

MINUTES
CHARTER REVIEW COMMISSION
MONDAY, FEBRUARY 22, 2021
7:00 P.M. – Tallmadge Municipal Building
46 North Avenue, Tallmadge, OH

1. **CALL TO ORDER:**
Chairperson Raber: It is now 7:01 p.m. and I would like to call to order the February 8th meeting of the Charter Review Commission meeting. We are virtual due to State of Emergency and as permitted by House Bill 197 and extended by House Bill 404; we are holding this via live stream and it will be a teleconference and so Mrs. Burton, if you could please call the roll for us this evening.
2. **ROLL CALL:** Steve Clark, Helen Fire, Bob Higham, Katie Lindhe, Megan Raber, Ted Roy, Kimberly Sabetta, Randy Sarvis, Meghan Thompson, Mary Tricaso – all present. Serif Krkic was excused because they just had their baby today.
3. **APPROVAL OF 2-8-21 MINUTES:** Megan Thompson moved to approve the minutes. Seconded Mary Tricaso. Voice vote 10-0.
Dir. of Law: I'm sorry, I forgot that we had indicated that we would do this by roll call so it would be easier for Sue every time. Sue, if you just want to go ahead and do a quick roll call for the minutes please. Roll Call: Helen Fire, Robert Higham, Katie Lindhe, Megan Raber, Ted Roy, Kim Sabetta, Randy Sarvis, Megan Thompson, Mary Tricaso, Steve Clark – unanimous. **The 2-8-21 Charter Review Minutes have been approved by a vote of 10-0.**
4. **AGENDA ADDITIONS:**
Chairperson Raber: We have none this evening.
5. **PUBLIC INPUT:**
Chairperson Raber: So, just to make it sure and everyone is understanding how the public input would go; this time for public input is for general public input and then public input is also invited at the beginning of each Article section. We would entertain the input and then we would go into committee to discuss after the input is given, so just so everyone understands the flow for this meeting. I believe we only had one person who submitted registration for tonight's meeting and that is Dennis Loughry. We invite the public to participate in every meeting; they can register online, or they can register with the Clerk of Council and they do need to have that submitted by 3:00 p.m. so that we can send the appropriate link so they can participate via writing; they can submit written they can submit written comment as well. That also needs to be received by 3:00 p.m. on the day of the meeting. So, at this time, I will ask Mr. Loughry if you have any general input for this evening?
Mr. Loughry: Thank you. First off, thank you all for serving on what I think is one of the most important things that we do in our City. We only do it every 10 years and it guides us for the next 10 years and so thank you very much.

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Mr. Loughry (Cont'd.) Just to be really brief this evening, I am speaking . . . I know I am a Councilperson, but I am just speaking to you as a resident; one of 18,000 that have the opportunity to participate in this and thank you for letting us do that, but there has been some that have reached out and have said, Dennis, thank you very much and I appreciate what you are doing and there have been some that have reached out to others and said, Dennis is a pain in the tail and I wish he would shut up and there is something in the middle there. So, I am good with that. You know I have been involved in our community for a long time and I know how that can go. The one comment though that did resign ate with me was that some heard what I had said last time different from what I read and so I did go back and reread those comments because they were prepared and I stand by those and if I offended somebody; I'm sorry, but maybe we just disagree on things and again, they were just my opinions as a resident. They are either true or they won't be true or whatever, just opinions.

The other comment that resigned and made me think was that I was trying to dictate what gets discussed by your commission and that is not true. What I do want to do is to provide as much information as I think if I were sitting in your seat, which my wife had the opportunity of doing two different times, that would help me help you decide on whether or not you wanted to discuss something or not and so for instance, all I am trying to hopefully get from this Charter Review is if, by looking at the Charter and making some changes in the Charter, if the recommendation you would make to City Council and I will support those no matter what they are; I believe in always going on the ballot and I always believe in supporting the outcome. All I would want to see as a result of this I would like to see our employee base become more diverse. Just so you know, this is my fourth Charter Review; this is Mayor Kline's fourth; and this is Mayor Grimm's fourth. We are dinosaurs. So, this is 30 years for me of looking at how our City operates under our Charter and so just very briefly, we have roughly 145; roughly 145 full-time employees and about 80 of those are Civil Service employees; 41 of those made over \$80,000 last year. Three or four or five of those are female and we have no minorities that have a full-time job in the City. That is over a period of 30 years and for the most part that hasn't changed in terms of who is making the money and whether or not minorities are participating. Now, obviously the incomes have gone up over 30 years and that makes sense. So, I would like to see if there is anything in the Charter that could be addressed that would enable us to have or make our employees more diverse. That is one.

The other is I believe that to have great representation in a City that you have to have competitive races and you need to do things that would encourage civic involvement and for people to get involved in this process. It gets harder and harder especially now with I think . . . social media hurts and discourages people from wanting to get involved and so if there is something in the Charter that you could look at and you choose to discuss and you think that would help our political process then I would be obviously thrilled if you did that.

Next would be, and this is the last thing, it would be balanced representation on our Boards and Commissions. Again, if you believe part of what I said last week,

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Mr. Loughry (Cont'd.) most of the new residents that are moving into our City are those with young families and so there are more young people moving in than people my age or older. That being said, I think it is healthy to find ways to get them involved in our community. And again, they can do that through the School District; they can do that through church; they can do that through youth groups and sports, but they also possibly could do that with us in the City and so when I look at our Boards and Commissions and again, I know this is on the next meeting's agenda, I'm not sure if we have more than one person under the age of 50 years old serving on a Board. Now, I could be wrong; there could be a couple and I know that we don't have any minorities serving and so that is my point . . . all my point is is if anywhere in the Charter, if you think, or if you agree that my goals might be similar to what your goals are that if something could be discussed in the Charter that maybe could address that then discuss it. That would just be my preference, but again, that is totally up to you all to decide what you are going to discuss and what you are not going to discuss; what you are going to recommend, and I wanted to tell you that whatever those are, I will support them when they do come to me as a Councilman and so that's all for right now. Thank you.

Chairperson Raber: OK, thank you very much. We have you submitted to speak

on Article 5, Article 7, 8, 9 & 16 this evening? Is that correct?

Mr. Loughry: I did, but I would also, after having a conversation; both your response to something earlier, Megan, I think it is 16 and then having a conversation with the Mayor, I would like to also just like to say something on 9.01, 02, and 03.

Chairperson Raber: Alright, so I have you for . . . we are doing this by Article, so Article 5, Article 7, Article 8, Article 9 and 16?

Mr. Loughry: Correct; and 8.

Chairperson Raber: So basically, everything that is remaining on the agenda?

Mr. Loughry: Yes, but I will not make your meeting longer.

Mayor: It is not about being long; it is about being correct and about giving the input, so I appreciate that; thanks.

Chairperson Raber: We are going to go into old business right now and so thank you for your input Mr. Loughry. We were going to discuss now old business. So, we are going to go to the changes that were discussed last meeting. Section 3.04A we will start with. I had distributed to the members the draft of the changes so this is just the language that we discussed about removing the temporary absence language from the section. Was there any comment, suggestion, or feedback with regard to this? So, keep in mind that the change in the content is demonstrated here, but what will appear on the ballot is farther along in your information there. The language that appears on the ballot is going to be like a narrative format; like this and that gets submitted to the Board of Elections and is reviewed by the Secretary of State and so the language

may be slightly modified by the time it is seen by the electorate, so this is just draft ballot language. So, we kind of summarized that from 3.04A and then 4.06 is similar content with the deletion of the temporary absence from the City as it applies to the President of Council and so those would actually be combined, and I am basing that on previous Charter

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Chairperson Raber (Cont'd.) submissions to the electorate that the similar content would be submitted in this type of manner and so. Does anybody have any questions or concerns with the change to 3.04 or 4.06? **I will entertain a motion to approve the draft . . . the language for Section 3.04A.** Does someone want to make the motion?

Meghan Thompson: I move to do that for Section 3.04A. Seconded Kim Sabetta. Roll Call: Robert Higham, Katie Lindhe, Megan Raber, Ted Roy, Kim Sabetta, Randy Sarvis, Meghan Thompson, Mary Tricaso, Steve Clark, Helen Fire – unanimous.

Chairperson Raber: The motion has been **approved by a vote of 10-0.**

Next up is Section 3.04B and this is inserting the language that is similar to that found under the Council Vacancy for a person that does not have a party affiliation. Did anyone have any questions with regard to this, comments, suggested revisions. Mayor Kline, if you want to scroll. So, this is the language that is seen in the narrative form and then if we scroll back up then we can see it in the format that it would be to insert that. **I would entertain a motion then to approve Section 3.04B as drafted.**

Mary Tricaso: I make the motion. Seconded Katie Lindhe. Roll Call: Katie Lindhe, Megan Raber, Ted Roy, Kim Sabetta, Randy Sarvis, Meghan Thompson, Mary Tricaso, Steve Clark, Helen Fire, Robert Higham – unanimous.

Chairperson Raber: Alright. Thank you. **The motion has been approved by a vote of 10-0.**

Chairperson Raber: Next is Section 4.06 and again this is piggybacking on 3.04A and deleting the same language about temporary absence. Can I have a motion to approve the draft language?

Helen Fire: I make the motion. Seconded Randy Sarvis.

Chairperson Raber: Do we have any further discussion? No one responded. Roll Call: Megan Raber, Ted Roy, Kim Sabetta, Randy Sarvis, Meghan Thompson, Mary Tricaso, Steve Clark, Helen Fire, Robert Higham, Katie Lindhe – unanimous.

Chairperson Raber: **The motion has been approved by a vote of 10-0.**

Next this evening we have Article 5. and I will begin by inviting public input from Mr. Loughry who is the only registered person this evening.

Mr. Loughry: On Article 5. again, I would only suggest that maybe we would change the stagger for the Dir. of Finance to run with the At-Large so that if at any time the Finance Director would want to run for Mayor; they would run safe. Then I would recommend that we change the non-partisan language to be the same as we did for the Mayor and Council on filling a vacancy. That is all I had.

Chairperson Raber: Thank you. Are there any questions for Mr. Loughry? No one responded. Thank you Mr. Loughry for your input.

We will go back into discussion of the commission. We have also invited the Dir. of Finance this evening; Mrs. Gilbride; did you have anything that you wanted to add?

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Dir. of Finance: No, I don't have any issues with anything that is currently in the sections and so I am happy with it the way it is, but I'm here if anybody has any questions about any of it, or suggestions for changes.

Mayor: The only question I have for the Commission is that 1) running from a safe seat; I take exception to that. If somebody wants to run for a position; you should be willing to run for it and not really be willing to run it from a safe seat. If you really want to run to be the Mayor; so be it. But I do believe that for the continuity of the City which that wasn't the issue; it was just being able to run from a safe seat. You know the Mayor; the qualifications for the Mayor is a whole lot different than Finance and Law Director. There is no way that the Law Director; I'm not a lawyer, the Mayor's position does not require him to be a lawyer so therefore, if the Law Director would like to run for Mayor, actually it is a degrading of her ability and her license and that and the same with the Finance Director. Mrs. Gilbride has to have all kinds of financial background and the Mayor just has to live in Tallmadge for one year prior to the election be 18 years old and so I guess it would be OK for Mollie to run for it. I don't know if it would be less stressful or anything, but I do believe that if they want to run from a safe seat to be Mayor then just run for it. So, that is just an opinion I have on that.

Being staggered; so how would you . . . if you were to do that, so the next election the Finance Director and the Law Director would have a 6-year term instead of a 4-year term. Would the Mayor go down to a 2-year term and let the Finance Director and Law Director stay at a 4-year term? So, logistics would change everything. It is just not simple. It has been working great. We do have a good working relationship between the departments, buy the checks and balances are that they are separately elected, and I think that is a good thing.

Chairperson Raber: Does anyone else have any comments on the section?

Meghan Thompson: I was going to ask what Dave thought but he already answered my question.

Mayor: So, Meghan you said you had a question?

Chairperson Raber: Sorry, I get confused with the two Megan's on here.

Meghan Thompson: No, Dave, I was just going to ask your opinion, especially on the staggering. So, you already answered that question.

Mayor: Yes, how do you stagger and when do you stagger it and the Charter amendment could make it that the next Finance and Law Director would have a 6-year term for one time and then the Mayor would go to a 4-year and then stay at the 4-year and then it would be offset. Or if given the Mayor a 2-year term next time and I would gladly run for 2 years and then retire after that. And I know we are on the record, but . . . and then it could be 4 years from that point going forward.

Chairperson Raber: So, I think one of the considerations is just the balance of the amount of elected officials. I am assuming that when the Charter was initially adopted there was probably some thought that went into having the three At-Large races staggered so that there are three At-Large and then there are 3 Citywide races and so there are 3 Citywide and 3 Citywide two years apart so that those are staggered. The Ward run at the same time as the Mayor, Finance and Law. So those are localized to the Wards and so they would have to run at some point with

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Chairperson Raber (Cont'd.) somebody and so I guess changing that so that the Finance and Law would run at the same time as At-Large would create a situation where you would have 5 of the Citywide representatives up for election at the same time and so I think there is some . . . I mean I am guessing that is why the balance happened before when they originally did it where there is 3 and 3. But that is just my personal opinion.

Mary Tricaso: My opinion is that if it has worked that way very well and I don't think it should be changed so that people can run from a safe seat. I agree that if they are going to run; they are going to run.

Chairperson Raber: Does anyone else have any comments or thoughts with regards to this?

Steve Clark: I share Mary Tricaso's thoughts as well. I feel like it is working fine as it is and I don't necessarily think it needs to be a safe seat as well and so I would suggest that we not make a change to that part of the rules if you will.

Chairperson Raber: Anyone else want an opportunity to speak with regard to this from the commission.

Helen Fire: I'm not feeling that there is a need for a change.

Chairperson Raber: One more opportunity; does anyone want to make a comment at this point? No one responded. Are there any changes at all that anyone has on this section before we move on?

Dir. of Finance: Megan, did you want to continue the language regarding the vacancies?

Chairperson Raber: The vacancies. Yes, so I would like to get a consensus or a feel if everyone is in agreement for adding that type of similar language that was added to the Mayor's position to this position for Finance because there is really not a mechanism for someone who is not affiliated with a party. So, I would, like we did this last meeting, I would take the language and actually present an amendment to be voted on at the next meeting if that is agreeable.

Robert Higham: Megan, I think consistency throughout the Charter is a good thing.

Helen Fire: I agree.

Meghan Thompson: I agree.

Katie Lindhe: Agree.

Chairperson Raber: Does anyone else want to speak or comment with regard to that?

Randy Sarvis: I would like to ask a question about their qualifications and stuff; it just says a bachelor's degree; was that to try to make it more wide open. You have to have the accounting experience, but I probably would have said with a Business Degree or Accounting Degree or something else is a requirement.

Chairperson Raber: So, I believe that it was intended to leave it a little bit more open again for probably more potential people to be able to pull from who might be interested in running for the position. So, it is something that could be specified but again because you are looking at pulling this from the electorate, you know, the plus and minuses weighing whether that specification is important enough to

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Chairperson Raber (Cont'd.) go ahead and do it versus leaving it a little bit more open and then letting the electorate decide whether they think that person is the best person for the job. I will open that up to further discussion. Does anybody else have any thoughts with regard to that?

Randy Sarvis: In the second part with experience; they could have 5 years experience or something; I'm just throwing it out there to see whether we need to make it work; just trying to get more people the opportunity.

Helen Fire: I think we are trying to give more people the opportunity myself. We don't want to put too many constraints on there such that nobody fits the bill. I know it seems a little open but there again it seems to have worked pretty well so far. We haven't run into bid snags as a result of having someone who doesn't have enough experience.

Chairperson Raber: Does anyone else have a comment with regard to this?

Kim Sabetta: Just that I agree that the experience component of it makes is appropriate.

Steve Clark: Does Mollie have an Accounting Degree.

Dir. of Finance: Yes, I do. I have a bachelor's and a Master's.

Steve Clark: Thank you.

Mayor: Mollie, should that say anything like Municipal Financing experience?

Dir. of Finance: I think if we are under the consideration that you want that to be open to more people in the electorate understanding that they weren't in Finance or Accounting for 5 years so that when they come in, they can properly understand the terminology. I think Government finance is a specialized type of accounting. It is not even highly taught in school when you go. It is about you know 5 weeks of a 10 week course or a semester that you get that kind of experience, so I think that they understand accounting and the intricacies and the terminologies that went with it that they worked in it. I think if you are to constrain it to municipal finance, you would have even less people available to run. So, I would . . . in my opinion, I would create or add the qualification that it be a bachelor's degree in Business Administration or some kind of business degree would be more preferable to requiring 5 years of experience in municipal government.

Chairperson Raber: So, Mollie, just so I understand what you are saying; do you think that there needs to be a language change or are you comfortable with the wording as it is.

Dir. of Finance: I'm comfortable with the wording that it is, but with it given if they were looking to add some kind of qualification, I think the qualification of the business degree would open up the position to more people than adding 5 years of experience in municipal finance.

Ted Roy: Because technically they could have a Criminal Justice Degree and maybe they got a job where they are doing accounting work and it is not that difficult and that person really wouldn't be qualified, I think to be able to run the whole City because like you said, it's specialized. So, I think they need at least a business or an accounting degree to up it a little bit. I don't think it needs to be as drastic as a CPA, but just to have a good background, I mean I can say I do my bookkeeping here at the travel agency and there is no way in hell I could run this

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Ted Roy (Cont'd.) City and do all the work that she does. So, I think you need to add something more than just a bachelor's degree; a Finance Degree or an Accounting Degree I think would get you better qualified people which is what you would want.

Katie Lindhe: Do you agree with that Mollie because I know because I have an accounting background like in college and I know that I had a lot of people that I went to school with that doing a Business Degree it was like I just have to get through these two accounting classes and move on with my life. So, I don't know that you are going to get like what you need just having General Business Degree.

Dir. of Finance: No, I agree with you. We always joked in college that Accounting 101 and 102 either got you a business degree or you had to go out in the Arts and Sciences and get something else. I mean, I definitely agree that the Accounting field is specialized and there are people who can do it. You know you can have a business degree in Marketing that isn't going to necessarily be helpful in this profession either. But, again to balance it with you know making sure when maybe I decide not to run again, there is someone else available. So, but I do think that anyone with a Finance and Accounting Degree can have the background and knowledge to learn how to do the job and understand what needs to be done.

Helen Fire: Who vets a candidate against these guidelines? Who decides whether or not they can pull a petition and run?

Chairperson Raber: So, they can pull a petition and then if there is a challenge, the challenge is taken to the Board but then they usually refer back to the Law Director for interpretation of the Charter because I am the Law Director who interprets the Charter and so it does get tricky the more qualifications you put in, the harder it is to know; is this person qualified to run for this position or not. And so, it does get tricky from a practical standpoint the more things that we have to check like the Mayor said for Mayor you have to reside here for a year and be 18 but other than that . . . so that is an easy one if you check the box or not; you know. So that is another consideration.

Steve Clark: I feel a little bit like if we make the hoops harder to jump through with the bachelor's degree if we say it has to be business or accounting or finance then we are doing the opposite of opening it up where we are squeezing it down and to make up for that I don't know that it makes sense that they have to be a resident for one year; right? So, if the position opens it up and it required an accounting or finance major then you could . . . we are also limiting ourselves to saying that hey, if you live in a neighboring City, you can't run for the job because you haven't lived here for a year. So, I'm sure there was logic to the one year, but I feel like if we tighten one, we have to loosen the other and we are going to tighten it down too far and eliminate too many candidates.

Chairperson Raber: Well, then the question becomes are you . . . so that residency requirement is kind of like you are a resident; you are a representative of the City as an elected official; I mean elected officials are usually a resident of the City which they represent or at least the jurisdiction in which they are representing whether it is a County or whatever; they have to have some

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Chairperson Raber (Cont'd.) qualification of living there as opposed to being outside of that so then that opens a whole other, you know questions about that whole process and how it is done whether it is elected or not.

Katie Lindhe: How does it work in other cities? I mean this might be way out there, but are the Law Director and Finance Director always elected officials for the most part like in the State of Ohio?

Chairperson Raber: No. So statutorily they are, but in many jurisdictions, they are not; they are appointed and so sometimes they are appointed by the Mayor and sometimes they are appointed by the Council; sometimes they are appointed by cognation; sometimes they are appointed by the City Manager and then some are elected so it just . . . it really is varied depending on the Charters the different communities have adopted.

Meghan Thompson: So, adding onto to what Katie just said, Mayor Kline, are you in agreement that we should keep electing the Finance and Law Directors?

Mayor: As I stated earlier, that is . . . we are going back to what is it a strong form of government or a weak form of government and currently we are weak form and that is where the check and balances with the Finance Director and Law Director elected separately and I think historically that has worked out extremely well and Mollie is her own elected official and she has to account to the citizens of Tallmadge just as Megan does and just as I do. Sometimes it could make my life easier or the Mayor's position if I could just go ahead and elect my own Finance Director or my own Law Director but, I think the way it is currently working it really works out for the betterment of the City of Tallmadge and I have seen communities where it is both ways and it makes my life easier if I would go to a strong Mayor, but it is really the best for the citizens of Tallmadge to be the weak form of government at this time.

Steve Clark: I would get back to suggesting we leave it as it is and not change the requirements or the living there for a year and also leave it open with a bachelor's degree.

Chairperson Raber: OK, anyone else have any comment?

Robert Higham: Yeah, I agree with Steve's comment. I think keeping it where it is and keeping it open with our residency requirement makes no sense to me.

Chairperson Raber: OK, anybody else?

Meghan Thompson: I was just going to say Randy, I appreciate you bringing it up because I think it was a really good discussion.

Chairperson Raber: It was. Thank you very much.

Steve Clark: It makes us stay here an extra 15 minutes.

Mayor: We've got all night!

Chairperson Raber: We need to take the time whatever that is on all of these issues; it is important. Alright. Great, so before I move off of this article, is there anything else that anybody else wants to add or suggest or state in regard to Article 5?

Hearing none, we are going to go to Article VII, which is the Director of Law and I guess, well actually I have Article VI down; the Treasurer and that position was repealed, and I don't know that we need to adjust that or change that. It was

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Chairperson Raber (Cont'd.) deleted in 2011, but there was a Charter change which I guess raises the point that actually Council can take Councilmatic action to put a Charter amendment to the electorate outside of the 10-year period and so you are having a Charter Review Commission every 10 years but that does not preclude the Council from taking some kind of action outside of the Charter Review Commission and so to be clear; they do have that ability to make those changes and put that to the electorate on their own. That was one that had happened where they eliminated that position and consolidated those job responsibilities with the Dir. of Finance and so I did have that listed on the agenda and because of that I think we should probably at least stop here and just ask if anyone has any comments or suggestions with regard to this.

Dir. of Finance: Megan, can I just add for that section that while it was deleted in 2011, the position was actually never re-elected after the 2006 election so in 2007 they changed from the Treasurer/Auditor form and combined all of those duties under the Finance Director. So just so people know that while it was deleted in 2011, it was actually back in 2007 that the positions were combined.

Chairperson Raber: Thank you for that clarification.

Meghan Thompson: Mollie; are you good with that? Do you think that was a good decision?

Dir. of Finance: I do think it was a good decision. There were those positions that definitely overlapped each other. The Treasurer positions was actually not even a full-time position. It was a part-time elected position and so the combination of those two offices works really well together and I don't see the need to bring the Treasurer position back.

Meghan Thompson: Thank you.

Chairperson Raber: Any other comments or suggestions or any input with regard to that Article; Article VI?

Hearing none, now we will go to Article VII, which is the, oh I'm sorry, we were going to go to Article 16 . . .

Mayor: Are we doing VII Megan?

Chairperson Raber: No, we are not. We are doing Article XVI Financial Matters according to the agenda and that is because that also piggybacks on the Dir. of Finance and so moving this is the only one that we are taking out of order and again that is because they are after the Dir. of Finance for this meeting. So, I will at this time invite public input. I believe that Dennis Loughry wanted to speak with regard to Article XVI and we will give him a minute. So, just so you know, in case you didn't hear that we are moving to Article XVI in accordance with the agenda.

Mr. Loughry: Thank you. So, my question was on 16.03C where it says for the Board of Control that Council may by ordinance increase the threshold required. I just thought that it might be good or maybe applicable at times for that word to be increased or decreased or is it just understood that Council could decrease the threshold if they felt that the elevated threshold wasn't working well for the City?

Chairperson Raber: I don't think it is understood. I think what is understood is increase the threshold from what is under General Law and so the General Law

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Dir. of Law (Cont'd.) right now for competitive bidding is \$50,000 and for contracts to go to the Board of Control the General Law is actually \$5,000, but Council in the codified ordinances had increased that to match that \$50,000 as well as any contracts going before the Council itself so there is another . . .

Mr. Loughry: Right. So that was my question Megan is that once Council takes action and adopts an ordinance that increases the threshold in the Charter, we cannot ever increase it. Once you raise the bar, it stays up there; is that correct?

Chairperson Raber: Well, it piggybacks off the General Law and so the Ohio State Legislature, if the legislature would decide to decrease, then we would be following that.

Mr. Loughry: Right, but right now they are at \$5,000 correct?

Chairperson Raber: They are at \$5,000 for Board of Control and \$50,000 for bid contracts.

Mr. Loughry: Right and we raised ours to be \$50,000 and \$50,000; right?

Chairperson Raber: Correct.

Mr. Loughry: So once . . . so that is my point, so . . . because you don't know how something is working or not working oftentimes until after the fact, but once we elevate something it stays there; there is no going back.

Chairperson Raber: Under the current language there is an amount that is specified under the General Law and so if the General Law adjusts; it would automatically adjust.

Mr. Loughry: It was just something I thought might be discussed. That's all.

Chairperson Raber: OK. Thank you for that. Anything in Article XVI?

Mr. Loughry: Not from me.

Chairperson Raber: OK. Thank you for your input. We appreciate that. Mrs. Gilbride, I will ask you; do you have anything in Article XVI that you wanted to raise?

Dir. of Finance: No, after reviewing it I did re-review Section C that Mr. Loughry discussed and I feel comfortable with it. I had some questions on that, but after reviewing the law and the fact that Council set that rate, I am comfortable with all the language that remains in that section.

Chairperson Raber: Mayor Kline; do you have any comment?

Mayor: The only question I have I guess for Megan Raber is if it is a Council ordinance can that ordinance ever be repealed even though this Section C. says that Council can raise it, but they can't reduce it. But it is an ordinance and any ordinance out there can be adjusted by Council with the proper votes.

Chairperson Raber: Correct, but the language in the Charter would . . .

Mayor: Supersede that?

Chairperson Raber: Correct, but the language in the Charter would supersede the language in the ordinance and so the language in the Charter provides for what is in the General Law and then it provides a mechanism to increase it and technically does that and to decrease it, keep in mind right now they could right now decrease what goes in front of the Board of Control; you know down to \$5,000 could be almost like a lot of the stuff in front of the Board of Control, but they could

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Chairperson Raber: do that, but from \$50,000 . . . right now it is set at \$50,000. It was \$25,000 previously.

Mayor: Correct, so just for some of the benefit of the Board members, we have a Board of Control that every time Council passes, well first the budget to authorize the City to approve items and go out and purchase them; we have to do competitive bid for anything that is over \$50,000. We have a requirement that we do quotes or anything under \$50,000, but it is not necessary, but we do have to go back to the Board of Control so that is just another check and balance to make sure the expenditures are being spent properly by having the Board of Control oversee what Council has already authorized in the budget to make sure we are going out to the proper bidding process. Mollie, I don't know if I explained that properly.

Dir. of Finance: Right, and then the Board of Control on large contracts; we would monitor those contracts and approve any changes or modifications to the contract that may incur during that time up to a 10% overage on the contract. If the contract goes over by more than 10% then we are required to take it back to Council for further authorization on the contract.

Chairperson Raber: 16.C. is really focused on the Board of Control section, but the competitive bidding section is actually the section above it. Really that section is talking about Board of Control and under the General Law right now it is \$5,000 so Council has a lot of flexibility with this particular section as it stands right now.

Steve Cook: What would be the problem or the danger or the reason not to change the language in C. to say Council, may by ordinance increase or decrease the threshold? Is there any . . . what is the negative part for allowing them to decrease it or it just doesn't make sense?

Dir. of Finance: I guess . . . my concern would be that they would decrease to you know . . . what if they decreased it to \$500 and so every \$500 expenditure we made would have to be approved by the Board of Control and so it could be a mechanism that could really hinder our ability to move forward and get things done since it is referencing that we are following General Law I think if you put decrease in there and give them the authority to decrease it below General Law. Megan, do you . . . am I wrong there?

Chairperson Raber: No that is correct.

Steve Clark: Thank you for clarifying.

Mayor: And we do not spend any money that was not already authorized by Council to begin with. So, when we adopt the operating budget for the City of Tallmadge, those expenditures are in there and this is just telling us that if it exceeds \$50,000, we have to go out and competitively bid that and follow all of the procedures and then go back to the Board of Control for any changes or modifications. So, it has already been authorized once.

Steve Clark: Alright. That helps. Thank you.

Chairperson Raber: Any further discussion on this? Article XVI? Ok. So, with that we will move onto now Article VII Director of Law and I will invite Mr. Loughry for his public input.

Mr. Loughry: I would just have for consistency, the same two things with the stagger that you already discussed previously and then the same non-partisan to

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Mr. Loughry (Cont'd.) fill a vacancy language and then the only other thing that I had in this section would be a general or agreed upon definition of . . . in the first paragraph in 7.03 – Powers and Duties. The request for a legal opinion is supposed to be in writing and again, we are trying to look ten years out and so what would the definition or the approved meaning of in writing would be. Is that text; is that an e-mail; is that any sort of digital communication going forward. Just a clarification or we can just keep it because I think the Law Director interprets the Charter and if it comes up it is your interpretation; you know.

Chairperson Raber: Alright. Thank you. Is there anything else you wanted to add Mr. Loughry? If not, thank you for your input. So, addressing that, do we have a consensus to include the kind of similar language about the independent non-partisan vacancy under the vacancy section which I think is down a little bit lower.

Helen Fire: I would move to clean that up to be consistent with the other articles.

Chairperson Raber: Any other discussion with regard to that? OK, so I will present a draft as well with that section next week or the next time we meet, which will probably be two weeks from now. We have already kind of discussed that at length so we will just add something with similar language to that that has already been inserted into the Mayor's position and that we will do for the Finance Director. With regard to the "in writing" section; that just means in writing. I think the intent there is just that somebody doesn't ask something over the phone or verbally and so it is the opposite of verbal; it is in writing, so for me, it could be anything; it just needs to be put down on paper and I think the reason

for that is so that there is clarity as to what the Law Director is actually answering in an opinion so that it is firm as to what the actual question was. It is always important to always have that kind of firmed up or solidified and so I think that is the intent there and so I don't think we need to go to the electorate with "in writing" such as a text or an e-mail; I just don't think that is a necessary to take to the electorate, but if others feel differently and they think that that is not clear, feel free to comment. Since I am the Law Director maybe I am under-analyzing that issue.

Helen Fire: No, I think it is clear that you are looking for written communication.

Robert Higham: I can tell you in the Summit County Law Department writing covers exactly what you explained; e-mail, letters, etc., and I don't think there is any need to expand on it. I also don't think we want to fill the ballot up with all kinds of things that just . . . this doesn't need to go in my opinion.

Meghan Thompson: I agree.

Chairperson Raber: Alright. So that is that issue. The staggered terms we already discussed kind of at length with the Finance Director. I don't know if anybody else wants to discuss that further or if there are any comments with regard to that. The other issue that I will raise and I raised it at the beginning when we had our overview session is that this is the only positions with a 3-year experience requirement as opposed to the 5 and so every other position; Finance and Public Service and Dir. of Administration have 5 where this has 3 and with that said, the flip side of the coin is that making it 5 would I guess narrow the pool of potential people that would be qualified for the position and so it has been raised I know before in previous Charter Reviews and decided not to make any change to that

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Chairperson Raber (Cont'd.) and you know we had that discussion earlier under the Dir. of Finance about those qualifications and just trying to keep it more open and so I'm not suggesting that we have to do that. I am really torn myself as to whether or not that is appropriate, but I just am pointing out that it is different than the other qualification requirements for the other positions.

Meghan Thompson: I think with the continuity like we mentioned before, it is probably not a bad idea to go to 5 years. I mean, I don't know being a lawyer is kind of important. I have a brother that is a lawyer and a sister-in-law that is a lawyer, and it takes a lot of hard work and it takes a lot of practice and there is a lot to do and so I think in agreement with the other positions, there is no reason why it should have a 5 year personally.

Chairperson Raber: Does anybody else have an opinion on that one?

Helen Fire: Have we always had 3 years? Has that every been adjusted?

Chairperson Raber: I am not aware of it ever being adjusted and so I think that one is in the original Charter.

Kimberly Sabetta: Do you know in past years where it has been in regard to the people who have filled that position? Is it typically . . . is there somebody who has only had 3?

Chairperson Raber: I don't believe so. I believe that it has been attorneys with a little more experience every time and so I don't know that that has been an

issue. It may be a non-issue. Again, I just kind of wanted to at least have a discussion about it.

Mayor: I will say going back probably 30 or maybe 35 years ago; there have been only four Law Directors.

Kimberly Sabetta: I just wondered in those years has it been challenging to fill the position with somebody who has had more experience. Is that why it is at 3?

Mayor: No, I think it has always been the Assistant Law Director; Megan was the Assistant for Penny Taylor and Penny Taylor was the Assistant to Dick Schunk and Dick Schunk . . .

Chairperson Raber: There was just one and he came in from Portage County and then before that was Lawrence.

Helen Fire: So, we kind of have groomed our own in history and that is the same with the Finance Director we have done that also where we would have an Assistant Finance Director and we tend to promote someone who has the in-house experience and if there is a vacancy for Finance Director, we just . . . the opportunity is there for the Assistant to become elected into the top position.

Chairperson Raber: That is how it has been but again there could be a situation and you know; we do want to have competitive races. So, there is a potential and we want to make sure that the other people have the ability to run.

Meghan Thompson: I know people have said that we don't want to have a lot of extra things on the ballot, but I 100% agree at making it 5 years and just staying along with the other positions just because it is a very important position, and I don't see why our Finance Director would have to have 5 years experience but our Law Director doesn't have to. Again, not to make any extra voting or extra paperwork.

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Randy Sarvis: On the other hand, they pass the bar, and they are an attorney and that is a pretty big qualification there for the Law Director.

Steve Clark: I would suggest that given that we haven't had a lot of people running for it that it maybe doesn't make sense to tighten the qualification and leave it where it is at. I mean going from 3 to 5 years certainly tightens the window and I don't know that we have had a lot of competition for the spot, but I don't know that to be factual.

Chairperson Raber: There have been a few competitive races over the years, but yeah, it is not the most competitive position. So, I am leaning that the consensus is to kind of leave it where it is for now. Is that . . . my picking up on that; is the consensus to kind of move off of that one? Does anyone feel, and I know Meghan has voiced the position of changing it. Is there anybody else that has a position one way or the other and if not, we will move on and keep going. Alright I am hearing none, so we will go ahead and read Chapter VII or Article VII, but before we do that I want to open it up to everyone. If anyone has any other suggested amendments or changes to this article before we move to the next?

Mr. Loughry: My input actually is going to be the same for Article VIII, Article 9.01, 9.02 and then 9.03, so it is tied to 9.03. My understanding and in conversation with the Mayor and communication with Mrs. Raber, we are all on

the same page on how we interpret 9.03. Having said that, Article VIII and then 8.01 and then 9.02; if my memory serves me correctly, those positions were put into the Charter because at the time we had a residency requirement. Then once the residency requirement went away because it was challenged and overturned in the State of Ohio, in my opinion only that Article VIII and 9.01 and 9.02 can be removed from the Charter. They are not needed to be called out in the Charter.

Chairperson Raber: And so . . . so that is essentially the comment is that you think we should remove Article VIII and Article IX?

Mr. Loughry: Not all of 9; just 9.01 and 9.02 and then if you need to renumber, then renumber. Because we all agree on how we can create positions, create departments, and move people around and again, I believe, Megan, that when those positions were put in the Charter in the beginning, because we still had a residency requirement for those three positions at that time or a distance requirement of some sort of how close you needed to live to the City. But again, I don't think now with the change that those positions need to be called out in the Charter. It is just my opinion.

Chairperson Raber: So, the only thing remaining that you would suggest is 9.03?

Mr. Loughry: Correct. We would eliminate VIII and then . . . yeah so there may just be a Section IX.

Chairperson Raber: Thank you very much for your input. Alright. So, I guess we start with that. Mayor, do you have input on that?

Mayor: Well, that took me by surprise actually to remove that. The highest positions in the City of Tallmadge outside of the Mayor and the elected officials would be the Director of Public Service, Director of Administration and then the Director of Public Safety is the Mayor/Dir. of Public Safety and we do have a spot

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Mayor (Cont'd.) in the position if I would choose to hire that, I would have to get approval from Council from the budget to fund that. We don't fund it at this point so the Mayor is actually the Safety Director for the City. To eliminate that out of the Charter; the position is still going to be there, and it is still going to be done and it is still appointed by the Mayor who serves. Council would not confirm that. They don't do it now. The qualifications . . . that would have to take some study. I don't know why it was originally put in there. Dennis said it was done because of the residency requirement. The Dir of Administration does not live in the City of Tallmadge. My own preference is . . . I always try to hire someone within. Mike Rorar, the Service Director, lives in Tallmadge and so that made it real simple. It did not say it had to be in Tallmadge; it could be . . . Bob O'Bryan, the Assistant Service Director did not live in Tallmadge. Why is it even in the Charter?

Chairperson Raber: If I remember correctly though, there were residency requirements but to make it clear to everyone, it was not a legal case that involved the City of Tallmadge but in general, municipalities throughout the State of Ohio had residency requirements and then those were challenged and overturned by the Supreme Court to say that those are not like a rationally

related requirement to have and so . . . there are still some cities that do say that their people must live there. It is a little bit different than the elected position because it is an appointed position. The other thing that I guess that is coming to my mind is contemplating the fact that they are like an appointing authority and how that may play into being in the Charter and so I would . . . it is an interesting concept, but I would want an opportunity to research it a little bit.

Mayor: Get the commission's opinion because I'm not sure what my opinion is at this point just hearing that for the first time, but to remove it from the Charter . . .

Helen Fire: Is it only because those positions are appointed by the Mayor or their other positions appointed by the Mayor that aren't in the Charter?

Chairperson Raber: Yes, there are.

Helen Fire: OK.

Steve Clark: If I understand correctly, I would suggest . . . so, if we removed it yet we are hearing that we would still have the Dir. of Administration; we are just removing this Section VIII, I would suggest that is problematic because then you take away the qualifications. I think the qualifications need to be there so that the Mayor doesn't appoint, you know, his best friend or his drinking buddy or whatever, so I would suggest that it should stay in there for that purpose only so that there is some written qualification of what the Dir. of Administration is and not just at the whim of the Mayor.

Chairperson Raber: Right, so the job descriptions right now are really the purview of the Administration and so the Charter would maintain at least a minimum qualification for those positions so that is something to contemplate as well.

Mayor: I think Steve came up with a very valid reason why it really should stay in there for those qualifications. You know, I want to pick the best person I can pick, not just my friend to be in one of these positions. This makes it mandatory for

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Mayor (Cont'd.) someone to make sure that the Dir. of Administration has a minimum of 5 years experience and public and industrial and everything . . . the same with the Service Director.

Chairperson Raber: And if it is removed, I guess you can contemplate a scenario where those positions are eliminated altogether completely morphed into something else. I mean those rules are so essential they need to get performed, but I guess you could call it different things.

Mary Tricaso: Agreed. I think it should stay in the Charter. I agree with Steve.

Meghan Thompson: I see no reason to remove them.

Chairperson Raber: Anyone else have a comment on that?

Bob Higham: Just that I am in agreement with the group.

Chairperson Raber: To keep them in?

Bob Higham: To keep them in; correct.

Randy Sarvis: Historically, has the Dir. of Public Safety also been the Mayor?

Mayor: Yes, historically yes. For a small period of time, I think Mayor Grimm appointed former Police Chief Gale Gault to be the Dir. of Public Safety for a period of time. It was a part-time position, but I have not filled that in my tenure.

Randy Sarvis: Some of their powers and duties and stuff; it sounds like it should be somebody who has some police and fire . . . and I know you have that stuff and so . . .

Mayor: Yeah, I mean it does make a difference because you are directing the Police Chief and the Fire Chief on duties and more . . . they are the professionals in the field, so I am just really their backup to them administratively to make sure things are flowing properly plus the Law Director is very active in the Police Department's procedural stuff. Sometimes I wish I had a Safety Director though.

Chairperson Raber: As the Charter stands now for that position; it is basically the language says that the Mayor shall serve until such time as Council decides to basically fund that position, so if Council decides to put money in the budget . . . and the administration usually has to ask for that too and Council would make a decision then and then they could fill that with somebody who could be full-time or you know, if they decide to do it; part-time that has those qualifications, but otherwise it is the Mayor and that has been like that for a pretty long period of time like Mayor Kline said except for the brief . . .

Mayor: It was created just to do a project.

Chairperson Raber: So, I guess with that said, if the consensus is to kind of to keep these in, then let's go back to Article VIII – Director of Administration and you did receive a memorandum from the Dir. of Administration, Dr. Cooper asking for changes and he has some suggested language changes which also kind of spelled out some specific trainings and qualifications that he wanted to add to kind of primarily focus on occupational health and safety and project management. I guess; this is just my personal opinion; in my personal opinion, given the kind of discussions that we have had this evening about trying to keep things a little more open, I think that limiting the Mayor through additional qualification language while we want to make sure that the position is in the Charter, I don't know that we want

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Chairperson Raber (Cont'd.) to necessarily dictate a whole lot of specific qualifications when I think some of these things are already kind of encapsulated by the general powers and duties that are already outlined. So, that is just my thought especially given the nature of our conversation tonight and us not really making changes to other qualifications. Does anybody else have a comment or suggestion with regard to this section or Mayor Kline; did you have anything?

Mayor: Let me chime in here a little bit. We are very fortunate to have Dr. Cooper as my Dir. of Administration. He is so far advanced in the position that it really requires, well it doesn't require, I wish the next Mayor could get another Don Cooper. By changing that qualification, I'm not sure if the City 1) could afford that position and based on the comments that we have heard tonight, let's make it easier for the administration or for the electorate to find someone to really

run for those spots or who needs to appoint somebody. I am very fortunate to have Don Cooper and so is the City of Tallmadge. I wish we could just clone Don and keep him here forever after I leave, but that is not going to happen. The position . . . to make it an occupational . . . what was that term Megan?

Chairperson Raber: Occupational . . .

Helen Fire: Health and Safety Management.

Mayor: Health and Safety; he is definitely very good at that and that can benefit the City by having that kind of person here. Would that fall under the Dir of Public Safety; it is occupational, so the Dir. of Administration is in charge of H.R. and occupational stuff.

Chairperson Raber: Yeah, I think that is almost more just H.R. administration; it falls under that and I think everything that he is adding are additional things that are skills that are important to have and great to have, but maybe are already encompassed in what the language as it exists.

Mayor: And I think said, may have, or it doesn't say shall have; correct?

Chairperson Raber: So, there are two different sections on the qualification section the language that he is suggesting is to cross off . . . do you have the memo? And so is that a graduate degree is preferred and then deleting the additional language that is after Bachelor's Degree in Arts and Science attesting to the successful completion of required training, which is just extra language; it could be eliminated, but again, those are all the changes and I don't think that is something to take to the electorate and then adding language, it is preferred that the person filling the position have training and experience in health and safety management such as that associated with certification as a Certified Safety Professional and training and experience in project management such that associated with a certification as Project Management Professional, which are specific designations and then down under Powers and Duties, he is suggesting, which would include financial budgeting, capital planning, Human Resource administration, contract negotiations, adding Occupational Health and Safety Management and Project Management added to the Economic Development and Grant Procurement, government liaison and other duties as assigned, which the

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Chairperson Raber (Cont'd.) other duties as assigned by the Mayor kind of incorporate those things I think just based on that language. So, does anybody else have any other comments?

Helen Fire: Well, it is a Mayoral appointment, so I guess it kind of just depends on the Mayor what they want them to be responsible for; right? It is a little . . . I don't know; serving at the pleasure of the Mayor; the Mayor decides what that person needs to be in charge of I guess is how I am interpreting it so adding additional suggestions or qualifications may or may not have value to the next Mayor. I don't know . . . or the current Mayor.

Mayor: Yeah. I think the recommendations to make those changes are to force the next Mayor to find a person for the benefit of the City to have that style of qualifications. Will we find that person in the budget that we have; I would certainly hope so, but I think the City of Tallmadge historically does not pay very

well. I am happy to be here and I am very appreciative of my job, but if you survey the surrounding communities all of my department heads; I'm surprised they come work for us.

Chairperson Raber: Does anybody else have a comment with regard to this? So, I am not hearing anybody really wanting to make a change at this point; is that correct?

Katie Lindhe: I think it just goes back to consistency and we didn't add anything else to any of the other positions.

Chairperson Raber: Anyone else?

Randy Sarvis: Yeah, let's not make it any tighter on the qualifications.

Chairperson Raber: OK. Did anyone else want to speak?

Mayor: I think Randy said that he agreed.

Chairperson Raber: Oh, OK. Thank you. Alright, so I am hearing that we done with Section 8. And so, moving onto Section 9, Article IX we have already heard from Mr. Loughry with regard to Article IX. Is there anything else anybody would like to say? I will start with the Mayor. Mayor; do you have any comments in regard to that section?

Mayor: No, I think it works out pretty well with that section. I don't see any necessary changes at this time.

Chairperson Raber: Does anyone have any suggested language that they want to consider for discussion for this section? Alright. I do not hear any. Does anyone have anything else that they wanted to add with regard to the topics discussed this evening? Alright, I really want to thank everyone. I think that we had some very good discussion. I know that we have got two suggested changes coming out of tonight's meeting which maybe is not indicative of how much discussion and thought has gone into not making some of the changes and so I do appreciate everyone having input tonight and those language changes will be brought to you under old business at the next meeting which is scheduled for March 8, 2021. So, we will meet again on March 8th and again for the public; we welcome any input through our registration process and if I don't hear any further comments, I will entertain a motion to adjourn.

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Steve Clark: I make a motion to adjourn. Seconded Helen Fire. Roll Call: Ted Roy, Kim Sabetta, Randy Sarvis, Meghan Thompson, Mary Tricaso, Steve Clark, Helen Fire, Robert Higham, Katie Lindhe, Megan Raber – unanimous. **The Charter Review meeting of 2-22-21 adjourned at 8:29 p.m.**

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