

CITY OF CHARDON CHARTER REVIEW COMMITTEE MEETING

Meeting Minutes

April 3, 2018

Charter Review Committee Members present:

Debbie Chuha, Councilman
Chris Dussing
Heather Huff
Bob Landies
Todd Lester
Nancy McArthur, Chairman
Victoria Nicholas

Tom Nolfi
Ramona Saikaly
Hannah Sekas, Vice Chairman
Mary Jo Stark
Karen Sweet

Members Absent:

Also Present:

Jim Gillette, Law Director
Dave Lelko, Councilman
Mike McArthur

Rebecca Repasky, Secretary
Jeff Smock, Mayor

Mrs. McArthur called the meeting to order at 6:30 p.m. The Pledge of Allegiance was said. Roll was called.

Mrs. Nicholas made a motion to accept the March 26, 2018 minutes. It was seconded by Mrs. Chuha. The vote carried 11-0.

REVIEW OF ARTICLES I-III

Article 1.01

Mrs. McArthur asked if the word ‘Village’ has to be kept. Mr. Gillette suggested keeping it because if the city falls under 5,000 residents, it can return to a village.

Articles 2.01 and 2.02

Mrs. Nicholas suggested, through a previous email for this meeting’s discussion, the need for the two different names for President of Council and Mayor.

Mr. Lester said he would like to see the City Manager’s position and position of Mayor as one, because it appears as a dual function. Mrs. Nicholas said that cannot be done. Mrs. McArthur explained the two positions are separate functions and the Council-Manager form of government was adopted. Mrs. Sweet explained the Mayor is a member of Council with ceremonial responsibilities; and the City Manager runs the city. Mr. Dussing explained that electing a Mayor to run the government allows for the chance the person is not quite qualified to run a government. Mr. Landies agreed that a professional is needed for the City Manager’s position. Mrs. Stark agreed and said someone trained needs to be in that position. Mr. Lester said that is a position that is not voted on and there is no say in that person being hired. Mr. Dussing said the Mayor is voted on by Members of Council. Mrs. McArthur explained the City Manager reports to Council and a super majority of Council either votes to hire or fire the City Manager.

Mr. Dussing asked how many employees work for the city. Mr. Smock said approximately seventy (70) full-time employees. Mr. Dussing asked how many elected councilman. Mr. Gillette said seven (7). Mr. Dussing said there is only seven (7) elected officials working for the residents but the city employees are not voted in.

Mrs. Nicholas said the charter makes it confusing where the Mayor is referred to as President of Council, and is referred to President of Council throughout the document. She said it should be on or the other. Mr. Gillette

explained when the city was a village, it was a statutory village, and a statutory village elects a Mayor and that person is the president of the legislative authority; and the Mayor has no vote except in a tie vote. He explained when the village became a city, this was kept and said the Mayor has more responsibilities such as declaring an emergency, can marry individuals or receive a service of lawsuit. Mrs. McArthur suggested reviewing other city charters that have different positions such as this.

Mrs. Sweet suggested removing the position of Mayor, and just having the position of President of Council to lessen confusion. Mr. Nolfi said this topic came up ten (10) years ago. He explained the Manager is equivalent to a chief operator official and the Mayor would be equivalent to the board of directors. He said Council sets the strategy, and the Manager makes it run. Mrs. McArthur said a Manager is a consistent job, while a Mayor is voted in every two (2) years and can change often.

Mrs. Sweet asked if there would be a cost savings for removing the position of Mayor. Mr. Gillette said no because the extra money would go to the President of Council. Mr. Dussing asked what other responsibilities the President of Council would miss out on. Mr. Gillette said he is unsure. Mrs. McArthur said the Committee has time to think about it before making a decision.

Article 3.01

Mrs. Saikaly asked why the year 1979 is used. Mr. Gillette explained that is when the charter was enacted and the way it is written, the charter would not have to be updated every five (5) years as new Council members are elected; he suggested not to change it.

Mrs. McArthur shared that more commonly found in cities, Council members can be elected by wards instead of at large. Mrs. Stark said she likes that Council is elected at large because it allows residents to approach who they are comfortable with. Mr. Dussing agreed. Mrs. McArthur explained an at large option can still be had, just with even representation.

Article 3.02 – no changes.

Article 3.03

Mrs. McArthur explained the President of Council is elected every two (2) years at the re-organizational meeting. Mr. Gillette explained a President of Council is voted on every two (2) years as new Council members are voted in.

Discussion was held on when the re-organizational should be held. Mr. Lelko explained it was decided for the first regular Council meeting in January; with the understanding if a special council meeting needed to be held sooner it could be and members would be sworn in beforehand. Mr. Gillette said a re-organizational meeting could be held in December, following the election, to swear in members for the start of the January term.

Article 3.04 – no changes. Mrs. Chuha said the grammar errors will need to be fixed throughout the document.

Article 3.05

Mrs. McArthur asked what it means by the Clerk of Council shall not be a member of Council, but may hold any other office in the Municipality compatible with the office. Mr. Gillette explained at one time, the Finance Director was the Clerk of Council; he said it is under the Ohio Revised Code for flexibility purposes so the Clerk may also work for the City to eliminate two (2) separate people for two (2) separate jobs. Mrs. Saikaly asked if it was a full-time job. Mr. Smock said yes; she works for Council and works for the City Manager.

Article 3.06

Mrs. McArthur explained this section comes from the Ohio Revised Code.

Mrs. Saikaly questioned Part G. Mr. Gillette said that is not permitted and suggested the Committee make a recommendation to remove “*to regulate the subdivision and platting of land outside of the boundaries of the*

Municipality as provided by general law;”. Mrs. McArthur said all proposed changes will go into the newsletter to educate the residents as to the reasoning of the suggestion. Mr. Lester said it must be written so that people understand the legal language. Mrs. Sekas said past newsletters on proposed charter amendments are good examples of how it will look.

Article 3.07 – no changes.

Article 3.08 – no changes.

Article 3.09

Mr. Gillette explained the second paragraph is unique to Chardon regarding zoning.

Mrs. McArthur asked if the 11,000 square feet should be deleted or clarified except in the case of PRD’s as recommended by Planning Commission and approved by Council. Mr. Gillette said no because it prevents high density.

Article 3.10 – no changes.

Article 3.11

Mrs. Stark noted residency is not mentioned for elections. Mr. Gillette said it is in the Ohio Revised Code. Mrs. McArthur said one needs to be registered and in a precinct.

Mrs. Stark asked if a person could move out of the City after they are voted in. Mrs. McArthur said the Charter does not say the person cannot move out. Mrs. Chuha said she thinks a person has to have voted four (4) previous years to be eligible. Mrs. McArthur said it may be only two (2) years. Mrs. McArthur said it can be suggested for the Charter; a number of years of residency requirement prior to running for Council. Mrs. Nicholas and Mrs. Sweet agreed. Mr. Gillette pointed out in Article 9.02 of the Charter is the residency requirements. Mr. Gillette said he is unsure how a person can be on the ballot if they are not a qualified electorate in the City. Mrs. Nicholas pointed out someone could be from the Township. Mrs. McArthur said she will get clarification on the issue.

Mr. Gillette explained the Charter provides additional compensation but it goes into effect for the next elected Council. Mrs. Sweet said she would like to see the salaries included in the Charter. Mr. Gillette explained salaries change periodically and may need to be changed in the Ordinance. Mrs. Sweet asked how much Council is bonded for. Mr. Smock said not a lot, but the Finance Director is. Mr. Gillette said the bond coverage is for liability coverage. Mrs. Nicholas asked if salaries are voted on. Mr. Smock said Council votes on the salaries. Mrs. Sweet asked for a criteria used in determining salary. Mrs. McArthur said she will look into how other cities lay out the criteria.

Mrs. Sekas recommended having the Civil Service Commission review compensation every two (2) to four (4) years and then make a recommendation to Council. Mr. Gillette said once a recommendation to Council has been made, then Council can change the Ordinance. Mrs. Sweet said she would like this topic addressed.

Mrs. Sweet asked if Council members get Ohio P.E.R.S credit. Mr. Smock said it is a small amount, but is unsure what the credit is. Mrs. Sweet said the benefits of the Council position should be listed.

Article 3.12

Mrs. McArthur clarified that if Council cannot make a decision on a vacancy replacement, the President of Council makes the decision. Mr. Gillette said yes.

Mr. Dussing asked if the President of Council has a defined time limit; he asked if the President of Council might potentially leave that seat open. Mr. Gillette said the word ‘shall’ makes it mandatory for the President of

Council to fill the vacancy. Mrs. Nicholas suggested adding language to include a limit of five (5) days for the President of Council to make a decision. The Committee agreed.

Article 3.13 – no changes.

Article 3.14

Mr. Lelko asked who determines ‘justifiable excuses’. Mr. Gillette said Council.

Article 3.15 – no changes.

ANY OTHER BUSINESS

Mrs. Sekas encouraged the Committee to review past newsletters that show how the proposed amendments will be proposed to the residents. Mrs. McArthur said it will be important to educate the residents.

Mrs. Sweet asked for future Article suggestions to be forwarded to the group by email ahead of the meeting.

ADJOURN

Mrs. Sekas made the motion to adjourn. Mr. Lester seconded it. The meeting was adjourned at 8:03 P.M.

Respectfully Submitted:

NANCY MCARTHUR, CHAIRMAN

Rebecca Repasky, Secretary