



City of Gahanna

Meeting Minutes

Charter Review

200 S. Hamilton Road
Gahanna, Ohio 43230

Sheila P. Vitale- Chair
Ellen T. Zehner- Vice Chair
Ross Beckmann
Bill Dutton
Shane W. Ewald
Alvin J. McKenna
Isobel L. Sherwood

Tuesday, April 20, 2021

6:00 PM

VIRTUAL MEETING

Meeting Call-in Details:
Tel- 513-306-4583
Conf. ID No. 851 443 422#

CALL TO ORDER

Chair Vitale called the meeting to order at 6:00 p.m.

Present 6 - Alvin J. McKenna, Sheila P. Vitale, Ross Beckmann, Shane W. Ewald,
Ellen T. Zehner, and Isobel Sherwood

Absent 1 - Bill Dutton

ITEM FOR APPROVAL:

[2021-0065](#)

Charter Review Commission Meeting Minutes for April 6, 2021.

A motion was made by Sherwood, seconded by Zehner, that the Minutes be Approved. The motion carried by the following vote:

Yes: 6 - McKenna, Vitale, Beckmann, Ewald, Zehner and Sherwood

Absent: 1 - Dutton

ITEMS FOR DISCUSSION:

- Proposed changes to the Charter from Mayor/Administration

Chair Vitale welcomed Mayor Jadwin and thanked her for attending tonight's commission meeting; invited her to proceed with discussing her administration's proposed changes. Jadwin informed the commission that she had brought two members of her administration tonight, to present changes for fire and safety, Chief Jeff Spence, and Safety Director Keith Winn.

Chief Spence summarized his proposed changes:

Chief Spence referred to Section 5.12 Department of Public Safety which states that the Director of Public Safety shall be the head of the Department of Public Safety; is comprised of two separate divisions. The departments within departments does not align with how business is done within the City. We ask that as we get into Section 5.15 that we rename that section to Division of Police. We are asking to rename; the language that really speaks to Civil Service needs to be stricken. It often conflicts with Collective Bargaining Agreements (CBA) or elsewhere in Civil Service Rules or by Ordinance.

Section 5.13 Police Department - Chief Spence stated the language was written in 1966. The probationary period has been revised considerably via the CBA; for example, it is one year from the completion of the basic Police Academy. If we were to follow the charter as the language is written; someone who was hired and went to the academy which is seven months long would complete their probationary period without ever serving a day as a City of Gahanna Police Officer.

Chief Spence stated they are asking for the section to be stricken, otherwise remaining that the Director of Public Safety shall appoint all officers and personal subject only to the applicable Civil Service provisions of this Charter. The officers and dispatchers that are subject to Civil Service would still go through the Civil Service process. Where it speaks to all members of the Police Department, there are unclassified employees, such as myself, and other civilian staff that do not fall into the bargaining units. Their probationary period is also one year.

Section 5.14 Fire Department - Chief Spence stated this is an old section from 1991 and is outdated and is recommending to change the title from Fire Department to Division of Fire. The Department of Public Safety (defined in Article VIII and Section 5.12) is comprised of the Division of Police and potentially a Division of Fire (see Section 5.14 for further). Adds "Jefferson Township" to the wording as portions of Gahanna are covered by the Jefferson Township Fire Department. The remainder of this section is redundant and does not comport with current fire operations. As amended this section still provides the City the ability to contract with another fire department, form a joint fire district or create its own Division of Fire.

Section 5.15 Rules for Government of Police and Fire Departments - Chief Spence stated this section was put in place in 1966 and is very dated. Chief Spence is recommending to change the title from the Police and Fire Departments to the Divisions of Police and Fire. The Department of Public Safety (defined in Article VIII and Section 5.12) is

comprised of the Division of Police and potentially a Division of Fire (see Section 5.14 for further). We are recommending The Director of Public Safety shall make and publish, with the approval of the Mayor instead of Council. Reason is that police policy changes consistently. The changes can be time sensitive and it is impractical to take all the changes to Council. Currently written is: " and the conduct and discipline of members thereof." We are recommending striking the wording solely as it reads Director of Public Safety would be responsible for all discipline and with CBA some disciplines are managed within the supervisory ranks of the Division of Police. Changes the word Government to Administration for better clarity. The remainder of this section is redundant and does not comport with current practices, rules, or CBA.

Mayor Jadwin stated that Section 5.15 with regard to the language requiring Council approval to changing policy at the Police Department. This really conflicts with what the responsibilities of the Mayor are versus what the responsibilities of Council are under the Charter. If you look at Section 3.04 the Mayor is responsible for the executive and administrative functions of the operation of the City. Council is responsible under Section 4.05 for the legislative and fiscal responsibility. It would be better aligned, given what the other responsibilities of the Charter for Section 5.15 to be revised; it proposes a conflict given what the other duties of the two branches of government are. City Attorney Mularski stated that the Mayor appoints the Director of Public Safety. The Mayor should be the one to approve the decisions made by the Director of Public Safety.

There were no questions on the recommended changes to the above sections from the Commission.

Mayor Jadwin stated she has a proposed change from the Director of Planning. Section 11.03 Powers and Duties of Planning Commission - the changes were attached to the agenda. This section of code is from 1996 and no longer applies. A lot of the duties for Planning Commission are no longer within their purview. They either live within other divisions or departments within the city. They really do not have anything to do with Planning Commission. For example, current language can be read to say that any request for the physical development of land within the City requires their review. However, Planning Commission's role is to review, approve, and/or recommend the rules that adopt the standards for how development is to be built and where, and it is the role of city staff to implement those rules on applications and permits. Vitale stated that a couple other sections pertaining to Planning Commission have come up.

Mayor Jadwin stated that she understands Council has a list of proposed

changes; she doesn't know if there is any overlap or conflict between what Council wants versus what Administration wants.

Mayor Jadwin stated that Article III. Mayor, Section 3.01 Election and Term - which could be an issue that was brought up three (3) years ago in regard to the primary election and then the general election for the Mayor. It is recommended to tighten up the language that the two persons receiving the most number of votes shall be the only two candidates in the general election. You can't run in the general election without running in the primary election.

Section 3.02 Qualifications - there was some question on how that should be interpreted. It currently reads: The Mayor for two (2) years prior to the date of the Mayor's filing the Mayor's declaration of candidacy for election with the Board of Elections and continuing through the Mayor's term of office shall be a continuous qualified elector of this Municipality. Mayor Jadwin said it really is any candidate for Mayor; adding the language to clarify it might eliminate should any questions arise again down the road.

Mayor Jadwin stated that here larger question goes to Section 5.15 Rules for Government of Police and Fire Departments - Mayor Jadwin and the City Attorney continue to work on rectifying this section. This goes to the issue of departments and the extent in which they are outlined within the Charter; the conflicts within the Charter itself, as to the authority and power of the Administrative Branch (Mayor's Office) versus Council. The conflicts are in these sections:

Section 3.04 Executive and Administrative Powers - The executive and administrative powers of the Municipality shall be vested in the Mayor, directors of departments, and other administrative officers and boards provided for in this Charter or by ordinance. Mayor Jadwin stated the Mayor is in charge of the day to day operations of the City.

Section 4.05 Duties of Council - Mayor Jadwin stated it talks about Council having all legislative powers. Introduces passing ordinances, their fiscal responsibilities as a Council.

Section 4.18 Departments, Boards, and Commissions - Council may establish additional departments, boards and commissions as the needs of the Municipality may require, and, except for those established herein, may abolish or combine in any manner as it deems necessary. Mayor Jadwin stated that to her the Mayor has all the responsibility for the executive administration of the day to day operations; which include how the departments are functioning and working. Council is responsible for

the legislation and finances; but yet they have the ability to come in and abolish departments that are operating under the direction of the Mayor. To Mayor Jadwin there is an inherent conflict with it that needs to be rectified.

Section 5.02 Department Heads and Additional Administrative Departments - includes the following The Mayor, with consent and approval of Council, may by ordinance: establish new departments, divisions or other sub-units thereof.

Mayor Jadwin said that the Charter currently provides for a Department of Planning and Development. The Mayor with an Ordinance from Council has separated those departments. The Mayor also created a Director of Administrative Services with the goal of eventually streamlining operations to bring IT, Finance and HR under Administrative Services. The Mayor is suggesting some language that perhaps says any department that is proposed by the Mayor and approved by Council as part of the budgetary process shall be deemed to be a department. The Mayor has to present a budget to Council which is in their purview and authority. Every department has separate line items within the budget. So, if Council is given a budget that has a new department outlined in it and approves the budget and appropriates the money for it; have they not then given approval for the creation of that department? Why would the Mayor have to have a separate ordinance established recognizing that there is a separate department? Also, needing authority by Council who is not involved in the executive administrative functions to create a subdivision or another division of an already established department. It is really re-aligning job functions. There is an inherent conflict of the executive administrative powers vested in the Mayor under the Charter, Council's role is being the legislative and fiscal body; yet Council having the authority to direct how the administrative day to day operations function. Mayor Jadwin and the City Attorney continues to work out the best way to resolve the conflict. There are some overlap of functions in that create and issue within the Charter.

Vitale stated that in Charter it has every department identified and asked if the Mayor is looking to somehow to streamline it so that they are not just in the Charter, but give the Mayor some flexibility as times change in order to not come back every five (5) years changing departments; they could be under a bigger umbrella. Mayor Jadwin stated she didn't know if she would be in favor of eliminating all of the departments as written; because Issue 12 said we will dedicate funds to the Department of Public Safety, Department of Parks & Recreation and the Department of Public Safety and if you eliminated those departments from the Charter, it might cause issues with the residents who passed Issue 12. Having

them in the Charter makes sure they are not going anywhere down the road. Mayor Jadwin isn't sure about getting rid of all the departments or leaving the departments as is, and eliminate some of the detail or add some flexibility for the Mayor to adjust if it is approved by Council in the budget process which then gives flexibility to adjust.

McKenna stated that he understands what is being said about Section 3.01; the two (2) highest vote getters from the primary for Mayor; what happens if something happens to both of those people and neither one is technically available to become Mayor; asked what happens in that instance. As we are trying to clean up the language we don't want to create another mess. City Attorney Mularski stated that in Section 3.01 it says the Mayor shall hold office until the Mayor's successor is elected and qualified. The Mayor would remain the Mayor and there would have to be a special election. Mayor Jadwin will bring wording back to the Commission for these sections.

Sherwood stated that in regards to Mr. Blackford's suggestion in 11.03 was not a redlined version; it was just what was being suggested. Sherwood would like a redlined version. The Mayor will send to the Commission. Sherwood stated that prior to 2006 Charter listed all the duties of each department, which they felt was overkill. If you look at each of the sections they are pretty standard as to the qualifications of appointment. Other than that there is not much more in it. Mayor Jadwin stated it has a Department of Planning and Development which we now have a Department of Planning and a Department of Development; does Charter need updated to reflect that or what if three years from now a new Mayor comes in and puts them back as one department; do we have to continuously amend Charter. Or is it enough that the functions of Planning and Development are there, whether they are separate or together. They are each separated with a Director. Mayor Jadwin stated that Charter provides for a Director of Technology; however, in creating a Director of Administrative Services when the Director of IT left, the City hired an IT Manager instead of IT Director.

Mularski stated that Section 5.01 Creates the Departments; further sections that define what departments do could be limited by just making sure that the specific department is in Charter as being created. If you want to restrict or expand on what the departments can do, you just need to mention them as a department in 5.01 as being a department that needs to be in existence.

Zehner asked if it would be possible to in Section 5.01, list the functions that are deemed important today plus other ones as created by Mayor and Council and then adjust the verbiage as the Departments that are

approved in the Budget; can we build in flexibility by building in language in this section. Mularski would like to think about it and get back with the Commission.

Sherwood asked Mularski if it could be as simple as adding a sentence at the end of 5.01 that says something to the effect that "as it is deemed appropriate by the Mayor that departments may be added or split. Mularski said it already says it can be done by ordinance in the Charter. Sherwood thought it would cover adding or splitting departments.

Sherwood shared the history on Chapter 5.14 as discussed in 2016; but that language was a long battle with Mifflin Township and the City when it was first added. Mifflin Township wanted assurances that if we went to a city fire department that their personnel would be hired. It has never changed because Mifflin Township has always fought it. There were no other questions. Chair Vitale stated she will send the list to the Mayor of the Charter changes from Council. Vitale would like to have Blackford attend one of the meetings to get a better understanding of Section 11. Chair Vitale stated the next meeting is May 4, 2021 at 6 p.m.

[2021-0042](#)

Charter, City of Gahanna & Other Communities

[2021-0043](#)

Proposed Charter Amendments

ADJOURNMENT

Meeting adjourned at 6:45 p.m.