
TALLMADGE CHARTER REVIEW COMMISSION MINUTES
MONDAY, MARCH 22, 2021
7:00 PM
VIA VIDEO/TELE-CONFERENCE & LIVE-STREAM DUE TO STATE OF EMERGENCY

MEETING PROCEDURES

As permitted by House Bill 197, extended by HB 404, this meeting is being held via videoconference and/or teleconference only and will be live-streamed via a link on the city’s calendar at www.tallmadge-ohio.org and on www.youtube.com/tallmadgeohio.

Public input is invited at the beginning of the meeting. Please wait until you are recognized by the President of Council, state your name, and address so that your comments may be properly recorded and limit your remarks to a period of two (2) minutes or less. Participants must register with the Clerk of Council or through the online form by 3 pm on the day of the meeting. Staff will monitor those attending digitally to determine if there is a speaker waiting.

Written comments may be submitted to Council and must be received by 3 pm on the day of the meeting. All comments will be read into the record.

Written comments and participation registration may be submitted via:

1. Email (council@tallmadge-ohio.org)
2. Mail (46 North Avenue, Tallmadge, OH 44278)

1. **CALL TO ORDER:**
Chairperson Raber: It is now 7:01 p.m. and I would like to call to order the March 22nd meeting of the Charter Review Commission. We are holding this meeting by video teleconference and live streamed due to the State of Emergency as permitted by House Bill 404. I would like to go ahead and ask Mrs. Burton, if she can call the roll.
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 will be a little bit late today and we will try to note the time that he arrives at the meeting.
3. **APPROVAL OF 3-8-21 MINUTES:** Robert Higham moved to approve the minutes. Seconded Kim Sabetta. Roll Call: Helen Fire, Bob Higham, Katie Lindhe, Megan Raber, Ted Roy, Kimberly Sabetta, Randy Sarvis, Meghan Thompson, Mary Tricaso, Steve Clark – unanimous. **The 3-8-21 Charter Review Commission minutes were adopted by a vote of 10-0.**
4. **AGENDA ADDITIONS:** None.
5. **PUBLIC INPUT:**
Chairperson Raber: This evening as in every evening, our meeting is open to public input and we do ask people because of the virtual nature of the meetings to join through the City of Tallmadge website. I also want to note for the record that Serif is in attendance at 7:03 p.m. We would invite anyone who has public input to submit it via writing or register to speak at the meeting and this evening we have one person that has registered for the public input section and that is Mr. Dennis Loughry, and he has indicated on his registration that he would like to speak when we get into the various articles that are coming up tonight and so I will call for that input when we get to that point. Also, be sure you are muted unless you are speaking.

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6. CORRESPONDENCE & COMMUNICATIONS.

Chairperson Raber: We did not receive any.

7. AGENDA ITEMS

Old Business:

Chairperson Raber: We have in front of us this evening several different changes from the last Charter Commission meeting from March 8th.

Article X – It is really just a change of the Heritage Commission to reflect that of the Architectural Review Board.

Planning & Zoning – Changing the composition with regard to the alternates and that same change would apply to the Board of Zoning Appeals as well as the Heritage Commission or what we would change it to with the Architectural Review Board. So, the language is inserted into the composition sections and it just says, “The Planning & Zoning Commission shall consist of five members and may consist of one alternate.” So that would give the Mayor flexibility as to whether or not to appoint that position and then how that alternate works could be carved out in the Codified Ordinance section that applies to the Planning & Zoning Commission or the Board of Zoning Appeals. Whether they would actually attend every meeting or more likely what was discussed internally that it would be more of a situation where we typically try to poll the membership of the Boards and Commissions to see if they are able to attend and if we know we don’t have someone that can attend, then we could call the alternate and have that person sit in for that meeting.

So that same language is inserted in the composition of the Board of Zoning Appeals and the Architectural Review Board. Then the only other clarifying language which is under Section 11.02 and then it falls under 12.02 and it falls under 13.02 is that the alternate may vote only in the absence of a member for a reason or if a member has a conflict of interest. So again, there would be a maximum of five votes on any given item.

So, I am going to take those two sets of changes kind of collectively; the Section 1.01, or Section 11.01, 12.01, and 13.01 because it is kind of one ballot language question which you will find at the end of document the draft ballot language. So, we will take that one first; does anybody have any comments or questions with regard to that? Alright if not, can I have a motion to approve the language as drafted for Sections 10.01, 12.01, and 13.01. Meghan Thompson made the motion. Seconded Mary Tricaso. Roll Call: Robert Higham, Katie Lindhe, Serif Krkic, Megan Raber, Ted Roy, Kim Sabetta, Randy Sarvis, Meghan Thompson, Mary Tricaso, Steve Clark, Helen Fire – unanimous. **The motion passes by a vote of 11-0.**

Chairperson Raber: Next up would be Sections 11.02, 12.02, and 13.02 which I just kind of reviewed which is again the language talking about the alternate only voting if another member was absent or had a conflict of interest. I will entertain a motion to approve Sections 11.02, 12.02, and 13.02. Robert Higham moved. Seconded Ted Roy. Roll Call: Katie Lindhe, Serif Krkic, Megan Raber, Ted Roy, Kim Sabetta, Randy Sarvis, Meghan Thompson, Mary Tricaso, Steve Clark,

Helen Fire, Robert Higham – unanimous. **The motion passes by a vote of 11-0.**

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Chairperson Raber: Next up are Articles X and XII and as you can see from the ballot language which actually Mayor Kline is on, again this is just to address the name change as it pertains to those sections and actually it needs to say XIII and so Article X and XIII would be amended. That it is a typo. This is to change the name of the Heritage Commission to the Architectural Review Board. I would entertain a motion to approve. Meghan Thompson moved to approve. Seconded Kim Sabetta. Any further discussion with regard to this? No one responded. Roll Call: Serif Krkic, Megan Raber, Ted Roy, Kim Sabetta, Randy Sarvis, Meghan Thompson, Mary Tricaso, Steve Clark, Helen Fire, Robert Higham, Katie Lindhe – unanimous. **The motion passes by a vote of 11-0.**

Chairperson Raber: Next up is the language change to Section 13.01. So aside from the insertion of an alternate and aside from the related language that pertains to that and the name change; there is change to the content to this one as discussed. So, the intent with the language here is to I guess kind of create flexibility so that whatever Council decides moving forward with the purview of what the Architectural Review Board would be that it would fit within the Charter. So, this particular section, 13.01 deals with the actual composition of the board and what we have done is taken out the language that currently says, "All of whom should be residents; one of whom shall be a representative who is an employee of a business located in the Design Control District under the jurisdiction of the Heritage Commission. So, instead we changed that to say that basically the same kind of criteria as they have now but at least three members should be residents of the City as well as the alternate and then that would leave the two others to be just people that we can pull in to be experts and it could mean that the Mayor appoints all three as residents of the City.

But the idea that there is a potential for the overlay districts to be in different areas besides just the Design Control District is the concept of I think removing that structure of having at least one employee of a business located in the Design Control because it could be that that is really not the only application moving forward depending on what Council decides. So, are there questions with regard to this? No one responded. And that is also the reason for the deletion of the language that is talking about the Historic District in the Design Control Handbook is just to make it more broad.

Mayor: Megan, if I could make a comment, this is Mayor Kline. For the record, the Heritage Board will still have the same exact responsibilities as they do today and as they always have had in the past. It is just changing the name to the Architectural Review Board and so if we do, in the Zoning Code, allow the different zones; they also have some rights to look at that. For now, it is just really the Heritage Commission being renamed and allowing me to have the minimum of three members as residents of the City. My goal is to always have all the members of the City and sometimes it is just not possible.

Chairperson Raber: Any further discussion on this one? No one responded. OK, hearing none, I will entertain a motion to approve the language for Section

13.01. Robert Higham made a motion to approve. Seconded Helen Fire. Any further

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Chairperson Raber (Cont'd.) 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, Serif Krkic – unanimous. **The motion passes by a vote of 11-0.**

Chairperson Raber: Next up is Section 13.02 – Here too it looks like a lot of changes, but really what this does is kind of clean up some of the older language. The Heritage Commission has been known as the Appearance Commission and the Design Control Review Board and so it has gone through quite a few iterations over the years. So, kind of just taking out that outdated language and then providing that they can kind of have duties over the distinctive architecture and/or

Historic character in overlay districts within the City, but as authorized by the Codified Ordinances so that still gives City Council the flexibility moving forward to either authorize them to take on additional overlay districts or not and so it kind of depends on what they decide to do with the Zoning Code as we move forward without limiting, I guess, the potential that the Architectural Review Board has, so we just built in some flexibility for this particular board. Are there any questions regarding that? No one responded. OK. I would entertain a motion to approve the changes to Section 13.02. Meghan Thompson made a motion to approve. Seconded Katie Lindhe. Is there any further discussion? No one responded. Roll Call: Ted Roy, Kim Sabetta, Randy Sarvis, Meghan Thompson, Mary Tricaso, Steve Clark, Helen Fire, Robert Higham, Katie Lindhe, Serif Krkic, Megan Raber – unanimous. **The motion passes by a vote of 11-0.**

Chairperson Raber: On that last section; 13.03 - Appeals is just the name change and so that is addressed in that name change section in Article X and XIII that we already addressed and so we have covered the changes from the last meeting. We will now go into Article XV – Nominations & Elections – We did not have anyone who wanted to speak with regard to Article XV so we can pull that one up. Is there anyone who has any suggestions or changes to this article or any topics of discussion they want to raise as it pertains to this section?

Mayor: Megan, just a brief history, this was actually . . . long ago the primary was in May and then it switched over to September and you can see where it says amended in 1996, 2002, 2011 and 2018, but we did make a modification in 2002 to allow it to go back to a May primary.

Chairperson Raber: OK. Nothing on that section and I don't hear any other comments.

We did already cover Article XVI and so if no one else has anything to say, I am going to move on to Article XVII because we did cover Article XVI when we talked about the Dir. of Finance. Does anyone wish to add anything before we move on? No one responded.

We do have some public input with regard to Article XVII which is what we are on. So, I would ask Mr. Loughry if he has any comment to make that at this time and it usually takes just a second for him to pop up here.

Mr. Loughry: I don't have anything at this time. Megan, I was just going to have you explain 17.01b just explaining what the administrative remedies may be, but we don't need to do that. I understand what we do.

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Chairperson Raber: OK. Thank you. Does anyone else have any comments or suggestions or input with regard to Article XVII. Does anybody have anything on this section or article?

Alright, if not, we will move on to Article XVIII. Mr. Loughry, are you still here and we will entertain your public input?

Mr. Loughry: Yes. Just the first paragraph where the Mayor appoints the commission and I think that is great, but I do think that it would be good for the commission to have a discussion on whether or not they want to leave it as is or if they want to maybe put some numbers in there to ensure that all parties are represented at least the three being Republican, Democrat and Independent. As you know, this time is the first time that there have not been any registered Republicans on the Commission and I only know that it is an issue because I have a Republican primary in a few weeks, and it is an issue in the primary and it will be an issue in November and so just whether or not the commission wants to discuss it.

Chairperson Raber: OK. I will turn it over to the commission if anyone has any discussion. I will say before we really get into this section that we do need to change the time of the appointments and so right now it currently says November, 2020 and it should be set for 10 years from now and I would like to see or suggest anyway that we perhaps say that November of 2030 and every ten years thereafter and so that way it doesn't have to keep going back and being an issue on the ballot because potentially the more times we go through the review potentially there could be fewer and fewer items to change and I would hate for us to have to pay for the only item to be on a ballot is the change to the dates right? It seems like that might not be worthwhile for the taxpayers of the City to have to do that. Now, there is a change that there could be a ton of changes, but I guess that I just think that it might be helpful to have it kind of automatically reset by the language moving forward.

Meghan Thompson: I would agree Megan. I don't see where there would be a problem doing that.

Robert Higham: I agree Megan. It seems like that is probably the easiest discussion we have so far.

Mary Tricaso: I agree with that also.

Chairperson Raber: So, some kind of language that in November 2030 and every ten years thereafter. Then is there any other discussion on this section as to the composition or the make-up of the commission?

Mayor: If I may, I can just give a little input of how all of you got picked. I tried to do the best I could to look for the best Tallmadge residents that are businesspeople; that are Chamber members; that are school people . . . I think it

is a very good group and I think during the time that Council authorized the appointment . . . you know, did I go and look and see if each one of you were a Democrat or Republican; I did not do that. I tried to balance that on the commission; I was assuming that a couple of you, more than a couple, were Republican, but then when I actually looked back at it and it was classified as

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Mayor (Cont'd.) Independent or non-party affiliation because they failed to vote in a primary. We haven't had a lot of primaries in the past and I think it is a very good group and I think you represent not only the D's and the I's and the R's, but the citizens of Tallmadge. Thank you for serving.

Chairperson Raber: I would say that a non-affiliated is just when you don't vote in a primary that you do lose that party affiliation and often times that does happen when there is an incumbent president that is up for appointment in a primary that people are not as driven to go vote for that particular person in that primary. We see that pretty regularly, so that is not abnormal at all.

Meghan Thompson: I was going to say that as well just because like you said, it is because we haven't voted necessarily in a primary and so I think it is kind of unfair to put a restriction on what party affiliation you should be just because if you haven't voted in a primary that could really hinder the Mayor's choice when appointing.

Katie Lindhe: Another thing that I noticed that happens is that . . . right, wrong, or indifferent, if somebody . . . if an incumbent president or whomever is a certain party, you will get people in the same party as the incumbent president go vote on the other side for who they best think will lose to the incumbent president. So, you get like a Democrat going over and voting in the Republican primary to like better their chances for the Democrat winning in the General. I know that all states don't allow that, but Ohio does and so you might get people with party affiliations that aren't correct.

Chairperson Raber: Does anybody else want to raise any questions or have any comments or input with regard to this section?

Helen Fire: I am comfortable with leaving it where it is.

Mary Tricaso: I am comfortable with leaving it as it is also.

Kimberly Sabetta: I don't think it has to go on a specific party affiliation.

Mayor: Rest assured that if I am here in ten years and I would have to pick the next commission, I will continue to pick the best members that I feel will best serve the citizens at that time and this is a great board.

Chairperson Raber: Does anybody else have any input with regard to Article XIX? Alright, then the only change that I will be bringing back next time is the change to November 2030 and every 10 years thereafter.

Moving on to Article XIX, I believe we did have public comment registered for this.

Mr. Loughry: Yes. Thank you. First off, I respect the Mayor and I respect you guys; each of you on the commission and I just thank you for discussing that last section and so thank you for that discussion. Section 19.0 and 19.03 the last sentence says that the Mayor either reappoints or removes a Board or

Commission member and I just have never understood what the criteria is for removal because often times and this isn't . . . when I get asked it just doesn't pertain to a Board or Commission member; it also pertains to a Council member and it almost invariably revolves around attendance or if you cannot serve because of illness. And so, I think for an elected official I imagine that there is something in the Ohio Revised

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Mr. Loughry (Cont'd.) Code that deals with that outside of our Charter, but I just wanted an explanation on what the criteria would be for the Mayor to remove someone.

Chairperson Raber: So, it isn't really spelled out, but it could involve what you said which is a lack of attendance or an inability due to whatever reason like an illness or something; you would hope that somebody would automatically remove themselves, but maybe they don't have the capacity to do that, but it could also revolve around misfeasance or malfeasance. Let's say somebody got charged with a crime or was convicted of a crime, they could be removed for that as well, depending on what the circumstances are surrounding that. So, it is not really spelled out.

Mr. Loughry: So, if it is not spelled that would be your interpretation; correct?

Chairperson Raber: Well, I think it gives the Mayor flexibility to remove for a variety of reasons and it really doesn't specify why and so I suppose . . . I mean it is his or her appointment to begin with so they could remove them . . . you could insert for cause or for just cause or something like that, but that seems like then you have to prove that extra element which can be a double-edged sword.

Mr. Loughry: I just thought it was vague and I thought it might be good just for the commission just to hear a little discussion on it. That's all. Thank you.

Chairperson Raber: Alright. Thank you for your input. I will open it up to the commission members for discussion.

Meghan Thompson: Dave, what is your opinion on this just out of curiosity.

Mayor: Yeah, I will say in my tenure not only as Mayor, but as Service Director, and on Council and I'm not sure . . . this Mayor has not nor had any of the previous Mayors ever removed somebody for cause. I think it would have to be something for cause that we would remove like Megan said, malfeasance or misfeasance, or down that path, but most of the time it is people who really want to retire and have served the City for a long time or they changed their jobs, and the time commitment can't be there and so you make a change. Not too often do we make those changes, but I think it does read properly that it would give me the right to be able to remove them. I don't know if it is worth going to a Charter amendment to add other language there. I think that if this was ever going to happen, I'm sure the Mayor would confer with the Law Department on the case.

Chairperson Raber: Well, and the other thing that you have I guess as a check and balance on this is that . . . let's say the Mayor decides to try to remove someone because they don't like the position that they are taking on something, well then, they have the public as the check and balance. It could become very evident that that was the motivation if it is like something like that. So, even

though it is not specified the Mayor always has the check and balance of the people that would either not be happy if it wasn't something that was justifiable for removal I think too and so they could have a consequence if they try to do it for an inappropriate reason.

Mayor: I do take pride in never, ever trying to interject my . . . I want you to vote this way on an item . . . that is not the way that we operate around here and if

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Mayor (Cont'd.) that would not be a reason to remove that person, plus Council has to confirm the next person so Council would be involved with it; I'm sure.

Steve Clark: I would like to insert something. Do we feel like . . . I would assume that the Heritage Commission falls under this and I feel like for a time there was a feeling that the rules that the Heritage Commission had were pretty difficult and tight and maybe had some members on there that maybe were in disagreement with the Mayor, not you specifically Dave, but I feel like we were being held back a little bit as a City because of that and that is just me going from memory. Did you feel like there were times on the Heritage Commission that you felt that wow, I wish they could loosen things up a little bit so we could be a little more favorable to businesses and what they want to do within the Historic District or am I reading into that?

Mayor: No, I don't think you are reading into that. I think over the past ten years as myself being the Mayor, we have made great strides on that commission by people when they do retire, we replace them with business type people. I changed the actual footprint of the Heritage Commission; the Design Control District has been stricken down and there have been changes in some of the responsibilities of them. Creating the Guidebook made it easier for the clients, but I think it has been much better in the last ten years.

Steve Clark: Yeah, as a business owner, I appreciate what was done on the commission and I think it was appropriate and so it is like if you were looking for an out to say hey, the commission is only assigned for a period of you know 4 years and they are rotating terms, then it is like hey, I didn't kick you out; I just didn't vote you back in and I don't know if that gives you an out that you might appreciate as the Mayor or future Mayors, but that is my only point in bringing that up to say that maybe that would be an out that a Mayor would want rather than saying hey, the guy or gal has been on the commission forever and I don't want to be the one to kick him off of it, but I sure hope he retires pretty soon.

Mayor: I have had those comments.

Chairperson Raber: To that end, the way that the composition language reads now is that it does provide for a term and so the Mayor does not have to re-appoint that person, so they all have like 4-year terms right now so after that 4 years, the Mayor has the option not to re-appoint.

Steve Clark: Oh, OK, so it is not necessarily a life term until you are removed. It is a limited time term?

Chairperson Raber: Correct; yup.

Steve Clark: That's helpful. Thank you.

Chairperson Raber: Any other discussion with regard to Article XIX? No one responded. Alright, I am hearing none.

So, the next item on the agenda is **Overflow or Miscellaneous**. Is there anything else that the commission feels needs to be discussed with regard to the Charter or the Charter language?

The next step is that we will have a meeting then on April 5th and at that time, we will hopefully approve a final report from the Charter Review Commission, and I have been working on the draft for the changes that we have already made. I will

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Chairperson Raber (Cont'd.) hopefully be able to circulate that maybe even as soon as tomorrow. The only change coming out of this meeting is in regard to the dates which is a fairly easy change and so I would ask that at that next meeting that we look at that change, approve that change and then look at the final report and adopt that final report. Then following that, I would ask that you just come into City Hall and sign it and so again, that is not until after the April 5th meeting, but just to give you an idea of what we will be looking for and then we will submit that to City Council, and they will have an opportunity to review and look at the recommendations and then hopefully get that to the ballot.

So, I definitely appreciate everyone's hard work. I think we have had a lot of great discussions with regard to the Charter and I appreciate everyone's contributions. I am again going to open it up one more time. Is there anything anybody wants to raise and if not, we will be moving onto the final report next meeting.

Steve Clark: Megan, the only thing I would say is thank you very much for taking the changes that we have made and putting them in such a polished and professional format that makes my writing look very good when you do it.

Chairperson Raber: Thank you very much.

Mayor: From one lawyer to another.

Steve Clark: I can't even bill for that advice Dave.

Meghan Thompson: I want to say good-bye because I won't be here on April 5th. I already told Megan and Dave.

Chairperson Raber: Enjoy your trip.

Mayor: I personally want to thank each and every one of you for your time and efforts on this. I think you learned some things and you see how the Charter works and I think it is a great commission. Looking at each one of these items; I knew going in there were not going to be a lot of big changes coming up because the last commission did modify some of them. But you did a great job and thank you for your service.

Chairperson Raber: Save that for the last meeting.

Mary Tricaso: I enjoyed being on the commission.

Mayor: I am always looking for members for different boards and commissions and Helene is looking for them too.

Meghan Thompson: It was very educational. Thank you very much Dave.

Helene Hussing: As an outside commission or non-commission member I do appreciate having to sit in on these last two meetings. It was very informative, and I thank you for your time.

Chairperson Raber: Alright. Thank you everyone and with that I will entertain a motion to adjourn. Randy Sarvis moved to adjourn. Seconded Katie Lindhe. Roll Call: Kim Sabetta, Randy Sarvis, Meghan Thompson, Mary Tricaso, Steve Clark, Helen Fire, Robert Higham, Katie Lindhe, Serif Krkic, Megan Raber, Ted Roy – unanimous. **The Charter Review Commission meeting adjourned at 7:43 p.m.**

Minutes transcribed by Susan Burton