



**CHARTER REVIEW COMMISSION 2017 - JOSEPH BIZJAK
WEDNESDAY MAY 3, 2017**

MEETING: 6:00 PM

**PLACE: COUNCIL CONFERENCE ROOM
7232 E. MAIN STREET, 1ST FLOOR, REYNOLDSBURG, OH 43068**

Call to Order

PRESENT: Wallace, King, Bizjak, Saylor, Johns
ABSENT:

Approval of Agenda

Agenda stands approved.

Approval of Meeting Minutes

Charter Review Commission 2017 – Meeting – April 25, 2017

Minutes stand approved with the change of a typographical error on page 2.

Discussion

Proposed Charter Amendments - Competitive Bidding

Item held.

RESULT:	HELD	Next: 5/12/2017 5:30 PM
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Charter Review Planning Commission 7.01

Planning & Zoning Administrator Eric Snowden presented to the Commission items pertaining to Charter sections 7.01 Planning Commission, 7.02 Board of Zoning and Building and Appeals. He has provided a report which has been incorporated into these meeting minutes.

In regards to Charter section 7.01 Planning Commission, Mr. Snowden summarized that in subsection (a) the change he proposed is that the appointment process be changed to an appointment by the Mayor subject to approval by the Council by a majority vote by its members. He stated that this is the more typical. He continued that the next proposed change was that of a removal of the political considerations as they are a typical of a city of our size, even in a partizan city. Lastly, he proposes to raise the number of Commissioners to 7.

Mr. Snowden stated that he has reviewed peer cities and has found a mixed bag of members from 5 to 7 and he feels that it is important that maintaining the ability to meet quorum is important. He continued that the Design Review Board, which is not a Charter designated Board has 7 members and rarely do they have an issue with quorum, where with BZBA and Planning it has nearly been an issue or has been an issue on a few occasions. The last changes to Section 7.01 Mr. Snowden presented was just to remove redundant language.

Mr. Bizjak asked if there were any questions on 7.01? No questions from Commission members.

Charter Review Board of Zoning & Building Appeals 7.02

Mr. Snowden presented his proposed amendments to Section 7.02 Board of Zoning & Building Appeals. He stated that he reviewed peer cities and found that many cities have larger boards anywhere from 7-9 members and he proposes that the City go to 7 members also with the mayor appointment with approval of Council. He pointed it out that this keeps the appointments uniform across appointments of the other boards in the Charter. Mr. Snowden stated that he suggested the removal of the language regarding public buildings, public streets.. etc by stating that BZBAs exist to do Zoning, Building, Property Maintenance and Housing. They are not for hearing appeals on public streets which are governed by state law or appeals on public buildings. So he proposes that the language be stricken.

Mr. Saylor asked if the same people can be on the same boards?

Mr. Snowden replied that there is nothing to prohibit that but it is a bad best practice. His example is that because Planning Commissions typically approve applications and BZBAs generally hear appeals. There could be a situation where someone sitting on both boards could hear an appeal on an application that they had reviewed.

Mr. Johns asked how is that bad practice prohibited?

Mr. Saylor asked is that just understood or does it need addressed?

Mr. Snowden stated that he hasn't seen it specifically prohibited in any one City's Charter and that there probably isn't any reason to do it and that anyone dealing in the planning and zoning process would advise their elected official against it.

Mr. Bizjak asked if City Council could pass an ordinance against it.

Mr. Snowden said they can because the Charter gives them that power.

Mr. Bizjak said that then maybe they would opt to leave the Charter broad in this case.

Ms. Wallace said she really agreed with having 7 board members and the removal of the party affiliations. She said there has never been a meeting where there has been a feeling that party affiliation would have any bearing on the decision of the board.

Mr. Bizjak added that how many qualified people are being kept off the boards and commissions because of the partisan balance requirements. There might be unintentional limits.

Mr. Snowden stated that he has looked at other communities and have yet to see a partisan Planning Committee or BZBA in a community the size of Reynoldsburg. He stated that the partisan rule in Reynoldsburg only applies to Planning Commission, BZBA, doesn't apply to DRB or Parks and Recreation Commission but it does to Civil Service Commission. He stated that we have been in many a situation where there are interested parties to serve on a board, but they don't meet the correct party affiliation. He added that he doesn't want to come off as attacking any one party or another but that he just feels the Boards and Commissions would be better served if that requirement was just removed.

Mr. Bizjak replied that he felt he spoke for the board when he stated that he didn't think that Mr. Snowden was attacking the partisan system.

Mr. Snowden stated that Hilliard, as an example is also a partisan city that does not have have a partisan consideration for their BZBA and Planning Commission also.

Charter Review Zoning Measures 4.11

Mr. Snowden stated that this was a type of section that is common to many Charter- that of Zoning measures. He says he has searched diligently only to find that the Reynoldsburg section seems to be unique in its detail. He pointed out to the Commission that re-zoning is governed by 2 things, this section of the Charter and a Code section, Section 1151 of the Reynoldsburg City Code which almost just repeats the Charter detail. Mr. Snowden said "I propose we strike this out and put in a much more basic framework for how this should be happening". Things that are dictated in this section, Mr. Snowden says he feels can be prescribed by Council. He said that the re-zoning process that this current system allows for takes about 4 months to complete where in many other communities it can be completed in about 2 months. He stated that there does need to be that high level of review but it can still be accomplished in a more efficient manner. The proposed changes do not immediately change the process for rezoning because of Code Section 1151 being very similar, but it will give the framework to shape the process.

Mr. Snowden went through his proposed changes beginning with number one- Public Noticing. He said that if he wants to change one word in the Zoning Code, it has to be noticed. This proposed change would state that when an applicant petitions to change their zoning district, that will require adequate notification. Not necessarily when there are proposed changes to zoning text.

Mr. Bizjak asked if what if changing that one word would change the entire intent of the text like changing a may to a shall.

Mr. Snowden responded that only the zoning code is required to have that level of scrutiny and that Council can change any other part of the code. Folks in the past didn't want to bother with the complicated process to change the zoning code which is ultimately why it has

gotten to be so out of date. He stated that zoning code changes already have publishing in multiple agendas and council hearings and why should it need to be published in the newspaper separately again. However, when it comes to re-zoning, we remain consistently with state law. In addition, Mr. Snowden stated that Council will require additional postings be completed prior to review by Planning Commission. He reviewed the current Charter and 1151 processes in that the item goes first to Council, then a joint Council/Planning Commission hearing which is totally unique to Reynoldsburg, then to Planning Commission, then back to Council. Most other Communities refer to staff, then to Planning Commission then to Council. Mr. Snowden hopes that Council may, by changing Code Section 1151, similar processes will be adopted. Item b as recommended by Mr. Snowden is stating that Council will establish review procedures and that those procedures will include review by the Planning Commission. He said he wouldn't want a situation where these ordinances were not reviewed by Planning Commission. He added that many communities have different procedures for when Planning Commissions want to propose something to Council vs. when an applicant wants to propose something vs. when staff wants to present something to Council. He just wants to assure that Planning Commission is included in the process.

Mr. Bizjak asked if the Mayor can veto these particular ordinances and resolutions or can he be allowed to veto?

Mr. Snowden replied that they can be vetoed as any other ordinance would be.

Mr. Snowden concluded with voting requirements under item c, that in order to pass a district amendment, a super majority would still be required to change planning commission recommendations, but a majority would still be required to pass and that is typical. The idea being that Council shouldn't be able to do whatever they want after Planning Commission has given recommendations and just disregard them. So if they want to pass them with new recommendations, they have to have a super majority. It doesn't give the Planning Commission power to pass an ordinance; it still has to pass with a majority vote of Council.

Ms. Wallace said that making things more streamlined would be much more business and community friendly and that there are still checks and balances in place.

Mr. Snowden said that with zoning measures, the minimum reality is that it takes 4 months. In other communities it can take 45 days. He continued that if Council wants to table an Ordinance or deny it, they can. If we revise this section and Council revises 1151, I would expect, we would go from everyone dealing with this cumbersome process. I think you would speed it up, but I don't think there is a reason to panic and think that people will get approved for rezoning in a month and there isn't going to be enough time to review it. You're still going to have the rezoning notice, planning commission schedule etc...

Mr. Bizjak asked if changing the newspaper of general circulation to as a manner deemed appropriate by Council would work for this as well.

Mr. Snowden replied that he will look into it and said that sometime there are some legal hurdles that sometimes make zoning a little more difficult.

Mr. Johns asked how the time line would change for zoning and Mr. Snowden explained the timeline for a rezoning request and how it can take up to five months in some cases.

Public Suggestion- 6.02 Auditor

Mr. Bizjak asked for comments and thoughts on the comments submitted about the Auditor suggestions.

Mr. Johns stated that he had noted something similar and ultimately wanted to make sure that the Auditor represented the City with strong business skills and that it wasn't something taken lightly. He felt that we wanted to make sure we had someone that represented us appropriately and not mismanaging money.

Mr. Bizjak asked if he meant that to make sure the Auditor had proper training.

Mr. Johns replied just this, pertaining to the document.

Mr. Bizjak stated that he felt that the voters were smart and the political process was such that such things had a tendency to come out in the public and that he didn't think that the Charter needed to be the political document, that it was just the legal framework for the City.

Mrs. Beggerow stated that the Auditor did offer to come in and speak to the Commission about what his job is and how it functions if they would like.

Ms. Wallace asked about bonding and if the issue of bankruptcy has an effect on bonding and what would happen if a person is elected and then can't get bonded.

Mr. Johns said it would cost the City more (in the form of a Special Election).

Mr. Bizjak said that maybe the wording instead of bankruptcy should be something like must be bondable?

Ms. Wallace asked how would you determine if you were bondable?

The Commission determined at this point that this would be a good question to ask the City Attorney. They re-stated that they did not want the Charter to reflect political statements.

Ms. Wallace said that she felt that having a degree doesn't discount someone's ability to hold the office, nor does filing bankruptcy-its what goes along with it.
The question is can the person be bonded?

Mr. King said as an example we had an economic downturn recently and bankruptcies were common.

Mr. Johns said it could even be a marital situation that caused a bankruptcy.

Dr. McKenzie of Lancaster Ave stated that the position could be made into a non-elected position which would alleviate some of these concerns.

Mr. Bizjak replied that the good thing about an independently elected Auditor is that they are directly held accountable to the people. He concluded that the public will be able to flush out a candidate that can't handle their own finances via the political process.

Mr. Johns said he knew of a case of identity theft that resulted in a person that had to file bankruptcy.

Ms. Wallace said and that would be an example of then, the person not being able to be bondable.

The Commission agreed once again that input from the City Attorney would be sought and the conversation continued.

Other Business

A Public Suggestion was distributed to the Commission that will be added to the next meeting agenda.