

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

Call to order by Chairman Andy Gardner at 7:04 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, Vice Chairman Jim Walsh and Mr. Jerry Wolanin

Members Absent:

Mrs. Jennifer Greer

Eight members are present for a quorum.

**Approval of Minutes:**

Approval of Charter Review Commission minutes of 06/29/15:

Motion to approve the minutes by Joyce Grady

Seconded by Vice Chairman Jim Walsh

Vote: 7 AYES/0 NAYS/1 ABSTENTION (Atkins).

MOTION PASSES to approve 06/29/15 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 7:05 p.m.

No one spoke.

Public Portion closed at 7:06 p.m.

**Old Business:**

Chairman Gardner offered Vice Chairman Walsh an opportunity to make a final presentation on the Civil Service 9.4 items. Vice Chairman Walsh distributed a handout which revises Article 9.4 to:

- Recognize a CSC Classification Plan in accordance with ORC 124.40

- Maintain Police Chief and Fire Chief as being exceptions to the Classification Plan
- Establish Job Description review by CSC to determine Classified vs. Unclassified – Once so determined, Council must adopt resolution for same
- Eliminate “assistants” issue with re-defined position classification process

Questions from the CRC were raised such as:

- “Are we deferring full-time/part-time issue?”
- “Are we willing to put something in the Charter to facilitate part-time as Classified? If so, do we put the words in or let Civil Service do it?”
- “Are we comfortable giving CSC the last word? By saying that Council must adopt the resolution, it gives CSC the same CRC power as the final voice. Is this the right thing to do since Council are elected officials voted in by the people to make legislative decision?” “Is this a legislative or administrative decision?”

Steve Atkins said he would like to see Civil Service and Council work together to “work it out.” Could there be some other provision for that?

Vice Chairman Walsh asked, “Let's back up...is the current 9.4 adequate?” Judy Shrefler said she wished we had more time to consider it. Vice Chairman Walsh agreed but added that he feels it is important enough to give time to. He added that “maybe we would add something about “if unable to reach a decision by a certain length of time, Mayor has the ability to make the decision.”” Sandy Taddeo pointed out that there has been only one change to this section since January 1971.

Judy Shrefler asked about the definition of the “Classified Plan.” Chairman Gardner described it as “looking at job descriptions,” but was not familiar enough with it to explain it in its entirety to the group. Vice Chairman Walsh added that it is something CSC feels they need to do their job as defined in the Charter and further by State regulations. He feels what is “classified and unclassified should not be in the Charter, but rather in the Classification Plan.”

Steve Atkins thought it may be advisable to assign it to another CRC, in the event that we do not currently have the time to consider it. Vice Chairman Walsh read emails from CSC members Kicher and Majeski. Chairman Gardner pointed out that the current 9.41(c) already gives a provision for Council approving and brought up the previous discussions concerning “vetting” the job descriptions and pointed out that it may be a “5.52 change, not 9.4 issue.” Jerry Wolanin agreed that we should bestow “vetting” upon CSC to ensure getting the best candidates and ensure good qualifications to hire the best people. Joyce Grady agreed that “vetting” is advisable. Sandy Taddeo felt there is a “safety net” with 9.41(c). Judy Shrefler suggested having Council pass legislation to have CSC review all candidates. There was still the “loose end” about what happens after the review – is it binding or can Council overrule decisions made by CSC?

A straw poll was then taken to determine how the group felt about 9.41 requiring that CSC adopt a Classification Plan. Vice Chairman Jim Walsh, Tanya Taylor-Draper and Joyce Grady would like to see that requirement. They will work together to present something to the group for the next meeting.

Discussion then ensued concerning Council having to approve the CSC recommendations for Classified versus Classified positions. Jerry Wolanin reminded the group that we may not want to override elected officials (as previously discussed). Tanya Taylor-Draper had concerns about a "stalemate" if Council is left to make a decision they cannot agree on (such as the recent Budget issue in Council). She was concerned that we may leave it up to a group who cannot make a decision. Vice Chairman Walsh agree that we may need another section in this in the event of a stalemate. Chairman Gardner said a straw poll shows there is some interest that suggests getting together separately in a small working group rather than the entire CRC to draft some revisions to present to the entire group may be in order. He suggested that this small group (Walsh, Grady and Taylor-Draper) work on a draft to get out several days before the next meeting to present to the group at the next meeting, where they will be given a time limit so we can process all of the remaining items timely during the meeting.

Discussion on the Civil Service items then ceased and Chairman Gardner presented the following point of discussion, as per the agenda:

**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 prohibitions against immediate family members being employed by the City? Should they be excluded from Conflict of Interest/Nepotism policies (except Statutory requirements of the Ohio Ethics Commission, etc.)?"**

Chairman Gardner said that there are 2 sides to this item. Side 1 is "Don't penalize volunteers." Side 2 is "Volunteers are bound by the responsibility they have accepted when they took their position." He further pointed out public input offered by Mrs. Florine O'Ryan when she stated "Volunteers are hard to get." Chairman Gardner pointed out that this may be a moot point if we go by State statute because everyone would be included." A straw poll was taken and all eight members present voted to "leave as is" in the current language.

**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? Any nepotism policy/conflict of interest policy should consider the size of the City and the potential issues in obtaining volunteers for City Commissions and other positions.**

Chairman Gardner reported that he had no official communication from CRC member Jennifer Greer who seemed to have an opinion that differed from the other CRC members on this topic. He indicated that Clerk Gloria Majeski had spoken with Jennifer Greer earlier in the day and she indicated that she was in agreement "to follow

the State statutes.” Given this point, Chairman Gardner agreed to finalize our previously distributed amendment to Article IX and have it available for the next meeting. A straw poll was taken and all eight members present voted to follow State statute for Article IX, which would incorporate a Nepotism and Conflict of Interest Policy.

Item #52 through Item #54 and #56 “Civil Service related items” 9.41, 9.42  
***“Should a provision be added to Section 9.41 to make clear that any amendments to 9.4 will not affect any employee currently on “probationary” status?” “Should part-time members of the Police Department and Fire Department be Classified Civil Service?” “Should a provision be added to Section 9.42 that the “assistants” to the Fire Chief and Police Chief will not be Classified Civil Service positions?”***

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Item #54 re. “Job Descriptions” – Still under review

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### **New Business:**

Chairman Gardner identified the following action items:

#43 – Article IX - Conflict of Interest and Nepotism– top item

#19, #21, #23, #25, #26 – CRC Provisions

#29, #35 – Updating deadline for ballot

#16, #18 – Date clarification

#40 – Deletion of “Bureau” and “Agencies” – to include in Article IX

#55 – Records Commission, recognition of, as required by State Law

The group then went line by line through each item on the Prioritization Worksheet and identified each one as “No action”, “Definite Action” or a “Watch List Item” to be considered as ballot space allows. Chairman Gardner will provide language for the next meeting, will submit to members prior to the next CRC meeting for consideration, and also to Law Director Lobe for review. The next CRC meeting is set for Monday, July 27, 2015 at 7:00 p.m.

**Public Portion #2:** opened at 8:40 p.m.

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

Mr. Cihula had the following suggestions:

- a) In Vice Chairman Walsh's proposal for 9.4 Civil Service, he would recommend in 9.41 (a) that the Classification Plan must be adopted by Council "ordinance", not "resolution." An ordinance is a law, but a resolution is a consensus of Council.
- b) In Vice Chairman Walsh's proposal for 9.4 Civil Service, he would recommend "shall" in 9.41(c) and (a). The current word "must" mandates Council to take action, but "shall" gives Council the opportunity to turn in down. This was discussed at length and will continue to be discussed and finalized at the next meeting.
- c) 9.44 – "Rules" versus "Plan"
- d) If you want our law to follow ORC, Mr. Cihula suggested adding something to the effect "adopting 124.11 and 124.40 as amended from time to time" to cover future changes to State regulations.

**2) Gloria Majeski, 2717 Graylock Drive, Willoughby Hills, OH 44094**

With reference to 9.4 Civil Service, Mrs. Majeski wants to make sure that we "fix" it. Chairman Gardner indicated that he did not know if this item was "broken". However, earlier in the year, the City had a problem regarding the CSO position, which was to be a full-time Police Department position. The Labor Union had issues with the "unclassified status" and Police Patrol responsibilities. The Mayor, after consultation with CSC and Law Director, agreed that the full-time Police member position should be "Classified." Council did not agree. They had issues with the word "member" and "assistants" and were not in agreement. It took nearly six months to get this job description approved as "Classified." A lawsuit could have been filed to State Employment Relations Board (SERB) on this case, had Council not agreed to abide by Union, ORC and Charter rules. Someone not involved in the process may not see it as an "issue" but please use this as an example that of the problems relating to Article 9.4.

Public Portion #2 closed at 8:54 p.m.

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Fall Corn Fest Free Concert on Wednesday, July 15, 2015, from 7 to 9pm

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**Adjournment**

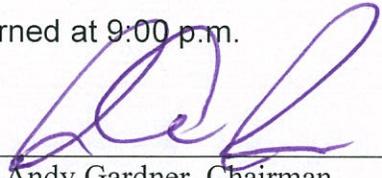
Motion to adjourn made by Joyce Grady.

Seconded by Jerry Wolanin

Vote: 8 AYES/0 NAYS; MOTION PASSES to adjourn the meeting.

Meeting adjourned at 9:00 p.m.

APPROVED:

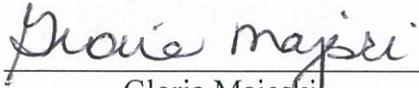


Andy Gardner, Chairman



Date

ATTEST:



Gloria Majeski