

# Reynoldsburg

OHIO • 1839

## MINUTES MEETING REYNOLDSBURG CHARTER REVIEW COMMISSION June 15, 2022

Doug Joseph called the meeting to order at 7:07 PM

PRESENT: Joseph, Foster, Johnson

ABSENT: Darling, Lenihan

Additional attendees: Attorney Chris Shook and Clerk Mollie Prasher

### Approval of Agenda

The agenda was approved as submitted.

### Minutes Approval

1. Charter Review Commission – Meeting – May 18, 2022

The meeting minutes of May 18, 2022 were approved as submitted.

<b>RESULT:</b> <b>ACCEPTED</b>
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### Discussion of Proposed Revisions

CITY ATTORNEY SUMMARY REVIEW OF SUGGESTION CHARTER CHANGES

REVIEW OF BALLOT LANGUAGE FOR COUNCIL MEETINGS AND INITIATIVE & REFERENDUM

#### **Item #5 Sections 7.01 Planning Commission and 7.02 Board of Zoning and Building Appeals**

Chair Joseph reported that Attorney Shook did research and determined that changing the name of the new Board replacing Planning Commission and the BZBA could be done without changing all of the language in Sections 7.01 Planning Commission and 7.02 Board of Zoning and Building Appeals. The changes could be a single ballot issue. Chair Joseph suggested the new Board be names Planning and Zoning Board as the name encompassed all aspects of the Board's functions.

The other members of the Commission agreed with the proposed name and supported the change.

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## MINUTES MEETING REYNOLDSBURG CHARTER REVIEW COMMISSION June 15, 2022

Chair Joseph moved to forward this item with the name change, with an effective date of January 1, 2023 for the Board, as submitted by Attorney Shook to Council for their review and recommended it be placed on the November ballot. Second by Mr. Foster. Motion carried.

### **Item #14 Section 10.01 Initiative and Referendum**

Chair Joseph stated that this ballot language mirrors the language used by Columbus. This change was being suggested to prevent individuals and corporations from amending laws in order to gain financial benefit.

Chair Joseph moved to forward this item as submitted by Attorney Shook to Council for their review and recommended it be placed on the November ballot. Second by Vice Chair Johnson. Motion carried.

### **Item #13 Section 3.07 Council Meeting**

Chair Joseph indicated that he was in support of this change only if it was limited to emergency and special meetings. He was not in favor of the recommendation being left open and available for all meetings.

Mr. Foster asked who determined what was a special and emergency meeting. Attorney Shook advised that what constituted a special and emergency meeting was clearly outlined in the Charter. Clerk Prasher added that a special meeting was any meeting, no matter the type or subject, that was not held on the second or fourth Monday of the month.

Mr. Foster additionally asked if meetings that were solely Executive Sessions could be held virtually. Attorney Shook responded in the affirmative.

The Commission indicated their support for the special and emergency meeting limitation.

Chair Joseph moved to forward this item with language limiting virtual meetings to special and emergency only to Council for their review and recommended it be placed on the November ballot. Second by Vice Chair Johnson. Motion carried.

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**MINUTES MEETING  
REYNOLDSBURG CHARTER REVIEW COMMISSION  
June 15, 2022**

## **Other Matters**

Chair Joseph advised that the next step was to send these items to City Council. Attorney Shook would prepare six ordinances to submit to Council for their June 27th meeting for anticipated passage at Council's July 11th meeting. Chair Joseph indicated that he would attend the meeting and make the presentation to Council of the Commission's recommendations.

Mr. Foster asked if the Commission would have the opportunity to see the proposed legislation. Attorney Shook advised that the Commission would receive copies.

Chair Joseph invited all Commission members to attend that meeting. He also congratulated the Commission for doing a good job in their review and recommendation of Charter changes.

## **Adjourn**

*Mollie Prasher*

Mollie Prasher, Clerk of Council

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## MINUTES MEETING REYNOLDSBURG CHARTER REVIEW COMMISSION May 18, 2022

Doug Joseph called the meeting to order at 7:01 PM

PRESENT: Joseph, Darling, Foster, Johnson

ABSENT: Lenihan

Also in attendance were Attorney Shook, Keith Benner, Councilmember Baker, and Clerk Prasher

### Approval of Agenda

The agenda was approved as submitted.

### Minutes Approval

1. Charter Review Commission – Meeting – April 20, 2022

Chair Joseph advised that on page 3 of the minutes under Item #11, it lists Chair Joseph as submitting that item to the Commission. He indicated that Item #11 was submitted by Brett Luzader.

The April 20, 2022 minutes were approved as amended.

<b>RESULT:</b>	<b>ACCEPTED</b>
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### Discussion of Proposed Revisions

#### CITY ATTORNEY SUMMARY REVIEW OF SUGGESTION CHARTER CHANGES

A copy of the initial list of recommended changes as compiled by the City Attorney was included in the packet.

BALLOT LANGUAGE FOR SAFETY SERVICE DIRECTOR,  
RESOLUTION/ORDINANCE, VOTE FOR COUNCIL PRESIDENT, COMBINING  
PLANNING COMMISSION AND BOARD OF BUILDING AND ZONING APPEALS,  
AND NON-PARTISAN ELECTIONS

The Commission resumed reviewing the suggested changes to the Charter from where they left off during the April, 2022 meeting.

Minutes Acceptance: Minutes of May 18, 2022 7:00 PM (Minutes Approval)

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**MINUTES MEETING  
REYNOLDSBURG CHARTER REVIEW COMMISSION  
May 18, 2022**

**Item #13 Section 3.07(d) Council Meetings**

Chair Joseph discussed whether these meetings could be called at any time by the President of Council or Board/Commission Chair or whether they should be limited to just special and/or emergency meetings. He did not support permitting random, open virtual meetings as that would lose the interactive, personal, and participatory nature of in-person meetings. Just allowing virtual meetings seems to leave the opportunity too open ended. Chair Joseph asked if the intent of the recommendation was to allow for hybrid or only en masse meetings. He would only support whole group virtual meetings for special or emergency meetings, otherwise he would vote no.

Vice Chair Johnson indicated that she did like the option to hold virtual meetings, considering her situation during the April Commission meeting. She questioned if perimeters could be added.

Attorney Shook commented that the option to hold virtual meetings was beneficial and important, but he did understand the importance of discretion. He added that he felt it unlikely that Council Presidents and Board/Commission Chair would use the option frivolously.

Mr. Foster added he supported the option of providing for virtual meeting in some capacity.

Ms. Darling stated that an option for virtual meetings was absolutely necessary.

Chair Joseph moved to ask the City Attorney to develop ballot language to allow for virtual meetings as special or emergency measures. Second by Vice Chair Johnson. Motion carried.

**Item #14 Section 10.01 Initiative and Referendum**

Attorney Shook recommended this change to subsection (b) to read: "The initiative process shall not be used to propose or enact any legislation of any type that provides any person, partnership, association, corporation, organization, or other non-public entity, or any combination thereof, with a financial benefit or a grant of power over sphere of economic or commercial activity."

Chair Joseph commented that this suggestion was meant to prevent outside companies or individuals from establishing laws or policies for their personal benefit. This recommendation was a good idea.

Minutes Acceptance: Minutes of May 18, 2022 7:00 PM (Minutes Approval)

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## MINUTES MEETING REYNOLDSBURG CHARTER REVIEW COMMISSION May 18, 2022

Chair Joseph moved to ask the City Attorney to develop ballot language to change subsection (b). Second by Mr. Foster. Motion carried.

The Commission returned to the original list to review items and decide if each item should be forwarded to Council. Attorney Shook drafted language for each item the Commission wanted to possibly move forward to Council. The Commission reviewed the language for each item below with the following recommendations.

### **Item #1 Section 6.06 Department of Public Safety**

Chair Joseph stated that the portion of this item recommending that the Public Safety Director remain, but allow for the Police Chief to be the executive head of the Department of Public Safety if a Public Safety Director position is not filled was supported by the Commission.

Chair Joseph moved to forward this item as submitted by Attorney Shook to Council for their review and recommended it be place on the November ballot. Second by Ms. Darling. Motion carried.

### **Item #2 Section 4.01 Form of Action by Council**

Chair Joseph asked if both portions of this recommendation were included in the new language.

Attorney Shook indicated that he was able to effectively combine both separating ordinances and resolutions and approvals of bids and contract approvals as a single-read resolution.

Chair Joseph moved to forward this item as submitted by Attorney Shook to Council for their review and recommended it be place on the November ballot. Second by Mr. Foster. Motion carried.

### **Item #4 Section 3.04 President of Council**

Chair Joseph indicated that he felt the community would be in favor of giving the President of Council a vote, but not while serving as Acting Mayor.

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Mr. Benner questioned the specific language of "may vote on any matter before the Council." He asked if the language should state "shall."

Chair Joseph responded that any member of Council can recuse themselves from voting and the same option should exist for the President. No member of Council can be compelled to vote.

Chair Joseph moved to forward this item as submitted by Attorney Shook to Council for their review and recommended it be place on the November ballot. Second by Vice Chair Johnson. Motion carried.

**Item #5 Section 7.01 Planning Commission and Section 7.02 Board of Building and Zoning Appeals**

Chair Joseph suggested that the name of the new group be the Planning and Zoning Board.

Attorney Shook indicated if the name of the new group were to change from the Planning Commission that would require a greater number of changes to the Code.

Chair Joseph moved to forward this item as submitted by Attorney Shook to Council for their review and recommended it be place on the November ballot. Second by Ms. Darling. Motion carried.

**Item #7 Section 9.01 Nominations**

Amending this Section could still leave the Primary election that would select the top two vote getting candidates or amend the Section to have everyone file and run in August, which might allow equal footing for all candidates, no matter their party affiliation. A partisan primary gives the parties a chance to select a candidate. Without partisan identifiers, everyone has a chance to appear on the ballot. This example could result in the winning candidate being elected without receiving a majority. This method may also make it hard for local candidates to run and raise money. He added that the current system works well and partisan labels provide valuable information to the voters.

Vice Chair Johnson asked how this recommendation was received by Councils previously.

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Chair Joseph responded that an earlier Council submission had the support of one Democratic member of Council who moved for approval, but there was no second. Another Commission may or may not have sent the same recommendation to Council. Another previous Commission sent the recommendation to Council where it received the support of two Democratic and one Republican members of Council. The issue was even brought up for discussion, but was voted down.

Vice Chair Johnson suggested that removing partisan labels would require senior voters to research candidates, which can be difficult for local candidates. Many people use party affiliations to help make their voting selections. She also commented that if this issue was likely to not move forward when sent to Council, why the Commission should spend time submitting it. Vice Chair Johnson questioned if there was a real need to remove party affiliations. She felt there was a value in maintaining that information and it should be continued. With or without part affiliations, there will always be favoritism in elections. There were other more important recommendations that should be moved forward to Council.

Ms. Darling stated that non-partisan elections take the party control out of the election.

Ms. Benner questioned the real value of a part label. Voters should be picking the most qualified candidate. The Commission had stated before that the public was likely for removing party affiliations. The role of this Commission was to make recommended changes to the Charter that were beneficial to the community. Removing party affiliations would make the elections more open to a greater number of candidates and allow more residents to participate. The Commission should forward this recommendation to Council and allow Council to take a position.

Chair Joseph moved to remove this item from the agenda for Council consideration. Second by Vice Chair Johnson. Roll call vote: Johnson - Yes; Darling - No; Foster - Yes; Joseph - Yes. Motion passed 3-1.

Minutes Acceptance: Minutes of May 18, 2022 7:00 PM (Minutes Approval)

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MINUTES MEETING  
REYNOLDSBURG CHARTER REVIEW COMMISSION  
May 18, 2022

## Other Matters

Chair Joseph scheduled that next Commission meeting for June 15, 2022 beginning at 7:00pm.

## Adjourn

Mollie Prasher

Mollie Prasher, Clerk of Council

Minutes Acceptance: Minutes of May 18, 2022 7:00 PM (Minutes Approval)

**Clerk of Council**  
**Mollie Prasher**  
**7232 East Main Street**  
**Reynoldsburg OH 43068**  
**614-322-6836 phone**

## **Memo**

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**DATE:**           **June 15, 2022**

**TO:**

**CC:**

**RE:**               **City Attorney Summary Review**

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## CHARTER SUGGESTIONS

### **1. Section 6.06 Department of Public Safety (Chief Baker)**

- Remove language mandating the appointment of a Public Safety Director, making the appointment optional
- If no Public Safety Director is appointed, Chief of Police shall be the executive head of the Department of Public Safety
- Remove residency requirement

### **2. Section 4.01 Form of Action by Council (Paul Hellman)**

- Clearly define "Resolution" and "Ordinance"
- "Resolution" should not require 3 reads and a 30-day waiting period
- Separate bidding and contracting process for items already in the budget so they do not require 3 reads and a 30-day waiting period or emergency language

### **3. Section 6.08 Department of Parks and Recreations (Director Bauman)**

- Remove residency requirement to comply with Ohio Supreme Court ruling

### **4. Section 3.04 President of Council (Councilman Baker)**

- (Option A) Remove President of Council as an elected position and elect the President from within the other members of Council
- (Option B) Grant the President of Council voting powers
  - Give the Mayor the option to break a 4-4 tie or require 5 affirmative votes for any measure to pass

### **5. Section 7.01 Planning Commission and Section 7.02 Board of Building and Zoning Appeals (Councilman Baker) (Alex Furst) (Keith Benner)**

- Combine the responsibilities of the two boards
- Increase membership of the new combined board to 7 members instead of 5 members
- Require minimum qualifications to serve

### **6. Section 6.07 Department of Public Service (Director Dorman)**

- Remove residency requirement

### **7. Section 9.01 Nominations (Alex Furst) (Brett Luzader) (Keith Benner)**

- Remove the requirement that candidates for elected offices are nominated at a partisan primary
- Set forth affirmatively that the party affiliation of candidates for general election in the City are not listed on the ballot

**8. Section 6.01 City Attorney (Alex Furst)**

- Remove requirement that City Attorney is elected from the City at large
- Appointed by and serve at the pleasure of the Mayor similar to other department directors

**9. Section 6.02 City Auditor (Alex Furst)**

- Remove requirement that City Attorney is elected from the City at large
- Appointed by and serve at the pleasure of the Mayor similar to other department directors
- Include skill and experience requirements such as a bachelor's degree in business administration, accounting, or finance with 5 or 10 years work experience. Professional certification not necessary. (Keith Benner)

**10. Section 5.01 Election and Term of Office (Luzader)**

- Change the Mayor election cycle to coincide with the City Auditor election cycle
- Mayor elections would take place November 2023, November 2025, and every four years thereafter

**11. Section 7.05 Charter Review Commission (Luzader)**

- Remove the requirement that Council approval recommendations by Charter Commission prior to submission to the electors

**12. Section 7.07 Elected Officials Compensation and Benefits Review Board (Chair Joseph)**

- Created new Charter Section establishing a Board of 6 members, divided by party affiliation, to review compensation and benefits for elected officials and make appropriate adjustments without City Council approval.
- Would require the abolishment of Section 3.09 of the Charter.

**13. Section 3.07(d) Council Meetings (Attorney Shook)**

- Amend to permit virtual attendance at Council and Board/Commission open meetings subject to pre-approval by the President of Council and the Chair of the subject Board/Commission

**14. Section 10.01 Initiative and Referendum (Attorney Shook)**

- Add subsection (b), which would state: "The initiative process shall not be used to propose or enact any legislation of any type that provides any person, partnership, association, corporation, organization, or other nonpublic entity, or any combination thereof, with a financial benefit or a grant of power over sphere of economic or commercial activity."

**Clerk of Council**  
**Mollie Prasher**  
**7232 East Main Street**  
**Reynoldsburg OH 43068**  
**614-322-6836 phone**

## **Memo**

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**DATE: June 15, 2022**

**TO:**

**CC:**

**RE: Review of Ballot Language for Council Meetings and Initiative & Referendum**

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**ARTICLE VII  
BOARDS AND COMMISSIONS**

**SECTION 7.01 ~~PLANNING BOARD OF ZONING AND PLANNING COMMISSION.~~**

- (a) There is hereby created a ~~Planning Commission~~Board of Zoning and Planning, consisting of ~~five~~seven citizen members who are electors of the City, to be appointed by the Mayor subject to approval by the Council by a majority vote of its members. The Director of Development shall be an ex-officio member of the Commission and may take part in discussions, but shall not cast any vote. Commission members whenever possible should have a background in city planning, law, finance, real estate, community development, architecture, civil engineering, or related field. Except for the Director of Development, no person shall serve as a member of the Commission at the same time he or she is an employee or official of the City. Each citizen member shall serve for a three year term of office. (Amended 11-6-12) (Amended 11-7-17.)
- (b) The ~~Planning Commission~~Board of Zoning and Planning shall hold at least one regular meeting each month; except the Commission, by its rules or by a majority vote of its members, may designate one month in which regular meetings shall not be held.
- (c) The ~~Planning Commission~~Board of Zoning and Planning shall have the power to hear applications for zoning district changes, review zoning regulation changes, review plats and subdivision regulations, and to exercise such other powers, duties, and functions as provided for by Council. The Commission shall conduct studies and surveys, and prepare advisory plans, reports and maps relative to planning, land use, zoning, and transportation or other infrastructure of the City. The Commission shall be responsible for the preparation and implementation of a comprehensive plan, land use plan, transportation plan, or other similar development plans and guidelines for the City and subsequent plan amendments, for Council approval. ~~The Planning Commission shall assist the Director of Development or other City officials with drafting and review of development policies for the City. The Commission may make such advisory recommendations concerning such matters to the Council as the Commission believes to be in the best interest of the City. The Commission may exercise any powers, duties, or functions provided to municipal planning commissions by State law that do not otherwise conflict with Council ordinances or resolutions, or this Charter.~~ (Amended 11-7-17.)
- (d) ~~The Board of Zoning and Planning shall have the power to hear and decide appeals for exceptions to and variances in, the application of resolutions, ordinances, regulations, measures and orders of administrative officials or agencies governing zoning, building, property maintenance, and housing in the City, as may be required to afford justice and avoid unreasonable hardship, subject to such reasonable standards as shall be prescribed by Council by ordinance or resolution.~~
- ~~(e)~~(e) ~~The Board of Zoning and Planning shall assist the Director of Development or other City officials with drafting and review of development policies for the City. The Commission~~

may make such advisory recommendations concerning such matters to the Council as the Commission believes to be in the best interest of the City. The Commission may exercise any powers, duties, or functions provided to municipal planning commissions by State law that do not otherwise conflict with Council ordinances or resolutions, or this Charter.

## **SECTION 7.02 ~~BOARD OF ZONING AND BUILDING APPEALS.~~REPEALED**

- ~~(a) There is hereby created a Board of Zoning and Building Appeals consisting of the Director of Development and five citizen members who are electors of the City, to be appointed by the Mayor subject to approval by the Council by a majority vote of its members. The Director of Development shall be an ex officio member of the Board and may take part in discussions, but shall not cast any vote. Except for the Director of Development, no person shall serve as a member of the Board at the same time he or she is an employee or official of the City. Each citizen member shall serve for a three year term of office. (Amended 11-6-12) (Amended 11-7-17.)~~
- ~~(b) The Board of Zoning and Building Appeals shall hold at least one regular meeting each month; except the Board, by its rules or by a majority vote of its members, may designate one month in which regular meetings shall not be held.~~
- ~~(c) The Board of Zoning and Building Appeals shall have the power to hear and decide appeals for exceptions to and variances in, the application of resolutions, ordinances, regulations, measures and orders of administrative officials or agencies governing zoning, building, property maintenance, and housing in the City, as may be required to afford justice and avoid unreasonable hardship, subject to such reasonable standards as shall be prescribed by Council by ordinance or resolution. The Board may make advisory recommendations to the Council and the Planning Commission concerning such matters as it believes to be in the best interest of the City. The Board shall have such other powers, duties and functions, consistent with this Charter as provided by the City's ordinances and resolutions.~~

~~(Amended 11-4-97) (Amended 11-7-17.)~~

## **SECTION 4.11 ZONING MEASURES.**

- (a) Public hearing notice. When Council reviews applicant petitions for zoning district changes, the Clerk of Council shall cause a notice of the public hearing to be published one time in a newspaper of general circulation within the City at least seven days prior to the initial public hearing. When the petition for zoning district change involves ten or less parcels of land, the Clerk of Council or designee shall mail written notice of the public hearing to the owners of the property within, contiguous to, and directly across the street from the affected parcel or parcels at least seven days prior to the initial public hearing. The failure of delivery of the notice shall not invalidate any zoning ordinance. Council may, under the provisions of subsection (b) of this section, provide for this procedure and for additional postings to be completed prior to review by the ~~Planning Commission~~Board

of Zoning and Planning. Such notices or postings shall be deemed to be constructive notice to the public.

- (b) Review procedures. Council shall, by ordinance or resolution, establish procedures for review of ordinances establishing, amending, revising, changing or repealing zoning classifications, districts, uses, maps or other regulations. Such procedures shall include review by the ~~Planning Commission~~Board of Zoning and Planning.
- (c) Voting requirements. The following voting requirements shall apply to ordinances amending, revising, changing or repealing provisions of the planning and zoning code or zoning districts:
  - (1) An affirmative vote of at least three-fourths of the members of Council shall be necessary to pass a zoning ordinance which differs from the written recommendations of the ~~Planning Commission~~Board of Zoning and Planning.
  - (2) In no event shall an ordinance be considered as having passed unless it receives at least a majority vote of the members of Council.

(Amended 11-7-17.)

## SECTION 3.07 COUNCIL MEETINGS.

- (a) The Council shall determine, by a majority vote of its members, the frequency, dates and times of regular meetings in order to properly conduct its business, but it shall hold at least two regular meetings in each month; provided the Council may designate, by motion adopted by a majority vote of its members, one month in each year during which fewer or no regular meetings are to be held. All meetings shall be held either in-person within the City or virtually and/or electronically if the meeting is broadcast live in a manner generally accessible by the public.
- (b) Special meetings of the Council may be called, for any purpose, by the Mayor or any three members of the Council upon at least twenty-four hours notice to the Mayor, the President of Council, and each member of the Council, which notice may be served personally or left at the usual place of residence. Members of the Council and the Mayor and President of Council who attend special meetings of the Council or who are present at another regular or special meeting where a special meeting is announced by the presiding officer need not receive notice of the special meeting. Members of the Council, the Mayor and the President of Council may waive notice of special meetings of the Council either prior or subsequent to the special meeting. In the event any notice of a meeting of the Council is not given or is defectively made, the Council may, at any subsequent regular or special meeting, ratify any and all actions taken at such special meeting held without or pursuant to defective notice.
- (c) Any regular or special meeting of the Council may be adjourned or recessed to another time, date or place without giving the notice required in division (b) of this section.
- (d) All meetings of the Council and of other Boards and Commissions of the City shall be held in accordance with the general laws of Ohio pertaining to requirements for open meetings of public bodies with the exception that such meetings may be held virtually and/or electronically, in the discretion of the President of Council or Chair of any Board and Commissions, if the meeting is broadcast live in a manner generally accessible by the public.-

**SECTION 10.01 INITIATIVE AND REFERENDUM.**

(a) Ordinances, resolutions and other measures may be proposed by initiative petition and adopted by election, and ordinances and resolutions adopted by the Council shall be subject to referendum, as provided by the Constitution and laws of Ohio; provided:

- (1) Initiative and referendum petitions shall be signed by electors of the City equal in number to not less than ten percent of the number of electors of the City who voted at the last gubernatorial election.
- (2) Ordinances and resolutions calling elections under this Charter shall not be subject to initiative or referendum.

(b) The initiative process shall not be used to propose or enact any legislation of any type that provides any person, partnership, association, corporation, organization, or other nonpublic entity, or any combination thereof, with a financial benefit or a grant of power over sphere of economic or commercial activity.