



City of Hudson, Ohio

Meeting Minutes - Draft Charter Review Commission

Andrew R. Duff, Chair
George W. Roth, Secretary
Marcia W. Boote
Robert M. Cain
Ann Coleman
Joseph Mulligan
J. Randall Nye

Wednesday, April 29, 2015

7:00 PM

Town Hall

1. Call to Order

Mr. Duff called to order the meeting of the Charter Review Commission at 7:05 p.m.

2. Roll Call

Present 5 - Mr. Cain, Mr. Duff, Mr. Mulligan, Mr. Nye, and Mr. Roth

Excused 1 - Ms. Boote

Absent 1 - Dr. Coleman

Ms. Boote entered the meeting at 7:10 p.m., after Roll Call.

City Officials & Staff Present: Mr. Basil, City Council Representative; and Mr. Hunt, City Solicitor.

3. Approval of the Minutes

A. [15-0048](#) MINUTES OF PREVIOUS CHARTER REVIEW COMMISSION MEETINGS.

Attachments: [April 9, 2015 Meeting Minutes - DRAFT](#)

A motion was made by Mr. Roth, seconded by Mr. Mulligan, that the minutes be approved as submitted. The motion carried by the following vote:

Aye: 5 - Mr. Cain, Mr. Duff, Mr. Mulligan, Mr. Nye and Mr. Roth

Excused: 1 - Ms. Boote

4. Public Comments

Mr. Thomas King, Park Board member and resident of 12 Hudson Common Drive, spoke regarding the need for a Charter change relating to Municipal Parks, proposing that the City have the ability to make minor changes to park boundaries that do not reduce the amount of

park land and do not substantially affect the use of the park property without going to a vote of the people. He said that there could be some minor park boundary changes that would be good for the community but can not happen due to the logistics of bringing these matters to a vote of the people. He proposed that if a minor such change, inconsequential to the use of the park and resulting in improvement to enjoyment and the use of the park, was favored by a majority vote of the Park Board, City Council, and possibly the Planning Commission, the City should have the power to make a park boundary change without a vote of the people.

Mr. King also spoke in support of proposed changes being considered to the Planning Commission (PC) and Architectural and Historic Board of Review (AHBR) in terms of alterations to existing buildings and minor accessory structures. He felt that such matters are better suited to review by the AHBR instead of the PC, and the proposed change would be helpful. He said that current language calls for having PC be the one body to review office and industrial buildings in industrial districts, and an unintended result was the way alterations are handled. He said that PC's expertise is dealing with the layout of the site, compatibility with the adjoining areas, and not the architectural symmetry of a given change in an accessory building.

5. Discussion Items

A. [15-0049](#) ARTICLE IX: PLANNING

Attachments:

[Article IX](#)

[Proposed Revisions to Charter \(Part 3\) 4-29-15](#)

Section 9.01, Planning Commission - Composition and Terms: *Mr. Roth discussed staggered terms; Mr. Mulligan compared current PC language with that for AHBR and BZBA pertaining to a requirement that members may not hold other public office appointed by Council. Mr. Duff felt that the sentence structure on the current language may not serve the intended purpose. Discussion followed, and there was consensus that the following language be recommended: "The Planning Commission shall consist of seven (7) electors of the Municipality, appointed by Council and not holding other public office, to serve without compensation, for a term of four (4) years...."*

Section 9.02, Planning Commission - Powers and Duties: *Members discussed current language regarding matters pertaining to zoning districts where both industrial and office uses are permitted. Mr. Hunt provided proposed revisions to this Section and Section 9.07 from Mr. Mark Richardson, Community Development Director, that would streamline the process for additions to existing non-residential buildings in Districts 6 & 8. (See Proposed Revisions - Part 3, attached to record copy of these minutes). Discussion followed, and there was consensus in favor of the amendments.*

Section 9.03, Continuing Comprehensive Plan: *No suggested changes.*

Section 9.04, Board of Zoning and Building Appeals - Composition and Terms: *No suggested changes.*

Section 9.05, Board of Zoning and Building Appeals - Powers and Duties: *No suggested changes.*

Section 9.06, Architectural and Historic Board of Review - Composition and Terms: *No suggested changes.*

Section 9.07, Architectural and Historic Board of Review - Powers and Duties: See comments in Section 9.02 regarding proposed amendments.

Section 9.08, Architectural and Historic Board of Review - Appeals: No suggested changes.

Amendments to Article IX were considered.

B. [15-0050](#)

ARTICLE X: REMOVAL OF APPOINTEES

Attachments: [Article X](#)

Section 10.01, Removal from Office: Members discussed 2010 amendment. No suggested changes.

Amendments to Article X were considered.

C. [15-0051](#)

ARTICLE XI: PERSONNEL SYSTEM

Attachments: [Article XI](#)

Section 11.01, Personnel Advisory and Appeals Board - Composition and Terms: Mr. Nye asked when the PAAB last met, and Mr. Hunt explained that it had been some time since they last met, but the Board is currently reviewing proposed updates to the Employee Handbook & Personnel Rules. There were no suggested changes to this section.

Section 11.02, Personnel Advisory and Appeals Board - Powers and Duties: No suggested changes.

Section 11.03, Personnel Principles and Rules: No suggested changes.

Sections 11.04 - 11.18: Previously repealed (no discussion).

Amendments to Article XI were considered.

D. Ethical Standards

Mr. Duff inquired about State law governing municipal officers. Mr. Hunt said that the Ohio Ethics Law applies, and the Ohio Ethics Commission has subpoena power and will issue binding advisory opinions, as well as informal and anonymous opinions; additionally, the County prosecutor has jurisdiction. He said that some other municipalities have a Board of Ethics as part of the city codified ordinances. He said that the City of Hudson has a formal orientation process for new board and commission members, and the City Manager is in favor of a signed statement acknowledging the Ohio Ethics Law but is not in favor of creating a Board of Ethics.

Discussion followed. Mr. Roth supported the City Manager's recommendation.

Referencing Section 701(b) of the Model City Charter, Mr. Nye proposed a Charter amendments to establish a Board of Ethics or an officer as inspector general. Mr. Duff expressed concerns regarding a citizens' board with subpoena power and authorities of that level. Mr. Basil expressed concerns about a citizens' board having budgetary and appropriation authority to hire independent counsel. Mr. Roth perceived the proposal as an attempt to remedy a problem that doesn't exist. Mr. Nye proposed an active approach to policing the Ethics Law and said that he will propose specific language for review at the next meeting.

Mr. Hunt said that citizens can contact the Ohio Ethics Commission, the City Solicitor, or the County Prosecutor regarding perceived violations of the Ethics Law. Mr. Duff said that other remedies exist.

Referring to Section 7.01(a), Mr. Mulligan proposed a statement regarding conflicts of interests be added to the Charter. Mr. Duff said he would only be in favor of such a statement if it mirrors State law.

This matter was discussed.

6. Additional Discussion Items (as time permits)

A. [15-0052](#) ARTICLE XII: INITIATIVE, REFERENDUM AND RECALL

Attachments: [Article XII](#)

Section 12.01, Initiative: Mr. Hunt said that current language reflects State law, which is beneficial. No suggested changes.

Section 12.02, Referendum: No suggested changes.

Section 12.03, Recall: Members discussed current language relating to an officer's time in office, petition requirements, and timing of a recall election. No suggested changes.

Amendments to Article XII were considered.

B. [15-0053](#) ARTICLE XIII: AMENDMENTS TO CHARTER

Attachments: [Article XIII](#)

Section 13.01, Methods and Procedure: No suggested changes.

Section 13.02, Charter Review Commission: Members considered the length of time between Charter Review Commissions, the current language calling for every five (5) years. No suggested changes.

Amendments to Article XIII were considered.

C. [15-0054](#) ARTICLE XIV: ANNEXATION

Attachments: [Article XIV](#)

All sections of Article XIV were previously repealed (no discussion).

D. [15-0055](#) ARTICLE XV: MERGER

Attachments: [Article XV](#)

All sections of Article XV were previously repealed (no discussion).

E. [15-0056](#) **ARTICLE XVI: GENERAL PROVISIONS**

Attachments: [Article XVI](#)

Section 16.01, Effective Date of Charter: No suggested changes.

Section 16.02, Effect of Partial Validity: No suggested changes.

Section 16.03, Effect of the Charter upon Existing Laws and Rights: No suggested changes.

Amendments to Article XVI were considered.

7. **Discussion Items for Future Meetings**

Mr. Duff said that future meetings are scheduled on May 6 and June 3, 2015. He suggested that the Commission review a compilation of all proposed amendments discussed at the May 6th meeting, and all other members agreed.

8. **Adjournment**

There being no other business, a motion was made by Mr. Mulligan, seconded by Mr. Roth, that the meeting be adjourned. Mr. Duff adjourned the meeting at 7:58 p.m. after the motion carried by the following vote:

Aye: 6 - Ms. Boote, Mr. Cain, Mr. Duff, Mr. Mulligan, Mr. Nye and Mr. Roth

Andrew R. Duff, Chair

George W. Roth, Secretary

Minutes prepared by Elizabeth Slagle, Clerk of Council.

Upon approval by the Charter Review Commission, this official written summary of the meeting minutes shall become a permanent record, and the official minutes shall also consist of a permanent audio and video recording.