



Minutes of the Charter Review Commission from Wednesday March 12, 2025, 6:30 p.m.

1.) Call to Order

2.) Roll Call

Charter Review Commission Members Present: Denny Mariola, Dennis Campbell,
Rick Charles, Amy Jones, Nancy
Binzel

Charter Review Commission Members Absent: Janice Arch, Christy Staats,

City Officials Present: Drew Reilly, Hannah Morris,
Kyle Herman, Steven Hooten

3.) Approval of Minutes

Approval of March 5, 2025, Minutes:

Motion made by Rick Charles, seconded by Amy Jones to approve March 5, 2025,
Minutes.

Vote – Yeas: Denny Mariola, Dennis Campbell, Rick Charles, Amy Jones, Nancy
Binzel.

Nays – None. Motion carried unanimously.

Christy Staats arrived during the Old Business Section at 6:38 pm

4.) Old Business

• **20.02 – Additional Amendment for Charter Review Confirmation**

Mr. Reilly provided the commission with the changes and drafts requested from the last meeting.

Regarding 20.02- he added language that “by the last council meeting in January of the year in which the charter review shall convene.” There was discussion that if everyone liked the fluidity of the new language.

Mr. Campbell stated he was happy that it puts a little urgency of the time frame. Mr. Charles agreed.

Mr. Campbell stated he recommends as the commission goes through the proposed changes / drafts that they decide on the pieces they would like to focus on for a future Town Hall meeting prior to sending to Council for their thoughts and changes. He recommends not voting on any changes until after the town halls.

- 3.06 – Clearer language for acting mayor

Mr. Reilly provided background information regarding the current language of the charter. The Law Department had removed any reference to members of council designated by a majority or acting in that capacity. It now reads “president of council shall become the acting mayor with all the powers of the mayor and in the event the mayor is inaccessible, unable for any cause or reason absent from the municipality” and now added at the end of the section states that in the event that the president of council while acting in the capacity of acting mayor is temporarily absent from the municipality, inaccessible, or unavailable for any cause, the council shall choose by a majority vote a designee to serve as acting mayor.

Mr. Reilly stated that nothing changed on how its enacted but just clarified the language.

Mr. Charles stated that this new language does clarify it and makes it more transparent for the community.

- 4.12 - Lowering the minimum public posting of Council items

Mr. Reilly had reminded the Commission that last week they had the Clerk of Council present, and she had asked about the required six postings of notices and changing it to possibly three. Mr. Reilly had added language to say “a public posting on the City’s website and any other social media platform utilized by the city for notice purposes and not less than three public places in the municipality”

It doesn’t force to use one specific social media and Mr. Reilly stated that if this would be passed, the codified ordinance would have to be changed since it lists the six places that council clerks are required to post. He stated the charter had to be changed first before the codified ordinance can be changed.

- **Research Topics**

- i. Special Election Timelines

Mr. Charles and Mr. Campbell had asked regarding Special Election timelines regarding the mayor’s vacancy. Mr. Reilly had looked at the State definition about general and regular municipal election, special elections and primary elections. He stated that our charter has the six-month window is because there are always two

elections in a year. Primary and General Elections. There are provisions for special elections in august, and there are codes, but there are certain criteria to have a special election in august, and unless the city is under a fiscal watch, there isn't really a reason to have a special election for an August primary.

ii. Council President Term Limits

Mr. Reilly had researched the two-year term limit and reported back stating that this has been in the charter since it was adapted. Stated he could not find any justification or any reasoning on why it was determined that it was two years.

Mr. Campbell stated that the current structure of the council being two-year terms, he thought one year is fine, that it almost forcing new leadership and allows someone else to step up to that position. If the Commission decided to change the term length, then to revisit the president term limit at that time.

Ms. Jones stated she would like to see what the residents think before making changes.

iii. Meeting Minutes from previous Councils – re: Section 3.07

Mr. Campbell has stated from reading the minutes he is happy this Commission is moving at a good pace. Seeing that, an issue was not giving the council enough time to review changes and have feedback. He is glad they are discussing getting citizen engagement as well.

Ms. Binzel stated giving the Commission in 2020 grace due to the circumstances that had taken place with the pandemic.

iv. Meeting Minutes from previous Councils – re: Section 4.02

Left off the agenda in error, Ms. Jones had asked for research regarding the section of the charter discussing the prayer in meetings. The Law Department has provided the Commission with a legal memo. Mr. Reilly had let them know that this memo is an attorney-client privilege, and they did not need to share the memo publicly.

Ms. Jones stated that she thought it would be important to make it a public document due to having citizens comment on the verbiage and that it seems restrictive to other religions.

Mr. Charles had wanted to get some historical perspective on whether the charter language is unconstitutional or not. and wanted to say there was a lot of court history both locally and at the federal level. He states that the key here is if there is liability for the City the way the Charter is written today.

Ms. Binzel makes a motion that this becomes a public document, Mr. Mariola seconded the motion.

Yeas: Amy Jones, Nancy Binzel, Dennis Mariola, Dennis Campbell,

Nays: None

Abstentions: Christy Staats, Rick Charles

Motion to make the document public carries.

Mr. Hooten gave a review of the document regarding prayer in a meeting. The Law Department explained that the term used “all mighty God” is broad enough and the way it is written currently is constitutional in their opinion.

The Commission thanked the Law Department for their research and time spent on the questions and topics they have brought up.

5.) New Business

- **Article IV: The Council: Sections 4.16-4.18**

4.16: Vacancies: This section explains if a council seat becomes vacant, how that seat will be filled. It states now that the council will choose to fill the vacancy by a majority vote of the remaining members. There is no explicit process. If the president of council becomes vacant, the vice president does immediately become president. At that point the council would vote to fill the vice president seat. There is a provision that if the council chooses not or cannot fill the seat, the mayor then can appoint someone. They do have to have the qualifications to serve, and they do hold the two-year term.

Ms. Binzel had asked if there is anywhere where the process to fill the vacancy is spelled out, she referred to her time on school board, the process is spelled out by State law, and they had only 30 days to fill the vacancy rather where here it states they have 45 days to fill the vacancy.

Mr. Reilly stated he cannot speak on the 45 days; he thought that maybe the difference of meeting times and the makeup of having seven members on council vs five members on a school board.

Mr. Charles had asked if the 45 days is state law or just in our charter and wanted to know if other cities have 60 or 90 days to fill a vacancy.

Mr. Reilly stated he will do research to check state law regarding this portion regarding the time frame and the process to filling a vacancy to have ready for the next meeting.

Mr. Charles had asked if there was a council rule that stated the process of applying for a vacancy, or does it refer to state law.

Mr. Reilly stated that in the council rules there is no mention of a process in appointing a person to a vacancy.

4.17: Removal of Elected Officers: Mr. Reilly gave an overview of the section on how members of the council are removed from their seats. Stated from his knowledge there has never been an instance in the city where this had to be enacted where a member of the council had to be removed from their seat.

There was discussion on what moral turpitude is and Mr. Reilly explained that the council decides on that and there is no written statute on what constitutes moral turpitude.

Mr. Reilly had stated this section has not been changed since the charter has been around.

4.18: Departments, Boards, and Commissions: This section states that in addition to the departments or boards listed in the charter, the council has the authority to create new ones but they cannot delete or remove them.

- **Article V: Wards:**

States that there are four wards, and that council can change the ward boundaries by ordinance but cannot change the number of wards. The wards shall be nearly equal in population.

Mr. Reilly stated that every ten years after the census there is redistricting and that he could pull the information on when the last time the boundaries had been changed.

Mr. Reilly had distributed a spreadsheet to members comparing local municipalities in summit county populations, ward amount and at-large seats.

The spreadsheet also showed the state law if there is no charter for municipalities.

Mr. Charles also stated he did research on local municipalities with similar populations.

Mr. Campbell also had created some data regarding local municipalities in relation to the cities ward numbers in relation to population.

Mr. Campbell states that “we” as in the city should look at the wards but he felt that as the charter review commission has the time to accurately collect the data and do the amount of town halls to properly propose a change to the number of wards the city currently has. He proposed that they should propose to the council after this process to have a review and evaluate since if the amount of wards change, then it would then change many other portions within the charter as well.

Mr. Mariola agreed with Mr. Campbell’s suggestion that this should not be charter review change. This change would require way more time than the charter review has.

Ms. Staats had stated that she would rather focus more on other items rather than focusing on changing the number of wards.

Mr. Charles had stated if the charter review wants to change from four to six wards, then it's not the charter review commission to divide the wards, just to change the amount of them. He does think it should be changed to more wards to better align with the growth of the city.

They discussed how if you change the number of wards then anywhere that mentions the specific number of votes needed will need to be altered as well.

Ms. Binzel had mentioned that it would be outside the scope of the Charter Review Commission since the charter does not mention the definition of the wards.

Mr. Reilly explained that the Charter Review Commission could submit a recommendation to the council that the number of wards should be looked at but felt that they didn't have the proper time to give to it, so it didn't feel rushed.

The Commission decided to bring it up at the town halls and they could revisit the topic.

6.) Next Meeting Time and Date and Charter Section Discussion

The Commission decided to discuss Article VI: Department of Finance, Article VII: Department of Public Service, Article VIII: Department of Public Safety, Article IX: Department of Law.

They discussed how many articles they wanted to get through before hosting a town hall. The commission decided to hold a town hall after this next meeting and then focus on what they have discussed thus far. They decided since at that point they had discussed about half the charter thus far.

Ms. Binzel had said Mr. Campbell could give a presentation on what the commission had looked at thus far and then open it up to comments from the community or input.

Mr. Campbell agreed and said this way they can get the feedback and adjust if needed before presenting some changes to the council. Also, he would like to extend an invitation to the members of the council to be at the town hall.

They decided to have a town hall at City Hall in council chambers at 7:00 pm on Tuesday April 1st.

7.) Public Comment

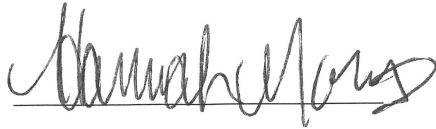
No public comment at tonight's meeting

8.) Other

9.) Adjournment

Motion made by Rick Charles, seconded by Nancy Binzel, to adjourn.

Motion carried unanimously.

A handwritten signature in cursive script, appearing to read "Hannah Mors", written over a horizontal line.

Clerk

A handwritten signature in cursive script, appearing to read "Rick Charles", written over a horizontal line.

Chairman