

MEETING MINUTES  
CITY OF WILLOUGHBY HILLS 2014 CHARTER REVIEW COMMISSION  
Tuesday, August 12, 2014 at WH Community Center

**Call to Order:**

Meeting called to order by Chairman Andy Gardner at 6:40 p.m.

**Roll Call:**

Members Present:

Dr. Stephen Atkins, Chairman Andy Gardner, Mrs. Joyce Grady, Mr. C. J. Latsa, Mrs. Sandy Taddeo, Mrs. Tanya Taylor-Draper, Vice Chairman Jim Walsh and Jerry Wolanin

Members Absent:

Mrs. Judy Shrefler

Eight of nine members are present – recognized as quorum.

**Approval of Charter Review Commission minutes of 08/11/14 – deferred - to be approved at 8/18/14 mtg.**

**Public Portion:**

Public Portion opened at 6:41 p.m.

The following individuals spoke:

- 1. Councilman David Fiebig, 35701 Hanna Road, Willoughby Hills, OH 44094**  
Councilman Fiebig asked for clarification from last night's meeting regarding Chairman Gardner's remark about members feelings about not putting items on the ballot out of fear of reappointment to CRC being in jeopardy and not being able to speak their minds freely. He said he wants "to hear a thorough debate" and encourage them to hold the Charter to its "highest standard" and "not feel pressured."
  
- 2. Mr. Joe Jarmuszkiewicz, 31301 Eddy Road, Willoughby Hills, OH 44094**  
Mr. Jarmuszkiewicz suggested that Public Portion be held at the end of the meeting to allow for better comment.
  
- 3. Mrs. Gloria Majeski, 2717 Graylock Drive, Willoughby Hills, OH 44094**  
Mrs. Majeski asked that the CRC consider defining "gross misconduct, malfeasance,

misfeasance, etc.” when they are working on the “Removal from Office” section of the Charter. She fears if a Council member were brought forward for something such as a DUI or a Sunshine Law violation, it is unclear where that would fall without clear, concise definitions. Also, she asked for their opinion and comments with regard to “Conflict of Interest” where a Department Head (who is Council reliant for appropriations, raises and other financial considerations) would support a Council member’s campaign. Would that be allowable? Some current City Hall Department Heads are unsure.

Public Portion closed at 6:49 p.m.

Chairman Andy Gardner commented on all three Public Portion comments as follows:

- 1) With regard to Councilman Fiebig’s concern re. CRC members feeling “pressured” to speak their minds: He clarified that he had been approached by two CRC members on separate occasions with the concern that they were concerned about fully expressing their opinions if the CRC did not put any issues on the ballot and sought re-appointment. They were concerned that if their opinions were not shared by those re-appointing and re-confirming the group, they may not be re-appointed. He reassured them that they needed to do the right thing and not be concerned about speaking their opinions openly.
- 2) With regard to Mr. Jarmuszkiewicz’s comment about Public Portion: He advised him that we do indeed have a second Public Portion at the end of each CRC meeting for an additional opportunity to voice any concerns or ask any questions.
- 3) With regard to Mrs. Majeski: You “stole my thunder.” Chairman Gardner then distributed 2 documents from Cuyahoga County, one which contained a policy entitled, “Receiving Campaign Contributions” which addresses the Department Head concerns of giving to a Council member’s campaign.

The 2 documents Chairman Gardner distributed are:

Ordinance O2011-0008 of County Council of Cuyahoga County, Ohio (enacted 4/5/11)  
Ordinance O2012-0032 of County Council of Cuyahoga County, Ohio (amended multiple times)

Chairman Gardner indicated that even a “Whistle Blower provision” was not considered here, but is an option for the CRC. He indicated that he provided that documents as another tool to see how things are done and how things are written.

#### **Old Business:**

Continuing Discussion re. Article IX:

Vice Chairman Jim Walsh felt that we had three options: 1) Do nothing, 2) Incorporate all of the language discussed into the Charter, or 3) Have the CRC direct Administration to do an Ethics Policy with resident input and present to Council for approval.

Mrs. Tanya Taylor-Draper indicated she thought an "appendix" would be helpful for definitions. Chairman Gardner agreed that he had thought about Vice Chairman Jim Walsh's remarks last meeting regarding checking with a judge regarding making a decision on the definitions such as malfeasance, misfeasance, etc. He gave examples of how difficult he thought it would be for Council without definitions to serve as a guideline for them. Vice Chairman Jim Walsh suggested that we could reference definitions to be from another source (i.e. OEC). Dr. Steve Atkins suggested "let the hearing sort it out and let them debate. They can judge if there are grounds to investigate." Mr. Jerry Wolanin had concerns that the public may feel certain acts should be punishable. Mrs. Tanya Taylor-Draper suggested use of the Cuyahoga County info as a guide. "It is nice to see what others do." Mr. Jerry Wolanin recommends giving basic framework, but not being so specific to tie future Councils to it. For instance, DUI with a City vehicle may be perceived to be different than "DUI". Mr. C. J. Latsa had concerns about misuse of the "Removal Policy", especially since Council has been elected to use good judgment by the people of Willoughby Hills. Mrs. Sandy Taddeo offered that it is a good mechanism for people to have fair judgment. At this point, discussion on "Removal from Office" ended and Chairman Gardner asked Mrs. Joyce Grady to report on her "Conflict of Interest" proposal.

Mrs. Joyce Grady provided a handout which discussed Section 9.21 and suggested:

*Delete current first paragraph and substitute the following paragraph from RC 102.03 (D) as noted on Advisory Opinion 2010-03 dated July 25, 2010, to outline our Conflict of Interest Policy:*

*"No public official or employee shall use or authorize the use of the authority or influence of office or employment to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties."*

*Leave paragraph #2 the same to read:*

*"No officer or employee shall hold any other elected public office nor any other employment incompatible with his duties as an officer of this municipality."*

*Delete current third paragraph and substitute the following paragraph from RC 102.03 € as noted on Advisory Opinion 2010-03 dated July 25, 2010, to further outline our Conflict of Interest Policy:*

*"No public official or employee shall solicit or accept anything of value that is of such a*

*character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties."*

In addition to her presentation, Mrs. Joyce Grady indicated that she would like to add the following provisions but was uncertain on how to appropriately incorporate it:

- 1) *Five year cap on the time you do business with a vendor who may have had dealings with the Officer or Employee & should it be based on a dollar amount?*
- 2) *Would also like to add explanation of "a determination of whether an employee has an interest in his or her employer's contract as outlined in OEC Opinion 2009-02 dated 3/3/09. (i.e. states must have ownership interest in company, is a director...)"*

Discussion ensued regarding setting a time limit and dollar limit with vendors and accepting "items of value." Dr. Steve Atkins referred the group to page 15 of the Cuyahoga County Ordinance O2011-0008 with regard to what needs to apply for a public interest contract (4 factors from the OEC). Chairman Gardner also referred the group to page 31 of O2012-0032 which addresses "Officers/Employees Receiving Ethics Policy." Vice Chairman Jim Walsh asked Councilman Fiebig in the audience if he received any such document when he started with the City of Willoughby Hills. Councilman Fiebig said he did not. Clerk Gloria Majeski offered to the group that all employees do receive an Ethics Policy booklet from HR, but was not sure how comprehensive it was. Chairman Gardner asked the Clerk to obtain a sample of this booklet from Human Resource Department and make it available to the CRC members for review, as well as providing it to all of Council.

Chairman Andy Gardner read the email dated 8/12/14 from Economic Development Director Steve Roszczyk regarding clarification of his previous email on zoning.

Old Business closed.

New Business opened:

Vice Chairman Jim Walsh said he was optimistic, but would like to discuss on Monday where we need to go to get the language on the ballot. Chairman Andy Gardner agreed that we will lead off with this on Monday.

## **Public Portion #2**

Public Portion #2 was opened and the following residents spoke:

- 1) **Mr. Joe Jarmuszkiewicz, 31301 Eddy road, Willoughby Hills, OH 44094**  
Mr. Jarmuszkiewicz thanked the CRC for their efforts. He realizes through his work with the WH Boys League how hard it is to get people to volunteer.

- 2) **Councilman David Fiebig, 35701 Hanna Road, Willoughby Hills, OH 44094**  
Councilman Fiebig reminded the CRC that “changing a few words could change a lot.” He also spoke about the dollar values being added with the Conflicts of Interest policy and definitions of “substantial.”
- 3) **Mrs. Gloria Majeski, 2717 Graylock Drive, Willoughby Hills, OH 44094**  
Mrs. Majeski agreed with Councilman Fiebig’s analysis of the “dollar values” on Conflict of Interest Policy and spoke highly of the OEC course at Lakeland, which excelled in defining many of these ethics issues.

Public Portion closed.

**For the Good of the Order:**

Mrs. Sandra Taddeo announced “Last Stop Willoughby this Saturday” with the Market open from 8 a.m. till noon and a parade at 2:00 p.m. from South High School.

Chairman Andy Gardner announced that the South High Band Booster parents will be at the Lake County Fair this weekend.

**Adjournment:**

Motion to adjourn by Mr. Jerry Wolanin seconded by Mrs. Joyce Grady.

ROLL CALL: 8 AYES – unanimous                      MOTION PASSES.

Meeting adjourned at 8:00 p.m.

APPROVED: 8/18/14



Andy Gardner, Chairman

ATTEST: Gloria Majeski  
Gloria Majeski