

City of Vermilion, Ohio

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CHARTER REVIEW COMMISSION -- MINUTES of February 22, 2021

Minutes are posted on the City Website @www.cityofvermilion.com (meeting tab/city meeting minutes)

ROLL CALL: Eileen Bulan, Tami Horton, Lee Howley, Read Wakefield
Late arrival: Ihor Suszko

Attendees: Mayor Forthofer

L. Howley called the meeting of February 22, 2021 to order.

L. Howley asked for any comments regarding the Minutes of February 9. No comments.

R. WAKEFIELD MOVED, E. BULAN seconded the motion to accepted the minutes as written. 4 YEAS, MOTION CARRIED.

L. Howley asked for any correspondence for the commission. A. Maiden stated that Ken Stumphauzer, Law Director was asked to prepare an opinion or response to the City Council staggered terms ballot language that was turned down in the 2016 election cycle.

A.Maiden called the Board of Elections and spoke to David Stambol who sent the link from the Ohio Constitution stating the ballot language as written in 2016 to the board of elections, did not comply with the Ohio Constitution. The link was share with members.

<https://www.legislature.ohio.gov/laws/ohio-constitution/section?const=17.01>.

L. Howley approached discussing thoughts about staggered terms and length of terms for Council members.

R. Wakefield stated he is in favor or staggered terms and making them 4 year terms. As a former board of education member he felt 4 years gave good continuity to a

board. He did comment that he did conclude he would like staggered terms also. He also stated the members should vote for their leader within the body of council members. He would like to propose a change to that language.

L. Howley stated he has addressed this issue in the past and feels the community desires the staggered terms.

E. Bulan commented that she hears what the public has to say but in her years of experience with the City she has not seen an issue with the two year terms. She does not recall a time when all seven members have been removed from office.

T. Horton desires four year terms also.

Mayor Forthofer stated that at the suggestion of Lee Howley, if the commission were to recommend the staggered terms, can the Law Department give us a recommendation for the commission to view for consideration.

Lee asked for thoughts on four year versus two year terms for council members.

T. Horton – good for four year terms.

R. Wakefield – 4 year and staggered would be his suggestion.

E. Bulan – 4 and staggered. She noted that based on the past history 2 years has not been a problem.

Mayor Forthofer stated most council members have currently run unopposed.

L. Howley asked that the group talk to others to seek the opinion outside our meeting group to determine if we need further education of the public on this item, or to bring it to the ballot through the commission.

R. Wakefield asked if we can find the terms on neighboring communities. T. Horton researched that Huron council has 4 years terms and Amherst has two year terms for their 7 members.

Mayor Forthofer has no strong opinion to bring it to a four year term. He feels the 2 years is a good time for this volunteer position. He felt it could discourage some qualified people to give such a long term commitment. Boards and commission are longer, but council contains much more of a time commitment.

T. Horton questioned council meetings request for items in writing to the council clerk for records. Is it important they do it in writing? Should we include email. It was pointed out that portion was for executive sessions.

R. Wakefield asked for the Sunshine Law verbiage for reasons of Executive Sessions. The language is copied and marked as Exhibit A, attached hereto.

SECTION IV – MAYOR

SECTION IV-4. Duties and Powers.

L. Howley addressed Mayor Forthofer and E. Bulan if they see an issue with regards to powers and duties? Is there any way or should we attempt to have the language be strengthened to assist in the executive power or duties of the mayor? (This issue will be addressed from legal prior to the March 8 meeting.)

R. Wakefield asked about the City Manager review. Oberlin and Huron are smaller communities and have a City Manager. L. Howley stated that as a practical standpoint we would have difficulty changing to this type of leadership with just within the opinion of this commission. He stated an educational approach to the public would probably be the best approach. This should happen outside of the commission. Mayor Forthofer and R. Wakefield agreed a broad community conversation and an educational approach would be needed. Mayor Forthofer was concerned that people may think they will lose their ability to vote for their city leader. R. Wakefield agreed that the out of the blue approach would not work.

L. Howley stated this body could recommend that a committee be started to educate the public about the benefits of a City Manager. E. Bulan stated a decent salary would be required, Council would need to approve the salary.

R. Wakefield asked about Mayor/Safety Director compensation. Neither Mayor Forthofer nor E. Bulan were compensated for their position as Safety Director. This topic would be a priority in the educational process if the city manager committee comes to light.

I. Suszko is recognized and has joined the meeting.

Duties and Powers – we will follow up on.

Mayor Forthofer would like discussions of executive sessions to be made clear that the mayor be included in all discussions.

Mayor Forthofer did state he did not think a full-time safety director was necessary. He did not know what a full/part time safety director would do? R. Wakefield stated he remembered it was part-time. T. Horton recalled that Carl Schmidt was the last Safety Director. Brian Sarratore also served.

Mayor Forthofer noted that the Fire department has use at times for a Safety Director but the Police run kind of by themselves. T. Horton stated Mr. Schmidt brought some defibrillators forward and made sure our buildings and public spaces and police vehicles were attended to. He also watched compliance with Worker's Compensation Board.

L. Howley asked if we should combine the Mayor/Safety Director. Mayor Forthofer did not see that as plausible. He stated that if the Fire Department does get full time members, they may need the advice of a safety director. Members agreed to keep the language as it is.

R. Wakefield gave his opinion about the variety of topics a legal council needs to operate the city. The law director is in charge of all sorts of special counsels.

L. Howley asked if Council ever got in the way of requesting opinions from the law director. Mayor Forthofer and E. Bulan commented that in the interest of costs, most all items are passed through the mayor before delivery to the Law Director.

Article VI - Planning Commission

Membership and Organization. The members would like to look at what they feel is a typographical error. The paragraph states there are 5 members and the Mayor and one ex officio member. In the second paragraph "The Commission shall choose from its seven members a Chairman..."

The commission would ask that the Council address this change at the next Codification of the City Ordinances. No voting change needed, just error recognition.

R. Wakefield stated there is a petition that is being passed amending the duties of the planning commission. He asked if anyone had seen the petition. Nobody has

seen it. He is not sure if it was planning or zoning commission. He was unsure if it had any validity toward the charter.

Section VI-4 No issues with Mandatory Referral or Board of Zoning appeals materials.

ARTICLE VII Civil Service Commission

Discussed in 2016 with no changes.

Classification of Service. T. Horton stated we have no firemen full time. R. Wakefield stated the classification is there if it is needed in the future.

T. Horton would like it clarified for grandfathering with classification of service.

ARTICLE VII-A Parks and Recreation

R. Wakefield stated previous charter review spent a good deal of time on the parks language. L. Howley stated the board is working well. No problem. E. Bulan agreed.

Article VIII-Elections

L. Howley wanted to state his desire for language that if there is a primary and three or more candidates are vying for the position, if a candidate gets 50% +1 votes, they are declared the winner and the general election is not needed. R. Wakefield agreed. The numbers are down from the general election in Ohio. E. Bulan asked if there was an example. L. Howley stated that he could not come up with one so with no other support, he will drop the issue.

Mayor Forthofer liked the idea but stated it would be tough to convince the Board of Elections that you could take away someone's right to vote. L. Howley will do more research on the issue.

Article IX - Initiative, referendum, recall – no comment

Article X - Finances and Taxation

No outstanding issues, boilerplate language.

Article XI General

L. Howley stated this section has been reviewed a lot. R. Wakefield agreed and stated he read it twice and saw no issue.

L. Howley asked if we could amend the charter between the charter review times.
E. Bulan stated the charter can be changed by Council. Council can change the language of the charter but it must be brought to the electorate.

L. Howley stated we have completed all items with no more comment.

Adjournment:

R. Wakefield moved to adjourn the meeting after no further business was entertained.

Next Meeting: March 8, 2021 @ 4:00 p.m. via Zoom

Copied from the

Ohio Attorney General Dave Yost Ohio Sunshine Laws 2020: An Open Government Resource Manual

“B. Permissible Discussion Topics in Executive Session

There are very limited topics that the members of a public body may consider in executive session:

1. Certain personnel matters when particularly named in motion ¹⁰⁴⁵

A public body may adjourn into executive session:

- To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official; and
- To consider the investigation of charges or complaints against a public employee, official, licensee, or regulated individual,¹⁰⁴⁶ unless the employee, official, licensee, or regulated individual requests a public hearing;¹⁰⁴⁷ but
- A public body may not hold an executive session to consider the discipline of an elected official for conduct related to the performance of the official’s duties or to consider that person’s removal from office.

A motion to adjourn into executive session must specify which of the particular personnel matter(s) listed in the statute the movant proposes to discuss. A motion “to discuss personnel matters” is not sufficiently specific and does not comply with the statute. ¹⁰⁴”