

MEETING MINUTES  
CITY OF WILLOUGHBY HILLS 2014 CHARTER REVIEW COMMISSION  
Monday, September 15, 2014

**Call to Order:**

Meeting called to order by Chairman Andy Gardner at 7:04 p.m.

**Roll Call:**

**Members Present:**

Dr. Stephen Atkins (arrived at 7:20 p.m.), Chairman Andy Gardner, Mrs. Joyce Grady, Mr. C. J. Latsa, Mrs. Judy Shrefler, Mrs. Sandy Taddeo, Mrs. Tanya Taylor-Draper, and Mr. Jerry Wolanin (arrived at 7:07 p.m.)

**Members Absent:**

Vice Chairman Jim Walsh

Six of nine members are present at Roll Call – recognized as quorum (Dr. Stephen Atkins and Mr. Jerry Wolanin arrived shortly after Roll Call).

**Approval of Charter Review Commission minutes of 08/19/14 as amended:**

Motion made by Mrs. Joyce Grady to approve the minutes of 8/18/14, seconded by Mr. C. J. Latsa.

VOTE: 6 AYES, (Dr. Stephen Atkins & Mr. Jerry Wolanin not yet present at vote).

MOTION PASSES.

**Public Portion:**

Public Portion opened at 7:06 p.m.

No one spoke.

Public Portion closed at 7:06 p.m.

**Old Business:**

Chairman Andy Gardner reported that he attended the 9/11/14 City Council meeting and gave a synopsis of the Commission's work, including the starting point; getting comments from Administrative Department Directors, Council members, Commissions and residents; prioritizing comments and suggestions; Article IX work; and decision to put no items on the November 2014 ballot. While Council President Somich and Councilman Biro were not in attendance, other members of Council were very complimentary of the CRC efforts.

Chairman Andy Gardner reported he had received an email from Dr. Stephen Atkins regarding Article IX and will give him an opportunity to convey it to the group when he arrives.

Chairman Andy Gardner welcomed CRC's discussion on anything they have reviewed or want to present since last meeting.

Mrs. Judy Shrefler distributed a document drafted by herself, Mrs. Tanya Taylor-Draper and Mrs. Joyce Grady, giving "Option A" and "Option B" as related to revision of 9.21 and 9.22. "Option A" revised the current Charter language to incorporate some of the language found in OEC. "Option B" deletes current Charter language having to do with "Conflict of Interest" and "Nepotism" and refers both items to the laws of the State of Ohio pertaining to conflict of interest, criminal behavior and ethics. Mrs. Shrefler discussed the good information now available in the OEC, which was established in approximately 1974, while our Charter was written in 1970 before having the benefit of the OEC documents. Mr. C. J. Latsa agreed and paralleled it to work in IT where you change something in one area and then it affects something else. Mrs. Tanya Taylor-Draper mentioned the idea of "giving up power" which was a concern. "The City should keep its Home Rule." Mrs. Judy Shrefler thought Home Rule would still come into play. Chairman Andy Gardner reminded the group of previous Council remarks regarding "holding people to a higher standard" which would make it "more strict."

At this point in the meeting, it was noted that a Vice Chairman Pro Tem had not been appointed in the absence of Vice Chairman Jim Walsh. Mr. Jerry Wolanin made a motion to nominate Mrs. Tanya Taylor-Draper for Vice Chairman Pro Tem, but she declined the nomination. Dr. Stephen Atkins nominated Mrs. Judy Shrefler, seconded by Mr. C. J. Latsa. Mrs. Shrefler accepted the nomination; CRC voted (7 AYES, 1 Abstention from Mrs. Shrefler); Motion Passes to approve Vice Chairman Pro Tem for tonight's meeting as Mrs. Judy Shrefler.

Discussion continued with Dr. Stephen Atkins suggesting that "Council should set the parameters for a Code of Conduct" as it relates to "Removal from Office." Mrs. Tanya Taylor Draper felt that there should be "degrees, rather than direct or immediate removal." Dr. Atkins once again suggested that "Council should make the rules." Mr. Jerry Wolanin offered that the OEC may be better able to handle changes down the road. He had concerns about "Council majority having an agenda if Council was left to its own devices" (with regard to "Removal from Office"). Mrs. Joyce Grady said that "everyone deserves due process." Dr. Stephen Atkins had concern about the degree of penalty and what the graded results would be. Mr. Jerry Wolanin offered that the "Recall" provision would still be available for the voters.

Vice Chairman Pro Tem Judy Shrefler then reviewed her suggestions to the Steve & Jim proposal regarding "Removal from Office." (See handout) She explained that the words "punish" and "suspend" may be added to 9.32 to give other options than just "remove." In addition, she added three items not currently in the Charter which denote other possible violations warranting action of punishment, suspension or removal. Vice Chairman Pro Tem Shrefler also suggested that the accused Council member be "immediately" served with the written complaint, rather than risking possible threats or "hear say" of an impending complaint being served, which would be unfair to the Council member. Further, she suggested that the complaint be filed with the Council Clerk and ensure that any legislative action by Council by the accused not be rendered "void or ineffective".

Chairman Andy Gardner referenced Cuyahoga County 2011-008 page 32 document regarding a "Progressive Discipline Procedure." Dr. Atkins suggested that a hearing should be offered, but the accused should be able to accept a punishment imposed by Council. Chairman Gardner pointed out that it may be difficult to define punishments when you need your Council member to serve on committees, etc. "Where do we go progressively?" Dr. Atkins suggested that a Public Hearing would let the electors know. Mrs. Sandy Taddeo offered that "there has to be some wiggle room; you cannot have every scenario accounted for." Discussion ensued regarding the example of an "OVI" offense. Would the recent punishment of a School Board member be acceptable – in that instance, "1 was excusable, but the 2<sup>nd</sup> is grounds for termination." Also, the member's contract was amended accordingly and community service hours were ordered. Dr. Atkins agreed that even an offense in a City vehicle may be disciplined differently than one in a personal vehicle. Mr. C. J. Latsa suggested that maybe it should be "will the person still be able to perform their job", offering the difference between an OVI crime versus something much more serious and severe. Mr. Jerry Wolanin asked about the existence of a City Alcohol and Drug Abuse Policy and the possibility of following those guidelines. Dr. Atkins suggested that possibly "removal, punish and suspend" should be broken out separately with regard to punishment.

Discussion then turned to the "no relative clause" in the Nepotism Policy. Vice Chairman Pro Tem Judy Shrefler prefers OEC to decide if something unethical was done, and not just consider the relationship of two individuals. Chairman Gardner reminded her that the Nepotism Policy drafted was designed to set a slightly higher standard. "You must consider the size of the community, as Mrs. O'Ryan eluded to." Dr. Atkins felt that enacting the current provisions would "devastate the city, because it is prevalent." He then talked about volunteerism and using students in various capacities in that regard. Chairman Gardner added that the "level of volunteerism makes a difference, too", indicating that some volunteer tasks cannot be filled by students. Chairman Gardner then reviewed the proposed Nepotism Policy

with Mayor, Council and Department Heads not being able to employ spouses or children living in the household.

**New Business:**

Chairman Gardner reviewed the plan for future CRC meetings and suggested the following:

- Take a straw poll for Option A and Option B for proposed Article 9.2 (prepare/finalize language)
- Finalize 9.32 Removal from Office – considering changes presented by Vice Chairman Pro Tem Judy Shrefler
- Consider then going through all of the rest of the Charter sequentially before finalizing and making sure they all work together.
- Other “hot” topic – 5.15 Zoning

In closing, Mrs. Tanya Taylor-Draper said that she likes the “atmosphere” of the Community Center meetings. (Clerk’s Note: There will be no audio tape of meetings held in the Community Center without microphones for proper quality tapes).

**Public Portion #2**

Public Portion #2 was opened at 8:57 p.m. and the following residents spoke:

- 1) **Mr. Frank Cihula, 35060 Dixon Road, Willoughby Hills, OH 44094**  
Mr. Cihula commented on “Option A” notation regarding a 5-year cap and felt it to be “unenforceable.” He also mentioned “Council Rules” that are established at the Organizational Meeting every other year. Another suggestion he had would be to delete the fraction of votes needed (i.e. 2/3) and replace it with an actual number of votes needed. He also liked the idea to sequentially review things in the Charter.
  
- 2) **Mrs. Gloria Majeski, 2717 Graylock Drive, Willoughby Hills, OH 44094**  
Mrs. Majeski suggested that “taking the politics out of it” may make some decisions easier, such as the punishment phase and “Removal from Office,” as well as Civil Service Commission issues when they are discussed. Having an entity without any bias whatsoever will serve the residents in a fairer manner.

Public Portion closed at 9:05 p.m.

**For the Good of the Order:**

Mrs. Sandy Taddeo mentioned the following upcoming event:

W-E Library and WH Historical Society "Great Lakes Expo of 1936" Program on  
September 24, 2014 at 7 p.m. at WH Community Center

Chairman Andy Gardner reminded all of the South High Rebels at Home on Friday Night  
at 7:00 p.m.

**Adjournment:**

Motion to adjourn by Mrs. Joyce Grady seconded by Mrs. Sandy Taddeo

ROLL CALL: 8 AYES – unanimous      MOTION PASSES.

Meeting adjourned at 9:08 p.m.

APPROVED: 10/6/14

  
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Andy Gardner, Chairman

ATTEST: Gloria Majeski  
Gloria Majeski