

Record of Proceedings

VILLAGE OF MINERVA PARK CHARTER COMMISSION

Minutes of the

April 7th, 2019

Commission Meeting

Vice-Chair Parks called the meeting to order at 9:07pm.

Roll: Commission Chairwoman Conger, Vice-Chair Parks, and Members Harker, Townsend, Beeba, Wolf, Allison, Park-Curry, and Bell. Member Townsend left at 11:00am.

Article VIII (Creation of Boards and Committees)

- ❖ Vice-Chair Parks read the general text of the memorandum provided by Counsel concerning the creation of Boards and Commissions. Chairwoman Conger asked Member Park-Curry, a long-time chair of the Planning & Zoning Committee to speak on the current duties.
- ❖ Member Park-Curry explained that prior to the M/I development Planning & Zoning primarily handled variances and zoning for fences, sheds, etc. Recently, they also began working on a Green Space plan. They also look at ordinances, and make suggestions as to how they might be fine-tuned or changed.
- ❖ Member Park-Curry also referred to the State requirements as currently constituted. Vice-Chair Parks asked about the membership of P&Z--three citizens-at-large, a member of Council, and the Mayor (who appoints the members).
- ❖ Vice-Chair Parks asked if it would be better to allow Council, rather than the Mayor, to appoint Committee members, as it is a legislative duty. The Administrator should be required to attend Committee meetings, but not the Mayor.
- ❖ The Commission discussed the nature of enforcement (current enforcement doesn't have many teeth), and how appeals are handled (they are outsourced), with an eye toward increasing the rigor of code enforcement.
- ❖ Member Estes stated her preference for requiring citizen members on Committee.
- ❖ Vice-Chair Parks referred to the various sample Charters provided by Counsel, highlighting the fact that they are mostly silent on the actual duties of planning and zoning.
- ❖ Member Park-Curry explained that she would prefer to separate planning from zoning.
- ❖ Member Estes spoke to the need for at least an ad-hoc local zoning appeals board. Member Harker added that, several meetings ago, Eric Fischer mention that a local zoning appeals board was preferable to outsourcing.
- ❖ Vice-Chair Parks asked if he should copy and modify the language in the New Albany Charter to require the Administrator to attend Committee meetings.
- ❖ The Commission discussed the issue of citizen input into the future of the Village, especially as Minerva Park grows there will be many issues--green spaces, the new development, the school, potential development of the commercial properties along Cleveland and 161.
- ❖ Vice-Chair Parks mentioned his concerns about requiring too many appointed positions, to which Member Wolf replied that he believed the Zoning Appeals Board should be ad-hoc. The Commission agreed that the Appeals board should be ad-hoc, but that there should be a term-limit on appointments, eventually agreeing on three years--the idea being to prevent members from being appointed in perpetuity.

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Article VIII (Creation of Boards and Committees)

- ❖ Chairwoman Conger explained that there were citizens in the new development who very much wanted to get involved in local government, and that this could prove a very good way for them to do so. She added that, to promote communication between Council and P&Z, that the Committee present a report (similar to the Budget Committee).
- ❖ Member Wolf stated his preference for the report to be quarterly. Vice-Chair Parks agreed as it would provide a chance for the Committee to present at Council meetings, and to highlight any red flags.
- ❖ Member Bell asked if the intent was to also have the Committee present a written report. The Commission agreed.
- ❖ Member Wolf mentioned the possibility of creating a citizen-led Safety/Emergency Management Commission. Member Park-Curry agreed, stating that she had never heard of any emergency management plans for the Village. Member Estes also agreed, explaining that, after the recent storms, the only emergency management was the Mayor walking the streets and noting what trees had fallen.
- ❖ Vice-Chair Parks asked if it would be useful to require the Council Liaison for each Committee be a member of the relevant Council Sub-Committee.
- ❖ Chairwoman Conger referred the Sub-Committee to the New Albany Charter, which provided a framework for the creation of Boards and Committees, but did not dive too deeply into the minutiae. She thought that such a structure would provide the Council with a great deal of flexibility to respond to Village needs. The Sub-Committee agreed that this was a good idea.
- ❖ Member Townsend asked about MPCA, and whether or not its duties might overlap with a Parks & Rec Commission. Member Wolf explained that the MPCA would be separate, and that a P&R department would provide fundamentally different services, such as little league, basketball leagues, day camps, green space upkeep, etc. Member Estes added that a Parks & Rec department could also liaise the MPCA.
- ❖ Vice-Chair Parks asked the Sub-Committee which Commissions should be mandated and which should be left up to Council to create if necessary. Member Estes spoke to the need to mandate a safety commission. Member Bell asked if Economic Development could be rolled into Planning and Zoning.
- ❖ Vice-Chair Parks asked if Parks & Rec should be a mandated board. Chairwoman Conger mentioned that it would be the easiest to fill. The Commission took a vote and was undecided, so Vice-Chair Parks would draft language mandating the P&R Board, and it would be brought to the full Commission.

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Article VIII (Creation of Boards and Committees) continued:

- ❖ Vice-Chair Parks asked if Board members should be paid. The Commission decided that they should be volunteer positions, especially as the Village wouldn't be able to offer more than token payments and it could interfere with citizens' various retirement plans (like OPERS).
- ❖ Vice-Chair Parks asked about the creation of a Charter Review commission, and whether it should have different rules. The Commission agreed that it should, and that the review should be every five years. Member Wolf mentioned that he would like a cadenced review (the first after 2 years to address any potential issues).

Old Business

- ❖ The commission resolved to discuss various articles that had yet to be approved.
- ❖ Chairwoman Conger mentioned that many citizens were asking if portions of the finished Charter could be posted online for review. Vice-Chair Parks replied that he could prepare and post Articles I and II. The Commission agreed.
- ❖ Section 3.02 (Composition and Term of Council): Vice-Chair Parks read language provided by Counsel that would allow for overlapping terms of Council, and the specific cadence thereof. The language addressed the cadence, but not going from a 6 to 7 member Council (which will be addressed in the Transition section of the Charter).
- ❖ Section 3.06 (Clerk of Council): Vice-Chair Parks read Counsel's reply to the question concerning the Clerk potentially serving both the Mayor and Administrator. Counsel advised that, due to the small size of the Village employee pool, the Clerk will work closely with the Mayor, Administrator, and Council.
- ❖ Member Park-Curry raised concerns about the specific duties of Clerk, and whether it requires a position, or whether the duties could be given to a different appointee or employee. She would like the language to be more specific with regards to the hiring/firing of Clerk and that removal would not in any way affect any other positions they may hold in Village government or as a Village employee. The Commission agreed.
- ❖ Vice-Chair Parks asked if it was necessary to have the Clerk overseen by both the Council and Administrator. Chairwoman Conger replied that it was necessary as the Administrator would handle the HR requirements for the position (performance review, FMLA, etc).
- ❖ Vice-Chair Parks moved for the approval of Section 3.06, Member Wolf seconded. All in favor.
- ❖ Section 3.07 (Resignation and Forfeiture): Vice-Chair Parks read Counsel's reply to the question concerning the removal from Council. Counsel advised against adding language dealing with removal. The Commission agreed.
- ❖ Vice-Chair Parks moved for the approval of Section 3.07, Member Townsend seconded. All in favor.
- ❖ Section 3.09 Council Meetings: Vice-Chair Parks read the response from Counsel concerning whether the language, as written, was constitutional. It was.
- ❖ Vice-Chair Parks moved for the approval of Section 3.09, Member Townsend seconded. All in favor.

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Old Business (continued):

- ❖ Vice-Chair Parks moved for the approval of Section 3.02, Member Wolf seconded. All in favor.
- ❖ Section 4.03 (Public Hearings of Ordinances and Resolutions): Vice-Chair Parks discussed the subsection related to Village infrastructure and Public Hearings.
- ❖ Member Park-Curry asked about the requirements for the waiving of three readings, and that it could be simply for the last reading, and whether the bar for waiver should be five or six votes.
- ❖ Chairwoman Conger explained that in the Council meetings she had attended, there had never been any dissent for the waiving of readings. Member Wolf agreed, stating that, in his time on Council (and attending Council), there had only been a few dissents, and they were on important issues.
- ❖ The Commission agreed that, for consistency, the bar for waving readings should be 5 votes of Council.
- ❖ Vice-Chair Parks referenced writing language that allowed for certain issues (appointment of police officers, for instance) to move forward more quickly.
- ❖ Member Beeba explained that one of the example Charters provided a good list of legislation that would take effect immediately, but that she couldn't remember at the moment. She will look through the Charters and e-mail the relevant sections to Vice-Chair Parks prior to the next meeting.
- ❖ Vice-Chair Parks raised concerns about adding a list of carve-outs when a procedure for waiving readings.
- ❖ Member Wolf spoke in support of language that would make the Council unable to waive readings on certain issues (sanitary sewer, streets, over a certain dollar amounts, etc).
- ❖ Vice-Chair Parks asked if raising the requirement to waive readings on these issues to 6 or unanimous. And that setting a dollar amount would be too restrictive.
- ❖ Member Park-Curry argued that one of the fundamental reasons the Charter is being written is that things are not being done in the Village, and that making the requirements for waiving readings restrictive will contribute to more governmental gridlock.
- ❖ Member Estes replied that the waiving of readings is also a consistent problem in the Village, and something the Charter must address.
- ❖ Member Park-Curry explained the difference between Resolutions and Ordinances, and that Ordinances should require three readings, but perhaps there should be a carve-out for motions and resolutions.
- ❖ Vice-Chair Parks replied that the section deals only with Ordinances.
- ❖ Member Wolf asked if a compromise might be rewording the section to allow for the waiving of the *last* reading, but the Sub-Committee felt that this would make the language too complex.
- ❖ Member Wolf asked if it would be useful to formalize the Charter language concerning Ordinances and Resolutions.

Old Business (continued):

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- ❖ Chairwoman Conger asked what proportion of Ordinances that must be passed immediately are a result of problems with Village government, and what proportion are outside the Village's control. Member Wolf replied that the Village has become much better at handling its business. Chairwoman Conger said that she didn't want to legislate to poor planning, and that the Administrator should provide for more efficient government overall.
- ❖ Member Wolf replied that he still felt there should be a mechanism for moving through legislation.
- ❖ Vice-Chair Parks said that a good way to separate Resolutions from Ordinances would be whether or it should be codified, adding that he felt both should be required to have three readings.
- ❖ Member Beeba explained that, in her interactions with Minerva Park citizens, their primary concern has been governmental transparency, and the Council passing ordinances without them being made available for citizens.
- ❖ Member Wolf asked if might be useful to put a wall between emergencies and waiving readings. And that waiving readings would mean that an Ordinance/Resolution cannot be then declared an emergency.
- ❖ Member Estes explained that one of the current Councilmembers ran with a position of making sure so many emergency legislations were passed.
- ❖ Member Harker said that he thought the Sub-Committee seemed unable to reach a compromise, and so a vote should be taken. The Sub-Committee voted 5-4 to include some language relating to the waiving of readings. After further discussion, the Sub-Committee decided to refer this matter to the full Commission.
- ❖ Vice-Chair Parks asked if he should ask Counsel about the legality of the remaining portions of Section 4.03.

Vice-Chair Parks moved to adjourn, Member Estes seconded, all in favor.

The meeting adjourned at 11:30am.