

Meeting Minutes  
CITY OF WILLOUGHBY HILLS 2015 CHARTER REVIEW COMMISSION  
Monday, August 3, 2015  
Willoughby Hills Community Center, O’Ryan Room

Call to order by Chairman Andy Gardner at 6:07 p.m.

**Roll Call:**

Members Present:

Dr. Stephen Atkins, Chairman Andy Gardner, Mrs. Joyce Grady (arrived at 6:20 p.m.), Mrs. Jennifer Greer, Mrs. Judy Shrefler, Mrs. Sandy Taddeo, Mrs. Tanya Taylor-Draper, Vice Chairman Jim Walsh and Mr. Jerry Wolanin

Eight members are present for a quorum at Roll Call; Ninth member arrived at 6:20 p.m.

**Approval of Minutes:**

Approval of Charter Review Commission minutes of 07/27/15:

Motion to approve the minutes by Judy Shrefler.

Seconded by Sandy Taddeo

VOTE: 8 AYES/0 NAYS.

MOTION PASSES to approve 07/27/15 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 7:08 p.m.

- 1) John Plecnik, 2890 Bishop Road, Willoughby Hills, OH 44092  
Councilman Plecnik indicated he had reviewed the proposed Article IX; current standards prohibit “direct” (with regard to financial interest); “we set higher standards with “indirect””; he encouraged the Commission to keep the current language; he indicated he does not “prefer” the proposed language.

Public Portion closed at 6:11 p.m.

**Old Business:**

Chairman Gardner said it was his goal to get through 9.4, then discuss 5.52, 5.3 and 4.2. We will have some discussion on these items for clarifications, take a straw

poll, discuss New Business and then go back to the issues for a vote and place on ballot.

Vice Chairman Walsh spoke about his proposal to insert the word “fiduciary” before the word “assistants” if we are to keep 9.4 relatively intact. He explained that the ORC has defined “fiduciary” and we could rely on that definition. He expanded on that by saying that if you are a “fiduciary assistant”, there are “confidential” and “financial” responsibilities involved and often times you can make decisions as though you were the person you are representing.

Chairman Gardner then spoke about 5.52 “vetting language”. He indicated two points of discussion:

- 1) “prior to employment offer by Appointing Authority” (Discussion ensued and all agreed on this language)
- 2) exempting seasonal or part-time employees (Chairman Gardner was not in favor of exempting anyone; discussion ensued and it was agreed that all employees should be included because often times even the seasonal or part-time employees require CDL certification, paramedic certification, and other licensures and credentials that would make the review process complete).

Vice Chairman Walsh reviewed the “Classification Plan”. He recognized that some CRC members had some concerns about including “part-time employees” in the Plan. He prepared both options. He said his previously presented “tie breaker option” was removed because there are no other type of tie breakers included in the Charter.

A straw poll then was taken on the Civil Service items:

- 1) ***Should we add “fiduciary” before “assistants?”***  
VOTE: 5 AYES (Grady, Taddeo, Taylor-Draper, Wolanin, Walsh)  
3 NAYS (Shrefler (does not feel it is the most important issue), Atkins, and Greer (does not think we know enough on this issue)).  
1 ABSTENTION (Gardner)
- 2) ***With regard to the Classification Plan, should we include both full-time and part-time members in 5.53? A vote for “A” constitutes you are in favor of including “full-time” members only. A vote for “B” constitutes you are in favor including both “full-time” and “part-time” members. You are permitted to vote for both.***  
VOTE: Plan A – Full-time only – 6 votes (Gardner, Grady, Taddeo, Walsh, Wolanin, Taylor-Draper)  
Plan B – Full and Part-time – 3 votes (Grady, Walsh, Taylor-Draper)
- 3) ***Should “vetting”, as amended, be included in 5.52?***  
VOTE: 9 AYES/0 NAYES

The next ballot item for discussion was 4.21, Director of Finance. Jerry

Wolanin explained his reasoning for wanting to include CPA, or government equivalent degree, or State Auditor experience, in the qualifications for the Director of Finance. Vice Chairman Walsh asked if the "County Auditor" equivalent would also be acceptable; however, Jerry felt that they were "two different jobs with auditing experience being greater at the State level". Judy Shrefler stated that she had reviewed other charters (reviewing 6 cities) and only 1 required a CPA (Mayfield Village, which is a full-time job as Finance Director). She also indicated that her research showed that other charters included other items, such as "that he/she cannot overdraw, has to give notifications about disbursements, should keep track of property" and other such things.

A straw poll then was taken by Chairman Gardner:

***"Should we change the Finance Director requirements to include CPA certification?"***

VOTE: 3 AYES (Walsh, Wolanin, Taylor-Draper)

6 NAYS (Gardner, Greer, Atkins, Shrefler, Taddeo and Grady)

This item will be taken off of the table for future discussion.

### **New Business:**

Ballot issue review and vote by CRC members:

Motion made by Joyce Grady, seconded by Vice Chairman Jim Walsh to perform Straw Poll on submitting the items discussed for ballot items; 9 AYES/0 NAYS; Motion passed to Straw Poll at this point of the meeting:

- 1) 5.81 Records Commission – term of office

Chairman Gardner suggested a 6-year term for Mayoral overlap. Vice Chairman Walsh agreed. No other term limits were offered by the group. A vote was taken.

***"Should a 6-year term be assigned to the resident (elector) member of the Records Commission?"***

VOTE: 9 AYES/0 NAYS; Motion passes to consider this item for ballot issue.

- 2) 7.2 – notice period from 60 to 90 days:

VOTE: 9 AYES/0 NAYS; Motion passes to consider this item for ballot issue.

- 3) 8.33 – changes "at least 30 days before" to "on or before the scheduled distribution of any form of absentee ballot by the Board of Elections"

Discussion: Jerry Wolanin brought up electronic capability. Chairman Gardner suggested waiting until the Board of Elections accepts the same.

VOTE: 9 AYES/0 NAYS; Motion passes to consider this item for ballot issue.

- 4) 5.61 and 5.62 – CRC issues – "at least" every 8 years (appointment), "within the City of Willoughby Hills" (where elected), and "not later than August 1" (changes submission dates)

VOTE: 9 AYES/0 NAYS; Motion passes to consider these items for ballot issue.

- 5) 10.4 – Charter Amendments – submission to ballot  
VOTE: 9 AYES/0 NAYS; Motion passes to consider these items for ballot issue.
- 6) Article 9 – 9.34 (with amendments as proposed on handout)  
VOTE: 6 AYES/2 NAYS/1 ABSTENTION; Motion passes to consider this item for ballot issue.
- 7) 5.52 – “vetting”  
VOTE: 9 AYES/0 NAYS; Motion passes to consider this item for ballot issue

Chairman Gardner offered one last chance to pull any items from “Watch List” for ballot consideration; no one spoke. It was his opinion that we are probably at 7 to 11 ballot issues, depending on how Article IX is broken up. We will then proceed with the items previously discussed for final vote for ballot inclusion following “Public Portion #2”.

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

- 1) John Plecnik, 2890 Bishop Road, Willoughby Hills, OH 44092  
Councilman Plecnik felt that (with regard to 9.3 Removal from Office), Council could appoint the Mayor according to his interpretation of 2.3 Vacancy in Office in the event that the Council President would be unable or unwilling to assume the Mayoral duties within the eighteen months of the Mayoral term. (This was his interpretation but the Charter does not currently indicate this option in 2.3). Councilman Plecnik also again expressed his desire to keep “direct” and “indirect” in Article IX, as he stated in Public Portion #1.
- 2) Linda Fulton, 2990 Marcum Blvd., Willoughby Hills, OH 44092  
Ms. Fulton inquired about presentation of the Charter items to the public. (Chairman Gardner indicated that we will be discussing that as an Agenda item before the meeting concludes).
- 3) Gloria Majeski, 2717 Graylock Drive, Willoughby Hills, OH 44094  
Mrs. Majeski expressed her disappointment in not considering the Civil Service items as being vital to the day-to-day operations of City Hall. She feels all positions should be reviewed by a board of individuals who have no direct or indirect relationship with any applicant. She felt every employee deserves fair hiring and firing procedures, even if Ohio is a “fire at will” state. “Fiduciary” would eliminate future problems as what recently happened with the CSO position as it clarifies “assistants.”

Public Portion #2 closed at 8:46 p.m.

Chairman Gardner commented on Councilman Plecnik's remarks, stating that he does not "buy into the fact that Council would appoint; he believes that the President of Council and voters would decide, depending on the number of months left to serve. For 9.32, he said CRC could add the words and define that this includes "Council may appoint successor", if desired.

Chairman Gardner then asked for a motion to confirm that the CRC would collectively need 6 affirmative votes to put an issue on the ballot. Motion was made by Vice Chairman Jim Walsh, seconded by Joyce Grady to agree that 6 affirmative votes by CRC were needed to consider it for ballot inclusion. Vote: 9 AYES/0 NAYS; Motion passes to confirm that 6 affirmative votes by CRC are needed to consider an item for ballot inclusion.

Each ballot item was then voted on:

- 1) "Should 5.8, acknowledging the Records Commission be put on the ballot?"  
Motion made by Vice Chairman Jim Walsh, seconded by Joyce Grady  
VOTE: 9 AYES/0 NAYS.  
Motion passes to include 5.8 Records Commission on the ballot.
- 2) "Should 7.2, changing notice period from 60 to 90 days be put on the ballot?"  
Motion made by Joyce Grady, seconded by Judy Shrefler.  
VOTE: 9 AYES/0 NAYS  
Motion passes to include 7.2 Voter Approval on Tax Levies amendment on the ballot.
- 3) "Should 8.33, changing official notice from "at least 30 days" to "on or before the scheduled distribution of any form of absentee ballot by the Board of Elections" be put on the ballot?"  
Motion made by Joyce Grady, seconded by Tanya Taylor-Draper.  
VOTE: 9 AYES/0 NAYS  
Motion passes to include 8.33 Official Notice amendment on the ballot.
- 4) "Should 5.61 and 5.62 Charter Review Commissions amendments, as presented, be put on the ballot?"  
Motion made by Tanya Taylor-Draper, seconded by Joyce Grady to include Charter Review Commission items ( to include "at least", "within the City of Willoughby Hills, and "not later than August 1") on the ballot.  
VOTE: 9 AYES/0 NAYS  
Motion passes to include 5.61 and 5.62 Charter Review Commission amendments, as presented, on the ballot.
- 5) "Should 10.4 Charter Amendments, as presented, be put on the ballot?"  
Motion made by Jerry Wolanin, seconded by Jennifer Greer to include Charter Amendments changes as presented on the ballot.  
VOTE: 9 AYES/0 NAYS

Motion passes to include 10.4 Charter Amendments changes, as presented, on the ballot.

- 6) “Should Article IX, Personnel, as presented, be put on the ballot?”  
Motion made by Steve Atkins, seconded by Jerry Wolanin to put Article IX amendments, as presented, on the ballot.  
VOTE: 6 AYES (Atkins, Walsh, Gardner, Wolanin, Taddeo, Shrefler)  
2 NAYS (Taylor-Draper, Grady)  
1 ABSTENTION (Greer)  
Motion passes to include Article IX amendments, as presented, on the ballot.
- 7) “Should 5.52 Civil Service Commission which establishes a “vetting” procedure for all candidates prior to employment offer (as presented) be included on ballot?”  
Motion made by Joyce Grady, seconded by Steve Atkins to put 5.52 amendment, as presented, on the ballot.  
VOTE: 9 AYES, 0 NAYS  
Motion passes to include 5.52 Civil Service Commission amendment, as presented on the ballot.

Chairman Gardner then advised the group that we will email some possible dates the Public Meetings can be held. Ideally, he suggested two meetings, maybe twice in October, a week or two apart.

### **For the Good of the Order**

Chairman Gardner took a moment to thank the group for all of their hard work, citing an “exceptional job” by all, including C.J. Latsa who was on the CRC in 2014, to get to the ballot items that we discussed tonight. He reminded all to observe the Sunshine Laws until after the election as it pertains to discussing the CRC items.

YMCA Dream House – last weekend to see the Dream House!

Lake County Fair – 8/12/15

Last Stop Willoughby – Saturday, August 15, 2015

Lake County Captains – Celtic Festival – Saturday, August 7, 2015

School of Innovation – opening day Wednesday, August 19, 2015

Last Fall Corn Fest Concert – Wednesday, August 19, 2015

State Sales Tax Exemption weekend – this weekend

Citywide Garage Sale - Saturday, August 8

