

Meeting Minutes
CITY OF WILLOUGHBY HILLS 2015 CHARTER REVIEW COMMISSION
Monday, March 16, 2015
Council Chambers, Willoughby Hills City Hall

Call to order by Chairman Andy Gardner at 7:02 p.m.

Roll Call:

Members Present:

Dr. Stephen Atkins, Chairman Andy Gardner, Mrs. Joyce Grady, Mrs. Jennifer Greer, Mrs. Judy Shrefler, Mrs. Sandy Taddeo, Mrs. Tanya Taylor-Draper, Vice Chairman W. James Walsh and Mr. Jerry Wolanin

Approval of Minutes:

Approval of Charter Review Commission minutes from 03/02/15:

Motion to approve the minutes by Joyce Grady

Seconded by Jerry Wolanin

Vote: 8 AYES/0 NAYES, 1 ABSTENTION (Andy Gardner); MOTION PASSES

Public Portion #1:

Section 107.08 – Public Meetings of Municipal Bodies of the Codified Ordinances of the City of Willoughby Hills: (a) All meetings of any municipal body are declared to be public meetings open to the public at all times. All meetings shall provide a reasonable opportunity to hear public opinion. Pursuant to a Resolution of the Commission adopted on February 17, 2015, Public Portion is limited to 3 minutes per speaker and will occur at the Beginning and End of Commission meetings.

Public Portion opened at 7:03 p.m.

The following resident spoke:

- 1) Dale Fellows, 2812 Fowler Drive, Willoughby Hills, OH 44094

Mr. Fellows reviewed his opinions on the various items listed on the CRC list of items for discussion. He asked the CRC's consideration as follows:

Item #3 (2.13) – “Yes” – we need to clarify that section re. what date we need to reference with regard to Mayor's residency requirement

Item #22 (5.62) – “No” - This should be independent of the Council and Mayor, so you should not need Council approval to put CRC items on ballot. Same as Mentor on the Lake – “You guys want to be an independent body.”

Item #28 (7.2) – “No”

Item #29 (7.2) – “Yes”

Item #30 (7.2) – “Yes”

Item #32 (8.31) – “Yes”

Item #33 (8.31) – “No” - You will spend extra money (just like Eastlake) if you

have a guaranteed Primary or Runoff. You also risk spending money and then having a small turnout.

Item #34 (8.32) – “No”, “Absolutely not” – this is a situation when a person can literally run in at the last minute and file a petition with one signature and then give themselves ten days to add to it.

Item #36 (Article IX) – “No”

Item #38 (Article IX) – “No” – you want higher standards.

Item #39 (9.1) - If a body does not deal with tax dollars, then it's fine, but when there are tax dollars are involved, you want to continue to hold to that “Conflict of Interest” and not allow that to happen.

Item #43 (9.22) – “There has always been this thing about volunteers and I will reiterate again, all you need to do is ask.”

Item #50 (Finance Director) – “No”. You would limit the pool as to who would be your Finance Director, as well as perhaps not getting the best applicants, similarly with Law Director.

Public Portion closed at 7:07 p.m.

Public Hearings:

Chairman Andy Gardner outlined guidelines for Public Hearing. This was previously provided in a written format and made available to CRC members and all present in the public.

Public Hearing – Round 1 opened at 7:08 p.m.

No one spoke.

Public Hearing – Round 1 closed at 7:09 p.m.

Public Hearing – Round 2 opened at 7:09 p.m.

No one spoke.

Public Hearing – Round 2 closed at 7:10 p.m.

Public Hearing – Round 3 opened at 7:10 p.m.

No one spoke.

Public Hearing – Round 3 closed at 7:10 p.m.

Old Business:

Mr. Tom Kicher of the Civil Service Commission asked to speak regarding the Civil Service Commission's recommended changes to Section 9.4.

Mr. Kicher recapped that the Civil Service Commission was sworn in in 2008 and since then has performed 3 hiring examinations (2 PD and 1 FD), as well as one promotional examination (for the Police Department). Based upon these experiences and recognizing that the hiring practices have changed since the Charter's last amendments, the Commission made the recommendations that were submitted to CRC.

Basically, there are 4 items to be addressed:

- 1) 9.41 – recommended rewording to indicate “probationary period”
- 2) 9.41 – change “Classified” to include part-time Police and Fire

Currently, 76% (29) PT FD did not go thru screening of CS Comm.
40% (10) PT PD did not go thru screening of CS Comm.

Request is made on 3 points:

- a) Part and full-time workers perform the same duties and have the same responsibilities.
 - b) Make up of 76% and 40% as noted above.
 - c) Most FT employees come from PT employee pool.
- Mr. Kicher gave definitions of "Classified" and problems with CS screening if a part-time employee transitions to full-time.
- 3) "Assistants" should not be Classified. Mr. Kicher further outlined the reasons for this request.
 - 4) All changes in job descriptions or responsibilities should be approved by Civil Service Commission to present to Council.

Mr. Kicher then opened the floor for discussion:

Judy Shrefler asked "How many part-time employees in Fire are "Full-time" elsewhere?" Mr. Kicher responded that he did not know that number, but would venture to believe that most part-timers in WH are also part-timers elsewhere. He spoke of reasons why many cities prefer part-time employees to full-time employees.

Sandra Taddeo asked about the advantages of bringing someone in from unclassified to classified status.

Mr. Kicher pointed out that the unclassified employee has no right of appeal. Under CS, they have a right of appeal. CS performs two functions: 1) to do the screening, which is turned over to the Chiefs and Mayor by way of a list which they can hire from, and 2) act as a "sounding board" for any grievance prior to an actual union grievance being filed.

Vice Chairman Jim Walsh asked if there was ever an occasion where a part-timer attempting to be a full-timer was not passed by the CS review.

Mr. Kicher indicated that they had not had that situation. As of last summer, however, Mayor has CS reviewing even the part-time applications as a screening mechanism. We have been working under an "ad hoc" procedure.

Judy Shrefler asked if part-time Police and Fire were made Classified employees, would that open up the opportunity for them to unionize.

Mr. Kicher said he did not know the answer to that. We can direct that to the Law Director.

Judy Shrefler asked if CS is already working with Police and Fire Chiefs to screen candidates now, what is the advantage to making them Classified.

Mr. Kicher stated that CS would make their input more timely, when they come into the part-time service and not have to review them as they come from part time to full time. Also, it offers to the part-time employee, a grievance procedure process.

Chairman Andy Gardner asked about other communities using Civil Service Classified for part-time employees.

Mr. Kicher stated that to his knowledge, there are no other communities that he looked at throughout the State of Ohio. There is nothing in the ORC that prevents it. Some communities have Police and Fire Chiefs under Classified, but we do not.

Chairman Andy Gardner asked about any extra costs associated with testing, etc.

Mr. Kicher said he would not see it as a financial issue. There is a real advantage to offer Classified to part-timers. I would recommend that we recruit at least once every 2 years for the PD and FD and offer that exam. The cost of the testing and scoring is picked up by the applicant in the fee charged to take the test. Cost is \$25. CSC is not an expense since they are volunteers. A list is only good for 2 years. Perhaps once the list is expired, we should give another test.

Jennifer Greer said she believes it will involve more cost than just the testing. I believe that will be another question for the Law Director. Classified employees will have Union implications. I think we are going to review this more into the summer when we look at Article IX.

Chairman Andy Gardner agreed that we will be discussing it at a later date.

Mr. Kicher said he was focusing on the costs associated with testing, but had not considered anything that may be associated with unionization.

Chairman Andy Gardner then asked if CS had discussed it with either Chief Harmon or Chief Collins to get their input and how they felt about giving up some of their control with regard to hiring.

Mr. Kicher stated that CS did have an opportunity to speak with Chief Collins, but not Chief Harmon, but they both know their position on CS responsibilities. Chief Collins may have the opinion that part-timers should remain in the unclassified position, but I would argue that this should help him in his job, rather than hinder him. In my experience with interviewing and hiring applicants, the more people you have looking at credentials and reviewing people, the more thorough a search will be conducted. Mr. Kicher stated that he has over 40 years of teaching at Case Western Reserve, with a massive amount of interviewing and the ones that he had the most problems with are those which were not reviewed by a larger group of individuals.

Vice Chairman Jim Walsh asked about the procedure for part-time testing.

Mr. Kicher outlined the procedure regarding administering the exam, checking credentials, ranking the individuals post exam, and submitting the list to Chiefs and Mayor for hiring. The list is good for 2 years.

Mr. Kicher was thanked for his presentation and he departed.

Chairman Andy Gardner spoke about what we will discuss at the next meeting:

Article 2 – The Mayor
Residency
Clarifying 2 year period

Add Economic Development Director

Jerry Wolanin asked if we should consider adding the word “concurrently” as it refers to residency in case an individual has lived her for a while, then left and came back. Chairman Gardner confirmed that we can add “prior credit” to our future discussion.

Steve Atkins said he “likes the 2 years” for the Mayor’s residency requirements. The voters can decide on the candidate.

Steve Atkins added that he reviewed other charters concerning the date that is being referenced in 2.13. He said that he found that “the day they were sworn in” is the date of reference.

Chairman Andy Gardner indicated that he, too, had reviewed other charters and the 2-year residency for mayor seems consistent, indicating Willowick and Willoughby charters. He also stated that LC Commissioner Dan Troy spoke about our Charter and the runoff Charter provision that we will be discussing.

Vice Chairman Jim Walsh indicated that he agreed with the two years to let the electors make the decision. To play devil’s advocate on this point, however, someone can “swoop in, run and leave” for higher political aspirations.

Public Portion #2:

1) Frank Cihula, 35060 Dixon Road, Willoughby Hills, OH 44094

Mr. Cihula asked the Civil Service rep. if a part-timer is a full-timer elsewhere, will they need to be tested? Mr. Kicher replied “yes.”

Mr. Cihula asked about the definition of “Department Chairman” & “Assistant”.

Mr. Cihula stated that the 2-year residency for Mayor came up when he was on CRC. He gave a history of someone running for Mayor only to use it as a stepping stone for higher political office. He also stated we may consider requiring the individual to serve as Council President prior to becoming Mayor.

2) Councilwoman Nancy Fellows, 2812 Fowler Drive, Willoughby Hills, OH 44094

Commends work of CS members, including Tom Kicher, Tom Majeski and Carolyn Patton.

Had the following comments regarding Civil Service/Classified & Unclassified:

- a) “Part time vs. Full time – Full time personnel normally qualify for benefits, but part-time employees do not. When you look at a full-time person versus a part-time person, you will incur more costs. Part-timers are capped because it costs the business additional money.”
- b) “It has not been historically the policy for Council to be involved in the hiring of individuals under an Administrator. We do have some provisions that we work in collaboration with the Mayor for Administrative Heads, but we do not

get involved in hiring the people who are below those administrators in terms of their clerks, executive assistants, Patrolmen, etc.”

- c) “In terms of being part-time and unclassified, when you become classified, Judy to your point, it is a mandate, you will be part of the Union, and you will pay Union dues and your privileges will be in a contract. So they don’t have a choice on that, particularly with Police and Fire, and Service Dept. as well.”
- d) “Certainly, you should have the Chiefs weigh in on their thoughts and provisions on this as well, not just CS individuals. And no offense, but with all of the experience that Chief Collins has, I am sure that he does not feel he needs anyone to help him hire people. Actually, I think he would think that that is taking away from his responsibilities, rather than helping him.”
- e) “To Mr. Kicher’s point about Unclassified not having the right of appeal, they have a right to appeal like anyone else that is employed. They go to their boss. If they are classified, they go to the Union. If they are not in the union, and unclassified, they go to their boss. So their right of appeal is in that process.”
- f) “To Jim’s point about a candidate not having a portion of a test and then would not be considered for the position. That is going on right now. We have an individual who does not qualify because of CS testing, and so a new position is being created. You also have another individual who is very important to this process and that is the Mayor. He is the Safety Director. It is very important that Bob be involved in this as well.”
- g) “Jennifer, to your point, not only the Law Director should be involved in this, but the Finance Director should be involved in this as well”.
- h) “When you look at the amount of time that an individual should be a resident before they run for Mayor, do not look at the time they are sworn in (ceremonial), look at when they actually take office. You can be sworn in days before that.”

Mrs. Taylor-Draper asked about part-timers going to their boss, if their boss is the issue. Councilwoman Fellows asked what she would do at her job, you go to the next level. In this case, they have the Mayor who is the Safety Director. Mr. Kicher added that Union employees would go thru their Union. There is a grievance process for Unclassified workers as well.

- 3) Dale Fellows, 2812 Fowler Drive, Willoughby Hills, OH 44094
Mr. Fellows weighed in Article II, including Mayor to be elected by 50% or more by the electors and runoff. Also, said that “Mayor Schaefer was a good Mayor and was not Council President” so he would probably not favor that suggestion.
- 4) Frank Cihula, 35060 Dixon Road, Willoughby Hills, OH 44094
Mr. Cihula gave a history of Mayoral runoff situations, including the need for an interim Mayor to appoint Mr. Dale Fellows to continue his work with BZA. Mr. Fellows indicated that turnout was high for that particular runoff election as well.

Public Portion #2 closed at 8:08 p.m.

New Business:

None

For the Good of the Order

Sandy Taddeo – Combined meeting for Willoughby and Willoughby Hills Historical Societies on Wednesday, March 24, 2015, at 7:00 p.m. at WH Community Center, Schaefer Room. Topic: “The Real Story of Willoughby”.

Councilwoman Nancy Fellows – Senior Luncheon, Tuesday, March 17, 2015, featuring Dale Fellows as “George Washington”.

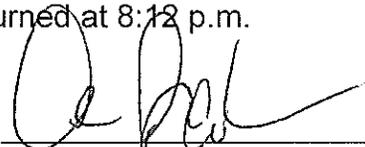
Chairman Andy Gardner – Acadec judging was fun. 16 students were judged by Andy and Vicki Gainer. He enjoyed the speech “The Five Second Rule.” Jennifer and Tanya were also there to assist Judy. Tanya gave “kudos” to Judy for her hard work. Judy indicated that it was a pleasure to work with the students.

Joyce Grady – Willoughby South High School’s Drama Club – “Little Shop of Horrors” – play begins this weekend.

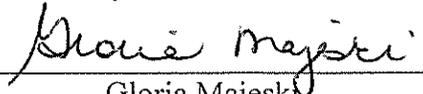
Vice Chairman Jim Walsh – Served as a pancake breakfast worker and is impressed with the amount of work that goes into it to pull it off.

Adjournment

Motion to adjourn made by Joyce Grady.
Seconded by Judy Shrefler
Vote: 9 AYES/0 NAYES; MOTION PASSES.
Meeting adjourned at 8:12 p.m.

APPROVED: 
Andy Gardner, Chairman

3/30/15
Date

ATTEST: 
Gloria Majeski