

ASHLAND CITY COUNCIL

Minutes for Charter Members Meeting Thursday, May 10, 2007 7:30 a.m.

Charter Member Meeting started at 7:30 am

Purpose:

- (a) Accumulation of research and recommendations for updates to the Charter.
- (b) Discussion on the 13 Recommendations.

Session:

Council Conference Room 3rd Floor

Roll Call: Sign -In sheet was sufficient.

- 1)Elizabeth Hipp
- 2)Ken Seidner
- 3)Ev DeVaul
- 4)Ron Baker
- 5)Nevin Bowers
- 6)Howard Scanlan
- 7)Dennis Van Scoy
- 8)Kay Conrad
- 9)Anna Tomasek
- 10)Dorothy Stratton

Ken Seidner- Chair Person, called the meeting to order at 7:30 am.

Old Business: Ron Baker will not be attending the meeting on May 24, 2007.

New Business: The next meeting for Charter Review is in the Economic Development Conference Room on the 1st floor on Thursday May 17, 2007 at 7:30 am.

Any Comments or changes to the minutes from 5/3/07? None.

Ken Seidner: We have the list that Valarie put together of recommendations for the Charter in descending order.

The first one, I think Rick Wolfe II, Law Director put together. That pretty much sums it up. Making the Charter Gender Neutral will be number 1.

The second thing on our list is allowing somebody from the outside, for the Fire Chief and Police Chief position. If we want to do more investigation on this I am open for that.

Kay Conrad: Is that something the Police and Fire Chief, that we will have to go to the voters if Council decides to act on it?

Ron Baker: How it is done would be set up by the Civil Service Commission.

Dorothy Stratton: Is this to be understood that the Fire Chief and the Police Chief would still be under Civil Service?

Ken Seidner: That is my understanding. Yes they still would be.

I think it is important to state that.

Dorothy Stratton: Is that a separate consideration? Do we need to say we still support them being under Civil Service? Wasn't there a conversation about not having Civil Service?

Howard Scanlan: Yes there was some conversation on that.

Kay Conrad: And this is not discounting the fact that it can also be chosen internally?

Ken Seidner: Oh yes , right. Right now that is the way it is done, just internal people. This would give the Mayor the opportunity to seek outside candidates if need be. Do we need to pursue this further?

Elizabeth Hipp: Why do we need to limit it to at least two outsiders? Why can't that be removed and basically it is open to whomever? Outside or internal.

Ron Baker: I agree with Liz, I don't think two need to be in there. Just in the department as well as outside the department.

Howard Scanlan: So take out two.

Dorothy Stratton: Would that be in there to prevent someone from just selecting an outsider to be considered? Without competition?

Ron Baker: The competition would still be there. He will have to compete just like everybody else. And take the test like everyone else. Meet all the requirements that a person within the department would have to meet.

Ken Seidner: My understanding was what we are saying is, there are for instance two people within the department that are eligible. The Mayor could pick, 4 outsiders.

Document the qualifications.

Ken Seidner: Do we want to come up with specific language on that?

Ron Baker: As I understand, I think the original intent when this was first talked about was to open it up for the people from the outside.

That is correct, and I think it is important to stay within the Civil Service. Because that was one of your points of interest of which I agree with and we should probably state that in there.

Ken Seidner: Well Ron, you and Nevin have had more experience with this, would you guys be willing to work on coming up with some specific language on how we would want to state this?

Ron Baker: I don't know if everybody still has the copies that Cherie gave us. She has given us copies of what the proposed amendments were and what the proposed language would be. They still have it in there on the Civil Service protection and what they are proposing.

Ken Seidner: The proposed Charter Amendment issue showed that the Charter of the City of Ashland be admitted at section 28 to grant the Mayor, safety Director the power to appoint and designate the Chief of Police and the Chief of fire from within the ranks of Police and Fire division or by appointing such Chief from outside the City ranks. The actual Charter language, add to the current section 28 in conformity with this Charter provision in section 52 of the Charter, the Mayor safety Director shall appoint a designated Chief of Police and the Chief of Fire. The Chief of Police and the Chief of Fire may be within the ranks of the division of Police and Division of Fire or may be from outside the City ranks.

Ron Baker: And it doesn't make any reference of about taking them out of Civil Service so they would remain within the Civil Service.

Ken Seidner: So I guess we already have that language basically. Does that work for everybody? There is no mention of a number here either.

Howard Scanlan: It shows a minimum in there. You have got to have at least 2 people from outside.

Ken Seidner: So, Recommendation 2? And conformity on that? Alright. And the third one was. The recommendation, qualifications for the Finance Director position. Keep it as an elected position. Same with the Law Director. Come up with some language with per the qualifications for the Finance Director. And I guess that is why you are here Anna.

Anna Tomasek: I have additional. I did not check with Mansfield but I checked with our Bond Council and I checked with Government Finance Officers Association and the Association of Public Treasurers and 6 Cities that have elected Finances Directors. They do have qualifications in their Charter. So let me pass this out and we can go over this.

Throughout the State, the majority of this is in the Cleveland area and Akron area that have qualifications in their Charter, so it does exist. This language I typed up from Medina ,Brookpark, 7 Hills ,North Olmstead. The City of Tallmadge, the City of Stowe has this actual language in their Charter.

Howard Scanlan: And these folks are all elected?

Anna Tomasek: Correct, for 4-year terms. So there is some sample language.

And they Gender Neutral?

Anna Tomasek: They are not Gender neutral. Some are and some are not. The first one was.

I guess in summary, it looks like the overall qualifications is an accounting degree from a 4-year accredited college or overall a Bachelors degree from equivalent accredited University and obviously some years of experience as the overall qualifications, some require a license and some require a certification. Some are very extensive and some are basic.

This accounting degree I imagine you do with nonprofit accounting.

Anna Tomasek: The way the curriculum is at Universities for fund accounting, nonprofit, governmental accounting is not required. It is an elective. So just because you do have an accounting degree, does not mean that you are trained to be a finance director in the City unless you actually take that fund accounting course in College. That is why most cities do a combination of both Bachelor's degree and experience.

Ken Seidner: Right now, if somebody decides to run for Director of Finance, basically all they have to do is take out petitions and throw their hat in a ring, right?

Anna Tomasek: Correct.

Dorothy Stratton: I noticed the City of Brookpark with the possibility that a candidate does not have the qualifications, so I think we need to think about how we would want it to be handled, certifying a candidate and have the appropriate qualifications.

Ken Seidner: I was thinking too, somebody takes out a petition and somebody files an objection to it, of course that is not going to be our problem. I would assume the Law department, ethics committee it would be up to.

Anna Tomasek: That's why they made the Board of Elections and the Secretary of State to make the final decision and I don't know, if this committee wants to have that decision out of the local jurisdiction? Do you want the State to make that decision or the County? That is something to discuss.

Ken Seidner: All of this until you start throwing it out sounds pretty easy and quick to do; but when it comes right down to the actual thought it is hard.

Anna Tomasek: I just did some research. Not saying these are right or wrong.

Would you consider Stowe or Tallmadge the size of Ashland?

Anna Tomasek: The City that is comparable to our size would be Medina. Every other city on here is larger. Medina is slightly larger than Ashland but comparable to Ashland.

Howard Scanlan: Medina also gave here the option of Public Accountant or 2 years in government related accounting skills.

Ken Seidner: Valarie, this Director of Finance, who did we get that from?

Valarie Bishoff: That is from Mansfield, Dave Smith.

Do you feel that Medina is a little more critical than need be?

Anna Tomasek: To me it was just lengthy. I think the qualifications are fine but I think it could probably just be concise on the wording.

Ken Seidner: On there they talk about it has to be a resident of the city; to be elected, you have to be of the city.

Anna Tomasek: Because this individual has influence on like Water Service rates, income tax. I think that in my opinion you should live in the community that you are impacting on taxes.

Howard Scanlan: We were talking about the Division directors.

Ev Devaul: How many years of experience do you have?

Anna Tomasek: I have 8 years of experience.

Ev DeVaul: I mean when you started.

Anna Tomasek: Here I was the assistant and I had about 2 years of experience.

Ev DeVaul: Point being, I think 5 is pretty high. You can eliminate a lot of people with a limit. I am just looking at some of these.

Dorothy Stratton: I think 2 is considered minimum in a lot of different situations:

When you were hired, you were hired in as an assistant.

Anna Tomasek: When I became Finance Director for this city, I have had 7-8 years.

Ken Seidner: Okay, I am looking for Volunteers to refine this; what do we want to see on this thing? Sit down and come up with some specific language.

Ev Devaul: I like the City of Stowe and change it at the 2 years.

Anna Tomasek: To me it should be a degree in Finance, Accounting or public administration.

Should we specify a two-year or a four year degree?

Anna: Normally it is a 4-year degree.

Dorothy Stratton: Would this allow for someone with an associates degree in accounting?

Bachelor's degree.

Elizabeth Hipp and Kay Conrad: Work on specific language along with Howard Scanlan.

Ken Seidner: All three can get together and work it out. Bring us your expo at the next meeting.

We are at 3 if you get that.

The next thing on this list is # 4 is to remove the information from the Charter with the Mayor to be a safety service position. Have Council establish a new safety service director. We have talked about that. How does everyone feel about this?

Howard Scanlan: He shall appoint a director of public service a director of public safety. That is Ohio Revised Code.

Ken Seidner: Comments on this recommendation. When Bill talked to us, I think he was in favor of this. Again, I don't have strong feelings one-way or the other on this one.

This would be a new position that we are creating?

It would the Mayor to do some of the other City planning and so forth without having to have direct oversight of the divisions. The qualified Safety Service Director would relieve the Mayor of a lot of extra work.

Dorothy Stratton: Are we saying that if we have a safety service director, that would take the pressure off to create a city manager position?

Howard Scanlan: Are we talking about a City Manager or a City Administrator because I worked for a City Manager which is on the list and if you go with the city manager plan, you might as well as get rid of the Mayor. It is the same thing.

Ken Seidner: Ron, correct me if I am wrong but basically in charge primarily to the Police Dept. ,Fire Dept. ,Water, he reports to the Mayor?

The Mayor can pretty much tell him how he wants things done and leave it up to him.

Comments?

Howard Scanlan: Just strip and replace. Strip the language in the Charter and replace with appoint.

Ken Seidner: Well, to me too in reality if he reports to the Mayor. If the qualifications are set up for the Safety Service Director, get qualified personnel to handle a job like that. Basically he would be appointed by the Mayor with Council's approval.

Howard Scanlan: Here is the City Manager Plan, appointment by Council, his duties, then the last page you will see powers and duties of the Mayor and it is the same as the City manager. So you wouldn't need both. Keep the Mayor or go with the City Manager.

Are these city managers elected?

Howard Scanlan: No they are appointed. That is where I was having trouble.

Administrator would be the Mayor's right hand man. He would take care of most everything, almost like a city manager. With the manager plan, you would get rid of the Mayor. It is the same job.

Right now you have department heads that are working like they should, I wouldn't know why we would need that extra body in there.

Everett DeVaul: I move that in # 4 we take out appointed by City Council and put recommended by Mayor and approved by City Council.

Howard Scanlan: Effectively, just go ahead and strike that City Manager then.

Ken Seidner: The next recommendation was combining City Health and County Health Departments. I think the language permitting that to happen not requiring that to happen. We make that recommendation and they proceed

with that to try and make that happen, but again if the County does not agree to it, it is not going to happen anyway.

Howard Scanlan: We are going to have to sit down and hash this out.

I remember when they tried it before and it was the biggest fiasco I have ever seen.

Kay Conrad: Al Sanders is not going to be around forever and it sounds to me like he spends a lot of time juggling that it can be spent on a lot of more important things.

Ken Seidner: And I think that presentation he gave was pretty well done. But again it is to me if there is something else on down this list somebody wants to have, I would personally like to move that up the list and then we could have this. Glen Stewart, he wants us recommend to them that they perceive of this to see if they can make it happen. I think they are looking for somebody beside themselves to say hey, this is a good idea. It will still have to be voted on. But whatever they come up with. I do not have a problem making that recommendation personally. If there is something else beyond the 4 things that we have got here so far. Again going back to what happened, not to say that anything is right about that because it is history. This committee made 10 recommendations the last time and they put 3 on the ballot.

Elizabeth Hipp: Did they go on a prioritized list?

Ken Seidner: They did not use our list. I think the first 2-3 things on there did not see the light of day.

Did you want to see us move this Health Department issue up a little higher?

Dorothy Stratton: Why don't we prioritize after?

Howard Scanlan: That would be a good strong recommendation for it.

Ken Seidner: Yes we had 10 recommendations. They picked the third, the sixth and the ninth. Our list and their list were completely different. I thought when we did this the last time that 10 items was a heck of a long list and again one of the things was the Charter will appear on the ballot as I understand what Rick said basically and of course we had some discussion on what Bernard felt pretty strongly about people are not going to read that thing. He said they are going to vote no because they are not going to set there and read it all. If that happens, it happens. We cannot control that.

I think Dorothy had a good idea; we should go through all of these before we come up with our order of command.

Ken Seidner: The last meeting, these were prioritized by our own lists already. Everyone voted for number 1 and number 2. So that is how she came up with this order based on those lists and Valarie's notes. If someone wants to make a motion to change one of them, we will look at it. We are down to clarifying this language, Emergency vs Expedite.

Howard Scanlan: Everything I have seen it is vague. If it is an Emergency, we need pencils, lets go. I guess it would have to be set down and looked at the language in the Charter and see what would fit.

Dorothy Stratton: And as Rick explained it, the designation of Emergency makes it possible to implement the Ordinance immediately rather than allowing that referendum. It is used for expediting business. And I brought that matter up because it was very confusing and upsetting to residents who have brought issues forward and when an emergency was declared and the legislation went right through, it didn't seem to be an Emergency, a common usage of the English language and so I was just hoping that maybe perhaps either the definition of Emergency could be included or that type of action could be called something else other than Emergency.

Dorothy Stratton: I certainly agree with that it is just using the term Emergency. I would be glad to word something if I could get direction on do we want to enlarge the meaning of Emergency so the citizens can read the Charter and say oh yes what they did constitutes that special meaning of emergency or do we want to come up with another term other than emergency.

The Emergency means public safety.

It is because that is not the way we use the word Emergency in ordinary speech.

I think in a lot of cases people think maybe simply because you are passing it by as an Emergency that someone is trying to pull something over your eyes.

Ken Seidner: Yes that is where the public might have a thought about it why we are using that all the time.

Many times when in your job there were times when it needed to be done to keep things moving within the city.

Dorothy Stratton: That needs to be expedited.

Ken Seidner: An example would be if you are in some kind of construction project and something needs to be changed and there is good reason for it being changed. You don't want to wait a month and a half. You have to get it done.

Ron Baker: Well, another good example was the time we damaged our ladder truck. That had to be repaired post haste. We needed to get the money

appropriated and make arrangements to get it because we were without a ladder truck.

That's an Emergency.

Exactly.

Howard Scanlan: Office supplies are not an Emergency.

Dorothy Stratton: For the immediate preservation of the public peace, property, health and safety. And that of course would include immediate replacement of fire equipment or providing for the usual daily operation of a municipal department. Now that is expedited, that is not an Emergency. And it also says in which the Emergency is set forth and defined in a preamble thereto. And I don't have the records I can look at. But I don't believe that I recall the reasons being set forth each time an Ordinance is considered an emergency. To me that wording says if it is going to get an emergency designation, the reasons should be given. Is the word Emergency to be kept and redefined, or should another word be found other than Emergency.

I like expedited.

You are going to maintain Emergency word and an expedited word.

I think it is even good no matter if the maintenance could be a Charter issue but it is probably not going to be a Charter issue but at least our emphasis to the Council that a lot of people are very confused about the use of that and maybe that might help redefine the meanings and that process.

Ken Seidner: You cannot argue with the position on that but again to me it is one of those things I guess I would like to see exactly what you're saying, implemented. Whether they are going to do it or not. It is the old business as usual. What will make that happen is if they get enough residents calling them up and saying to change it. It does cause a lot of confusion. If you are willing to take that on by putting the wording out for that and we can look at that. Can you have it done by next week?

Dorothy Stratton: I won't be here next week (5/17/07).

Ken Seidner: Okay, Item 7. All elected officials are held by the same standard. They are not allowed to hold two elected offices

Howard Scanlon: Seeing how Council is our Legislative authority. Basically the same qualifications as in section 24 for the Mayor. The Council does not have the same standard as where I am going with the City Council. And this says members of the Legislative authority of the Municipal Corporation, City of Ashland, Ohio Revised Code. And it is basically the same as section 24 for the Mayor.

Section 3, 4 and 5 of the Charter. It is just not in our Charter at this point. It would have to be inserted in that vicinity in the Council.

Ron Baker: Is there a problem with that now? Are any of the Council members in any other offices, do they hold any other office?

Howard Scanlan: I am not sure about that. I know Glen Stewart is on the Economic Development.

Is he on that by virtue of being a Councilman?

Howard Scanlan: I don't know. You are looking at that in the future. It might come up if a Councilman wants to run for School Board the next election. Someone is going to have to revisit that. It is not a problem at this point. If you are saying that it could be, and the Mayor has the exact qualifications and that is Ohio Revised Code.

Everett DeVaul: Review of the Law Office, the Mayor could not run for School Board.

Howard Scanlan: Section 24 in the Charter. I am saying this language; some of this should be in our Charter for Council. They are the Legislative body, where the Mayor is the Executive.

Ken Seidner: Well, do we want to make that a recommendation?

Dorothy Stratton: Perhaps we could put it as something we discussed for future consideration? I mean didn't that happen the last round?

Howard Scanlan: That would be good. Take a good look at that one the next time.

Several things I think are in the recommendations, here and the rest are prioritized to specifically for council to react to.

Ken Seidner: #8 I guess we have decided to throw out and scratch that. So go to # 9.

Howard Scanlan: It is talking about the size of the City and how many Council people you need.

More than 10, not more than 25. We have 5 right now.

Howard Scanlan: Mr. Sargent was talking about looking at it in the future, and I think the future is already here because we are up to about 23,000.

Ken Seidner: Item B. Consider additional Council members also; we ended up not making any recommendations though. That has crossed my mind over the years whether we do need this.

Howard Scanlan: Well, a little less burdensome for our Council People but by this we should have 7. And then they can worry about how they split the territory up. I think we might want to throw this at them.

Ken Seidner: Comments?

Dorothy Stratton: I think we can point them towards this section indicating 7.

Kay Conrad: How does one go about adding a 5th Ward? By re-dividing the City up?

Nevin Bowers: The population in each Ward.

Howard Scanlan: Do we need two At-Large Presidents or 6 Wards?

Ken Seidner: In reality, make 6 Wards and one At-Large.

Howard Scanlan: Well you wouldn't have to flip a coin when the mayor goes on vacation of who is in charge.

Ken Seidner: Two At-Large positions, one on one side of Main Street and one on the other side. I do not know how you would divide that up. One side on Center Street, but there again what is the population base?

Are we in agreement then to make that as a considered, but no recommendation and you all can run with it. Start thinking about it.

Well the next Item on the list was the development of Residential/Commercial Maintenance codes.

Kay Conrad: I personally would like to see that at the top of the list, at least keep it on the list.

Ken Seidner: I agree with that. It is great but you think you have a mess with the Sidewalks, wait until you start messing with this? I think it has come up a number of times.

Recently what comes to my mind, those houses that are on E. Main that were right there next to Huntington Bank on the corner, they had a problem with those. When I was Huntington, we tried to buy those at one time just to clean up that corner but that didn't go anywhere either.

Howard Scanlan: Valarie, Didn't the Council just get a small bunch of Codes from other Cities? City Council just received a packet of sorts of Maintenance Codes.

Valarie Bishoff: I think I might have a copy of that in my office.

Ken Seidner: Well we can jump down to # 11. I think that is a dead issue, so we do not have to look at that.

Elizabeth Hipp: But the directors are appointed so they don't have to, like elected officials, live within their cities? Are all Division Directors elected or appointed?

Appointed.

Ken Seidner: It is 8:32, do you want to finish this list or do you have to leave. I mean we are going to be here again next week anyway so.

Howard Scanlan: I would say just to drop #13 totally.

Ken Seidner: That is fine with me.

We will adjourn the meeting at this point. Valarie is getting copies for next week. Look at your stuff for recommendations on Finance Director, language, Dorothy's scenario to look at and we will go from there.

Adjournment: 8:32.

Submitted by
Valarie F. Bishoff
Clerk of Council

