

Cuyahoga Falls City Council
Minutes of the Public Affairs Committee Meeting
July 6, 2010

Members: Mark Ihasz, Chair
Kathy Hummel
Jeff Iula

Mr. Ihasz called the meeting to order at 6:50 p.m. All members were present.

Legislation Discussed:

Temp. Ord. A-82
Sub. Temp. Ord. A-93
Temp. Ord. A-94
Temp. Ord. A-96
Temp. Ord. A-97
Temp. Ord. A-98
Temp. Ord. A-99
Temp. Ord. A-10

Discussion

Mr. Ihasz stated a member of the audience wished to address Council. Janice Kelly, 2658 11th Street, stated her home was damaged by the June 23 storm when a tree limb fell on the utility lines causing her to be without electric, phone and cable. The limb also had blocked the street. Someone from the City came and took care of the limb so that the street was passable but she still had no power. She went to the Police Department that evening to ask what she should do and was told that everyone was out. She was also told that the reason she was not getting any service was because there was no overtime which only added to her frustration. She said it sounded to her like she was supposed to complain to someone about the lack of overtime. She went to the Utility Department in the morning and was reassured that they were working on it. No one took her name or address. Since she still had no power, she went to the library. By this time, all of her food was gone. She, again, went to the Police Department that evening. She needed some guidance and suggestions but everything was closed. What she got was that she was treated with contempt. They even threatened to arrest her. She was frustrated and was meeting with hostility. She works at DeWitt. The children are taught that the police are their friend and that you can always approach a policeman and ask a question. That was not the case here. She was treated with aggression. She is a senior citizen and is quite mobile but can't imagine how things will be for her in ten years. She went to see the Mayor the next morning and then the Law Department. Her house was the only one affected. She can accept the idea that she was on the wrong end of a screw-up but she cannot accept how she was treated by the Police Department. Something has got to change.

Mrs. Carr stated she was out of town during that storm. There were some isolated instances that the SCADA system did not necessarily pick-up. They were literally going door-to-door. In terms of overtime, this was the worst storm they ever had and they even called in Mutual Aid. She had crews working around the clock. She did not know what happened in the Police Department. It sounds very unfortunate. They were giving 100% to make sure everyone had their power. The good news with AMR is once activated, the reporting system will be able to see those individual homes. It will help them in the future. She believed that the longest time a home went without power was for approximately 30 hours, but she has not yet gone through all of the reports. Mrs. Pyke told Mrs. Kelly that she has 11 people on Council who she can call. If she cannot reach her representative, there are three at-large members she can

call, as well as the other members. Mrs. Kelly stated the Police Department continues to worry her until people can walk in there and be treated right. Mr. Arrington stated they are looking into the matter with the police employee who was placed on administrative leave until this is determined. Mrs. Hummel apologized to Mrs. Kelly on the way she was treated. She appreciated Mrs. Kelly being brave enough to come before Council and talk about what happened. She agreed that that is not what citizens expect from police officers. Mr. Ihasz thanked Mrs. Kelly for coming this evening.

Temp. Ord. A-82

An ordinance enacting Chapter 111 of the Codified Ordinances, titled “Council Rules” and declaring an emergency.

Mrs. Colavecchio stated this was discussed two weeks ago and she has circulated a new version of the Council Rules. It contains changes suggested last week and will be discussed again tonight to see if there are any further comments.

In Section 111.03(a) on page 5, it was pointed out to her that on occasion, Council may not be meeting at the Natatorium. This happened a couple of years ago when the meeting was moved to another building. She was inclined to state the meetings would be held at a designated location. The notices are posted at several locations throughout City buildings that state where meetings will be held.

In Section 111.06(c) on page 11, there is a statement that people cannot be at the Clerk’s desk while any voting procedures are taking place. She was trying to think of situations why anyone would be there anyway. She is bringing this discussion out as far as the history as to why that is in here and is it still needed today. Mr. Arrington stated the reason that it is there is that Council does not want someone distracting the Clerk while she is taking roll call so she can get an accurate vote. Mrs. Pyke stated that the old Council chambers were very small. The press thought it was ok to set cameras behind the Clerk so Council used that section to say they could not do that. Mrs. Colavecchio stated that this Section will stay.

In Section 111.06(h) on page 12, Mrs. Colavecchio stated that Mrs. Pyke asked to have additional language added that any change will be initialed and dated by the President.

In Section 111.09(d) on page 16, she asked about the language stating the City’s right to home rule and make rules available to it that may conflict with the Ohio Revised Code. Mr. Arrington stated that is exactly what that is for—the City’s right to home rule. This is an express reservation of the City’s home rule power. Mrs. Colavecchio stated that the language will stay.

In Section 111.09(j) on page 17, there was a comment to add that last sentence at the end. The other remark she would make is that this is a new section. The Committee wanted to make sure the minutes reflected all discussions outside of Council chambers. If there are people discussing something via e-mail at a later date, that should be attached to the minutes. It may give rise to other questions or may reflect how someone votes on something. She is putting this out there for further discussion. It creates a sense of honor system that when someone sends an e-mail on this, that they send it to all of Council. Mrs. Hummel felt it was a good idea. They had an example tonight relative to the Civil Service Commission when Council received a communication from the Law Director. It has additional information in it so it should be attached to these minutes.

Mrs. Colavecchio stated that another question that had come up in the Rules which was the authority a Chair had in setting his or her own agenda. For example, if an ordinance is introduced, can that Chair decide it will not be discussed. That is a process that is not addressed by these Rules. There is some

language stating that a Chair cannot hold something indefinitely. There is also language about a dissenting committee. She will look at Robert Rules of Order to see what is stated there, but, based on that, she would again ask that this legislation continue to be held.

Mr. Ihasz questioned Section 111.07(j) on page 14 where it sets forth an individual addressing Council for up to three minutes. He asked if there was a reason it was three minutes instead of five. Mrs. Colavecchio stated the Committee adopted what was going on in other communities and their rules. Having said that, she could not think of one time since she has been on this Council that this rule was strictly adhered to. Some communities never invite public participation. We do. Mrs. Klinger stated in follow-up to Mrs. Colavecchio's comments regarding committees that Council may want to think about a formal vote taking place during the committee meetings. Currently, members just not.

Barry Braunstein, 1405 Buckingham Gate, stated when he was looking at Section 111.05, it did not mention reading the whole piece of legislation. He felt each piece should be read in its totality at least once. He also noted that Section 111.07(c) did not mention what would happen to a non-Council person who was disruptive. He asked what good is it if there is no effect. He would also like to echo the question of the three or five minutes rule. He would request five minutes because members of the public are not always as eloquent as Council members. In Section 111.09 regarding e-mail communications, he asked should they not also have to provide those as a matter of transparency. He also requested that pending legislation be posted in the newspaper or on the website. People can't always tell what the legislation addresses just by the title. It would help those who may want to participate.

Mrs. Colavecchio stated she will discuss all comments with the Committee and there will be further discussion on them in two weeks.

Ms. Jones stated that one other change that had been discussed during Committee meetings was if someone has an exhibit to bring out that there be twelve copies for Council, two copies for the public and also four copies for members of the press. The copies for the press is not listed. That is in Section 111.07(g) on page 13. Mrs. Colavecchio stated she will add that.

Committee recommended holding Temp. Ord. A-82.

Sub. Temp. Ord. A-93

An ordinance providing an amendment to the Charter of the City of Cuyahoga Falls, Ohio, originally adopted by the electorate on November 3, 1959, and amended from time to time, to be submitted at the next general election on November 2, 2010, which amendment will revise Article III, Section 8.5, and declaring an emergency.

Mr. Arrington stated the Charter Review Commission began its meetings on March 11 and had eight meetings. They considered numerous proposals from members of Council and from the public. They did an excellent job. Two ordinances were presented and introduced last week addressing two proposals that were approved by the Commission. Ms. Jones stated four of the Commission members were present this evening to answer any questions Council may have. Members included Roland Seguin, Chair, Rev. Kirk Bruce, Yvonne Sebastian, Sandra Froehlich, Tom Melito, Harrison Chris and Laura Petrella who was appointed but later had to step down. Ms. Jones stated she sat on this Commission as an ex officio member. This Commission did not just sit and say "looks good to me." They looked at each issue about four times. They listened to citizens, to her and to Council members. Temp. Ord. A-93 concerns language in the Charter regarding the Tech Services Department. They cleaned up that language because the City has consolidated that Department with the IS Department so that Section of the Charter is no longer needed. Temp. Ord. A-94 is regarding initiative. When a couple of citizens decide they would

like to make a charter change, they have a certain period of time if Council does not pass it to collect the signatures of 10% of the electorate. Currently, it states they would have ten days to do this. The Commission felt that was too short so they are suggesting it be extended to 30 days.

Committee recommended bringing out Sub. Temp. Ord. A-93.

Temp. Ord. A-94

An ordinance providing an amendment to the Charter of the City of Cuyahoga Falls, Ohio, originally adopted by the electorate on November 3, 1959, and amended from time to time, to be submitted at the next general election on November 2, 2010, which amendment will revise Article IX, Section 1, and declaring an emergency.

Mr. Ihasz mentioned this was what Ms. Jones mentioned earlier. The only question he had was about going from 10 to 30 days and has anyone ever done this. Mrs. Klinger stated that she has been on Council for 20 years and no one has ever tried an initiative. Mr. Arrington added there were some attempts in the mid-80s.

Committee recommended bringing out Temp. Ord. A-94.

Temp. Ord. A-96

An ordinance providing an amendment to the Charter of the City of Cuyahoga Falls, Ohio, originally adopted by the electorate on November 3, 1959, and amended from time to time, to be submitted at the next general election on November 2, 2010, which amendment will revise Article III, Section 2 and declaring an emergency.

Mr. Rubino stated this calls for a change to the City Charter requiring the Director of Law to be an elected official. Stow, Tallmadge and Barberton all have elected law directors. The Charter says the Director of Law is the prosecuting attorney of the Municipal Court. The Municipal Court is now located in Stow. The Charter also appears to give sole representation of Council. Under the current Charter, Council cannot appoint its own attorney. The Law Director serves at the pleasure of the Mayor.

Barry Braunstein, 1405 Buckingham Gate, stated this will help establish a more balance in government and expand that proposal considered for independent counsel. Something has to be in place whether it is by election or by independent counsel.

Mr. Mader stated he had issues with this legislation because in the years he has been on Council, there have been a few times regarding zoning with housing developments where legal questions came up. The Law Director represents both Council and Administration. When something came up in a question from a legal point of view, the public had the opportunity to bring their own legal advisors to speak on the subject. Some of those people were even lawyers themselves and they came forth and gave presentations. Council is open to listening to everything that comes before it, and it makes decisions appropriately. To establish another forum will add to the level of bureaucracy that will cause issues to take to take longer to be decided.

Mrs. Pyke asked if the Commission members considered this proposal and, if so, why did they reject it. Roland Seguin, 1830 Highbridge, was Chair of the Commission. This particular amendment was not considered by the Commission. At no time during their meetings did anyone ever bring up an elected law director. They had considerable discussion regarding Council's ability to seek its own legal counsel versus following the advice of the Law Director. It was discussed at length. In the long run, they decided that the Law Director needs to be able to be expected to operate in a nonpartisan fashion in advising

Council, so they recommended no changes be made to the Law Director position or to Council's ability to seek outside legal counsel. He was surprised by this amendment before Council in that it is considerably different than anything the Commission talked about. It was not something that was prepared and given to the Commission for consideration as part of its deliberations. Mr. Rubino attended several Commission meetings and was part of the discussion of independent counsel for Council. No one brought up an elected law director. Had it been brought up, they would have asked Ms. Jones to do some research to find out how other cities and towns handled the law director position. Members would have looked into the method being employed to determine if it resulted in the City being a healthy and good place to live. That is an important consideration. The Charter has been in place since 1959. For each issue presented, the Commission weighed it against how well the Charter has served the community, and whether the City was a good place to live and whether the citizens were happy with the services provided.

Mr. Rubino stated this legislation grew out of the other issue he took before the Commission. His original proposal was that City Council should have the ability to get independent legal representation or advice with a 2/3 majority vote. He felt it was a simple request should Council feel it needed more information or a different view than the Law Director can give at a given moment. It was clear to him that the Law Director was present at the Commission's meetings to do more than just facilitate. Ms. Jones was not present that night but the Law Director was. It was obvious he came to argue against the proposal, which goes against the fact he was there to act as facilitator. That is o.k. because people are allowed to have an opinion. But the Commission was faced with having the Law Director saying do not do what is being proposed and a Council member saying please consider this proposal. He thought about the matter and began looking at the bigger picture. It was clear to him that his proposal met with resistance from Administration. This system is heavily slanted towards certain points of view. Other communities have the ability for their councils to seek legal representation when they need it. Other communities similar to Cuyahoga Falls also have an elected law director and he thought that may be the better route to take to get a more objective opinion. When that Charter was written, there was not a Mayor's Court. Now, the City has a Mayor in charge of the Court who oversees the magistrate and appoints a Director of Law. In turn, the people who work with the Law Director serve at the pleasure of that Law Director without Civil Service Commission oversight. That seems to be a direct line from the Mayor to the Law Director to the people who work for the Law Director to the Court.

Mr. Arrington stated that Mr. Rubino was correct that he appeared before the Commission and spoke against the election of a law director. He thought it would be bad for the City and for Council. He was speaking as any other member of the public. He stated Council should be careful what it asks for because it just might get it. If this is passed, the lawyer representing Council and the City only has to be a lawyer who is elected. It could be someone fresh out of law school who has the backing of a powerful political ally who will be representing the City in federal court. There have been times, as Council's lawyer, he has had to give advice to protect the rights of minority interests in Cuyahoga Falls. There is a perception that he is Mayor Robart's political puppet. He does support the Mayor politically but that has nothing to do with the legal advice he gives to the Mayor or to Council. In fact, he has given the Mayor advice that he did not like. He does that because his number one interest is to protect the Mayor and Council as his clients. He believes this issue arose with Cardinal's Peak. Mr. Walters did not like the opinion he gave and asked whether Council could get another opinion. Mr. Arrington gave an opinion that the developer had a right to develop that property. If Council had obtained another opinion and voted with that opinion, it would have been held liable. Mr. Arrington gave advice that people did not like but he did it to protect the City. With respect to Mayor's court, that is being made bigger than it is. Every person since January 1, 2009 who has paid a fine has plead guilty or no contest. A not guilty plea goes to the Municipal Court. He also had some issues with the language in this legislation. It does not address any of the qualifications for someone seeking to be law director. It also does not provide an avenue to get rid of an elected law

director. There is no method of filling a vacancy or filling a term if the law director were to leave. If a city gets a law director worth his salt, he will give advice that the city may not like.

Sandy Froelich, 836 Adams Run, is a member of the Commission. She stated that the Commission acted in good faith and apolitically. They voted unanimously after hearing many presentations from Mr. Rubino. She was disheartened to have their judgment supplanted in this way.

Mayor Robart stated that Mr. Rubino appeared to be making a case that if the City were to have an elected Law Director, Council may receive opinions that are more biased towards Council. If anything, that person is far more independent than what the City has now. Stow has a fiasco with its elected law director. He does not understand how an elected official will help a cause in wanting a separate opinion. It makes no difference if the position is appointed or elected. Also, there is no accountability to an elected law director. He can come and go as he pleases. The Mayor added that if someone were to ask him what the worst change to the Charter would be, he would tell them that electing someone in Senior Cabinet. That would be disrupting cohesiveness and would be terrible for the City.

Barry Braunstein felt that there needed to be something in place whether it is by election or by some form of ability of Council to do investigating. What if someone in Administration were to be corrupt? There is nothing in place to address that. Most cities have something in place. There would be some form of balance in place. Mr. Mader disagreed. Council members are accountable to the citizens of the City. If there was someone in Administration who was so far out of line, Council members should be kicked out for not taking some action on it. Mr. Arrington stated there is a perception that if there is corruption on Administration, there is no way to deal with it. It is not unusual for the City to get complaints against employees. Administration refers those to an outside prosecutor. That has been done on numerous occasions. There are processes in place to deal with that situation and we follow those processes all of the time. Sandy Froelich stated that the Charter Review Commission thoroughly discussed this as well. They were satisfied unanimously with the explanation. Mr. Ihasz stated in light of comments made, he felt this legislation should be held for two weeks.

Mrs. Colavecchio thanked the Charter Review Commission for a job well done. She attended three Commission meetings that she determined to be critical. Having said that, she also believed that because this process takes place once every five years, it is significant enough that Council wants to tread carefully with a view towards are we headed in the right direction. One of the objectives was to strengthen the process on how government is conducted in the City. She felt the opportunity the City has to discuss these amendments is unique and should be taken seriously. They just got through the process of going through Council Rules and they are still not done. This is a work in process. The intent of these was to engage our community to be more participatory in City Government. She sometimes receives comments that people feel disengaged and the appointments to the boards and commissions are always by invitation. People are not aware when there is an opening until it is already filled. Serving on a board or commission can be a stepping stone for some people to be recognized and give them a leg-up to getting employment with the City.

Committee recommended holding Temp. Ord. A-96.

Temp. Ord. A-97

An ordinance providing an amendment to the Charter of the City of Cuyahoga Falls, Ohio, originally adopted by the electorate on November 3, 1959, and amended from time to time, to be submitted at the next general election on November 2, 2010, which amendment will revise Article III, Section 4(e), and declaring an emergency.

Mrs. Colavecchio stated this was their attempt to make, as part of the Charter, a requirement that the Finance Director keep Council informed of the financial position of the City. He is required to keep the Mayor informed annually. In discussing this with the Finance Director, they could already see this legislation will need to be modified. They are just trying to solidify Council receiving a financial update but they do not want to cause the Finance Director to go through what he does to prepare the CAFR. Council has already passed legislation requiring a monthly report, which is referred to as Report 21. Their intent is to get financial information on changes in the City and not be kept in the dark.

Mr. Brodzinski stated that in the annual budget ordinance, Council passed language requiring that they receive a monthly report. He did not understand why Council would want to go back to quarterly reports or why it needed to be put into the Charter. Mr. Ihasz stated that, basically, Council wants some kind of guaranty in the Charter that it will receive some kind of regular financial report. Mrs. Hummel stated the intent was to get a quarterly synopsis of the monthly reports. If the composition of this Council changes and it decides to not put the requirement for monthly reports into the budget ordinance, there should be some requirement in place for Council to receive through the Mayor an update on revenues and expenses. It was not Council's intent to go back from the monthly reports. This was to be a synopsis so that a report would be provided every three months in case the composition on Council changes. The report they were looking for would be something similar to the Report 21 only in a quarterly format. Mr. Brodzinski stated the report as it sits today gives year-to-date actuals. It is as of a point of time. If the report is done quarterly, it would be a duplicate of what Council already receives. Mr. Arrington stated the monthly report is covered by law. If anyone wants to see any financial information at anytime, they could get it under the Public Records law. Mrs. Colavecchio recommended holding this legislation in light of the comments received. The intent is not to duplicate and it is not to fix what is not broke. The intent is to solidify. Mr. Brodzinski suggested strengthening it by pulling it out of the annual ordinance and putting it into its own ordinance.

Karen Nelsch, North Haven Blvd., felt that putting something like this in the Charter is overkill. It is the same thing the state ran into with the Ohio Constitution to vote on the location of a casino. If you can handle this matter by ordinance, it makes more sense than putting it into the Charter.

Roland Seguin, 1830 Highbridge, stated in the Charter Review Commission, they talked about this and the reason they voted unanimously against it was because there was an ordinance in place which required it monthly. They were in favor of Council having the financial information available to them because it is their responsibility to know what is going on with the City finances. Mr. Mader added that the Administration has always provided reports to Council when requested.

Don Nelsch, North Haven Blvd., stated that just because Council may pass these recommendations doesn't mean they will actually happen. The issues still go before the electorate. He felt if too many items were placed on the ballot, you will get people saying no. The Charter should be changed to make things better and legal.

Mrs. Pyke stated if the City has a council that is fickle and does not care about the monthly report, they will not look at the quarterly report. She liked the idea of separating it into its own ordinance. Mrs. Klinger stated there is something unique here in that there are certain items spelled out. By law, the City has to issue a CAFR each year. She sees nothing wrong with taking something they are asking for monthly and solidify it in the Charter to ask for it on at least a quarterly basis.

Committee recommended holding Temp. Ord. A-97.

Temp. Ord. A-98

An ordinance providing an amendment to the Charter of the City of Cuyahoga Falls, Ohio, originally adopted by the electorate on November 3, 1959, and amended from time to time, to be submitted at the next general election on November 2, 2010, which amendment will revise Article III, and declaring an emergency.

Mrs. Colavecchio stated this would be a new section to the Charter. It would add the requirement that when vacancies on board and commissions occur, that there be a duty to post the vacancies. This goes back to letting the people in the City know that a vacancy exists. There would be an opportunity to participate in City government. She has selected these two commissions as being the two most important. City government relies heavily on what these commissions do. Participation on these are often by invitation. The Mayor selects members and Council approves them. Council often has only a weekend to review them. There is no way for Council to know if other qualified people were turned away. Mr. Arrington stated the legislation doesn't explain about when a vacancy exists. He asked if it was any vacancy or when a term expires, or what. Mrs. Colavecchio stated they have not given it that depth of thought. She stated Council should hold this legislation to give the matter more consideration. Mr. Arrington also stated that requiring four weeks' notice will prolong the process. There may be something important before that commission and, if there is a vacancy, the matter will be delayed by waiting four weeks to fill it. The Mayor has often found it difficult to find people to fill vacant spots. Mr. Arrington did not think there were huge numbers of people waiting to apply for these commissions. His other concern is that this legislation only deals with the application process and not the selection process. He felt there should be a reference to the actual selection process. Mrs. Colavecchio stated four weeks may be too long. It was just a starting point for this dialog. Mayor Robart felt that this would be opening Pandora's Box. Generally, these are filled by invitation. 99% of the time, he does not bat an eye and just picks them. He stated this is the City's constitution. If the Charter works well enough the way it is, let's keep it.

Roland Seguin stated that during the meetings, this subject matter was also not something they recognized as a shortcoming in the existing Charter. Also, no member of the public or Council ever brought it to their attention. It makes them feel bad, particularly right after having finished deliberations.

Yvonne Sebastian, 2239 19th Street, stated this was her second time to serve, and she enjoys serving. They worked very hard. When she did this before, they did not have citizens who came forward and this time they did. She knows they did not always agree with that person or persons. They were being very cautious with what was presented. Information about these pieces of legislation came as a surprise. No one brought forth any of these in detail. Now, all at once, we need this and, thanks to Hope Jones, this legislation was delivered to them on Friday so that they could read about it before this meeting. Ms. Sebastian also made reference to a citizen who brought most of these ideas forward during the Commission's meetings. She said you cannot always take someone at his word until you know some details.

Barry Braunstein stated he has attempted to keep the potential politics of the process out of it. In the case of this particular suggestion, he believed it was an attempt to offer the transparency for Council to see who is being accepted and rejected. Some branch of government is already seeing who has applied. All of the appeals he has made to the Commission has been on the principles of pluralistic government. The fallback always seems to be that there has been undue influence. People were given knowledge about a circumstance but they failed to produce documentation. He asked for Council to share in the control of the Charter Review, with Council having the willingness to do that.

Harrison Criss, 1932 Vancouver, stated what he is seeing here is a complicated interest in our City Administration. The Commission did a lot of hard work on the Charter review. For some reason, Barry

Braunstein does not like how things are being run in the City. He wants to change too much. Mr. Criss felt that Mr. Braunstein should move to one of the other places he tells about how those cities do things.

Mr. Mader felt the Commission was owed an apology. They have spent months working on the review. Some of this legislation may contain good ideas but he felt the Commission has an appropriate reason to be upset. He presented issues to the Commission that did not get accepted and he is o.k. with that. It went through the process. Mr. Arrington stated that one thing he would point out on the Charter proposal is that it states that people not selected would receive a letter of rejection signed by the Mayor and President of Council. All documentation is public record. If he applied and did not get accepted, he was not sure he would want a letter of rejection available on public record.

Mayor Robart wanted to talk about Barry Braunstein. Mr. Braunstein came to see him on a First Tuesday. He was a volunteer at the golf course and was not happy he did not get hired back. The Mayor checked with the golf course and they gave him a list of things Mr. Braunstein did that were in violation of the monitoring he was supposed to do. The course staff said that Mr. Braunstein was more trouble than he was worth. Mr. Braunstein then appealed to the Park & Rec Board and they, too, rejected him. Now he wants to overturn City government all because he cannot play golf for free.

Committee recommended holding Temp. Ord. A-98.

Temp. Ord. A-99

An ordinance providing an amendment to the Charter of the City of Cuyahoga Falls, Ohio, originally adopted by the electorate on November 3, 1959, and amended from time to time, to be submitted at the next general election on November 2, 2010, which amendment will revise Article VIII, Section 1.1, and declaring an emergency.

Mrs. Colavecchio stated the intent is to create more of a participatory form of City government, and the Planning Commission is one of the most important pieces of that. She went to the Charter Review Commission to talk about having someone from Council be a member but she did not ask them to look at the Planning Commission structure. She is trying to give Council two electors on the Committee. The Mayor would control four spots and Council would control three. One of those three would be an actual Council member. Mr. Mader asked how Council would approve the names. Mrs. Colavecchio stated the prior proposal stated that letters of interest would be sent to the Clerk and then copies would be provided to the Mayor and to City Council. Council would then review those that were submitted. If A-98 does not come to fruition, it would go back to the by invitation method and Council would look for volunteers.

Mr. Walters stated that the way the Charter reads is that members are to be of a split party. He asked what would happen if someone never votes in a primary. Mr. Arrington stated they would be considered as an Independent. He also pointed out that the way this is written, you have some individuals being appointed by the Mayor and some by Council. There could be a situation where both the Mayor and Council are of the same party.

Mrs. Pyke stated she is uncomfortable with the Public Affairs meeting. She felt Council was undermining the Commission. This legislation states that Council would submit four names. She wondered how those would be decided on. She is also uncomfortable because she received this information on Saturday and someone in the public had their copy on Friday. She sees this as being political. The Mayor added that Council has to approve his appointments but who approves Council's.

Mrs. Colavecchio stated this was a process and Council has brought these forward albeit late. However, they made the decision to bring them out after they received notice regarding what had been accepted by

the Commission and what had been rejected. This is what is supposed to be done. Council members have come up with ideas and have brought them to the floor. They invite everyone to listen and comment. She just wants to have it considered. It will not be voted on tonight and no final decisions are being. The gravity deserves this kind of dialog.

Don Nelsch stated he knew at least two members of Council who have been on the Planning Commission for a period of one year. He stated that being on that Commission takes a lot of learning. For the first four to five months members spend their time learning the process. You need to learn what is Code and what isn't and what can and cannot be permitted. Someone with two years' experience is just getting knowledgeable to be useful. He was not sure a two-year term would be helpful. Mrs. Hummel stated the intention regarding the appointment of a Council member for two-years was because that is the term the member is elected to Council unless he gets re-elected. Mrs. Pyke requested that any e-mails that take place regarding this matters be sent to everyone.

Barry Braunstein stated that the way Council would select members is like anyone would select. You do it through cooperation and meetings. Mr. Arrington stated this proposal was submitted to the Charter Review Commission by Barry Braunstein. This provides less of a balance than what is in place currently. Currently, appointments need approval by both the Mayor and Council. One of the pleasures of having served as Law Director is that this City is unique. It has a Council and Administration that, despite the different political labels by the names and regardless of what is said on the floor, the majority of legislation is passed 11-0. He is concerned about what has been said tonight because it seems to be a break from the bipartisanship. There are five ordinances that were introduced in a special meeting. The public would not have known they were being discussed tonight. The Mayor had mentioned to him that they were also not listed on the agenda. It was introduced in a packet and none of the Republicans were consulted.

Committee recommended holding Temp. Ord. A-99.

Temp. Ord. A-100

An ordinance providing an amendment to the Charter of the City of Cuyahoga Falls, Ohio, originally adopted by the electorate on November 3, 1959, and amended from time to time, to be submitted at the next general election on November 2, 2010, which amendment will revise Article XI, and declaring an emergency.

Mrs. Colavecchio stated that similar to the prior ordinance, this speaks to the Charter Review Commission. She had asked the Commission that a Council member serve as an ex officio member. She thought it was a harmless request. It would help to give the Commission information as to what is important to Council and why. That request was rejected. Council members gave it a lot of thought and decided they needed to take it to the next step that would state Council would have three of the appointments, one being a Council member. The intent is to add to the level of participation in City government and to give this Council some say in who serves. It is not to impugn the people who serve, their character or their judgment.

Sandra Froelich stated only four members of Council attended the meetings. The meetings were open to everyone. Mr. Braunstein asked didn't they owe it to the citizens to have a Council member present. Mrs. Froelich stated they did not see a need. They did not see a need to change the Charter when it was already a meeting open to the public. Mr. Seguin stated that is primarily why this language was not recommended because the meetings were already open.

Mr. Rubino stated it was interesting what everyone's perspective on debate was. He asked does the process take place in one moment or over a few meetings? He requested Commission members to not view Council wanting to inquire about other changes as being something negative. There is more than one way to change the Charter. He thought it was worth the time to discuss whether the City needs to have an elected Law Director. He is also thinking the idea does not have any traction. He is not offended by that. He does not agree with everything but he is proud he tried. He felt it was his duty to try. Everyone should be able to have a meeting where they agree or disagree and not be offended. Ms. Froelich stated she listened to Mr. Rubino's suggestions in four separate meetings and she decided "no." Mr. Rubino felt he still had the right under the Charter to bring it up under another forum.

Yvonne Sebastian commended all of Council for holding its many, many meetings. She knows she can call her Council person whenever she wants to. She knows they are always there. She is not disagreeing with what Council has said. She added that she felt very privileged to have served on this Commission.

Mrs. Hummel echoed Mr. Rubino's comments and Mrs. Colavecchio's as well. Her name on these pieces of legislation as a sponsor was not meant to insult, discount or undermine. She chose not to attend any Commission meetings this time around. She has attended them in the past. Mr. Rubino is correct. There is another process to place Charter amendments before the voters and this is one. She commended Mrs. Colavecchio and Mr. Rubino for putting forth the effort to write the legislation and bring it tonight to this public forum to discuss these items that are of concern to some Council members but maybe not to all. She is disappointed that the tone went the way it did. There were things said that should probably not have been said. Keep in mind, Council's goal is to provide good government, open government and involved government to all of the citizens. Her goal was not to insult anyone. She asked that she be taken at her word and not have her motives questioned on what was said this evening. She encouraged those who sponsored to believe in what they sponsored. She thanked Commission members for their service. It is not an easy job. She thanked Mr. Rubino and Mrs. Colavecchio for doing the work that brought these issues up for public discussion.

Mrs. Klinger stated she, too, chose to not participate in Commission meetings. She participated in the past and had made requests for changes that did not go through. This Council has looked at Charter changes outside of this process as they can do. Often times, they are told to wait until the five-year review. Charter changes are a big leap. It takes eight votes to make a change. Everyone on Council takes that very seriously. She thanked the Commission members for serving and asked that they please not take this personally.

Mr. Mader echoed the comments of Mrs. Klinger, Mrs. Hummel and Mr. Rubino. He told Mr. Braunstein that the point of being an open forum and his clarity in government sounds good but it doesn't work that way. When such a matter comes before Council, that is another separate forum. It is too bad it is a long distance between Charter reviews. His opinion is it is the Commission members' job to review these things so he has accepted their decision on what he brought before them. He added that everyone can agree to disagree on a lot of things.

Committee recommended holding Temp. Ord. A-100.

Meeting adjourned at 9:28 p.m.