

**MINUTES OF THE MEETING OF THE CHARTER REVIEW COMMISSION
OF THE CITY OF AVON, OHIO, HELD THURSDAY, APRIL 28, 2022,
AT 7:00 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING,
LOCATED AT 36080 CHESTER ROAD**

Chairman John Weigman called the meeting to order at 7:00 p.m.

ROLL CALL

COMMISSION MEMBERS PRESENT:

Patricia Ashley, Ward 1; Mary Berges, Ward 3; Elizabeth Damstra, Ward 3; Clint Gault, Ward 4; James Gemelas, Ward 1; Joseph Glick, Ward 1; William Logan, Ward 4; Marcel Mylen, Ward 2; Alternate B Bruce Klingshirn, Ward 4; John Weigman, Ward 1

COMMISSION MEMBERS ABSENT:

Alternate A Melissa Ramirez, Ward 3

ALSO PRESENT:

Law Director, John Gasior; Secretary to the Commission, Barbara Brooks

APPROVAL OF MINUTES OF THE APRIL 14, 2022, MEETING

A motion was made by Mr. Gault and seconded by Ms. Berges to dispense with the reading of the minutes of the meeting of the 2022 Charter Review Commission, held Thursday, April 14, 2022, and to approve said minutes as published. The vote was: Ms. Ashley, "yes"; Ms. Berges, "yes"; Ms. Damstra, "yes"; Mr. Gault, "yes"; Mr. Gemelas, "yes"; Mr. Glick, "yes"; Mr. Logan, "yes"; Mr. Mylen, "yes"; Mr. Weigman, "yes".

The vote was 9 in favor and 0 against and the Chairman declared the motion passed.

MOTION TO APPROVE THE BALLOT LANGUAGE AND SEND TO COUNCIL THE CHARTER AMENDMENT TO REQUIRE THE WARD DISTRICTS BE REVIEWED EVERY TEN YEARS

A motion was made by Mr. Gault and seconded by Mr. Logan to approve the ballot language and send to Council the Charter Amendment to require the Ward Districts be reviewed every ten years.

The discussion was: Mr. Gasior stated that he passed out a double-sided piece of paper. The proposed amendment is to Article IV, Section 1, and after the third paragraph, we would insert possibly the bold-face print on this piece of paper. There are two versions of the bold-face print, one on each side of the paper.

Mr. Gasior said that the first version reads: "To allow for fair and impartial elections and to keep the ward district sizes evenly distributed, Council shall undertake a review of the population of each ward based on the most recent census beginning in 2024. Thereafter, Council shall, if necessary, to redraw ward boundaries based on the decennial census every ten years."

Mr. Gasior continued by saying that on the other side of the paper, it is a much more efficient version of that. This version reads: "In order to maintain substantially equal population in each of the wards on a continuous basis, Council should consider reapportioning the City's wards after the decennial United States Census." Mr. Gasior said that is pretty simple. We know that it is going to happen every ten years and Mr. Logan showed him what he gets from the Secretary of State. So there are two options there. If the Commission wants to write another option, Mr. Gasior is ready to write it but he thinks they need to keep it simple; they do not make it mandatory but he thinks it is implicit. The fact that it is in there, he thinks that somebody could come forward and say Council has a responsibility to do this.

Mr. Gasior said, so this is the cover letter from the Secretary of State and said they will notice the date is September 21, 2021. The census took place in 2010 and we are just now getting this letter from the Secretary of State and the attachment tells you that the official population is 24,847 and it is certified by the Secretary of State and that is our population. Now where the population resides is up to us to figure out. He is showing this to the Commission because this is something that would be coming every ten years to the Finance Department to notify us that the census was done and what our population is. Let's say in 10 years our population is 25,100 so it only grew by 3 or 4 hundred; are we going to worry about redistricting in a situation like that? Mr. Logan said that after the 2010 census, there was a very easy to use website that showed the population in Avon or in any city that you wanted to google and it showed it by neighborhood and by all these demographic factors. He does not know if it actually had it by our ward boundaries but it definitely had it by streets, etc. Now after the 2020 census, he could not find that easy-to-use website. Mr. Gasior said he was thinking that the Board of Elections must have some record of population in any of our precincts. Mr. Logan said that they may only have a record of registered voters and Mr. Gasior added, in the precinct. And even if we have nothing else, that is at least a starting point to see that there are far too many registered voters in Ward 1 compared to the other wards. So if nothing else, you have that benchmark to work from but we have to look into it a little bit further to see if we cannot find that website; it must exist somewhere. The question is, who put it out in 2010; was that the Board of Elections? Mr. Logan said, no, it was the U.S. Census.

Mr. Weigman stated that the nice thing is that we are not actually going to put a process in place for conducting the realignment of the wards. We are just trying to get Council moving on starting a process and they can figure that out at that point, he thought.

Mr. Gemelas said that at this point, he agrees that less is more. He does not think they need to get too crazy as far as indicating what Council has to do or when they have to do it. It is just saying look at the census; we need to determine that and then they can use whatever format they want to at that point, whether it is census information, google, google maps or whatever. Who knows what is going to be available in another 10 years? Mr. Mylen said he agreed with that. This does not tell them to do anything; it says they "should" do something. Mr. Weigman asked if Mr. Mylen liked that or not and Mr. Mylen said that he did; he liked the short version. Mr. Gasior said, and that version does not have a 2024 mandatory. He said he could tell them that a review is going to be done before the 2024 election; there is no doubt about it. Council is aware of it and he has already talked to the Board of Elections and again, no election is impacted by the population of any given ward until the 2024 elections for Ward Council. So it is not something we need to worry about but we will try to track down that data and see what we can get from the U.S. Census between now and then. If you read the Ordinances, it is a street kind of breakdown that defines the wards and that is just how it is written. Nothing all that technical but you do identify streets and addresses. And then Council would pass that and you get that over to the Board of Elections and he thought what they would do is adjust the precincts accordingly.

Mr. Weigman asked Mr. Gasior, based on his discussions with members of Council and maybe the Mayor, how confident he was that this will happen before the 2024 election. Mr. Gasior answered that he was 90% sure because the Council person who represents Ward 1 would like to see that done and it really is unfair to someone who wants to run in Ward 1 that they have to cover almost twice as much ground as anybody else running in any of the other wards.

Mr. Weigman stated, so a couple of our members are happy with the shorter language for the amendment and he asked if anybody else wanted to weigh in on the discussion.

Mr. Logan said that he also agreed with the shorter language. Ms. Damstra said that she felt fine with the shorter language but she just wanted to make sure that when we use the words "should consider" is that something that Council might just brush aside and say that they did not have time to do that at this moment or do you feel that that holds them accountable enough? Mr. Logan suggested changing the word "should" to "will". Mr. Gasior said, well, you are making it mandatory at that point; did they want to say "will consider"? Mr. Gemelas stated that the word "shall" is the standard. Mr. Gasior added that "shall" would mean they **have** to consider. There was more discussion on the wording and Mr. Gasior concluded it by suggesting that they go with the legal word of "shall", that Council "**shall** consider" and then the way that would pan out is that in that 10th year, it should be brought to Council's attention, hopefully by the Clerk, and then it could be an agenda item that it was considered and Council decided to take no action but it would be something that could just happen at a meeting. The census would be out and the Charter requires them to consider reapportionment, so it would be in the minutes and then somebody could make a motion that they are satisfied with the districts as they exist or they will take on the task of redrawing, depending on what that census indicates. Mr. Gasior said he thought that will cover it.

Mr. Weigman asked if there were any additional comments and since there were none, he said he thought that they were good with the amended language.

Ms. Brooks asked if a motion was needed to indicate the language they were choosing and Mr. Gasior said yes. He said a motion should be made to adopt the following language: "In order to maintain substantially equal population in each of the wards on a continuous basis, Council shall consider reapportioning the City's wards after a decennial United States Census." This motion was made by Mr. Gault and seconded by Mr. Gemelas, and the vote was: Ms. Ashley, "yes"; Ms. Berges, "yes"; Ms. Damstra, "yes"; Mr. Gault, "yes"; Mr. Gemelas, "yes"; Mr. Glick, "yes"; Mr. Logan, "yes"; Mr. Mylen, "yes"; Mr. Weigman, "yes".

The vote was 9 in favor and 0 against and the Chairman declared the motion passed.

ADDITIONAL COMMENTS

Mr. Logan said that he was thankful for the opportunity to sit on this Commission for his first time and it has been a very good learning experience. He appreciated it and said that it has been nice working with all of them.

Mr. Gault, Mr. Gemelas, Mr. Glick, and Mr. Mylen all said that it had been a privilege to serve on this Commission and thanked everyone.

Mr. Weigman thanked everybody for their time and effort in serving on the Commission.

Ms. Damstra thanked everyone for listening to all her suggestion and thoughts. She learned a lot so it was good.

Ms. Berges said that she also learned a lot. It does not matter how many times you read over the Charter, you always find something that did not occur to you before so it was very interesting and she appreciates everyone's input and due diligence. She thanked everyone.

Ms. Ashley said that she appreciated serving on the Commission and thanked everyone very much.

Mr. Gasior stated that the Commission will see their work in front of Council shortly but in the interim, if they are looking at the Charter and see things that do not quite make sense, etc., to feel free to give him a call and they can try to talk it out. And Council can always amend the Charter if there is something that really needs to be amended. So feel free to continue to look at the Charter and be inquisitive.

Ms. Brooks said that Ms. Ramirez had apologized for not being able to make the meeting tonight.

Mr. Weigman thanked Ms. Brooks for all her time and effort in being here and supporting them.

Mr. Gasior stated that Mr. Weigman had done a great job as Chair. Everyone agreed and thanked Mr. Weigman.

Mr. Klingshirn stated that Ms. Brooks does the best minutes of any he has seen and Ms. Brooks said, and the Assistant Clerk as well.

ADJOURN

A motion was made by Mr. Logan and seconded by Mr. Gault to adjourn the 2022 Charter Review Commission, and the vote was: Ms. Ashley, "yes"; Ms. Berges, "yes"; Ms. Damstra, "yes"; Mr. Gault, "yes"; Mr. Gemelas, "yes"; Mr. Glick, "yes"; Mr. Logan, "yes"; Mr. Mylen, "yes"; Mr. Weigman, "yes".

The vote was 9 in favor and 0 against and the Chairman declared the motion passed.

Respectfully submitted by:

Gail Hayden, Assistant Clerk of Council