

Record of Proceedings

VILLAGE OF MINERVA PARK CHARTER COMMISSION

Minutes of the

March 21st, 2019

Commission Meeting

Council Chairwoman Conger called the meeting to order at 6:35pm.

Roll: Commission Chairwoman Conger, and Members Harker, Townsend, Braskett, Beeba, Lewis, Wolf, Allison, Park-Curry, and Bell. Member Busick arrived at 6:40pm.

Attending: Eric Fisher arrived at 7:00pm, Councilwoman Hughes arrived at 7:18pm.

Minutes:

- ❖ Member Townsend moved to approve the minutes of the 3/14/19 meeting, Member Park-Curry seconded. All in favor.

Old Business:

- ❖ Kim Pulley will be attending the 3/28/19 Charter meeting to speak to the Commission about financial matters.
- ❖ Rani spoke to the committee about not having Paul Rutter (Bricker & Eckler) attending, so as to be conscious of billable hours.
- ❖ Member Estes spoke to the fact that both she and Member Braskett believed the mayor still retained too much power in the current draft of the Charter. Specifically with regard to veto power and spending limit.
- ❖ Member Wolf asked that the matter be tabled until Kim Pulley comes to speak to the Commission, and that there is no governmental spending without the Council having appropriated the necessary funds.
- ❖ Member Park-Curry advised the Commission members to review the Village financials so as to become more acquainted with how money is appropriated and spent.
- ❖ Member Busick explained that he thought the Commission might be getting into the weeds with regards to setting specific spending limits or amount of times a purchase under the ceiling may be made.
- ❖ Member Braskett said that he would be more comfortable if the veto was fine-tuned to be overturned with a 2/3rds margin from Council.
- ❖ Chairwoman Conger said it might be better to revisit the specific balance of powers once Vice-Chair Parks has finished drafting those sections of the Charter specifically dealing with the powers of the branches of Village Government.

Article 7.01 (Administrative Departments):

- ❖ Member Park-Curry reminded the Commission that Minerva Park is a small, residential community, and that the Charter of Obetz might not be a good comparison.
- ❖ Member Lewis added that the Village does have quite a few children, so it might be good to lay the groundwork for a Recreation Department.

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- ❖ Member Park-Curry explained the difference between a department and a board, with a department being permanent and having employees.

Article 7.01 (Administrative Departments) continued:

- ❖ Member Harker asked what might differentiate a Parks & Rec dept from the MPCA. Chairwoman Conger explained that it would largely be a permanent organization.
- ❖ Member Wolf added that the activities commission is currently the governmental organ responsible for planning, and asked if it would be valuable to take the power away from them.
- ❖ Member Estes spoke to her concern that there were no sidewalks in the Village, and Member Busick explained that the issue had been raised several times in Council over the years, and the general consensus of the Villagers was that they wanted neither sidewalks nor street lights.
- ❖ Member Beeba pointed the Commission to the example Charters, which spoke to which departments the Charter *can* create, and which departments it *should* create. She added that many Charters left it up to the Council to determine departments in addition to necessary ones such as police, streets, etc.
- ❖ Eric Fisher explained that there have been many discussions regarding the creation of at least a main arterial pathway to link the various portions of the Village, allowing children to move without needing to use major roads.
- ❖ Chairwoman Conger enumerated the departments the Charter should specifically include: Law, Fire, Police, Finance, Planning & Zoning, Engineering.
- ❖ Member Park-Curry said that it might be useful to have Fire & Police combined under a Department of Safety, the idea being to place the two Chiefs under the oversight of someone with a knowledge of proper policies and procedures, so as to provide for better support.
- ❖ Chairwoman Conger directed the Commission to the New Albany Charter, to see an example of how the various departments are laid out.
- ❖ Member Allison asked if the Village contracts for zoning or if we have a department. Eric Fisher replied that it was a department, although it didn't have a specific department head.

Article 7.02 (Duties and Functions):

- ❖ Chairwoman Conger read through the duties and functions from the New Albany Charter. The Commission agreed.

Article 7.03 (Department Directors):

- ❖ Member Braskett asked if there were job descriptions for department heads. Members Park-Curry and Wolf replied that there were descriptions for those employees hired by the Village. Member Braskett asked if it wouldn't be useful to require that job descriptions be written up.

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- ❖ Member Estes added that it would be very helpful if the Village had an HR department.
- ❖ Chairwoman Conger asked if hiring should be done by the administrator alone, or with the consent and approval of Council.
- ❖ Member Braskett said that having hirings overseen by Council would provide a good balance against Administrative power.

Article 7.03 (Department Directors) continued:

- ❖ Eric Fisher explained that some positions, like his, were approved by Council, whereas others, such as police officers were not. The check against administrative disruption would be the inability of the Council to fire employees, and that for Council to have approval over every hire would lead to administrative logjam.
- ❖ Member Park-Curry explained that Council creates both positions and job descriptions, but the person is hired by the Mayor.
- ❖ Member Braskett asked Councilwoman Hughes whether Council had any job descriptions, she replied that they did not.
- ❖ Member Estes said that the Administrator should be allowed to select and solicit department heads with the approval and consent of the Council. The Commission agreed.
- ❖ Member Wolf asked if the Charter should prevent members of Council from acting as department heads. The Commission agreed.

Article 7.04 (Director of Law):

- ❖ Chairwoman Conger read through the New Albany Charter's requirements for law director. The Commission agreed with the general provisions, excepting that the law director shall not serve as the Village's prosecuting attorney.
- ❖ Member Busick asked if it was the Charter's intent to remove the mayor from the equation, specifically stipulating that the counsel serve the Village, Administrator, and Counsel.

Article 7.05 (Director of Finance):

- ❖ Chairwoman Conger read through the New Albany requirements for finance director. The Commission agreed with the general provisions.

Article 7.06 (Administrative Code):

- ❖ Chairwoman Conger read through the New Albany administrative code section. The Commission agreed with the general provisions.

Article 7.07 (Personnel Systems):

- ❖ Chairwoman Conger read through the New Albany administrative Charter section.
- ❖ Member Estes spoke to the need to have some HR department, to prevent future costs due to disruptive Council members potentially leading to legal suits.
- ❖ Eric Fisher explained that a good administrator will serve as a buffer, providing HR in

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addition to administrative functions. Having an administrator also provides an outlet for employees who are concerned about disruption of service and hostile work environments, as the administrator will act before the matter gets out of hand, involving legal counsel, police, etc. as necessary.

- ❖ Member Wolf explained that this wasn't necessarily the section for dealing with HR issues that may lead to removal of council members, as it is concerned primarily with Village employees.

Article 7.07 (Personnel Systems) continued:

- ❖ Member Beeba spoke to whether or not the Village was large enough to include the section regarding Classified and Unclassified service. And that the Merit Principle paragraph can function as is. The Commission agreed.
- ❖ With regards to police, Eric Fisher advised the Commission to speak with the police captain, who will explain which units and classifications are necessary.
- ❖ Member Wolf spoke to the need to apply the merit principle to appointed officials, but not elected one.
- ❖ Eric Fisher recommended that at-large citizen appointed members of boards and commissions should also be exempted from merit.
- ❖ The Commission agreed to strike article 7.07(c).
- ❖ Member Bell raised the issue of the Village's current Fire Chief, who is a volunteer and would therefore not be subject to the merit principles. And that the section should include everyone that the Commission wants it to include and that no one should be excluded through loopholes.

Additional Discussion:

- ❖ Member Park-Curry directed the Commission to review the Pataskala charter, which lays out additional departments.
- ❖ Eric Fisher spoke to difficulties he encountered while working for Pataskala, specifically with regards to the flat hierarchy, which led to a great deal of confusion in oversight.
- ❖ Chairwoman Conger read through the sections of the Pataskala Charter that dealt with the creation of departments.
- ❖ Member Braskett asked if there was the ability to add additional departments to respond to changing circumstances. Member Wolf replied that the Charter leaves the creation of additional departments to the Council, but that those departments specifically enumerated by the Charter could not be removed without revising said Charter, adding that Charters *can* provide for the ability to contract out services.
- ❖ Member Lewis asked what acting departments and division heads the Village currently had, and how vacancies/absences are handled.
- ❖ Member Wolf replied that most of the Village's departments are contract positions, but with

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regards to hired positions such as Police Chief and Finance Directors, there are chains of command or functions in place to fill in for absences--but that it wouldn't be harmful to articulate a procedure for filling in for vacancies/absences. The Commission agreed.

- ❖ Chairwoman Conger read through the notes she had taken so the Commission could review for transmission to Vice-Chair Parks who is drafting the Charter language. Then asked if the Commission member had any further questions. They did not.
- ❖ Chairwoman Conger referred to Legal Counsel's memorandum. Since the Village is small in size, if it would be useful to specifically stipulate which departments could be filled through contract. The Commission agreed this was a good idea, but it would be good to go department by department. Safety (contract), Finance (non-contract), Legal (contract), Planning and Zoning (contract), Engineer (contract), but that the Charter should specify that contracts for Safety (Fire and Police) be from adjacent municipalities.

Additional Discussion (continued):

- ❖ Member Estes asked if it wouldn't work to allow for the Finance department head to be contract as well. Member Park-Curry replied that this position required a certain degree of continuity. Member Wolf said that he thinks there might be State statute dealing with this, and it might be good to ask Legal Counsel. The Commission agreed.

Public Informational Meeting

- ❖ Chairwoman Conger advised the Commission of the impending (4/6/19) Public Informational meeting and asked what should be discussed.
- ❖ Member Wolf said that the discussion should be high-level, and Chairwoman Conger asked if he would be able to put together a presentation. He agreed to do so.
- ❖ Member Busick added that he would like the presentation to address both the articles the Commission had decided upon *and* the direction it was heading with regards to future articles.
- ❖ Member Park-Curry raised the issue of distribution of fliers. The design and delivery should be accomplished by the end of next week.
- ❖ Chairwoman Conger asked Councilwoman Hughes if she had any comments or questions. Councilwoman Hughes replied that she did not, but that she approved of the discussions regarding the Finance department, specifically with allowing for a replacement during absences, as the current system doesn't really address this.

Member Estes moved to adjourn. Member Townsend seconded. All in favor.

Chairwoman Conger adjourned the meeting at 8:35pm.

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