



6550 N. High Street.  
Worthington, Ohio 43085

## WORTHINGTON CHARTER REVIEW COMMISSION

Louis J.R. Goorey Worthington Municipal Building  
John P. Coleman Council Chamber

Monday, June 20, 2016 ~ 5:45 p.m.

### COMMISSION MEMBERS

**Sue Cave**

*Chair*

**Mark Senff**

*Vice-Chair*

**Michael Bates**

*Commission Member*

**Dr. Trent Bowers**

*Commission Member*

**Tom Dalcolma**

*Commission Member*

**David Elder**

*Commission Member*

**Doug Foust**

*Commission Member*

**Bill Lhota**

*Commission Member*

**Scott Myers**

*Commission Member*

**Ken Pearlman**

*Commission Member*

**Becky Princehorn**

*Commission Member*

### STAFF MEMBERS

**Pamela Fox**

*Law Director*

**Matthew Greeson**

*City Manager*

The meeting of the Charter Review Commission was held on June 20, 2016, in the John P. Coleman Council Chamber at the Louis J.R. Goorey Worthington Municipal Building at 6550 N. High Street, Worthington, Ohio. Chair Sue Cave called the meeting to order at 5:49 p.m.

Commission members in attendance were: Michael Bates, Dr. Trent Bowers, Sue Cave, Tom Dalcolma, David Elder, Doug Foust, Bill Lhota, Scott Myers, Ken Pearlman, and Mark Senff (Becky Princehorn arrived shortly after roll call).

Also in attendance were: City Manager Matt Greeson, Law Director Pam Fox, Assistant City Manager Robyn Stewart, City Clerk D. Kay Thress, and a resident.

Ms. Cave asked if members had a chance to review the minutes of the Charter Review Board meeting of June 6, 2016.

Mr. Elder shared the following comments:

- On page 3 he thinks he asked the question of whether that was a friendly amendment. He did not remember actually offering the amendment.
- On page 6 there is a grammatical correction in his statement about effective date.
- On page 8 he doesn't understand the comments from Ms. Fox in the next to the last paragraph. It states that "Chiefs are division directors and the charter language would bring in open, competitive examinations." He thinks he knows what that means and wonders if that is really what she meant to say. Ms. Fox explained that today we do not have division directors as unclassified positions. Today, those positions would be required to be filled by open competitive examinations because they are classified. While she doesn't remember what she said, that is the gist of her comments.

### MOTION

Mr. Foust made a motion to approve the minutes with the noted comments. The motion was seconded by Mr. Bates.

The motion to approve the minutes with the noted comments carried unanimously by a voice vote.

## Charter Discussion

### Article XI – Merit System

Ms. Cave commented that this topic was partially discussed during the last meeting and the remainder of the discussion was deferred to this meeting and relates to classified/unclassified or exempt/nonexempt positions. The charter lists the positions that were formerly called exempt positions. The proposal changes the language to classified/unclassified and removes elected officials and appointed positions from the list.

Ms. Fox explained that the proposed language (listed below) is the alternative. Originally we talked about removing this from the charter and having City Council establish the list by ordinance or at a minimum removing some of these positions that are appointed or elected according to the charter. At the last meeting there was broad language that allowed City Council to establish it. There was some discussion about possible unintended consequences of doing that so this language has been prepared to clean up some of the language but still designate the list.

#### SECTION 11.02 EXEMPT POSITIONS. ~~CLASSIFIED AND UNCLASSIFIED SERVICE~~

All positions in the service of the City shall be filled pursuant to open competitive examinations except:

- ~~(1) — Members of the Council.~~
  - ~~(2) — The Clerk of Council.~~
  - ~~(3) — The Mayor.~~
  - ~~(4) — The Vice Mayor.~~
  - ~~(5) — The City Manager.~~
  - ~~(6) — The Assistant City Manager.~~
  - ~~(7) — The directors, assistant directors, and deputy directors of departments.~~
  - ~~(8) — The Administrative Assistants.~~
  - ~~(9) — The Assistant to the City Manager.~~
  - ~~(10) — The ~~Executive Assistant~~ Secretary to the City Manager.~~
  - ~~(11) — Members of boards, commissions and committees.~~
  - ~~(12) — Seasonal, temporary, and part-time employees.~~
  - ~~(13) — The Chief Building Inspector.~~
  - ~~(14) — The Clerk of the Mayor's Court.~~
- (Amended November 5, 1996.)

Appointment to and removal from the offices of City Council, Mayor, Vice-Mayor and members of boards, commissions and committees shall be made in accordance with the specific applicable terms of this Charter and ordinances of the City, and shall not be subject to the provisions of Sections 11.01 and this Section 11.02.

Mr. Bates commented that this list is not the complete list of unclassified positions. Ms. Fox confirmed that it is the complete list.

Mr. Bates thought he read in the legal support documents that were included that elected officials and appointed members of boards are also considered to be unclassified. Ms. Fox acknowledged that being the case under state code. Worthington is a charter municipality and our charter will control how those members are handled. We thought we would clarify that those members are not employees. Their election or appointment is made by charter.

Mr. Bates thinks the language sounds like they would be classified positions which means that they would be open to competitive examination. Mr. Fox agreed except the last paragraph provides clarification. Mr. Bates concluded that it includes both pieces. Ms. Fox agreed.

Mr. Lhota shared that he appreciates the information, particularly the court cases. He asked if there is somewhere in the charter that it states that these positions (unclassified) are selected by merit? He is sure that the selection of Mayor, Vice Mayor and City Manager are based on merit. Ms. Fox replied that the Mayor and Vice Mayor were deleted because they have very specific qualifications listed in the charter that address how those positions will be filled. Mr. Lhota concluded that the last paragraph applies to those very specific positions. Ms. Fox agreed.

Ms. Fox stated if City Council were picking the list, there would need to be a very careful evaluation if positions were being moved from one list to the other. This language is proposed to avoid those particular situations.

Mr. Bates asked if there is a reason why seasonal, temporary and part-time employees are considered unclassified. Ms. Fox shared that they are jobs that do not have open competitive type of exams. There are certain positions that require some skill but typically with the seasonal, temporary and part-time it is not the type of skills that we are looking for in positions such as police officers and firefighters. She thinks it has more to do with the length of their employment.

Mr. Pearlman asked if the numbers need to be corrected on the list. Ms. Fox replied yes.

**MOTION** Mr. Senff made a motion in support of the proposed language and numbering changes. The motion was seconded by Mr. Lhota.

**Ms. Cave requested a roll call vote. The proposed amendment to Section 11.02 carried by the following vote:**

<b>Yes</b>	<b>11</b>	Bates, Bowers, Dalcolma, Elder, Foust, Lhota, Myers, Pearlman, Princehorn, Senff and Cave
<b>No</b>	<b>0</b>	

Sections 2.07, 2.10, 3.02, and 3.05

Changes include:

- 1) Section 2.07(2) – change “exempt” to “unclassified”
- 2) Section 2.10 – change “exempt” to “unclassified”
- 3) Section 3.02(1) – change “exempt and non-exempt officers and” to “classified and unclassified” and delete “subject to the satisfaction of any requirements for competitive bidding” in 3.02 (9) and 3.02(10) after the word “execute”.
- 4) Section 3.05 – change “exempt” to “unclassified”

Ms. Cave shared that part of the change reflects the change in terminology in the various sections to make it coincide with the changes that were already approved. Ms. Fox added that it also removes the very singular reference to the powers of the City Manager (Section 3.02(1)) and the singular reference in Sections 3.02(9) and 3.02(10) to competitive bidding since other methods of purchasing were approved during an earlier meeting.

Mr. Myers commented that it makes it consistent with changes that commission members have already passed. Ms. Fox agreed.

**MOTION** Mr. Myers made a motion in support the proposed changes to Sections 2.07, 2.10, 3.02, and 3.05 as presented. The motion was seconded by Mr. Foust.

**Ms. Cave requested a roll call vote. The proposed amendments carried by the following vote:**

**Yes 11** Bowers, Dalcolma, Elder, Foust, Lhota, Myers, Pearlman, Princehorn, Senff, Bates, and Cave

**No 0**

Article VI

Ms. Cave shared that the next item on the agenda is a concept that came up for discussion at the last meeting but we had no language at the time. It is an item that was recommended by Mr. Pearlman. She invited him to share his idea.

Mr. Pearlman reported that Ohio does not require zoning and land use regulations to be consistent with any specific written plan. If there is a discrepancy between the two, the zoning would take precedence over the plan. Still the zoning is supposed to be consistent with zoning goals. His proposal is for the Municipal Planning Commission (MPC) to examine the extent to which a request relates to the comprehensive planning goals of the city. The proposed language relates to goals rather than an actual written plan.

The proposal:

*In rendering a decision or recommendation, the Municipal Planning Commission shall articulate its basis therefor, in writing, by reference to the relationship that decision or recommendation has to the overall comprehensive planning goals of the City, which may be found in the Master Plan, the zoning map, a course of zoning or subdivision practices by the City, or any other acknowledged comprehensive strategy or goals established at the time of the decision or recommendation.*

Mr. Pearlman shared that he and Ms. Fox talked about the aforementioned language a little bit and picked language that adds to the overall planning goals of the city. In an effort to avoid confusion, lower case “comprehensive plan” doesn’t specifically exist whereas upper case Comprehensive Plan does as a written document. The language cites evidence MPC can use to support their statement about the relationship to the planning goals of the city, such as the Master Plan. The Master Plan is the written plan of the zoning map. The advantages are that it asks MPC to be explicit about how they are actually planning and it provides potential protection in case of a lawsuit since it adds another layer of analysis that the City can use to defend its decisions in court.

Mr. Dalcolma shared that he is very impressed that he picked this out. He thinks the re-write is very well done and to the point.

Mr. Myers asked if the existence or non-existence of this adherence to the plan form a basis to grant or deny an application. Mr. Pearlman agreed that it could if the application is not pursuant to the comprehensive plan. Theoretically, the City should not be zoning in a manner that is inconsistent with its own planning goals.

Mr. Myers says he understands that and thinks it is valid. What concerns him is if you go beyond an adopted policy or document and move toward a more ethereal concept of past practice and how things ought to be and that is not articulated to the applicant before they apply. He is concerned that will create issues for an applicant.

Mr. Pearlman recalls there being a period of time when zoning decisions on one side of High Street followed a written plan and the other side did not. Staff would say that they haven’t been following the plan. They instead were going in a different direction. So that communicates what the basis for a decision is. He thinks this is something that applicants need to know about.

Ms. Princehorn shared that she is not very familiar with the history of the MPC. She asked if they are in the habit of not articulating the reasons for their decisions when they approve or deny things.

Mr. Myers thinks the MPC articulates their reasons. The best example that he can share is that he has talked to the ARB (not MPC) to specifically cite the design guidelines that they are considering because that is their code. They should be applying that code and sometimes they have not articulated how their decision relates and it has led to a great deal of confusion and speculation from the general public. As he reads the proposal, he thinks

that is what Mr. Pearlman is driving at with MPC. It is easier with ARB because we have that code but we don't have the same thing with zoning, other than the comprehensive plan or zoning map. He thinks MPC typically does take a look at why something is being rezoned and provides their reasons. They probably do not state the reasons as specifically as Mr. Pearlman suggests.

Ms. Princehorn commented that as an attorney she wonders if a more detailed checklist like this could set up the City to fail more often if an application is denied.

Mr. Pearlman thinks those are examples of things that they can use to talk about whether they pass the zoning goals of the City. It may be that only one of them applies or several apply but as long as they discuss how they apply he thinks they have some discretion in how they use this. He doesn't think it is an attempt to apply many different standards but rather an attempt to say that this is something you need to look at and consider. There are no specific things they have to consider but a number of things they can.

Mr. Bates shared that this would also get at more transparency in government. He would think the MPC could then illustrate what their thought process was in either awarding or denying, for example, a zoning change request. He thinks it would just make it clearer to the public on what happened.

Mr. Myers shared that he would argue the converse because the public will come in not knowing what the standard is and the standard will only be on the mind of the decision makers until it is articulated and it could change. He shared the example of a Conditional Use for a brew pub. We have never had brew pubs in Worthington before and now we are granting Conditional Uses for them because now it is popular and times have changed. This idea is nowhere in any of our planning documents because it is a brand new concept, at least for Worthington. He asked how you deal with something like that because it is not articulated anywhere.

Mr. Bates asked doesn't the idea of a brew pub fit into the overall planning. This is a commercial area or a restaurant area of the city. Mr. Myers replied that it is actually located in a warehouse area so he doesn't know what that means. Mr. Bates shared that it isn't going into a residential area.

Mr. Foust shared that as he keeps reading the list of things, he is pretty sure you can find an argument for many different things and probably on both sides of many different things as it references an awful lot of things. It does leave the Commission a great deal of discretion as he thinks it should.

Mr. Pearlman commented that the alternative is to stop after the phrase, "comprehensive planning goals of the city" and just leave it open. At that point it doesn't specify what specific things they need to look at. Many changes may be minimal so it is not a big deal. If the concern is about specific things, we could just stop there. He put that in there to give examples of what he thinks they would want to look at.

Mr. Myers asked what the comprehensive planning goals of the City are. Mr. Pearlman replied that it depends on what is in the master plan and in the zoning map. It depends on what the practice has been. There is no simple answer. The City has to determine what its goal are and that doesn't happen simply by drawing up a plan. That happens when MPC makes a decision or City Council makes a rezoning or whatever. Many things come together to develop that. Some states require zoning be consistent with a written plan. Ohio does not have that requirement. This is merely saying to the Planning Commission to think about the planning consequences when making a decision. Not every decision requires an elaborate thought process and most probably won't.

Mr. Dalcolma thinks that if it is exposed to whoever is submitting an application ahead of time, it delineates a rational thought process of what they are proposing. He thinks this is good.

Mr. Myers commented that this would not be applicable to the City Council. It would only be applicable to MPC. Mr. Pearlman agreed. He finds it difficult saying to the City Council that they have to state specific reasons.

Mr. Lhota shared that he has no problem with the language other than the phrase: "or goals established at the time of the decision or recommendation". There must be some process to establish goals other than just making a decision because the applicant would know about the other things but not that.

Mr. Pearlman commented that they meant any other acknowledged comprehensive goals previously established at the time of the decision. Mr. Lhota replied that he is okay with that.

Mr. Foust asked if the group would be open to that minor amendments to the language.

Ms. Cave asked if there is some kind of a penalty that comes into play if this doesn't happen. Mr. Myers thinks that "shall" means it voids the decision. It is mandatory under the language.

Mr. Pearlman thinks it is no different from saying that MPC has to provide reasons why it makes it decisions. If it doesn't do this when it makes its decisions than he thinks that is an issue for City Council to say to the MPC that they need to give reasons. He doesn't think it differs in any substantive way.

Mr. Myers shared that he is not aware of any MPC decision that didn't have a reason articulated. It wasn't always as exact as what Mr. Pearlman is suggesting and may not be specifically tied to the Comprehensive Plan. It could be as with the brew pub that times are changing that this is a suitable facility in an appropriate location. That may be the basis for it. He doesn't know that there is any overall plan or direction or course of conduct that says we are moving our entertainment venue to the Huntley Road corridor or anything like that. So the recommendation may not represent a particular plan but rather a goal that is worth pursuing. He doesn't know.

Mr. Pearlman thinks that is relevant in terms of the question, “Why did you approve this?” They approved it even though the plan says one thing because the city has in one way or another enunciated or moved toward a different set of goals because the plan is not going to be revised every time zoning is revised. Mr. Myers shared that sometimes he thinks the reason is because we have an empty space and this will do no harm. Mr. Pearlman replied that could be a reason.

Ms. Fox shared that one of the actions the City took was to add brew pubs as a conditional use in the industrial district. Staff did a great deal of research beforehand and included all of that research into the staff report. She asked if that is something that could be used as a basis for the reasons. Mr. Pearlman agreed that staff reports provide the basis for the MPC which then ultimately provides the basis for City Council.

Dr. Bowers commented that Mr. Pearlman articulates very well the things that he believes could be reasons, but in a few years someone else could look at this language and make a case for this being inappropriate reasons and it could result in a “gotcha” type moment.

Ms. Princehorn asked if MPC and City Council decisions are legislative actions. Ms. Fox replied that it depends. Some decisions are not but rezoning is. Ms. Princehorn asked if this language, well-meaning as it is, will somehow turn it into a judicial action and provide another avenue for people to play “gotcha”.

Mr. Pearlman doesn't think it is any different from any other decision that MPC makes. When they make a recommendation to City Council on rezoning, they offer reasons for the recommendation. City Council is then free to decide yes or no.

Mr. Foust stated that he wanted to address the “gotcha” comment. Most residents who come forward will be inexperienced and may not be trying to “gotcha”. He doesn't think there is anything in intent here that is trying to create a “gotcha” although he thinks they are inevitable.

Mr. Myers just wants to make sure we are not holding applicants to a standard of which they are not aware and cannot know about. The one phrase that troubles him with that is “comprehensive planning goals of the city” because he doesn't know what those are. If his application is denied for rezoning because it does not fit the “comprehensive planning goals of the city” he would then ask where they are written down so he could tailor his application. He doesn't understand that.

Mr. Foust suggested removing the word “comprehensive”.

Mr. Myers stated that he would be more comfortable with it if it didn't include the phrase: “comprehensive planning goals of the city” because again, whether you call it comprehensive planning goals or planning goals, other than those that are already articulated in the comprehensive plan and the city's zoning map, he doesn't know what those are. If he is denied for something that is not in the comprehensive plan, zoning code,

or even the zoning chapter than he has a problem with it because he couldn't prepare a defense because you are coming at him for something that he doesn't know. He is looking at it as an attorney.

Mr. Foust asked doesn't this language also incorporate things like the ARB standard just because of how broad it is and referencing "any other acknowledged comprehensive strategy or goals established. . ." It is pretty broad reaching in a good way.

Mr. Dalcolma agreed. He asked if that isn't what we are trying to do.

Mr. Greeson shared an example of rezoning of 933 High Street from commercial office to PUD to allow for Fresh Thyme. One could argue that we were acting inconsistent with elements of our the Comprehensive Plan which focuses on income tax generating office but pursuing other planning goals of the City by acting consistent with City Council and community goals of a specialty grocery store.

Mr. Dalcolma thinks that it is covered by the language "or goals established at the time of the decision or recommendation". He thinks what he is trying to accomplish is not just looking at the comprehensive plan but rather looking at what we are trying to achieve in the entire realm of zoning and he thinks this language does that.

Mr. Elder shared that Mr. Pearlman has written a book on Ohio planning law. He asked if he could cite any instances where a community was found wanting because they failed to meet the standard. Mr. Pearlman replied no. The Ohio Supreme Court has refused to require zoning to be done in accordance with a plan. This would be a way of getting the City to look at decisions in light of a plan. In terms of your concern, planning is a process that requires everybody's participation. That sounds a little general but in some sense it is up to the staff of the City and the City Council and MPC to work on ways of making this planning process work. It is up to those in the City to articulate what it is doing. He doesn't see that people are going to suffer from that kind of situation because we will be able to show the impact of our engaged planning. It won't be perfect but it is what we are doing.

Ms. Cave asked if he knows of other charter cities in Ohio that have similar requirements. Mr. Pearlman replied that he doesn't know of any. Ms. Cave shared that she has seen this type of language in text books but not in actual practice.

Mr. Lhota asked where this section would be located in the charter. Ms. Fox thinks the appropriate place would be immediately after the duties of the MPC in Section 6.03.

Mr. Lhota said he was good with that if we clean up the section at the end about goals being established. Mr. Pearlman offered "goals previously established". Ms. Fox thinks that is what was asked for.

Ms. Cave commented that members just got through talking about goals that come up at the time an application is being worked that are new and would not be previously established. She asked if those were being excluded. Mr. Pearlman replied they could be

establishing new goals at the time of the decision. Ms. Cave agreed. Mr. Pearlman agreed to the change.

Mr. Elder stated let's assume that there is a master plan and City Council took the time and effort to do an update for Wilson Bridge Road. If there is a conflict between those two documents, he asked how that gets resolved. The documents of an area plan vs. a citywide plan vs. some more administrative process that maybe the City Council went through to at least have a meaningful discussion about an area without actually developing a written document. He asked how you navigate between several sets of suggestions.

Mr. Pearlman replied that a plan that was just written would have more weight than one done ten years ago. The plan is not the last word in what the City's goals are. The language could reference goals established prior to the decision or newly established goals that came at the time of the decision. The MPC says this is a goal we want to have and it is new then they should be able to establish a policy at that point. It won't happen very often but it could.

Ms. Cave pointed out that it happened in the case of the grocery store as it is a nice addition to the community and something we wouldn't want to preclude. We also don't want to do anything that will interfere with increasing the tax base.

Mr. Lhota is concerned that as an applicant, he goes through everything already done by the city and meets all of them and would not want to be turned down the night of the meeting because of something new that arises that he didn't know about.

Mr. Foust thinks in that case the application could be tabled and brought back later. It is not like the door has been closed forever. He asked if that was right.

Mr. Myers shared that if MPC decides that night that it isn't consistent with the comprehensive planning goals of the city, he doesn't know how you change the application to make it consistent. Mr. Foust replied that you may be able to drop the component that is inconsistent.

Mr. Pearlman thinks it would be difficult for the MPC to say the night of the meeting "you're out because we are putting something new up". That's not planning. He suggested changing the language to reference previously established goals. If there is something that is inconsistent with that but the MPC wants to go there, he is not sure that is a basis for denying an application but it is a basis for making recommendation for City Council on how to deal with these things and then changing the zoning or something of that nature. It isn't planning to say we are changing things right here with your case tonight.

Ms. Princehorn commented that if the City Council got a recommendation with the written articulation but decides to go a different way, she asked if the language hampers them. Mr. Myers doesn't think that it would hamper him. Anytime they get more information from MPC, he looks at it as a good thing. Would it be harder for City Council to overturn? Probably, especially in the case of a change.

Mr. Myers thinks it comes down to whether it is good for the City. Is this a service that we need or would enjoy? If it is then we will figure out the zoning later. It seems to him to be more pragmatic decision at times especially with regard to the brew pub and the grocery store.

Ms. Fox shared that those decisions were not made on the fly with no basis for them at all. There was a great deal of interest in a grocery store by the public. Mr. Myers agreed that the interest had been going on for a long time. He added that the articulated plan of the City was different. Ms. Fox agreed. She added that it still had some basis for it somewhere, whether in a City Council retreat or somewhere. Mr. Myers commented that it was talked about before he got on City Council but we could not find support for Fresh Thyme in any articulated plan of the City. This question could not be answered with regard to Fresh Thyme. Ms. Fox replied unless the City Council or MPC had some organized discussion about the issue. She thinks that is what he is meaning as kind of a catch all.

Mr. Foust commented that if City Council has been discussing it, and everyone agreed that they wanted a grocery, then to him that is “established” because the documentation is there.

Mr. Myers shared that the discussion about the grocery store, at least in his time on MPC and City Council, until the very end, was completely separate from that parcel. ARB had actually approved a plan for that parcel that had office four years before, which was consistent with the plan. The plan was always to put the grocery store on the other side of the street and CVS wouldn't let us do that although we tried repeatedly to do so. It wasn't until Fresh Thyme said they wanted their store on the other side of the street. Before then we were talking to people who wanted to construct apartments at that location.

Mr. Foust asked if City Council had discussed the interest in having a specialty grocery in or near Old Worthington, wouldn't that be sufficient to satisfy the standard? Ms. Fox agreed that is what some of the language drafted by Mr. Pearlman in the last paragraph is meant to address because there are things that may not fit nicely in any one piece. She doesn't know that it is a problem that needs to be fixed but it reminds MPC again that it has to be based on something rational and something that makes sense. She doesn't know if somebody would have challenged that Fresh Thyme decision. We could have probably gone back to many discussions or requests or e-mails or City Council goals and said this is the reason why we believe this is the right thing to do and maybe that would have been sufficient because we wouldn't have been able to point to any adopted document.

Mr. Elder asked why it has to reflect the goals. Why can't it just be something that supports the well-being or good governance or something less specific? Mr. Pearlman replied that in model legislation for zoning, it states it should be done in accordance with a comprehensive plan. Most other states have adopted it, but not Ohio. Much of what we're talking about are recommendations. It is up to City Council to decide whether to approve or not.

Ms. Cave suggested a procedure for voting on this proposed amendment.

**MOTION**

Mr. Pearlman made a motion to add to Section 6.03 his proposed paragraph as follows:

**In rendering a decision or recommendation, the Municipal Planning Commission shall articulate its basis therefor, in writing, by reference to the relationship that decision or recommendation has to the overall comprehensive planning goals of the City, which may be found in the Master Plan, the zoning map, a course of zoning or subdivision practices by the City, or any other acknowledged comprehensive strategy or goals previously established at the time of the decision or recommendation.**

The motion was seconded by Mr. Lhota.

**Ms. Cave requested a roll call vote. The proposed amendments carried by the following vote:**

- |            |          |  |
|------------|----------|--|
| <b>Yes</b> | <b>6</b> | Dalcolma, Elder, Foust, Lhota, Pearlman, and Bates |
| <b>No</b>  | <b>5</b> | Myers, Princehorn, Senff, Bowers, and Cave         |

Report to City Council

Ms. Cave shared that there will be a report going to City Council so they will have fun all over again with some of this. She asked Ms. Fox to comment.

Ms. Fox reported that a draft report was passed out that included the process the commission followed and a brief summary of the language that has been approved to date. She will add what was approved tonight to the report. There was a decision made at the second meeting to submit changes to the City Council as a package. Initially we talked about whether to pull out controversial items for separate consideration on the ballot. It is fairly comprehensive with what has been discussed with the exception of tonight's discussion. In terms of process, this is the last scheduled meeting. The City Council meets in July. She intends to get the complete report out to everyone and ask that members get back with her on any comments or questions prior to going to the City Council. The legislation will be submitted to the City Council at the July 5<sup>th</sup> meeting. There will likely be a discussion on the changes at the July Committee of the Whole meeting with a vote on the third Monday in July, which is the last City Council meeting until September.

Mr. Myers asked if the Commission has to vote in support of the report. Ms. Fox replied no.

Mr. Myers proposed that there be some mention that the Commission discussed and recommended no changes to Section 1.04 because that will be a discussion at City Council

and he thinks they need to know what the Commission's recommendation was. Ms. Fox agreed.

Ms. Cave listed City Council meeting dates as follows:

July 5 – Introduction of Legislation

July 11 – Discussion

July 18 – Public Hearing

Mr. Myers anticipates that someone from the Commission would come to the meeting(s). Ms. Cave shared that she plans to attend the meeting.

Ms. Princehorn thanked Ms. Fox for her support of the Commission. The Commission as a whole expressed their appreciation. Ms. Cave also thanked the rest of the City staff who contributed to this effort. This is kind of extra work on top of what they have to do on a regular basis. Commission members appreciate that staff took care of many things that she doesn't think any of them would have been prepared to take care of on an individual basis.

Ms. Fox thanked Commission members for their time.

Ms. Cave added her thanks to the Commission for being cordial and non-confrontational. It was a nice experience.

#### Adjournment

#### **MOTION**

Mr. Myers made a motion to adjourn. The motion was seconded by Mr. Senff.

**The motion carried unanimously.**

Ms. Cave declared the meeting adjourned at 7:07 p.m.

Respectfully Submitted,

---

D. Kay Thress, Clerk

Approved:

---

Sue Cave, Chair