

Charter Review Commission

Village of Oakwood
Charter Review Commission
Minutes
April 8, 2020

ATTEND:

Jim Climer – Law Department (Chair)	Amos Berry Jr.– Council President appointment
Noral Copeland– At large appointment	Gloria Blevins– Ward 1 appointment
Audrey Severns – Ward 3 appointment	Andrea Lowe– Mayoral appointment
Joel Hladky– Ward 4 appointment	Nicole Goode - Ward 5 appointment
Debra L Hladky – Clerk of Council-Secretary	

ABSENT:

Jackie Graves– Ward 2 appointment	Dan Stanton– Mayoral appointment
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Meeting opened at 7:00 pm by Climer

Pledge of Allegiance

Attendance Taken

Climer explained he sent out the proposed amendments yesterday and apologized for getting it out so late. These are simply suggested amendments from myself, administration and Deb Hladky for your consideration. Further, if any member of this commission has suggestions, we can entertain those as well.

Sec 6.01 Primary Elections

Climer: In a Presidential election year, the primary is held in March, however in it is otherwise held in May. This amends that section so we comply with the State Code.

Sec 6.05 Nominations

Climer explained this was requested by administration indicating if a candidate running for office, holds an office with the Village, they must resign prior to filing a petition for another office. I have no position on that. **Mr. Hladky** asked what the upside and downside are to this. **Climer:** I am pretty agnostic on that; I am not sure there is a big upside and downside. I will talk to the Mayor and get back with the Commission. There is nothing illegal about it. I will be happy to find out the thought process. **Copeland:** I believe we discussed this at the last CRC. We didn't find an issue with it, correct me if I am wrong, Deb. **Clerk:** At the time ,there wasn't an issue. If someone is holding a position and they are not up for election but they wish to run for a different position, I believe that was his thinking process. **Climer:** I wasn't around the last two commissions, but will be happy to find out more from the Mayor.

7.14 Publications

Climer: This is being requested by Mrs. Hladky The present requirement is to have postings in the five most public places in the municipality. We don't know if anyone knows the posting locations. I also changed the verbiage to the lobby of Village Hall from Council Chambers. **Clerk:** That is where I post them now along with the other four places. **Climer:** It currently reads Council Chambers ,which seemed difficult since people don't have access to that area. I also included the Village website since that is far more accessible. **Goode:** Are postings online? **Clerk:** Yes, posting are on the Village website now.

Goode asked if new residents get a copy when they move to the Village. **Clerk:** They are given a New Resident Packet which contains all that information, which is accessible via the Building Dept.

Sec 8.04 Hearings and Appeals under employment

Climer: The Village is non-Civil Service meaning, we do not have classified service which applies to cities. The Village is an at-will employer. Normally, an at-will employee does not have a right to appeal a decision made by the appointing authority to Council or the courts. We are currently updating the Village Employee Handbook. I get a sense from Council, the Village wants to remain an at-will employer. The purpose of deleting this part of the Charter is to be consistent with the concept of at-will employment and to avoid being locked into appeals, which could take years of litigation. **Berry** asked about the term, at-will. **Climer** explained each person can be terminated for no reason or any reason, as long as it is not a prohibitive reason, except those under the union contract.

10/06 Civil Service

Climer: If we pass the benchmark of 5,000 residents, will become a city and at that point, we will need to appoint a Civil Service Commission and that chapter would have to be reviewed again. Subsection 8 conflicts with the section immediately above it. If we become a city, a conflict would arise. Section E lists the people who are unclassified. Everybody else is classified. Section E states all regular full and part time people in the classified service conflicts with the list of restricted service. We need to get rid of that conflict at some point in time. The other is Section I. The Supreme Court updated the State Code eliminating the receipt of additional credit for applicants residing in the municipality, it is unconstitutional.

7.16 Compensation of Officers and Employees

Climer: This was requested by the Mayor and several Council. It is intended to have the base pay of the Mayor is based on 105% of the Police Chief. If the office holder has less than two years experience as Mayor in the cumulative, that person would receive 75% base salary until he or she has obtained two years civil service as Mayor. If a new person comes into the Mayoral office and has never served in that position, he/she would have to serve two years prior to receiving the full salary. This is based on the fact that an inexperienced Mayor will not have the judgment as someone who has served in the position for at least two years. **Goode** asked if someone came into the position with other experience. **Climer:** I am not sure how that would be quantified, but that is something the commission would have to think about. If there are other life experiences that come into play, feel free to chip in.

Sec 7;13 Rezoning Issues

Climer: I recommend these changes to rezoning because, currently it is a 10-12 month process. When a rezoning issue is introduced, it goes to Council and if it is agreeable, an ordinance is passed and given to the Planning Commission (PC). The PC prints and mails notices 15 days in advance of the public hearing. PC then has 60 days to make its recommendation to Council. Council then is required to give 30 days' notice of a public hearing of its own. Then Council must have three readings of the ordinance which occurs at regular meetings or bring everyone in on three successive days. It can take up to a month. Then to get the issue on the ballot, it has to be filed with the Board of Elections at (BOE) least 90 days prior to the election. By the time we are done, it is about seven-eight month process to get it to the BOE. Then another three months before it is on the election. It can either be a Primary or General Election. If you

miss the Primary you have another six months to wait. I'd like to shorten up that process and simplify it somewhat.

7.13 applies to Council, suspending the rules and pass legislation on the first reading with 75% vote in favor.

10.02(c) dispenses with the hearing by the PC and shortens up the time for PC to act from 60 to 30 days. Dispensing with the hearing still permits residents to attend the meeting as always. My thought is, a formal hearing is not needed. **Goode:** You are suggesting changing three readings to one reading with 75% vote? **Climer:** Yes. If there isn't 75% vote in favor, then you hold three readings. That is by state law. You can forgo the three readings if you have 75% vote of Council to suspend rules. **Copeland:** What is the purpose of three readings? **Climer:** I do not know. but it is state code. **Copeland:** It just seems a little archaic. **Goode:** It may seem a lot with three readings, how do we change the benchmarks to allow for hearings; questioning and digesting of the community. **Climer:** Again, everyone has a right to show up at a Council meeting and express their concerns. **Goode:** Is the first meeting to propose? **Climer:** Council votes on a resolution referring the proposed ordinance to PC. PC comes back with their recommendation to Council. At that point, Council holds a hearing with 30 days' notice for a hearing We are suggesting dispensing with that and allow Council to act on the ordinance in their normal schedule, which will shorten this process. Council must have at least one reading. If there are rejections by residents, they have every right to attend the meeting during public comment. That is a hearing in and of itself. After the first reading, Council can vote to suspend the rules or vote on it at first reading, If there isn't 75% vote, they must have three readings. That can happen during regular meetings, which takes up another month or bring the Council back or special meetings three days in a row. I would guess 95% of our ordinances are passed under emergency measure. That means one reading, many are passed by suspension of the rules. There are very few which go to three readings and those are required by law. **Copeland:** We elect Council to make the decisions for the Village. We have a Planning Commission which will review the situation and bring it back to Council with their recommendations. Council has the responsibility to vote on the change. I think three readings slows down progress tremendously. As long as we are publishing the change; Village Hall or on the website, those interested parties would be able to attend Council meeting or Planning Commission and voice their concerns. That should be enough time. **Blevins:** I am in agreement. **Climer:** I will need to research this. Even cities with Charters continue to follow the three readings procedure. Again, 95% of our ordinances are passed as an emergency measure or under suspension of the rules. **Copeland** asked him to research that and get back with the CRC. **Climer:** If Council votes in favor of the zoning change, the matters are sent to the BOE for a referendum to be held and everyone gets a chance to vote on the Charter change. This is another measure which allows people to put in their opinion with a lot more punch. It would radically speed things up. I have no position on this. Administration feels that is a good checks and balance measure. A lot of cities do not require referendum for zoning changes. I have provided examples to you.

Mr. Hladky-Section 7.15. It is written the codification book should be in paper form. Should or could that be changed to electronic or electronic and paper? **Climer:** That provision would simply require someone to have a written format somewhere. It certainly does not prohibit the publication of ordinances electronically. We should have an official copy of the codified. The codifiers are usually a year behind usually, correct? **Clerk:** Yes. **Climer:** It is on the website. They collect once a year. **Clerk:** Yes, we can

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submit more than once a year but it is very costly. It is usually between \$4-\$6,000 just for one update. They are updating our ordinances along with the state statutes passed by the State Legislature. We could increase that line item, if we wish to do that as long as Council approves the additional expenditures. Currently it is updated once a year. I keep two official books in my office. One stays in my office and the other is for reference purposes by the residents to review the paper ordinances, make copies, etc. We have them on CD and on the website as a link. **Climer**: In my personal view, there needs to be a way to see the official version which is in Debs office. **Clerk**: Correct. **Climer**: When you look on our website, there is a link to the codified which takes you to American Legal, which has the vast majority of codified. You may have an ordinance changed in February, it won't be updated until January. **Copeland**: They have a disclaimer on the front page "Codified ordinances and other documents which appear in this folio, may not reflect the most current legislation adopted by the municipality". **Climer**: It is current 90% of the time.

Public comments-none were voiced.

Questions

Goode asked about Mayoral pay. Is that created through the Charter? **Climer**: Council sets it and it is stated in the Charter, he receives 105% of the Police Chief salary, it traditionally has been this way. Council can vary the pay the Mayor gets by varying the pay of the Chief of Police. Typically, an ordinance is passed by Council setting the pay. **Goode**: We are getting back to the Charter? **Climer**: Correct. Assuming Council agrees as well as the voters.

Williams asked about the time frame. Is there a legal requirement for the process to be completed by a certain time frame? **Climer**: The changes to the ballot need to be complete for submission for the November election. Council needs to act on any changes by early September. **Williams**: Hypothetically if it were not complete, what would happen? **Climer**: It could be presented at the May election.

Climer suggested members review possible changes. In your study of the Charter, if you come across anything requiring attention, feel free to bring them up at the next meeting. I suggest, when we meet again we discuss whether we wish to move forward on these suggested revisions. The meeting after that we can hold a vote. Many agreed.

Motion to approve the minutes of March 3, 2020 made by Copeland seconded by Berry. Voice vote was taken, motion passed unanimously.

Adjourned 7:45pm

Submitted by Debra L Hladky, Clerk of Council