

Meeting Minutes
CITY OF WILLOUGHBY HILLS 2015 CHARTER REVIEW COMMISSION
Monday, April 27, 2015
Willoughby Hills Community Center, Historical Room

Call to order by Chairman Andy Gardner at 7:06 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 and Vice Chairman Jim Walsh

Members Absent:

Mr. Jerry Wolanin

Approval of Minutes:

Approval of Charter Review Commission minutes from 04/13/15:

Motion to approve the minutes by Tanya Taylor-Draper

Seconded by Sandy Taddeo

Vote: 5 AYES/0 NAYS, 3 ABSTENTIONS (Grady, Shrefler and Walsh); 1 member absent. MOTION PASSES to approve 4/13/15 CRC minutes.

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 7:08 p.m.

No one spoke.

Public Portion closed at 7:08 p.m.

Old Business:

Articles IV & V are to be discussed this evening:

Item # 11 : 4.21/4.31 Appointment provisions for Director of Finance and Director of Law

“It was suggested that these provisions be modified to comply with the 2008 revisions to 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 in 2008, changes were made to 2.21, but never brought over to 4.21 and 4.31. He said that this was a 2008 oversight and should be considered at this time. It would be nice to clarify this, but if it does not make the “priority ballot list”, 2.21 would cover it.

Judy Shrefler and Tanya Taylor-Draper agreed. Judy would like to see this item given priority, however, because it could cause some confusion to other commissions. The group agreed to put on the worksheet as “A good idea to be considered and given priority if room on ballot.”

Item #12 4.32 Law Director Duties and Responsibilities

“It was suggested that we delete the last sentence of 4.32 as no longer applicable to City operations.”

Chairman Gardner told the group that he has actually asked Law Director Lobe about the last line of 4.32 (“He shall not be required to prosecute any action before the Mayor for the violation of an ordinance without first advising such action.”). Mr. Lobe advised that this is no longer applicable and was probably related to the days when the Mayor actually held Mayor’s Court. That process is now done by a magistrate due to changes required by law. Chairman Gardner said he thought it was “confusing and no longer applicable.” Jennifer Greer said she would like to see it go to ballot to “clean it up.” Vice Chairman Walsh asked about the procedures for putting things on the ballot and if related items could be “grouped”. Chairman Gardner said that you could group similar items, or say something like “delete entire article and replace with this.” Judy Shrefler agreed that she would like to see this item cleaned up, but if having to choose between the item discussed prior and this one, she would think that a conflict could arise if Item #11 was not handled, but not as much in Item #12. The group agreed to tag this item as “a good idea to be considered, but on a lower priority basis.”

Item #13 5.11 Date clarifications for commissions

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

Chairman Gardner asked Jennifer Greer to explain to the group how one word can change the whole meaning of something by her recent experience with 9.4 Civil Service issue. She explained how the word “member” was perceived differently by different parties. This was discussed to correlate the confusion that arises administratively when the Charter has not spelled out the start and end date of Commission appointments. Is it to be assumed that everything starts on January 1 and ends on December 31, regardless of what day in the year the appointment takes place? The group agreed it was necessary to review this item for an addition for beginning and end dates. Joyce Grady and Jennifer Greer will take on this challenge to prepare language for the CRC’s next meeting. (Something similarly found in 5.41 may be necessary to be written in some of the other Commission sections).

Item #14 5.15 Mandatory Public Vote on Land Use

“Review and examine appropriateness of this provision. Some have suggested deletion as this mechanism has only been subject to limited use and, more frequently, is bypassed by litigation which takes control of these decisions completely out of the hands of City residents. Others have reminded the CRC that this was passed by referendum and its deletion would take away the vote of the people.”

Chairman Gardner recapped the process of suing the City for use variance referendum; when sued, a judge will then make the decision, not the people or the PC-ABR. In 2008, CRC thought it would be too big of an issue to consider, recommended that Council look at it and they did not. Vice Chairman Walsh felt that it should be changed (passed in 1996), but is not sure how to put it on the ballot. Steve Atkins asked about the ballot language. Chairman Gardner said they could “delete it all” and say “it did not work”. Jennifer Greer felt that this issue would get a lot of attention on the ballot since it takes away the people’s vote. Tanya Taylor-Draper agreed that it would give a “taking their rights away perception.” Steve Atkins added that he was concerned that one “no” vote on this may make residents vote “no” on all issues. Chairman Gardner agreed that it may cause a “domino effect”, yet others may think independently about issues regardless. Jennifer Greer added that if there was not a favorable outcome, they could still go to court. Vice Chairman Walsh said that discussion with a body (commission) may keep it out of court (but not a guarantee, per Jennifer).

Chairman Gardner said he reviewed Economic Development Director Steve Roszczyk’s recommendation of 9 cities; Willoughby Hills is only one of 3 that requires these changes. The others can go ahead with economic development. He would like the CRC to get copies of Mr. Roszczyk’s letters requesting changes be made. Jennifer Greer said she does not feel that it will make a difference now, since much is based on economic climate now.

Mr. Cihula said he had given Building Commission Wyss a list of all properties that were granted use variances and which ones were rescinded. Judy Shrefler asked if there was vulnerability without it in the Charter. Mr. Cihula responded that “people can sue for whatever they want”, and gave examples such as the Eastside VW and American Heritage Motorcycle. Jennifer Greer added that “they will go to court though with City representation; the people will not have any say so.” Joyce Grady said that she is “not ready to give up that right yet that belongs to the people” and it would avoid people “making deals”. Chairman Gardner said he would like to refer this to the City to tackle; let Council decide; it is difficult to take away the vote of the people; too big an issue for CRC to address now.

Steve Atkins recommends “no action at this time.” A straw poll was then conducted by Chairman Gardner. The results were 6 AYES and 2 NAYS (Gardner and Walsh) to “move on, do not address this issue at this time; it is too big an issue to take on for the November ballot.”

Tanya Taylor-Draper felt it was better to put it in the hands of the people who are more familiar with this issue.

Items #15 (5.25) and #17 (5.32), are grouped in with recommendations listed above for Item #14.

Item #18 (5.51) Date clarification for Civil Service Appointments will be grouped in with #13 (5.11) for date clarifications and will be discussed at the next CRC meeting.

Items #19 through #26 (5.61, 5.62/10.4) are issues dealing with the Charter Review Commission. Chairman Gardner took a vote to end tonight's discussion at this point and pick up here at the next meeting. He reminded the group that these items were ones that were discussed at length during the last CRC sessions and should be relatively easy to tackle. Vice Chairman Jim Walsh made a motion to pick up discussion next week to discuss the remainder of Article V. Joyce Grady seconded the motion. VOTE: 8 AYES. Motion passes to pick up discussion on Article V at the next CRC meeting.

New Business:

Chairman Gardner reminded the group to review Articles VI, VII and VIII for the next meeting.

Public Portion #2: opened at 8:35 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:
Item #15 – Jennifer discussed 9.4 re. “members”. Frank reminded the group that the Fire Department as a horse who serves as a “member” of the department.
Comment – “Don’t worry about how many issues you are putting on the ballot...once there were 16 and all but 1 passed.”
Comment – Public requests a long table, rather than a square one at future meetings.
- 2) Linda Fulton, 2990 Marcum Blvd., Willoughby Hills, OH 44092
Ms. Fulton commented on “land use changes.” “Do people want to give up their right to vote?” She also gave an example of having a shopping center built right next door to a residential area.
- 3) Cheryl Ota, 2960 Marcum Blvd., Willoughby Hills, OH 44094
Ms. Ota commented on “eminent domain concerns.” Changes should only be made “for the good of the community.” “Should we hire someone outside legal counsel to represent us?”

Public Portion #2 closed at 8:44 p.m.

