



Charter Review Commission Minutes

Boards & Commissions Room, Thursday, April 22, 2010, 7:00 p.m.

Prayer was given by Gwen Heeney, and Pledge of Allegiance was given.

Members Present: Brian D'Antonio, Jack Dodgson, Doris Stewart, Christina Gary, Elgie Underwood, Gwen Heeney, David Renninger, and Mary Botts

Members Absent: None

Also Present: Robert Zienkowski, and Bob Adaska

Meeting called to order at 7:01 p.m.

Motion to Approve Minutes: Motion to approve minutes of the April 15, 2010 meeting with one change, page 11, change the word "appeal" to "repeal" by Dave Renninger, seconded by Christina Gary, minutes approved.

Before Mr. Zienkowski spoke, the Charter Review Commission discussed the ballot issues that possibly would go before Council and what Mrs. D'Antonio had talked about in the previous meeting. Mary Botts will ask Brian Reali if he could attend the next meeting to answer some questions.

Mr. Robert Zienkowski, City Manager of Brunswick, appeared before the Commission to talk about the duties of City Manager. Mr. Zienkowski stated that he was currently the City Manager of Brunswick and he had been there a little over seven years and he will be wrapping up that job in around two weeks and moving to another community outside Philadelphia as the Township Manager. Prior to that, he was with the City of Maple Heights as their Chief Administrative Officer to the Mayor and Director of Administrative Services. He was there eighteen years in Executive Management of a Municipality. What was interesting is that Maple Heights was a strong Mayor form of government and Brunswick is a Council/Manager form of government so I have had experience working on both sides. I see the pros and cons of both sides and actually, I prefer the Council/Manager form of government, just in the aspect that the political side is set aside. The professional manager that is hired based on experience, qualifications, education and not just on who is the most popular. Department Heads are hired based on qualifications and experience. Mr. Renninger asked who hired the Department Heads and Mr. Zienkowski said that would be myself and confirmed by Council. Council gets to see everybody and interviews them and gets to look at the experience, and if there is a problem or concern they have, they can say, no, we are not going to hire that individual. Decisions are based on information as it affects the entire city instead of saying well this area didn't support me too well so we aren't going to improve their streets. We pretty much put out that these are the conditions of the roads, worse roads up to the best roads, and based on the worst roads, it may end up where the whole city is broken up in four wards, 3 at-large, it may end up where a lot of the roadwork is done in one

particular ward but that is where the roadwork needs to be done. Storm water issues we do based on where the needs are. Working under a strong Mayor form of government, a lot of times your decisions are made on what is popular, what is not going to aggravate the community or how you handle the situation. For us we handle situations where it is based on the information that is presented to Council and then they decide where it goes. Council is the policy setter so there is some policy direction for the City Manager. City Manager is at-will, which means that if I don't do my job, they can call a meeting tomorrow and say Bob, you are out. Strong Mayor form of government, unless you do something criminal or immoral or something like that, you are there for four years. It is an interesting dynamic, the Council has a lot of input on the direction of where it goes, they take responsibility and the City Manager is the Chief Executive Officer of the City and is responsible for the day to day operations and it all comes back to me. I am held accountable for what departments do, what the staff does, I am responsible for hiring and firing the staff so that is my responsibility. Mr. Dodgson said does that have to be approved by Council? Mr. Zienkowski said determination does not have to be. There are some hires like the Police and Fire Chief, who do not have to be confirmed by Council. Mr. Renninger asked if the Law and Finance Director are elected or appointed? Mr. Zienkowski said they are appointed by me. Mr. Dodgson asked what was the City of Brunswick prior to you? Mr. Zienkowski said it was Council/City Manager since probably the mid 70's. It was challenged in 2002 and overwhelmingly has stayed that way, it was voted 80/20 for Council/City Manager form of government. Mr. Underwood asked what the size of Brunswick was? Mr. Zienkowski said 35,000. Mr. Dodgson asked what were Council terms? Mr. Zienkowski said they are staggered two year terms, at-large are four years and the ward are four years but they are staggered every two years for election. There is a Mayor also in Brunswick. It is ceremonial in nature, the Mayor is elected for ceremonial ribbon cuttings, marriages and also administers the Mayor's Court, which is also good because no one is under attack at the State Level and there is making money for the general funds. This way it is separate where the Mayor has no administrative or legislative authority and then also he oversees and conducts Council Meetings but has no vote in Council.

Ms. Gary said going back, you said you have been there for seven years, what was your hiring process like? How were you hired? Mr. Zienkowski said they had a search firm that they hired that put a national ad out. There were a number of applicants that were submitted. Under that process, they held up because the vote was going toward a strong mayor form of government so they held off so they ended up with six candidates, which I was not one of them in the first round. They went through the interview process, they did not find anyone. They came to the second round and I was involved in and we went through a process of interviewing, background checks, there was a public meet and greet, where you actually got to meet the community and people came in and asked you questions and then Council decides at that time. Ms. Gary said did they hire a committee or how did the process for the search go? Mr. Zienkowski said the search firm actually did it. Mr. Zienkowski said with myself leaving, as part of my contract, I had to give two months notice so what they had done with the first round, they did it internally so they had Council members as well as some of the staff review and screen the candidates and go through the process of scoring based on experience. The Charter spells out you have to have a Master's Degree and ten years of senior level management experience in a municipal government. There were a lot of people who had Bachelor's degrees who did not qualify under the Charter so they separated that group and then went through by criteria of what size

community they worked in, experiences, economic development and certain criteria that were used. They interviewed less than eight and narrowed it to four, and three of them pulled out so they were left only with one and so they have postponed the search right now. They have to redo it. Ms. Stewart asked what his salary was and Mr. Zienkowski said \$100,000. I will say that I have probably hurt them in the process because I have taken pay cuts, I have not taken the increases, I have passed on those so I am responsible now for how they try to go forward with this because in the range of this particular area, my salary ranks 9th or 10th out of the 11 or 12 in this area in Northeast Ohio. Mr. Dodgson asked how much do you think the procedures have changed since the very first time they had City Manager until now? How many revisions in the Charter have happened? Mr. Zienkowski said there were between 17 to 19 Charter Amendments in 2005 and they all passed. This was for the whole Charter. The City Manager part I did make some recommendations because they had it in the Charter that the City Manager could live in the City or by Ordinance, they could allow it not to. Based on my first few years there, it is essential that you have to live in the community so there was a Charter change to make sure that was required. I am actually proposing now to the Charter Commission which they are sending to the ballot, is to lower, instead of a Master's Degree and ten years of experience, is a Bachelor's Degree as a minimum, Master's preferred, with eight to ten years of senior level municipal government experience. The reason why is you have a lot of individuals who have Bachelor's Degrees that have twenty years of experience in government at the senior level. They are excluded from even being considered. Some even have Juris Doctorates but you can't even be considered under the Charter. The ICMA has a credentials program now where you can be credentialed with specific training and education or City Managers, which I think now is probably better than maybe having an advanced degree. That gives you a lot of opportunity to look at who is really the best candidate because during the search process we just went through, there were a lot of individuals who were going to have their Master's in February or June, they cannot even compete because the Charter does not allow that. You want to open that up enough to have a pool of applicants that you can pull from so you have the best qualified candidate. There are people who look wonderful on paper but when you talk to them, in five minutes you are done.

Mr. Dodgson stated that Brunswick is a growing community. Mr. Zienkowski said \$250 million dollars in new development, and the population has probably gone up 3,000 to 4,000 in that timeframe. It is a process and I think as part of what we have tried to do has been service related, there are people who are tasked now that this is where the bar is set high. In the time I have been there, I have changed out twenty-four individuals in seven years because there is a simple formula; go to work, work and go home and some people have a problem with the work part. You are going to work and you are going to work hard, people are evaluated and people are held to a high ethical standard with integrity and if you don't meet that, you are gone. I think sometimes with a strong Mayor form of government, because of political hires, well so and so shouldn't do that and maybe they suspend you instead of saying if you are not going to work, you are not going to be here so there are no ties to any individuals and I think that is, in my opinion, you are able to get the best out of people and you hire quality people instead of sometimes, not that I am saying it is done here, but hiring may be based on someone knowing so and so or they helped with a campaign. The City Manager is completely away from any politics. City Manager cannot contribute any money towards campaigns, they cannot campaign for any individual, that means School Board, Council, Federal or State, nothing. The only thing you can

be involved in is local issues so if there is a safety levy, you can speak on their behalf. We have built great relationships with our State and Federal representatives and this has worked out extremely well. Ms. Heeney asked if the Law and Finance Director were full or part-time. Mr. Zienkowski said the Finance Director is full-time and the Law Director works part-time, he is on an hourly rate of \$75 per hour.

Government is going to change, you are not going to see staff grow due to the economic times and I think people are learning to manage now better. We had 153 full-time employees when I started and now we are down to 132 and we will be at 129 in a year. We have learned to live and work within that environment. When I started we were at a deficit situation because the Fire Department was part-time volunteer and there was a fire and a child was seriously burned and they decided we had to go to a full-time Fire Department. They made some decisions and brought it to a full-time Fire Department. The problem is that you don't have any revenue to support a full-time Fire Department so you have deficits of \$500,000 to \$600,000. The cops Fast-Grants are wonderful programs and you get Police Officers for free but at the end of the term, you have to fully absorb those costs so when you take six police officers and put them on full-time budget without any new revenue sources, and you take a whole Fire Department and put them full-time with equipment, you are running a million dollar plus deficit so you try to cut and trim, but then last year we had to go to the ballot and ask for an increase and luckily it was approved. It was income tax because we were at 1.35 and we went to 1.85 and that was seventy five committee meetings we went to and spoke at. I think the message was good because we got some of the post feedback from myself, the Fire Chief, Police Chief, Finance Director who went and spoke at all the meetings and basically we could all tell the same story each time and people would go to some of the different meetings and try to ask questions to see if the story would change and by the end, we could recite everybody else's issue because it was more of "here is what it is" and everything was on the website, the budgets and everything was transparent of what we have.

Ms. Gary asked what the budget amount was and Mr. Zienkowski said we have a general fund operating budget of about 16 million. Our general operating budget stayed the same for five years, it has not gone up. Mr. Dodgson said as a citizen, what is my advantage to City Manager? Is it going to be in cost cutting? Is that what I am going to think when I go to the ballot? Mr. Zienkowski said a lot of it is how it is managed, how the budget is managed. I think the political aspect is that you are going to have a professional managed organization that will be operated under almost the idea of a business. The bottom line is that you will have people that will be experienced and qualified in what they do, they will have the education to do the job and you will see individuals whose training specifically towards what they have done. Will it make a difference when you compare Stow now to where it will be? In the short term, you may not be able to see that, depends on who the individual that is hired or I think a lot of it is you will see projects, programs, services based on what will benefit the entire community instead of segments of the community. It will be based on need that can be documented so that anybody can say, "I don't understand what you are doing" and we can say "here is what we are doing and here is why". Council can't tell you if that will be political or not. Mr. Underwood asked what is the challenge of the City Manager? Mr. Zienkowski said I think the challenges are the political aspect, of staying away from that, not getting caught up into that, to manage the City to the best of your ability, setting high standards, performance and those types of issues. Again, I think you

hire people who are qualified individuals and some of those positions are spelled out in the Charter that requires the individuals to have certain qualifications, all have specific credentials and criterias. The downside of it is that sometimes people say well, I don't get to elect you so I don't have the right to say two years from now, I don't like what you did so you are gone so that is a downside. Mr. Renninger asked if they were partisan or nonpartisan. Mr. Zienkowski said they are nonpartisan.

Ms. Stewart asked if he had a job description and Mr. Zienkowski said when he started, there weren't updated job descriptions and since he has been there, they have updated every single individual so there is a job description. One of the Charter changes was that the City Manager is also the Safety Director so I wear a dual hat. We had someone in the position who retired and a way of cost-saving measure was to combine this. Ms. Stewart asked if he could share his job description with us and he will send to Mary Botts his job description and the Charter. Mr. Zienkowski said their Charter is reviewed every five years and they are actually going through theirs now. Their issues go to City Council, there was a discrepancy that the Charter Review is going through this time, interpretation, Charter Review Commission in going to Council, it goes to the ballot and Council cannot say well, we like these and not those. It all goes. There are some items that the Assistant Prosecutor is working on with them, he goes to all their meetings to give them direction because sometimes there are things in the Charter that actually because of a certain word, can just be adjusted. There may be some grammatical things or gender neutral can just be changed, it doesn't have to go on the ballot. It is just some changing terminology.

Mr. Underwood said so you were the second City Manager, the first one had been there for 26 years. The challenges and/or weaknesses of the politics part of it, was that a good case in point, assuming the City Manager stayed that long? Mr. Zienkowski said yes. Mr. Underwood said for your choice in deciding to move on, do you want to go to a different Township or is it also a part of your philosophy of being the City Manager that this should be more of a natural turnover every four years or eight years or however many years? Mr. Zienkowski said in his opinion, I was going to term limit myself at ten years because I think that ten years is a good timeframe, a new set of eyes, new philosophies, it is good for a community to do that, so even if I wouldn't have left now, at ten years I would have said that is it because it is time to change. You need to keep changing and you can't just have the status quo and in these times, it is not acceptable, you have to keep changing. It is not just change for the sake of change but how you are going to be competitive because we all compete for business and industry. Mr. Renninger asked if they still had the same Law Director and Finance Director from when he started and Mr. Zienkowski said yes.

Mr. Underwood asked Mr. Zienkowski what his definition of a strong Mayor form of government was? Mr. Zienkowski said the Mayor is the Chief Executive Officer and everybody reports to them. Mr. Underwood said with us, we have a Mayor and have an elected Law and Finance Director, more of a weak Mayoral form of government. Mr. Zienkowski said you still have a strong Mayor because the Mayor appoints all the other positions, enforces laws, carries out the Mayor's policies that the Mayor has and that is interesting that you have an elected Law and Finance Director, because you could have issues between Mayor and Finance Director, if the Finance Director said, no, you aren't getting anything and you will not do that or if the Law Director says we aren't doing certain things. There are times where it works where it is

appointed by myself, where you can try to convince them how can we do this or how do we navigate through this. Ms. Gary asked do you feel that by appointing those two positions that they have to agree with you? Mr. Zienkowski said no, I don't think so. I think they have to be able to perform, if they don't perform they won't continue to be employed. I think it works to where the Council form of government, it is not we or they, it is not Mayor versus the Council, it is more of we are all in this together. Council appoints the City Manager, the City Manager appoints the Department Heads, we are all in this together, we will make decisions and back each other up. If there is a weak link, we can make the change. Ms. Gary asked if he ever found himself in a position where he did not agree with his Department Heads and how did you rectify this? Mr. Zienkowski said we just worked through it. I expect times where we do not see eye to eye on things, we should challenge and push each other. A lot of times we interpret things in different ways in the Charter or Ordinances and I think that is good because then we look for clarity. A lot of times we make sure we are at a comfort level that we don't put ourselves in an awkward position.

Mr. Underwood said you have mentioned the ICMA, have you taken any courses or worked with them? Mr. Zienkowski said I took different seminars and conferences. I haven't had the time to get the credentials in the seven years at this job. It is a very good program, I am a member, there is a lot of information that is sent out daily along with newsletters, reports, and there are seminars on-line and DVD's.

Ms. Gary asked if Mr. Zienkowski knew of any City who recently had their City changed from Mayoral to City Manager or do you know any considering this? Mr. Zienkowski said University Heights had it on their ballot this past November for a City Administrator and I think that issue failed. I am not aware of any other communities. As you go further south in the State, it becomes more prevalent. Ms. Gary said she wondered what the transition would be from Mayoral to City Manager. Mr. Zienkowski said his guess would be you would have to change the form of government and there would have to be a subsequent Charter change to actually put in the requirement of Department Heads and those types of things but also too, it would be a huge undertaking. There are different communities with Charters and I am not big on reinventing the wheel but there are different resources you can call upon that can be adopted, and can be adopted on the backside of this. Mr. Dodgson asked if I were the voter, how do you separate making business moves compared to political moves with things you don't want to spend money on, how does that process go as far as if this is something you really don't believe in as a businessman but it is better for the City, green space, or whatever it will be? Mr. Zienkowski said we had a wonderful project called Brunswick Lake and it was going to be this wonderful beautiful project and it had a wonderful drawing. On day four at the Planning Commission Meeting it had changed dramatically. As part of this, there was a peninsula as part of this lake that you could walk on and you couldn't recreate that anywhere. That was part of the development plan and that was to be completely clear cut. They were expecting based on the investment of the property that they wanted these dollars returned as part of the development agreement, they were going to return around a half million dollars to the general fund and if you looked at this, it just didn't make sense, you can recreate this and so you pretty much try to put some ideas together in how can you preserve this in the natural setting and try to work off the aspect that if you clear cut this, the natural enhancement that you wanted as part of this development using the lake as one of your main focal points, pretty much is going to be gone so

the idea is to go back and say at the end of the day we could do all this but in the overall aspect of development because there is a residential component to this, it doesn't make sense for us to do this. Also, 2/3 of all the City storm water moves through that lake and there are some heavy rains, the aspect is that the water level will get high and in the 500 year storm, if you have three of them over a three month period, if that water level got up there, how does that impact the lake, knowing at some point that those homes would get submerged, the City knowingly had put these homes in and had some knowledge of that. So if you package all of that together and present that to the community and to Council, and say here is what we think we should do, and it was unbelievable all the people who responded to this.

We went through snow removal this year, we did not replace a lot of plow drivers for 12.5 square miles, we have 15 Service Department employees and they do a phenomenal job. We had all the roads cleared this year in twelve hours with the huge snow storm. They did an incredible job and again, we came under fire but the issue is that two years ago in 2007, we had a tax issue on where we were going to fix everything, roads, infrastructure, sewers and people said we don't want that, layoff people, close buildings we don't care. It was good to be able to go back to people and say we mentioned in 2007, this is what we could do, but in 2008 and 2009, we told you this day is coming, but for 85% of the community, they were happy. Sometimes you have to make unpopular decisions, but if you tell people the truth, whether they like it or not, eventually they will or will not accept it. Mr. Dodgson asked how many Council Members they have and Mr. Zienkowski said seven. Mr. Underwood asked your salary on the way out is \$100,000, what was your salary on the way in? Mr. Zienkowski said \$90,000. Ms. Stewart asked how often his contract is negotiated? Mr. Zienkowski said his first contract was for two years, his second contract was for three years and this one was actually going to be set up as a five year and I gave back the one year, took a cut the following year, and then it is frozen at present. Ms. Stewart asked if he voluntarily did that and he said yes. Mr. Dodgson asked how many different Council persons he has worked with and Mr. Zienkowski said there has been some turnover, probably 14. Some passed away and some resigned. Ms. Stewart asked if they had term limits on Council and Mr. Zienkowski said there is no term limits. Ms. Heeney asked what about pay for Council. Mr. Zienkowski said it is either \$10,000 or \$11,000 and theirs is based on the cost of living index so there is a merit increase that goes with that and that is by Ordinance. If they are going to change the salary, it has to be within the 6 month window prior to elections and that is by Charter so they can't give themselves interim pay raises. Mr. Renninger asked how much was the Mayor paid and Mr. Zienkowski said he thought it was \$14,000 and this was probably coming from the Mayor's Court side.

Mr. Dodgson how would we do the next step to change from Mayor to City Manager? Mr. Zienkowski said it would be part of the transition, it could take a few years. Mr. D'Antonio said it would be more Charter changes I would think. Mr. Zienkowski said it would be impossible to change from strong Mayor to Council/Manager immediately because each segment would have to be voted and they could vote for 3 days just on different items. This would be a process to make the changes, it would probably be a transition in that time period from the Mayor to the City Manager. It could be where if that change is made, that when those trends end, that this vote that it changes at that time which then gives you a transitional period of time to make those changes. Mr. Underwood said we are coming up to a window of opportunity where we also have a time delay too to where we can phase certain parts of it and make changes into the Charter,

actually putting in the paragraph regarding a City Manager wouldn't be that difficult. Mr. Zienkowski said that would probably be a good way to go because then there is a transition period and moving towards that, and if there is any development or projects that are taking place, then how does that transition, which then if someone is considering Stow, now do they get scared of that and think maybe we don't want to go down that road yet or go somewhere else.

Ms. Gary asked Mr. Zienkowski what attracted him to Brunswick? Mr. Zienkowski said probably the challenge that was there. It was considered "Brunstucky" is what they used to call it and it was rural. It was a community that didn't believe in itself and now I think it does and with all the development that is taking place and partnerships that we have, it has just changed. We have a DVD that we put together promoting business, we have several professionals on it talking that just sit on that DVD and say this is a great place to be, that is worth gold for us. We have a lot of stuff going on, we have a great outdoor retail that is probably going to land there any day, we expect it to be a \$200 million project, we have powerful CEO's who say, you have to look at these folks down there. A lot of it is customer service that we do, all our staff have customer service training. Mr. Zienkowski said the majority of the country is under Council/Manager form of government. A think a lot of it is just that government has taken a real hit right now and for what people do and make bad decisions, it affects every government, especially at the local level right now, whatever happens at the federal level, people are taking it out on the local level. Nobody trusts government and regardless of whatever you do, there is some sleight of hand.

Ms. Stewart asked how do they work with the School Board? Mr. Zienkowski said we have a phenomenal relationship with the School Board, I would match that with any relationship. We work so well together and also with the Chamber. We have called on business leaders to say could you write us a letter because we are going after this business, would you do that? We have a round table of business people that tell us if we are going in the wrong direction or if we are making mistakes and this is what you really should be doing.

Ms. Stewart asked if he would recommend regarding the City Manager, right now for the ballot, some kind of education process that you would recommend for the community of our size to have some sort of an Ad Hoc Committee that investigates the pros and cons then and find out what works well in the community, like Brunswick, with your schools and your Chamber, of what is the positive form of government versus the opposition of that form of government, prior to making that decision. Mr. Zienkowski said absolutely. Is there any sense of the community thinking this? Mr. Underwood said that some of us had run for Council last year and just based on conversation with folks while campaigning, and now we are bringing it up as a topic and now having the President of Council last week and I guess her answer regarding this question was she could go either way but this year, she was a promoter of that and we have had other Council people come in too, so it is enough to start a conversation and enough to put on the ballot and see if the City would say nay or yea, and I think based on what it is that they say, we might be able to help the administration to know what they need to do. Mr. Zienkowski said yes, from Council I would think they would have more authority on a day to day operation so for them, I think it would be more attractive if your Mayor here thinks that might be a good way to go, and that would help also because what I think what happened where I am going is that the Mayor was there forever and she would tell the residents not to change anything and the residents listened to

her. Ms. Stewart said as a voter, I would like to see some time having been spent challenging these issues and an educational process that as we continue to grow, this is why we go this way or this is why we go that way, it would be very advantageous as a voter. Mr. Zienkowski asked when you put things out to a vote for Charter, do you end up putting out a detailed brochure that says “here is what the Charter is and here is the reason why the Commission is changing it?” Mr. Zienkowski said they did this last time and he will send us a copy of what they sent out to their residents. They had changed eleven or twelve amendments there. If there is a letter from the Charter Review Commission signed by everyone that says this is what we came up with, and this is what the Charter Amendment is and underneath it is the reasoning behind it. This way everyone knows what your thought process was and why. People thought this was very good and even carried it to the ballots and they had notes on them. That is going to be done again this year for us. Mr. Zienkowski said he will send us a copy. Mary Botts will e-mail Mr. Zienkowski a list of what the Commission would like to send us.

Mr. Zienkowski said there was a State law that was changed that helps us and actually I think it would be available to Stow too. It is for certain retail projects, you can create a taxing district just on that which is paid by the retailers in there which actually can generate revenues there. We passed a sales tax also, Medina County passed a ½ percent sales tax that goes only to schools so every school is going to be expanded.

Mr. Underwood thanked Mr. Zienkowski for attending the meeting. Mr. Zienkowski said this community is very well respected and you should all be proud of Stow. We are going through Charter Review and there are some changes coming through regarding how the At-Large are elected because right now the At-Large are based on highest 3 vote getters and the Charter Review Commission is changing that to where you will have 3 positions so people will have to run for the three seats so this way it is not a popularity contest and no issues, they want to see it to where actually people are going to compete for three seats now so you have to pick one seat to go after.

Motion to adjourn made by Doris Stewart, seconded by Brian D’Antonio, meeting adjourned 8:38 p.m.

Mary Botts, Secretary

Elgie Underwood, Chairman