

Meeting Minutes
CITY OF WILLOUGHBY HILLS 2015 CHARTER REVIEW COMMISSION
Monday, June 1, 2015
Willoughby Hills Community Center, O’Ryan Room

Call to order by Chairman Andy Gardner at 7:01 p.m.

Roll Call:

Members Present:

Dr. Stephen Atkins, Chairman Andy Gardner, Mrs. Joyce Grady, Mrs. Judy Shrefler, Mrs. Sandy Taddeo, Mrs. Tanya Taylor-Draper and Mr. Jerry Wolanin

Members Absent:

Vice Chairman Jim Walsh and Jennifer Greer

Seven members are present for a quorum.

Approval of Minutes:

Approval of Charter Review Commission minutes from 05/18/15 as amended:

Motion to approve the minutes by Joyce Grady

Seconded by Sandy Taddeo

Vote: 7 AYES/0 NAYS.

MOTION PASSES to approve 05/18/15 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 7:03 p.m.

No one spoke.

Public Portion closed at 7:03 p.m.

Old Business:

Chairman Gardner reviewed the Issues Prioritization Worksheet, indicating issues that we have finalized for ballot consideration, as well as items we still need to discuss. He did not want, however, to review prioritizing the issues until all CRC members are present. Hopefully, all members will be present on 6/15/15 (including Vice

Chairman Jim Walsh and Jennifer Greer who are absent this evening) and we will review the prioritization at the next meeting. Tonight, we will work through the last 15 or so issues, beginning with Issue #55 Section 5.8 Records Commission.

At this point, Chairman Gardner realized we had not appointed a Vice Chairman Pro Tem in the absence of Vice Chairman Jim Walsh. He opened the floor for nominations. Joyce Grady nominated Judy Shrefler as Vice Chairman Pro Tem for tonight's meeting.

The motion was seconded by Steve Atkins.

Vote: 6 AYES/0 NAYS/1 ABSTENTION (Shrefler); MOTION PASSES.

Judy Shrefler will serve as Vice Chairman Pro Tem for tonight's meeting.

Chairman Gardner then continued the discussion regarding Issue #55 Section 5.8 Records Commission. He recapped previous discussions, indicating that State law requires it and outlines who is to serve on it. Mr. Cihula's draft further defines those serving on it. Joyce Grady agreed that it should be included, but wanted to make sure the language presented would be suitable for the ballot. Chairman Gardner advised her that all items would be approved by Law Director Lobe for appropriateness/correctness prior to ballot submission. Jerry Wolanin agreed that it would be "nice to squeeze it in" (to this election), but is concerned that if there are too many items this election, we may consider having Council prepare a special ballot. In summary, the general consensus on this Issue item is "yes", but "prioritize on ballot."

The remaining issues in Article VIII were then discussed (Issue #32 and Issue #35):

Issue #32 8.31 ***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?***

Joyce Grady contacted the Board of Elections regarding the cost of a Special Election. The cost is \$1500 per precinct (this can be shared with other municipalities if it is an item such as a school issue). There are 7 precincts. There is an August deadline.

Chairman Gardner questioned if this was "a solution to a problem that does not exist." Tanya Taylor-Draper said that in the light of other issues, "this just may not be as important." It was the consensus of the group to "take no action" on this item.

Issue #35 8.33 ***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 explained that the background on this has to do with ballots being sent out earlier now. Should the Clerk then be expected to send the text out earlier as well? Jerry Wolanin said that one would think that much discussion on the issue(s) would have been had prior to the text having to go out. Chairman Gardner

agreed; however, anti-issue people may wait until the last three weeks or so in order to not have it included in the ballot. Since the ballot information has to go 45 days before the election, it may be nice to have the information disseminated at that same time frame. It would be good for the military. Once again, Chairman Gardner pointed out, "Will this be the most important item for the ballot in November?" Jerry Wolanin offered that he would like to reword the amendment to "tie it to something", such as "be distributed at the same time the absentee ballots are distributed." It was the consensus of the group to make this change and put it on the Issue Prioritization Worksheet for prioritization consideration.

Article IX was then reviewed briefly; however, Chairman Gardner wanted to be fair to Jennifer Greer who seemed to have a different view of her vision for Article IX prior to any decision making. The following items were then briefly reviewed for consideration at the 6/15/15 CRC meeting:

Item #38 9.21 *Review and examine if this provision should be removed in its entirety due to the creation (after the Charter was written) of the OH Ethics Commission and the enactment of State laws to address potential issues.*

Chairman Gardner recapped this as "do we want to be silent in the Charter and let State law take over, or make a statement?" It was the consensus of the group to take no action at this time, pending further consideration, but to see the suggested language on 5/18/15 handout regarding Article IX.

Item #39 9.1 *Should Section 9.1 be revised to state that volunteer Board/Commission members are not City Officers? Should these volunteers be covered by prohibition against immediate family members being employed by the City? Should they be excluded from Conflict of Interest/Nepotism policies?*

Chairman Gardner recapped that this is about "volunteers being exempt from being considered "officers" in the Charter?" "How do you feel about the hiring of family members?"

Tanya Taylor-Draper feels it is "unfair to base a relative hiring on a volunteer." Chairman Gardner explained the Ohio Ethics' stance on being able to hire a family member (as long as it is done without influence). Vice Chairman Pro Tem Judy Shrefler said, "Bottom line is we have a State law; I would like to continue discussion on Issue #39 once I have attended the 6/4/15 Ohio Ethics class." She felt she would have a better understanding and comfort level with any decision moving forward. It was the consensus of the group to keep as "pending" following Ethics seminar discussion.

Item #41 9.22/9.4 *Provisions describing Civil Service and "noncivil service" are confusing as there does not appear to be any "noncivil service" employee of the City. All City employees are Civil Service and fall into either "classified" or "unclassified" categories.*

Chairman Gardner clarified this with the proposed revision. It will be part of next meeting's discussions on Article IV in its entirety.

Item #42 9.22/9.4/5.5 ***There is no prohibition against a member of the City's Civil Service Commission being related to a candidate for a Classified Civil Service position. Would such a prohibition be appropriate or could a Civil Service Commission member recuse themselves in respect to matters related to a relative?***

Chairman Gardner recapped the issue and indicated that State law would apply here as well, if nothing was put in the Charter. It was the consensus of the group to keep this as "pending" until the Ethics seminar is discussed at the next CRC meeting.

Item #43 9.22 ***Review and examine whether a nepotism/conflict of interest policy be included in the Charter or required by the Charter to be created by the Mayor or Council Ordinance?***

This is the article pertaining to nepotism. It will be held until further discussions can be had at the next CRC meeting and after the Ethics seminar.

Items #44 through 46 all have to do with the revisions suggested on the 5/18/15 handout and will be discussed at the next meeting as part of Article IX.

Issue #51 through #54 – Civil Service Commission Items were discussed:

Chairman Gardner recapped that Civil Service Vice Chairman Tom Kicher had asked for four items in his presentation:

- 1) Probationary (if we say part-time members are classified, they won't be included or wipe out their probationary status)
- 2) Part-time members
- 3) "Assistants"
- 4) Job description approval

Vice Chairman Pro Tem Judy Shrefler said she had done a lot of research and it was difficult to find any other cities in Lake and Cuyahoga County and their classifications. Of the many cities she researched, there was only one city with both full-time and part-time classified employees in the Fire and Police Departments. That being said, she did state that we should do what is best for Willoughby Hills. Chairman Gardner agreed that review of Civil Service presentations would be helpful to review all of this again, with the reasons for the requests. He asked the CRC Clerk to disseminate this information to all members prior to the next meeting.

Chairman Gardner then asked the members to review the final three issues (#48, #49 and #50) on the Issue Prioritization Worksheet:

Issue #48 9.1 ***Should a provision be added to the Charter that permits the salary of paid City Officers to be withheld if City Officers do not perform their Charter specified duties?***

It was the consensus of the group to “take no action” on this item.

Issue #49 9.1 ***Should a general (applicable to all City Officers, paid and unpaid) disciplinary procedure be created?***

It was the consensus of the group to “take no action” on this item.

Issue #50 4.21 ***Should the Finance Director be elected?***

It was the consensus of the group to “take no action” on this item. They felt it is better for the City if the Mayor (with Council approval) can select the individual he feels will do the best job for the City.

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 overall in its entirety:

Issue #39 (9.1 volunteers/officers/nepotism)

Issue #42 (9.22/9.4/5.5 CSC member and candidates)

Issue #43 (9.22 nepotism/conflict of interest policy)

Issues #51-54 (Civil Service – previous discussions/handouts will be distributed to CRC members prior to the next meeting)

Public Portion #2: opened at 8:39 p.m.

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

- 1) Mr. Cihula discussed Issues 51 – 54 (Civil Service Commission); he asked “if you do not have a highly qualified CS Commission, would you want them to make such important decisions?”
- 2) With regard to Issues 48-50, he felt that they are not “Charter worthy” and should be considered for “ordinances only.”

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

- 1) Ms. Fulton asked if the “CSC should be able to make such decisions” (job descriptions). Also, she felt the hiring of one of their family members may be considered “cronyism or nepotism.”

Mrs. Gloria Majeski, 2717 Graylock Drive, Willoughby Hills, OH 44094

- 1) Mrs. Majeski pointed out that “all committees are made up of highly qualified individuals, in response to Mr. Cihula’s comments about the

