

# Record of Proceedings

## VILLAGE OF MINERVA PARK CHARTER COMMISSION

Minutes of the

March 14<sup>th</sup>, 2019

Commission Meeting

*Vice-Chair Parks called the meeting to order at 6:29 pm.*

**Roll:** Vice-Chair Parks, Members Silverman-Star, Townsend, Wolf, Beeba, Bell, Park-Curry, Allison, Lewis, and Braskett. Member Busick arrived at 6:42pm.

**Attending:** Paul Rutter (Bricker & Eckler), Eric Fisher arrived at 7:13pm.

**Minutes:**

- ❖ Member Wolf moved to approve the 3/7/19 Minutes. Member Townsend seconded. All in favor.
- ❖ Member Wolf moved to approve the 3/10/19 Drafting Subcommittee meeting. Member Beeba seconded. All in favor with members Braskett and Park-Curry abstaining.

**Article II (Powers of the Municipality):**

- ❖ Vice-Chair Parks read through the entirety of Article II, and asked for comments. There were none.
- ❖ Vice-Chair Parks moved to approve Article II for inclusion in the Minerva Park Charter. Member Park-Curry seconded. All in favor.

**Article IV, Section 1 (Form of Action by Council):**

- ❖ Vice-Chair Parks read through the entirety of Section 1, and solicited questions and comments.
- ❖ Member Bell asked if the Commission had considered including provisions for hiring employees. Vice-Chair Parks replied that this would be included in a different section of the Charter.
- ❖ Vice-Chair Parks moved to approve 4.01, Member Silverman-Star seconded. All in favor.

**Article IV, Section 2 (Form of Ordinances and Resolutions):**

- ❖ Vice-Chair Parks read through the entirety of Section 1, and solicited questions and comments.
- ❖ Paul Rutter explained that, in his experience, it is more trouble than benefit to force all ordinances to conform to a specific standard and format.
- ❖ Member Wolf added that it could be useful to reword the section so that instead of mandating uniformity, it pushed for similar format when practicable. The Commission agreed as the intent would be to allow a citizen of the Village to easily read and compare ordinances.
- ❖ Vice-Chair Parks moved to approve the section as modified. Member Wolf seconded. All in favor.

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**Article IV, Section 3** (Introduction, Reading, And Public Hearing of Ordinances and Resolutions):

- ❖ Member Park-Curry inquired as to the difference between public hearings and public meetings. Member Wolf explained that, while public meetings were a general term, public hearings had a specific legal definition.
- ❖ Vice-Chair Parks asked if it might be useful to specifically define what constitutes a Public Hearing/Meeting in the Charter.
- ❖ Paul Rutter explained that, oftentimes, Municipal Charters don't really define Public Hearings, which makes it difficult to conform to the requirements and expectations.
- ❖ Vice-Chair Parks read through the entirety of Section 1, and solicited questions and comments.
- ❖ Member Wolf spoke to the utility of also requiring the full text of the legislation online.
- ❖ Member Estes explained that, due to changes in technology, it might not be helpful to specifically mention websites.
- ❖ Member Busick said that the charter shouldn't point to specific places, but rather the internet or electronic media as a whole. The Commission agreed.
- ❖ Paul Rutter explained that, in his experience, adding restrictive provisions meant to curb abuse can also end up causing difficulties for Council down the line.
- ❖ Members Wolf and Estes spoke to the intent of the provision, that being to force communication between Council and the citizens of the Village. By requiring all legislation to be easily accessible, it will engender more transparency.
- ❖ Paul Rutter spoke to the value of being specific with regards to the number of votes required on each provision, and defining what constitutes a majority.
- ❖ Member Wolf read 4.03(iv), which pertains to when and how the Council could dispense with the reading of legislation that substantially pertains to Village infrastructure, zoning, and expenditures in excess of a certain dollar amount.
- ❖ Eric Fisher explained that zoning had its own set of rules, but his primary concern pertains to true emergency situations, where it might be necessary to waive readings. Member Wolf explained that the emergency provision was separate entirely, and that the Village is desperately in need of communication between Council and citizens of the Village.
- ❖ Vice-Chair Parks asked for direction in how to draft this specific measure.
- ❖ Member Estes said that it would be useful to put in a provision that exempts this provision from Council rules.
- ❖ Eric Fisher advised the Commission to consider specific instances when this might be applied, such as sidewalk replacement, which could be legislated piecemeal over the course of many years--or taken care of all at once.
- ❖ Member Estes explained that a point of pain between Village government and citizens has been both a lack of communication and understanding. Adding a public meeting requirement not only forces the Council to specifically address the Village citizens, but also gives the citizens a forum for comment rather than expressing concern after the fact.
- ❖ Vice-Chair Parks said that he would rewrite Section 3 so that it could be reviewed at a future meeting.

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**Article IV, Section 4** (Vote Required for Passage):

- ❖ Vice-Chair Parks read through the entirety of Section 4, and solicited questions and comments, specifically with regards to abstentions.
- ❖ Member Park-Curry agreed, speaking to abstentions not being counted as a "yes" or "no" but rather acquiescing to majority vote.
- ❖ Vice-Chair Parks asked the Commission to speak to the requirements for emergency voting.
- ❖ Member Busick spoke to requiring 5 out of 7 for emergency legislation, as it allows for flexibility on the part of the Council. Member Wolf (very reasonably) agreed.
- ❖ Member Park-Curry asked if the provision speaking to the publication of legislation could specifically address exhibits and attachments to the aforementioned legislation. The Commission agreed.
- ❖ Vice Chair Parks moved to approve the language for Section 4. Member Braskett seconded. All in favor.

**Article IV, Section 5** (Form and Content of Emergency Legislation):

- ❖ Paul Rutter spoke to the requirements for emergency legislation, such as financing--and situations where the Village might need to save money on rates but wouldn't count as an emergency under the current provision as written.
- ❖ Eric Fisher explained that all the successful municipalities he has worked with have used the emergency legislation, and that it might not be useful to tie the hands of future Village governments.
- ❖ The Commission agreed to remove the subsection specifically relating to what provisions might *not* be considered emergencies, as it didn't pertain to the Village's circumstances and was confusing.
- ❖ Vice-Chair Parks moved to approved the redrafted language of Section 4.05, Member Wolf seconded. All in favor.

**Article IV, Section 6** (Effective Date of Legislation):

- ❖ Vice-Chair Parks read through the entirety of Section 6, and solicited questions and comments.
- ❖ Vice-Chair Parks moved to approved the redrafted language of Section 4.06, Member Wolf seconded. All in favor.

**Article IV, Section 7** (Publication of Ordinances and Resolutions):

- ❖ Vice-Chair Parks read through the entirety of Section 7, and solicited questions and comments.
- ❖ Vice-Chair Parks moved to approved the redrafted language of Section 4.07, Member Wolf seconded. All in favor.

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**Article IV, Section 8 (Recording Legislation):**

- ❖ Vice-Chair Parks read through the entirety of Section 8, and solicited questions and comments.
- ❖ Vice-Chair Parks moved to approved the redrafted language of Section 4.08, Member Townsend seconded. All in favor.

**Article IV, Section 9 (Publication of Ordinances and Resolutions):**

- ❖ Vice-Chair Parks read through the entirety of Section 9, and solicited questions and comments, specifically with regards to abstentions.
- ❖ The specific language regarding publication was reworded to allow for just the title of an ordinance or resolution to be publicly posted, and a copy of the full text be posted on the Village website or a publicly accessible website.
- ❖ Member Busick brought the Commission's attention to formatting and internal consistency of references.
- ❖ Vice-Chair Parks moved to approved the redrafted language of Section 4.09, Member Townsend seconded. All in favor.

**Article IV, Section 10 (Amendment):**

- ❖ Vice-Chair Parks read through the entirety of Section 10, and solicited questions and comments.
- ❖ Member Park-Curry spoke to substantive amendments later in the reading process, specifically that it restricts flexibility to respond to changing conditions, such as setting amounts for contracts and choosing vendors. The specific provision was rewritten to specifically refer to material changes.
- ❖ Vice-Chair Parks moved to approved the redrafted language of Section 4.10, Member Wolf seconded. All in favor.

**Article IV, Section 11 (Zoning Measures):**

- ❖ Vice-Chair Parks read through the entirety of Section 11, and solicited questions and comments.
- ❖ The Commission decided that the Section required further review before adoption.

**Article IV, Section 12 (Adoption of Technical Codes):**

- ❖ Vice-Chair Parks read through the entirety of Section 12, and solicited questions and comments.
- ❖ The Commission decided that Section 12 required further review by an expert (Eric Fisher) before final review and adoption.

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**Article IV, Section 13** (Codification of Ordinances):

- ❖ Vice-Chair Parks read through the entirety of Section 13, and solicited questions and comments.
- ❖ The Commission felt that portions of Section 13 would require rewording before review.

**Organization and Business:**

- ❖ Member Park-Curry asked which portion of the Charter would contain the various administrative rules, and whether or not the Charter should mandate if the Council should create administrative rules.
- ❖ Paul Rutter replied that there is an administrative section further on in the Council.
- ❖ Member Busick enjoined the Commission members to attend a Council meeting.
- ❖ Vice-Chair Parks said the Drafting Sub-Committee will have a work session this coming Sunday 3/17/19.
- ❖ Vice-Chair Parks moved to adjourn. Member Estes seconded. All in favor.

*Vice-Chair Parks adjourned the Commission meeting at 8:30pm*