

Meeting Minutes
CITY OF WILLOUGHBY HILLS 2015 CHARTER REVIEW COMMISSION
Monday, April 13, 2015
Willoughby Hills Community Center, O’Ryan Room

Call to order by Chairman Andy Gardner at 7:03 p.m.

Roll Call:

Members Present:

Dr. Stephen Atkins, Chairman Andy Gardner, Mrs. Jennifer Greer, Mrs. Sandy Taddeo, Mrs. Tanya Taylor-Draper and Mr. Jerry Wolanin

Members Absent:

Mrs. Joyce Grady, Mrs. Judy Shrefler and Vice Chairman Jim Walsh

Approval of Minutes:

Approval of Charter Review Commission minutes from 03/30/15, as amended:

Motion to approve the minutes by Tanya Taylor-Draper

Seconded by Jennifer Greer

Vote: 6 AYES/0 NAYS, 3 members absent (Grady, Shrefler and Walsh); MOTION PASSES to approve 3/30/15 CRC minutes as amended.

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 7:05 p.m.

The following resident spoke:

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

Mrs. Fellows wanted to comment on the 3/15/15 remarks she made to the CRC in terms of Civil Service. She said that the comments she made were those “made from the heart” and no comments were made in any way to affect the CRC. She stated that she will reach out to Civil Service Commission Chairman Tom Majeski to clarify her comments for a better understanding. She indicated she has not been feeling well, but wanted to reassure the Commission about her comments.

Public Portion closed at 7:06 p.m.

Old Business:

Frank Cihula indicated that he will have the Records Commission information ready prior to the Article V discussion.

Article III: The Council

3.14 Residency requirement for Council - Districts

“Should the qualification for residency in the City be modified for Council representatives from Districts in the City (not At-Large) to provide that they must meet the one year (or greater, see Item 6) residency requirement within their District and not merely residency within the City?”

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Chairman Gardner indicated that this is “similar to the Mayor’s section.” He feels that the voters will weigh in on the residency of a candidate.

Steve Atkins agreed that “if it is not broke, why fix it?” He agreed that the voters can determine if they feel it is a “political move.”

Jennifer Greer and Jerry Wolanin echoed Steve’s comments, allowing the voters to make the decision.

Chairman Andy Gardner indicated “no action” for this item.

3.14 Residency requirement for Council – Increase to longer than 1 year?

“Should the qualifications for residency in the City of Willoughby Hills prior to the Councilperson being elected to office be increased from 1 year to a longer period? Note: Under current Charter Section 2.13, the requirement for Mayor is 2 years?”

Sandy Taddeo suggested that if the Mayoral time is changed, “perhaps we should change this as well.” Jennifer Greer agreed.

Chairman Gardner indicated that he felt “living here for a year is a solid commitment to the community. The apartments make up 50% of our census. We should give them a chance, should they so desire.”

It was the consensus of the group to evaluate this item in conjunction with Item 2 (2.13 Mayor residency requirement). If Mayor residency requirement is extended, Council should follow suit.

3.14 Date Clarification for Council Residency

“Is the 1 year period referenced here (“at least one year immediately prior to his election or appointment”) related to (1) the date of the election/appointment; (2) the date the election is certified by the Board of Elections or (3) the date the Council member is sworn in and takes office?”

Chairman Gardner believes this is “apples to apples to 2.13”, referring to the “date of the election.” All agreed to mirror 2.13.

3.15 Removal by Council provision

“Should a provision be inserted here providing for removal by Council? The provision would include a procedure (due process) and requiring a supermajority vote of all but the accused Council member (who would not have a vote on this matter)? 3/4 was suggested as the supermajority.”

Chairman Gardner indicated that he reviewed the 1998 CRC minutes. While no recommendations were made on this Article, the definitions of malfeasance, misfeasance, etc. were discussed (at the 4/22/98 CRC meeting). He reminded the group that Vice Chairman Jim Walsh suggested keeping “all of the disciplinary items in one section.”

Steve Atkins indicated he “would not expand on it in this section as we may just be ‘muddying the waters’.” Tanya Taylor-Draper felt it should “only be in Article 9.” Jerry Wolanin agreed. It was the consensus of the group to “keep 9.32 to conform consistency with provision.”

3.25 Council Clerk Residency Requirement

“Consider deleting the residency requirement for Clerk of Council. Note, however, that this requirement can be waived by Council.”

Chairman Gardner said the residency requirement can be waived. It gives Council the right to select their clerk.

Jennifer Greer said she felt that the current clerk does a wonderful job (with 14 years of residency being waived); “do we really need to change it?”

Tanya Taylor-Draper felt there may be more important issues if the clerk lived here (as an elector).

Jennifer Greer offered that if the position does become open, we could consider hiring from within the City to avoid having to waive it (at every Council Organizational meeting every two years).

Jerry Wolanin said he would be in favor of keeping it as it is. It is not “like a Police or Fire position where they should live close to respond to an emergency.”

The consensus of the group was to take no action on this article.

Jerry Wolanin noted a typographical error in the Charter in this section. In the second paragraph, the word “he” should be capitalized.

At this point in the meeting, Chairman Andy Gardner opened the floor for nominations for a Vice Chairman Pro Tem in the absence of Vice Chairman Jim Walsh.

Jerry Wolanin nominated Jennifer Greer as Vice Chairman Pro Tem for tonight’s meeting. Chairman Andy Gardner seconded the nomination.

VOTE: 5 AYES/0 NAYS/1 ABSTENTION (Greer).

Motion passes to appoint Jennifer Greer as Vice Chairman Pro Tem for tonight’s meeting.

New Business:

Chairman Gardner advised the group that we will be reviewing Articles IV and V at the next meeting. He then reviewed each of the items briefly as outlined on the worksheet.

Item #11 4.21 and 4.31

“It was suggested that these provisions be modified to comply with the 2008 revisions in Section 2.21 (reflecting approval of 4 members of Council). A proposed addition to the end of 4.21/4.31 would be ‘and approved by Council as provided in Section 2.21’.”

Chairman Gardner indicated that this has to do with the Director of Finance and Law Director positions. It would be a good clean up from the 2008 CRC to coordinate with 2.21 for approval of 4 members of Council.

Item #12 4.32

“It was suggested that we delete last sentence of 4.32 as no longer applicable to City operations.”

Per Chairman Gardner, “unsure about the meaning of what that line is” – more of a clean up.

Item #13 5.11

“Clarify the date that appointments are effective and the dates until which the appointee (or a replacement) serves.”

Per Chairman Gardner – This is a date clarification of Board member appointee. He suggested that CRC members try to wordsmith this prior to the next meeting.

Item #14 5.15

“Review/examine appropriateness of this provision.”

Per Chairman Gardner – He indicated the restrictions that this puts on us as presented by Economic Development Director Steve Roszczyk in the CRC minutes of last year. In 2008, it was “too big of a fish to fry”; it is very controversial. Removing this provision would be taking powers from the voters.

Steve Atkins added that this would be a “tough sell” on the ballot; perhaps we should “see what else is on the ballot.” Also, Steve had some concerns about a “no” issue on the ballot maybe “dragging the other issues down” as well.

Jennifer Greer offered that it may work out better in a “non-Mayoral election year”; she felt it has implications for both residents and politicians.

Tanya Taylor-Draper added that she felt this may deserve “its own Commission” since it is so “involved.”

Chairman Gardner agreed that this is not an easy issue.

Item #15 5.25

“Review and examine the appeals process for City Commissions and Boards.”

Per Chairman Gardner – this is the process for appeals and the desire to standardize. He offered that members contact Frank Cihula, BZA Chairman, if they need further information on this item.

Item #16 5.31

“Clarify the date that appointments are effective and the dates until which the appointee (or a replacement) serves.”

Per Chairman Gardner – this is to clarify effective dates.

Item #17 5.32

“Consistency Note: This may require deletion if changes made to Section 5.15 conflict with this provision.”

Per Chairman Gardner – If we change 5.15, this change should also be considered.

Item #18 5.51

“Clarify the date that appointments are effective and the dates until which the appointee (or a replacement) serves.”

Per Chairman Gardner – this is a date clarification.

Items #19 through #26:

Per Chairman Gardner – A lot of time was spent on these items in 2014. Vice Chairman Jim Walsh led the charge on this and some proposals were presented, but did not go to ballot. We have a good start of much of this already.

Item #20 5.62

“Should the Charter be revised to provide that Charter Review Commissions are appointed by the Mayor (2 reps) and Council (1 rep by each member of Council)?”

Per Chairman Gardner – This has to do with CRC make up – Council versus Mayor selection of candidates.

Item #21 5.62

“Revise dates regarding submission of changes from a window of time to a deadline.”

Per Chairman Gardner – This has to do with revision of dates for ballot submission.

Item #22 5.62

“Should Council have the right to approve (perhaps by a 2/3 vote) the CRC submissions to the ballot?”

Per Chairman Gardner – This asks “Do we want to allow Council to review what goes on the ballot?”

Item #23 5.62

“Should 5.62 be revised to provide that CRC must be appointed in January?”

Per Chairman Gardner – This has to do with appointment of CRC members in January. (Last discussion was “what if a hot topic occurs later in the year?”)

Item #24 5.62

“Should a provision be included in Section 5.62 requiring a report of the Commission’s deliberations be delivered/presented to Council?”

Per Chairman Gardner – Should a provision be included requiring a report from CRC be presented to Council? This was suggested by Councilman Dave Fiebig to serve as a record for the “mindset” of the Commission on decision making. Our meeting minutes serve to answer many of those questions now.

Item #25 5.26

“Bring forward the date for submission of proposed changes to Council to accommodate the need to submit to ballot items to the Board of Elections by an earlier date.”

Per Chairman Gardner – This has to do with a date for ballot deadline.

Item #26 5.62/10.4

“Potential ambiguity between 5.62 (“in the judgment of the Commission”) and 10.4 (Proposed by a vote of 2/3 of the members of the Council or by a CRC). Should 5.62 require 2.3 of the Commission to place an issue on the ballot? Does 10.4 require 2/3 of the CRC?”

Per Chairman Gardner – There is some potential ambiguity between 5.62 and 10.4 (see 10/20/14 minutes).

Public Portion #2: opened at 7:53 p.m.

- 1) Frank Cihula, 35060 Dixon Road, Willoughby Hills, OH 44094
Mr. Cihula provided his thoughts and history on some of the items discussed as follows:
 - a) 5.15 discussion – history
Adopted in 1996 – Route 6 and Bishop was residential only and the NW quadrant was zoned B (commercial); the solution was to grant use variances. The procedure BZA followed was to provide for deed restrictions to bind the land. That is how the variances came about. The Law Director at the time assisted with this. Mr. Cihula indicated that “explanatory” is his purpose here, and he is not here to promote or oppose it.

- b) 3.14 – Requirements for District Council person living in District
Mr. Cihula said that the voters “identify with their District Councilman, they do not call their Council At Large representatives. It is important to live in the District they serve.
- c) Other points of discussion:
 - “Agree with notation re. Election Board changing zones – Councilman maintains his position.”
 - “Agree with ‘election day’ being date indicated in Charter.”
 - “Agree that there should be the same residency requirements for Mayor and Council.”
 - “With regard to Council Clerk as resident, the Council President needs to know that this provision exists” (so he can take care of it at the Organizational Meeting of Council done every other year).
 - “With regard to a new section 5.8 concerning the Records Commission, hope to have it to Gloria before the next meeting for CRC distribution; draft almost complete.” Mr. Cihula also spoke about the importance of the “citizen member” as one of the Records Commission members. He indicated that member should have a knowledge of municipal records. Often times, Mayors and other members change by way of municipal election and appointments. The citizen member, however, can remain constant. He is writing the Article to follow State requirements.
 - With regard to the last line of 4.32 – he is unsure about the meaning of this, as CRC and Law Director Lobe both agreed.

2) Dale Fellows, 2812 Fowler Drive, Willoughby Hills, OH 44094
Mr. Fellows clarified that, with regard to “districts”, the Board of Elections changes “precincts , not districts”, that is designed by the Charter. He indicated that the Board of Elections works with the municipalities when such changes are required.

3) Linda Fulton, 2990 Marcum Blvd., Willoughby Hills, OH 44092
Ms. Fulton inquired about follow up to her question at the prior CRC Public Portion regarding “if the Mayor becomes incapacitated, would there be a type of return to work note indicated.”
Chairman Gardner clarified this point for Ms. Fulton. He indicated that he reviewed the notes of the previous Charter Review Commissions and found that the 12-week period referenced in the Charter concerning this point is “tied to FMLA”. In that instance, federal guidelines would prevail. This would cover all of the reporting that would be necessary. He thought that we should not address that point then in this CRC session.

Ms. Fulton also commented on the residency requirement for Council Clerk. She questioned if it should even be in the Charter if it is able to be waived. “Is that discrimination?” she posed. She suggested deleting it altogether.

Chairman Gardner pointed out that they plan to take no action on that item at this time (given the scope of other ballot items).

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

For the Good of the Order

None

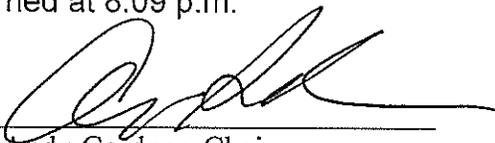
Adjournment

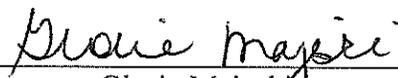
Motion to adjourn made by Sandy Taddeo.

Seconded by Jennifer Greer.

Vote: 6 AYES/0 NAYS; MOTION PASSES to adjourn the meeting.

Meeting adjourned at 8:09 p.m.

APPROVED:  4/27/15
Andy Gardner, Chairman Date

ATTEST: 
Gloria Majeski