

Meeting Minutes
CITY OF WILLOUGHBY HILLS 2015 CHARTER REVIEW COMMISSION
Monday, May 4, 2015
Willoughby Hills Community Center, O’Ryan Room

Call to order by Chairman Andy Gardner at 7:09 p.m.

Roll Call:

Members Present:

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:

Dr. Stephen Atkins and Mr. Jerry Wolanin

Approval of Minutes:

Approval of Charter Review Commission minutes from 04/27/15 as amended:

Motion to approve the minutes by Judy Shrefler

Seconded by Vice Chairman Jim Walsh

Vote: 7 AYES/0 NAYS; 2 members absent

MOTION PASSES to approve 4/27/15 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 7:11 p.m.

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

Thanked the CRC for placing a long table for the public audience.

Public Portion closed at 7:12 p.m.

Old Business:

Articles V is to be discussed this evening:

Item # 16 and #18 – 5.31 and 5.51

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

The group agreed that this is a similar situation to Item #13 (5.11) and the same outcome was recommended. CRC members Grady and Greer are to make a proposal by reviewing for an addition for beginning and end dates.

Item #17 5.32

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

The group agreed that the magnitude of this issue should be deferred to the next CRC or City Council or Administration. No action will be taken at this time.

Items #19 through 26 – having to do with the Charter Review Commission
Chairman Gardner reported that these items had been discussed at length during the last Commission and presented the following recommendations for this Commission’s consideration:

Item #19 5.61 – defines “elected public office” for CRC membership

“Does the requirement that the Charter Review Commission be comprised of five members that have not held elected public office during the five-year period prior to appointment require clarification that “elected public office” refers to any public office or any public office in the City of Willoughby Hills?”

Recommendation: Add “within the City of Willoughby Hills” to designate where elected office could be held.”

Item #20 5.62 – defines how the CRC members are selected

“Should the Charter be revised to provide that CRC members are appointed by the Mayor (2 representatives) and Council (1 representative by each member of Council)?”

Recommendation: Take no action. CRC did not prefer the concept of others making the appointments.

Item #21 5.62 - defines dates for submission of changes for ballot by CRC

“Revise dates regarding submission of changes from a window of time (“not sooner than July 15 nor later and September 1”) to a deadline (for example: “no later than September 1”).”

Recommendation: Change to read “not later than August 1”.

Item #22 5.62 – offers City Council the right to approve CRC ballot recommendations

“Should Council have the right to approve (perhaps by a 2/3 vote) the Charter Review Commission’s submissions to the ballot? Alternatively, should the Council have the right (perhaps by a 2/3 vote) to veto a Charter Review Commission submission to the ballot?”

Recommendation: Take no action. CRC did not prefer the concept of Council's ability to veto the Commission's recommendations.

Item #23 5.62 – designates appointment date for Charter Review Commission
“Should 5.62 be revised to provide that Charter Review Commission must be appointed in January?”

Recommendation: Clarify “at least once every 8 years”. CRC was in agreement that appointment should be able to be made at any time during the year, based on issues or concerns that may arise that would need to be addressed more timely.

Item #24 5.62 – requires a report from CRC deliberations be given to Council
“Should a provision be included in Section 5.62 requiring a report of the Commission's deliberations be delivered/presented to Council?”

Recommendation: Take no action. CRC was in agreement that the meeting minutes should serve as a resource for Council or any other body which may inquire as to the reasoning behind any given decision by the CRC.

Item #25 5.62 – allows for the submission items to be brought to Council earlier for submission to Board of Elections

“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. Should additional time be included to allow Council to review and have three readings.”

Recommendation: Take no action. CRC was in agreement that it is Council's responsibility to get the ballot items to the Board of Elections timely, even if it will require three successive meetings or waiving the Three Reading Rule.

Item #26 5.62/10.4 – addresses ambiguity about vote required to put items on the ballot

“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 Charter Review Commission.”). Should 5.62 require 2/3 of the Commission to place an issue on the ballot? Does 10.4 require 2/3 of the Charter Review Commission?”

Recommendation: Take no action.

Section VI:

Item #27 6.3 – timing for ballot issues

“Should the last paragraph and Section be removed as these issues are decided at an election and the Board of Elections requires more time to put issues on the ballot?”

Recommendation: Take no action. Defer to review with 5.15 at a later date. This item was suggested by Law Director Lobe due to the fact that the electors ultimately decide the issue and the Board of Elections now wants it sooner.

Section VII:

Item #28 7.2 – term for tax levies

“Should the 5-year term of tax levies be extended to 10 years or even in perpetuity?”

Chairman Gardner said that this item was recommended for review by Law Director Lobe. He suggested that in a city with our finances, it is a big issue for every Administration to have to take the tax levy to the ballot.

Vice Chairman Walsh said that he prefers the five years. Other group members offered that it is nice to leave this in the hands of the voters.

Recommendation: Take no action

Item #29 7.2 – election deadline

“Should the 60-day deadline be extended to 90 days to accommodate Board of Elections deadlines?”

This item was one of a few that resident Dale Fellows suggested due to military voting concerns.

Recommendation: agree to change to “90 days”, **giving a higher priority to this item for CRC ballot placement.**

Item #30 7.2 – changing threshold to 55% on tax related ballot issues

“Should the threshold for approval of tax related ballot issues at general or primary elections be raised from a majority to 55% (as is the case with special elections)?”

Chairman Gardner explained that resident Dale Fellows suggested this item to mirror the special elections threshold of 55%, rather than a majority. There is normally a better turnout at a general or primary election than a special election. By doing this, voter turnout won't affect results; makes it fair because only the “pros” may turn out. Chairman Gardner suggested that we may have “more informed voters if we raise the bar.” Jennifer Greer and Joyce Grady both had a preference to keep it at the “majority”, except keeping it at “55%” for special elections.

Recommendation: Take no action

Item #31 8.23 – Recall percentage requirements

“Should the percentage of Electors required to place a Recall issue on the ballot be reduced from the current 25% level to 10% (which is the current requirement under Ohio law).”

Chairman Gardner stated that this item was suggested by Law Director Lobe. Mr. Lobe stated that the State of Ohio statute has law for recall at 10% (this % was later disputed by Vice Chairman Jim Walsh as he found it to be 15% online with ORC 705.92). Mr. Lobe stated that our current level of 25% made it harder to recall than the State guideline.

There was some discussion as to what the % was based on, whether it be the number of registered voters, or the number of voters in the last general election. It was determined that it was indeed the number of voters in the last general election. For the City of Willoughby Hills, that number was 2445.

Vice Chairman Walsh said he was in favor of matching the State, but Jennifer Greer thought, when compared to the State of Ohio, the City of Willoughby Hills has so few people that it could easily get 10% to sign a petition. "10% sounds low." Tanya Taylor-Draper agreed that you would want a higher number if it is a "serious offense" for the recall. Discussion ensued regarding the ease of which one person or a group of disgruntled individuals could get the required number of petition signatures at 10% and could oust someone. In order to get 25% in petition signatures, it was the consensus of the group that it would be more difficult and any offense by an individual would have to be much more justified, or to a greater number of residents.

Recommendation: Take no action

Item #32 – 8.31 – Special Election date

"Should the prohibition against Council calling a Special Election within 30 days of a primary or general election be extended to 60 days?"

Chairman Gardner pointed out that this was another item brought up by resident Dale Fellows and had to do with his concern for military voting. He said it also had to do with financing a special election, with polling costs at approximately \$8,000.

(At this point in the meeting at 8:15 p.m., Jennifer Greer left the meeting for a previous meeting commitment).

Chairman Gardner continued that it is generally going to be one issue – "does the Board of Election need more than 60 days?"

Vice Chairman Jim Walsh asked about changing the election date receipt of initiated or referred ordinances (last paragraph of 8.31) to 90 days only. Joyce Grady gave the perspective from the Board of Elections regarding the process to clarify this. Chairman Gardner said that the cost of the election comes into play. He said you could take the window to 150 days if filed on June 1, for example. If filed July 1, 60-90 days would take you to September, then 60 days from September 1 would make it to the November election. "Should we extend the potential longest period someone could submit their issue to the voters?" Joyce Grady said she would like to further research this item (possibly with the Board of Elections) before deciding on a recommendation for this item. The Commission agreed to hold off on any decision on this item for a future meeting.

Item #33 – 8.31 – Run off election provisions

"Review and examine the appropriateness of the provision providing for a run-off election in the event that no mayoral candidate receives a majority of the

votes. Would a primary be better than a run-off in mid-December where the mayoral election is all that is on the ballot?"

Chairman Gardner said that this item was suggested by Law Director Lobe. He said it was done to prevent having a lot of elections that cost money. Chairman Gardner explained that without a primary, any number of candidates can currently run for the Mayor's office. If no candidate gets a majority (50% plus 1), they must have a run-off election. Run-off concerns include the number of voters who will turn out (particularly with inclement weather) and the cost of another election. Vice Chairman Walsh is in favor of "most votes win." Judy Shrefler had concerns that with 3 candidates, the vote could be split for a difficult outcome. Tanya Taylor-Draper felt that there are "too many odd situations to say 'majority wins'". Judy Shrefler offered that paying the price for a run-off election might bring the right person to the job. Chairman Gardner agreed that there are many sides to this issue and suggested "sleeping on this" for future consideration. No recommendation will be made on this item this evening.

Item #34 – 8.32 – 10-day grace period removal

"Should the revisions made in 2008 that removed the 10-day period to correct a failure to obtain the required number of signatures be reversed?"

Chairman Gardner reviewed that in 2008 CRC, the 10-day period to correct an election petition was removed. Prior to this, a candidate could get one signature, turn it in before the deadline, and then have it returned for insufficient information and then go out and complete the task of getting the required number of signatures. In 2008, the CRC held the candidates to a higher standard by getting the right number of signatures, any other mistake was acceptable for a petition to be returned for completion. The group agreed that the 2008 action was fair and equitable.

Recommendation : Take no action

Item #35 – 8.33 – Official notices deadlines

"Should the 30-day period for the Clerk to provide official notices of the text of certain issues be extended to 45 days?"

Chairman Gardner advised the group that this was another recommendation by resident Dale Fellows with concerns for military voting. He thought it was a good idea, of "medium priority." The group will defer this to the next meeting.

Recommendation: Good idea, but defer to next meeting.

New Business:

Chairman Gardner reminded the group to review Article IX for the next meeting. Gloria will disseminate the draft that has already been worked on regarding Article IX with input from: Chairman Andy Gardner, Mayor Robert Weger, Executive Assistant Gloria Majeski, and Law Director Tom Lobe. It is a compilation of discussions at the last

CRC meetings, as well as suggestions to address Nepotism and Conflict of Interest. Chairman Andy Gardner suggested that Law Director is welcome to attend the next meeting for this discussion, if he is available.

Chairman Gardner added that we will also review the following items at the next meeting:

Proposal for 5.8 Records Commission

Items #32, 33 and 35 from the worksheet

Public Portion #2: opened at 8:50 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 #32 – “60 days is fine.” “Section 2.3 covers vacancy in office of Mayor.”
Mr. Cihula also indicated that election results are much sooner; consider changing language to “~~sixth~~ ^{fifth} Tuesday” versus “~~fifth~~ ^{sixth} Tuesday.”

Public Portion #2 closed at 8:51 p.m.

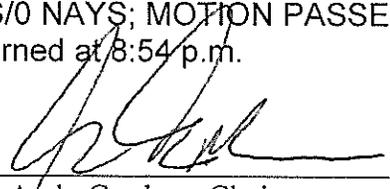
For the Good of the Order

Vice Chairman Jim Walsh acknowledged Frank Cihula’s “Court Ordered Zoning Decisions” document and list of use variances, in spite of the CRC tabling 5.15. Chairman Andy Gardner agreed that he had done a good job and it will be useful to other parties addressing 5.15.

Chairman Gardner announced the “Board of Education Support Levy Proposal” meeting on Wednesday, May ~~20~~ ¹³ at 5:30 p.m.

Adjournment

Motion to adjourn made by Joyce Grady.
Seconded by Tanya Taylor-Draper.
Vote: 6 AYES/0 NAYS; MOTION PASSES to adjourn the meeting.
Meeting adjourned at 8:54 p.m.

APPROVED: 
Andy Gardner, Chairman

5/18/15
Date

ATTEST: 
Gloria Majeski