director needs to clarify Section 3.09 language. Discussion as to if “journal” is another word for “minutes” and if “nays” and “yays” of each council member should be specifically recorded and published for the public.

- Mr. Sengstock states that the Charter is actual laws and if laws are to be changed, citizens need to vote on changes. Charter and other items need to be on a “cloud” type device so that residents can access all records and that requests for public records be eliminated saving clerk of council time and residents’ money.
- Additional side discussion between various members as to language of “minutes” vs. “journal”

Mr. Martin to read the following:

Article IV Section 4.01, Election of Mayor –

- Mr. Romito has question regarding the primary. He will wait to discuss it until they get to Section 8.

Article IV Section 4.02, Tenure and Qualifications for Office - No questions or discussions at this time.

Article IV Section 4.03, Removal - No questions or discussions at this time.

Article IV Section 4.04 Vacancy of Office of Mayor –

- Mr. Romito would like to have discussion as to the number of lines of succession.
- Mayor Procop also expressed the need for discussion and clarification on this section, especially regarding the possibility that if the council president needed to take over mayoral duties, the remaining members of councils’ vote for a new mayor could result in a tie. *There is discussion from unidentified speakers that cannot be heard or picked up on the microphone.*

IV Section 4.05 Powers of the Mayor -

- Mr. Romito asks the Mayor if ten days was sufficient time to sign and return ordinances and resolutions. Mayor stated that the ten day time frame has never been an issue.
- Mrs. Gaydosh states that this section of the Charter was amended in 2001.
- Mr. Sengstock asks Mr. Syden to possibly look into the pros and cons of City Manager vs. Strong Mayor forms of government. Also suggested looking into imposing term limitations for the mayor. Mr. Romito states that in the City Manager form of government the City Manager is selected by council, which is a small number of individuals, but the Strong Mayor form of government is selected by the residents.
- Mrs. Gaydosh states that in the 70's there was a City Manager form of government and that when it was switched to a Strong Mayor form it was contested in court.
- Mayor Procop responds that it is her understanding upon speaking with past City Managers that that particular form of government was unstable and that in one year there was two or three different City Managers. It was left to the will of council to change City Managers at will.

Ms. Spera reads the following:

Article V City Manager – No questions or discussions at this time.

- Mr. Sorace had a comment regarding 3.07 in reference to the timing of the summer month long break for council. Requested that the timing possibly be changed to the entire month of July, instead of last half of July and first half of August. (From last meeting in June until first meeting in August)
- Ms. Spera noted possible discrepancies between 3.07 and 3.11 regarding the time and place of council meetings, not the day of the week.

Mr. Syden recaps the meeting with the following comments:

- Request from S. Collins – the black Charter Book
- Request from S. Collins – copies of Charters from Solon, Macedonia & Stow
- Need clarification of Law Director to define the word Journal (does it mean Minutes?)
- Discussion on voting records appearing on legislation
- Discussion on Mayor's succession
- Female Speaker asks that if Black Book is at City Hall can members pick up prior to next meeting.

NEW BUSINESS:

Review of Sections VI and Section VII, stopping at Section 7AO1

Review of Section 7AO1 will likely have its own separate meeting date

MISCELLANEOUS: No Items

NEXT MEETING DATE: Monday, February 24, 2014 7:00PM

ADJOURNMENT:

Mr. Sypen makes a motion to Adjourn at 8:31PM

(Side discussions on meeting dates and members availability for next meeting)

This meeting unanimously adjourned at 8:35 PM