

Meeting Minutes
CITY OF WILLOUGHBY HILLS 2015 CHARTER REVIEW COMMISSION
Monday, May 18, 2015
Willoughby Hills Community Center, O’Ryan Room

Call to order by Chairman Andy Gardner at 7:05 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 Mr. Jerry Wolanin (arrived at 7:08 p.m.)

Members Absent:

Vice Chairman Jim Walsh

Approval of Minutes:

Approval of Charter Review Commission minutes from 05/04/15 as amended:

Motion to approve the minutes by Joyce Grady

Seconded by Sandy Taddeo

Vote: 6 AYES/0 NAYS; 1 abstention (Atkins).

MOTION PASSES to approve 05/04/15 CRC minutes as amended

Announcements by Chairman Gardner:

1) Vice Chairman Jim Walsh is not present at tonight’s meeting. Jim’s brother passed away suddenly in New York last week. Please keep the family in your thoughts and prayers.

2) In Old Business tonight, we will include proposed Article 5.8 Records Commission, as presented by Mr. Frank Cihula.

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.

No one spoke.

Public Portion closed at 7:05 p.m.

Old Business:

Chairman Gardner discussed 5.8 proposal, as presented by Mr. Frank Cihula. He indicated that the State statute does create a “Records Commission.” It may be nice to put this in the Charter where people will reference, rather than having to refer to the ORC. The language as proposed by Mr. Cihula is very good. He then opened the floor for discussion. Judy Shrefler asked about the State retracting this item. Jennifer Greer thought that was highly unlikely. Chairman Gardner then gave his opinion that it was probably good to add this to our Charter, giving it a high priority on our “issue list.”

Mr. Wolanin then joined the group at 7:08 p.m.

Chairman Gardner asked for nominations for Vice Chairman Pro Tem for tonight’s meeting in the absence of Vice Chairman Jim Walsh. Tanya Taylor-Draper made a motion to nominate Judy Shrefler. The motion was seconded by Sandy Taddeo. Vote: 8 AYES/0 NAYS.

Chairman Gardner distributed 2 documents pertaining to Article IX to the group. One document covered Sections 9.1 through 9.3 and the second document covered 9.4 (Civil Service).

Issue items #36 through #46 all relate to Article 9.1 through 9.3 and Issue item #47 relates to 9.4. Chairman Gardner reviewed each of these issue item concerns and then the group reviewed line by line as follows:

Chairman Gardner offered a summary of the items to be discussed:

9.1 “Officers” – need to have discussion about Boards and Commissions being a part of this.

9.21 – Has to do with “financial conflict of interest” (Adoption of State standards are highlighted in blue on sample document).

9.22 – Nepotism provision

9.3 - Removal from Office – Steve & Jim worked on this last fall.

9.31 – “Promptly” rather than “immediately” seems more appropriate. Group should discuss if Mayor should be able to remove Council/Council appointees.

9.32 – Removal by Council – Judy, Joyce and Tanya worked on this last fall. Put in standards for Council removal; need to discuss using “malfeasance”, “misfeasance,” and other definitions when definitions can be found elsewhere (rather than listing it here in our Charter). The reasons for removal have been further outlined (items #1 through #7) on the proposed Article IX revision.)

9.34 – This clarifies the confusion of 5 votes. The new language clarifies that 5 votes clearly means 5 people voting “yes” – abstentions do not count.

9.4 – Civil Service – This document is a “before” and “after” sample of Article 9.4 as per Vice Chairman Tom Kicher’s presentation which focuses on the following four items:

- * Inclusion of “probationary period” clause
- * Classified service – inclusion of Part-time and Full-time Police and

Fire. Also, clarifies “member” for the Police Department section and adds “officers” to the Fire Department section.

- * Need for “assistants” with fiduciary responsibilities by being excepted from classified service.
- Job descriptions or job responsibilities would go through Civil Service Commission before being presented to Council.

Chairman Gardner explained that “unionized” does not mean “classified”. He said we need to think about part-time members being protected by Civil Service versus serving at the pleasure of their department head and the Mayor. Is it appropriate to let the Chiefs being able to get rid of their secretary? Exempting those people?

Chairman Gardner then asked Jennifer Greer if she had any specific questions about Article IX or any of the recommendations made by the last CRC to be proposed this time. She agreed that there is a lot to digest.

Judy Shrefler brought up the following items:

- 1) 9.22 “Constitution” should be “Constitutions” – Chairman Gardner agreed and will make that change since it refers to two different Constitutions and should therefore be pleural.
- 2) 9.1 “Officers” – The word “heads” is not preferred; would be better to say “Department Heads of the Municipality”. Chairman Gardner agreed.
- 3) 9.21 – First blue sentence on handout – defers conflict of interest to State of Ohio, but she does not think it gets the point across. She then presented the following proposal in its place:

“Unless otherwise provided by this Charter, the laws of the State of Ohio, pertaining to conflicts of interest, criminal misbehavior, ethics and financial disclosure by municipal officials and employees, and campaign financing and other election practices of candidates for the municipal office, shall apply under this Revised Charter.”

Jennifer Greer asked if it is wise to defer to State law versus keeping in the first line regarding financial interest. Chairman Gardner said that the current language is too broad/too vague and can be restrictive. The State of Ohio has more developed body of law. He added that we struggled about having a statement at all, but thought to put a statement in to make it clear to the voters.

The group discussed Vice Chairman Pro Tem Judy Shrefler’s proposal and re-worked it to include some of the group’s concerns regarding ethics (“including nepotism and acceptance of gratuities”) and devised the following revision:

“Unless otherwise provided by this Charter, the laws of the State of Ohio, including those pertaining to conflicts of interest, criminal misbehavior, ethics (including nepotism and acceptance of gratuities), financial disclosure by municipal officials and employees, campaign financing and

other election practices of candidates for municipal office, shall apply to all officers and employees under this Charter.”

The members then discussed this proposal, offering the following input: Steve Atkins agrees with Vice Chairman Pro Tem Judy Shrefler’s recommendations and the changes offered.

Jerry Wolanin was concerned about having to list every scenario for offenses (i.e. failure to file a tax return) and asked about providing specific examples of criminal behavior. Jennifer Greer felt that Vice Chairman Pro Tem Judy Shrefler’s sample was “good”, but added 9.21 changes are good, but did not think we should take 9.22 (first line) out. Jerry Wolanin explained the issues we previously had with “immediate family” and asked about how we would define that. Jennifer Greer agreed that it may be difficult to define that, but felt that there had to be a definite separation between the family members and that could not be accomplished when Boards control spending of money. She felt that the bodies could have a greater influence because of the Charter. Joyce Grady offered the example of a Board member having a business that may sell items to the City. Jennifer Greer said, “Family members do influence other family members.” She was not so concerned with the hiring of the individual, but more about the control that individual would have after being hired. Chairman Gardner reiterated Mrs. O’Ryan’s concerns about being a small community and the difficulty in getting volunteers. Jerry Wolanin added that Council approves the budget and gives them authority.

Vice Chairman Pro Tem Judy Shrefler provided Fact Sheet #1 on Nepotism. She felt this would give Jennifer Greer a good understanding of the State’s policy. Jennifer Greer added that perhaps this should be applicable only for “elected officials” (only to be exempted); she was concerned with undue influence. Chairman Gardner agreed to leave the “nepotism issue on the table” for further discussion and Clerk Gloria Majeski will send out Nepotism information to all members for review before the next meeting.

Jerry Wolanin brought up Article 9.32 and suggested adding “officer or employee” after “Council member” in the large blue paragraph after #7. Chairman Gardner agreed that was a reasonable amendment.

At this point of the meeting (8:19 p.m.), Jennifer Greer left the meeting due to another commitment this evening.

Discussion continued regarding Article 9.1 through 9.3:

When Sandra Taddeo asked about “removal by Mayor”, Chairman Gardner said that is was also in Section 2.1, where it has a Council check on that with obtaining a certain number of votes.

Vice Chairman Pro Tem Judy Shrefler asked why the revisions to 9.4 (Civil Service) were put in draft format, rather than being listed on our “issues worksheet.” Chairman Gardner said that was done simply as a “timing issue”,

but will add them to the worksheet for the next meeting. Discussion then ensued regarding Article 9.4 (Civil Service). Chairman Gardner recapped Civil Service Vice Chairman Tom Kicher's request with the following points:

- "Probationary period" – "Not sure if it is necessary, but agree that Civil Service protection should be granted only when employee is through their probationary period."
- "Part-time Employees" – While knowing there is some question about including Part-time employees in Civil Service Classified status, agrees that it "seems like it makes sense."
- "Assistant" – "It is good to let the Chiefs decide who they want to work for them."
- "Job Description" – "OK with that, but not sure if they should control approving them, defers to others."

Section 9.4 will be put on Old Business for next week.

New Business:

Article X – MISCELLANEOUS PROVISIONS

Will discuss at next meeting.

Chairman Gardner also noted that the following items will be discussed at the next meeting, in addition to Article X:

Issue #32, 33 and 35
Section 9.22 Nepotism
Section 9.4 Civil Service
Issue #48 through #50

Jerry Wolanin pointed out in Section 7.4, the city income tax is not listed as the current 2% and asked if that had not yet been codified. The Clerk agreed to check with Council Clerk to verify this. (Please note: After checking the with Clerk, the Charter version given to CRC members has since been updated on the website, reflecting the new 2% rate, as codified).

Chairman Gardner reviewed the next steps for the last few meetings:

June 1, 2015 meeting – Review Action items – analyze what you want to send to the voters.

June 15, 2015 meeting – Review final proposals – vote (6 to put on ballot)

July meeting (date TBD) – one last time to make sure we are all on the same page/put in Law Director's hands to work on ballot language.

Public Portion #2: opened at 8:47 p.m.

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

- 1) Mr. Cihula clarified his remarks in last 2nd Public Portion of 5/4/15: change “fifth” to “sixth” and “sixth” to “fifth”.
- 2) He likes Vice Chairman Pro Tem Shrefler’s prepared document, but has a problem with the last line (feels it is “missing something”); will defer to new revision by the group.
- 3) Mr. Cihula commented on “relatives of elected officials.” He reported that many Boards and Commissions do not spend money, so that may not be applicable to them. Also, perhaps a person selling goods “shall not profit from” should be added. We are “too small of a community and you want to encourage a business that is operated by a resident.
- 4) With regard to the Records Commission item, he wanted to add that it provides a scheduling of retention and destruction of records; affects people making Public Records Requests. He likes the idea of a citizen member having to be an elector of the City of Willoughby Hills.
- 5) Mr. Cihula brought up the concept of having a “volunteer organization”, whereby they would be granted credit for hours worked and receive awards based on those hours.

Linda Fulton, 2990 Marcum Blvd., Willoughby Hills, OH 44092

Ms. Fulton stated “Nepotism is nepotism.” In the past, she stated that nepotism had been prevalent in our city. “Nepotism is really wrong,” she added.

Ms. Cheryl Ota, 2960 Marcum Blvd., Willoughby Hills, OH 44092

Ms. Ota pointed out a typographical error in 9.4 Civil Service (minutes of 5/4/15).

She stated that it is her opinion that “volunteers are out of the loop because of nepotism.” She had concerns about “closing the ranks” and “only asking people in a clique to help out.” She pointed out that she did not believe that even the recent hiring of Community Center monitors (Property Staff Members) did not get proper advertising by the City.

Ms. Ota also commented on the Police Chief having high morals (as relates to the Civil Service hiring) and pointed out that many officers are trained in WH and then go elsewhere for full-time jobs.

She also questioned about where the attendees at our Recreation events come from – if they are all from outside of the city, she questioned the need to have the events and/or the need for volunteers.

