

CITY OF UNIVERSITY HEIGHTS
MINUTES OF CHARTER REVIEW COMMISSION MEETING
MARCH 10, 2009

The meeting could not be called to order at 7:30 p.m. because of a lack of a quorum. While waiting for other members to arrive, Mr. Morrison opened the floor to questions from the audience.

Laurenda Messer, Dysart Rd. resident since 1980, inquired as to when any proposed changes would take effect. Mr. Morrison replied that any issues to amend the Charter will be on the November election ballot. He added that candidates, who are running for Mayor and Council positions at the November election will be running for the positions as they currently exist in the Charter. He also noted that the commission is leaning toward retaining the Mayor-Council form of government. Mr. Morrison also stated that the commission could establish an effective date four (4) years from now on any amendments. Mr. McConville mentioned that the commission has not discussed this yet, but he added it is important for the commission to work out the right form of government for the community. Mr. McConville stated that he believes whatever recommendations the commission makes, if passed by the voters, the changes would become effective to coincide with the term of the mayoral election, that being January 1, 2010. He added that the more complex issue would be whether or not the commission decides to eliminate the position of Mayor or make it a ceremonial position only, which has not been considered to date. Mr. McConville stated that the commission hopes to have its work completed in time so that candidates would know what the position would entail prior to filing petitions.

Dan Hoshiko, an Edgerton Rd. resident, asked where the commission is headed. Mr. Morrison highlighted what the commission has done to this point: the Commission has been meeting on the second and fourth Tuesday of every month since October; the commission has completed research about the various forms of government; interviews were held with the Mayor, Council members, all city directors, and professors from Cleveland State University; received input from residents; completed homework; received a draft of a charter with changes, which is expected to be a subject of discussion at this meeting. Mr. Morrison stated that no decisions have been made at this time. He noted that the draft charter and minutes are posted on the City's web site, www.universityheights.com.

Chairman Harvey Morrison called the meeting to order at 7:50 p.m.

A. ROLL CALL

Present: Mr. Harvey S. Morrison
Dr. Roderick H. Adams, Jr. (not at roll call)
Mr. F. Michael Boyle
Mr. Simon A. Carroll (not at roll call)
Mr. Robert McClintock
Mr. Luke McConville
Mrs. Susan Pardee
Mr. Joseph M. Shafran (not at roll call)
Mr. Mark N. Wiseman

Absent: Mr. Paul M. Miller
Mr. Jason Patrick Ferrante

Also Present: Clerk of Council Nancy E. English

MOTION BY MR. MORRISON, SECONDED BY MR. McCONVILLE to excuse the absence of Mr. Miller and Mr. Ferrante. On voice vote, all voted "aye."

B. REVIEW AND APPROVAL OF AVAILABLE MEETING MINUTES

There were no corrections or additions to the minutes of February 24, 2009.

MOTION BY MR. BOYLE, SECONDED BY MRS. PARDEE to approve the minutes of February 24, 2009 as presented. On roll call, all voted “aye.”

C. DISCUSSION OF THE EXISTING CHARTER AND POTENTIAL CHANGES

Pursuant to Section 6 of Ordinance No. 2008-45, Mr. Morrison entertained a motion to extend the commission’s reporting period because of two (2) working meetings which were lost. One meeting (1/13/2009) was cancelled due to inclement weather and the second meeting (2/24/2009) was spent answering questions from the audience.

MOTION BY MR. MORRISON, SECONDED BY MRS. PARDEE to extend the Charter Review Commission’s reporting time for a period of sixty (60) days from April 6, 2009 as provided in Section 6 of Ordinance No. 2008-45. On voice vote, all voted “aye.”

Mr. Morrison pointed out changes previously made to the charter:

- PREAMBLE
A typographical error was identified – the word “insure” in the preamble was changed to read, “ensure.”
- ARTICLE 1 - POWERS
There were no changes made to Article 1.
- ARTICLE 6 - ADMINISTRATIVE OFFICERS AND DEPARTMENTS
The first sentence of the second paragraph was changed to read, “The Director of Law shall be in charge of the Department of Law, appointed by the Council to serve at the pleasure thereof.”

With regard to the draft Charter presented by Mr. Boyle at the meeting of February 24, 2009, Mrs. Pardee inquired as to whom would appoint the Director of Law, Police Chief, Fire Chief and their commanders under the proposed Charter because it is not indicated in the proposal. Mr. Boyle suggested that it be discussed among the members. Mr. Morrison stated that the Law Director is currently appointed by Council. It was pointed out that Police Chief and Fire Chief are under the Safety Director, which would be the City Administrator.

Mrs. Pardee stated that in reviewing the City of Oregon, Ohio, she found that the City Administrator reports to the Mayor and the Mayor has the hiring and firing authority with the Administrator running the operations of the City. She pointed out that in the proposed draft Charter the Administrator does the hiring and firing and reports to Council through the Mayor. She questioned what power the Mayor would have under the proposed draft Charter. Mr. Boyle stated that his thought process after hearing that people do not want a ceremonial Mayor and in reviewing what Dr. Keller wrote, was that he wanted the Mayor to have input by recommending the appointment and removal of the City Administrator to the Council. Mrs. Pardee supported the idea of a City Administrator.

Sandra Turza, 2603 Traymore Rd., inquired if the City Administrator would be evaluated annually and how the administrator would have authority over the staff. Mr. Boyle responded that the City Administrator would be required to report to the Mayor and Council quarterly and he would be evaluated each year. He also stated that the proposed Charter gives the City Administrator the authority to oversee the staff without interference from the Mayor or Council.

Mr. Wiseman suggested that the threshold issue regarding the form of government be decided before discussion of the proposed draft Charter. Mr. Boyle stated that he presented the draft Charter to evoke serious discussion and he was ready to make a motion as to the form of government. Mr. McClintock stated that when the straw vote was taken on February 10, 2009, it was clear that the majority of the CRC members were migrating toward a hybrid form of government with a professional management position and that there would be further discussion regarding the same. Mrs. Pardee agreed with considering the form of government.

MOTION MR. MORRISON to disregard the City Manager form of government. Motion DIED for lack of a second.

Mr. Boyle stated that there may be some job functions of a professional position under the hybrid form of government that would normally be attributed to a City Manager position. He added that the commission would be in a dilemma if it presents components of a City Manager position to the electorate after voting to disregard the City Manager form of government. Mr. Morrison stated that he is of the opinion that the commission wants to retain the elected position of Mayor as the chief executive and add a City Administrator as the chief administrative officer, who would run the day-to-day operations of the City. Mr. McConville suggested that the motion be stated in the affirmative rather than in the negative. He added that a majority of the CRC members are interested in a structure that would inject a professional position into the City government. Mr. McConville stated that if this is the case, then the next issue would be how to carefully delineate the duties of two (2) executive officers. He added that the City Manager form of government has not been discussed and it should not be ruled out prior to discussion.

Mr. Wiseman suggested that the members deliberate openly revealing each person's position with regard to the structure of government. The various forms of government were noted: 1) leave the structure the same as it is currently, which is a strong Mayor-Council form (Federal Plan); 2) Council-Manager form (City Manager Plan); 3) a hybrid form consisting a Mayor-Council form of government with a City Administrator recommended by the Mayor and confirmed by Council; and 4) Commission Plan (which is not being considered).

Mr. McClintock noted that Council could establish the position of City Administrator by ordinance instead of placing it in the Charter. Mr. Boyle pointed out that if the position is established by ordinance then the City Administrator would be a subordinate of the Mayor.

Mr. Wiseman stated that he was not in favor of leaving the structure the same. He wanted a professional person with a degree who would be answerable to the Council. He noted that the professional person should have fiscal responsibilities because he feels the current Finance Director is fundamentally a payroll clerk. He was not sure University Heights needs a strong Mayor structure because there are seven (7) elected at-large Council members. He added that if a Mayor is needed to secure county, state or federal grant funds, then he wants a Mayor. Mr. Wiseman was in favor of a City Manager or City Administrator recommended by the Mayor and approved by the Council. However, he mentioned that perhaps a City Manager is not the best choice because they are usually appointed in larger cities.

Mr. McClintock stated that the City needs someone who is going to look for other resources and who has the ability to perform better with the resource it has. He added that the professional should reach out to other communities to share resources and to use creativity in providing efficiencies within various departments. However, he was not in favor of merging with another city.

Mr. McClintock stated that the management of the City cannot be left to chance in a mayoral election because professional experience is not a prerequisite of running for Mayor. He feels that a City Manager is probably too much for people to accept. Therefore, Mr. McClintock was in favor of a hybrid form of government with an elected Mayor and a City Administrator. He added that the funds are available to support the professional position.

Mr. Morrison was in favor of a City Administrator to manage the day-to-day operations of the City. He stated that professionalism is needed in the administration and operation of the City. Mr. Morrison stated that the proposed draft Charter presented by Mr. Boyle mandates that Council "shall" appoint a City Administrator. He preferred that it be changed to Council "may" appoint a City Administrator. That way if funds are not available to support the position then the City would not be required to have an administrator. Thereby, leaving the decision to the Mayor and Council.

Mr. McConville was in favor of a professional being inserted onto the governmental structure. In respecting the public desires, he wanted to maintain a Mayor, who is more than just a ceremonial head. He suggested that the Mayor have the ability to appoint and to be accountable to the public. Mr. McConville stated that with a two-executive structure, the roles of the Mayor and City Administrator would have to be clearly delineated within the Charter. He was optimistic that the commission could accomplish that. With regard to the draft Charter presented by Mr. Boyle, Mr. McConville recommended that the Mayor be removed for having any appointment power over the City Administrator and that the appointment be left to Council. He added that the City would benefit from having a professional because the City would be able to take advantage of regionalism opportunities and economic development opportunities.

Mr. Shafran entered the meeting at 8:40 p.m.

Mrs. Pardee stated that she feels the City needs a professional in the structure. She mentioned that the position could be called a City Administrator or Chief Administrative Officer. However, the important issue would be the job functions and responsibilities of the position such as economic development, technology, communications, etc. She was concerned about how the organizational structure would look in the end, that is who would hire and fire the administrator. Mrs. Pardee pointed out that if the administrator is hired and fired by the Council, oversees all employees, and the Mayor has no other power, that is basically a Council-Manager form of government regardless of what the position is called. She mentioned that she knows many people who are not satisfied with the Council-Manager form of government. She was also concerned about putting someone in place who would be difficult to remove as in a Council-Manager form of government. Mrs. Pardee was in favor of having an administrator, but she suggested that the commission look carefully at how the structure is set-up.

Mr. Boyle stated that professional management of the day-to-day operations is needed in order to get the City through these difficult times. Mr. Boyle stated that he put together the proposed draft Charter to evoke discussion about what is best for the City. He believes that a Mayor-Council form of government with a City Administrator is what the City needs because it provides the citizens with an elected Mayor and a professional to run the day-to-day operations of the City. He added that how the position looks and feels is important because that at the end of the day a radical change would not be accepted by the electorate. Mr. Boyle was in favor of inserting a professional into the Charter and he disagreed with using the language, Council "may" appoint a City Administrator. He wanted to use the word "shall" so that the recommendation is specific.

Dr. Adams entered the meeting at 8:50 p.m.

Mr. Shafran stated that many communities are dealing with some of the same issues as University Heights because of the hard economic times. Therefore, items such as clustering/sharing services have to be considered. Mr. Shafran stated that the issues facing the City require tight daily management and an individual who can connect with leaders of other municipalities who might be able to help to deliver the services that have to be provided. Mr. Shafran favored a classic model of a Chief Executive Officer, who runs the city, and a Chief Operating Officer, who runs the day-to-day operations of the City. He added that University Heights has always been a comfortable place to live and the leadership has always been an elected leadership. He is comfortable with an elected Mayor. Mr. Shafran stated that a professional who is appointed by the Mayor and/or Council (whatever the commission decides) and who reports to the Mayor would be a comfortable situation. He pointed out that he would not want to see an administrator on the same level as the Mayor, such as in the case of a City Manager. Mr. Shafran stated that the dedication of the employees impressed him during this process, but the facilities are not adequate to produce the desired efficiency. He thought the City leadership could help in this respect.

Dr. Adams stated that the existing form of government has operated efficiently to some extent over the years, but it does not have to remain that way and if there is a better way of operating then that should be considered. He noted that the CRC was charged with reviewing the Charter and making recommendations to the Council. He pointed out that the commission will make its recommendations keeping the best interests of the City in mind, but the electorate will have the final say. Dr. Adams was in favor of a hybrid form with a City Administrator. He thought that Mr. Shafran's analogy of a Chief Executive Officer and a Chief Operating Officer was a good idea.

Mr. Carroll entered the meeting at 9:00 p.m.

Mr. Carroll suggested a hybrid form of a government because by combining the Mayor-Council form of government and the Council-Manager form of government where there is still a Mayor, who is elected by the people, and an administrator, who is appointed, the City could get the good elements of both forms. He was not sure at this point exactly what form that would take.

In order to represent Mr. Miller's point of view, Mr. McConville expressed that Mr. Miller, who was not present at this meeting, has been very consistent in his opinion that the structure of government not change. He added that Mr. Miller has pointed out that there are improvements which could be made in the Charter, but that the structure itself is sound. He added that Mr. Miller has also implied that the commission should be careful.

MOTION BY MR. BOYLE, SECONDED BY MRS. PARDEE that the University Heights Charter Review Commission vote yes or no on the concept of inserting a professional (for the purposes of discussion the professional would be called a Chief Administrative Officer) into the University Heights Charter creating a Mayor-Council, City Administrator form of government not a City Manager or a strong Mayor, but something in between.

During discussion following the motion, it was noted that the motion does not speak to a full-time or part-time Mayor. The motion basically creates the position of Chief Administrative Officer in the Charter. The duties and responsibilities relating to the position will be determined during the review of the articles.

On roll call, on the motion, all voted "aye."

Mr. Morrison stated that the candidates running for Mayor or Council in November will be running under the conditions within the existing Charter. Mr. McConville noted that the positions of Mayor and Councilman will exist, but they may not be the same as the positions which exist today because now the commission has to decide the definitions of the Mayor and City Administrator. It was noted that the candidates running for Mayor will not know what the duties of Mayor will be until after the results of the November election. If the Charter amendments do not pass, the position of Mayor will remain the same. However, if the Charter amendments pass, the position of Mayor will be governed by the new Charter.

Mr. Wiseman commented about the third paragraph in Article 6, Section 1 of the Charter, which covers duties of the Director of Finance, and how Section 4(c) of Article 5, relating to the Mayor's duties, will work with the duties of the City Administrator. He noted that these are two sections that should be considered first because it will determine how powerful the City Administrator would be. He also noted that it must be determined early on how the City Administrator would interface with the Mayor because there cannot be two (2) chiefs running the City. Also, Mr. Wiseman was opposed using the language, Council "may" appoint a City Administrator in the Charter.

Mr. Boyle stated that he did a lot of work in conjunction with other people to develop the proposed draft Charter to support his motion. He noted that Article 5, Section 4 of the proposed draft Charter describes the powers, and he was open to discuss the draft in detail. Mr. Wiseman stated that he found the draft confusing and inquired if there was a cleaner copy. Mr. Boyle suggested that Mr. Wiseman compare the draft and with the existing Charter. Mrs. Pardee stated that she compared the two documents and found that everything highlighted in yellow is new whether the lettering is red or black. Mr. Wiseman stated that it was unclear because there are portions of the existing Charter that is missing.

D. DISCUSSION REGARDING COMMUNITY FORUM & INFORMATIONAL MAILING

Mr. Morrison reported that Mrs. Pardee has prepared an information mailing for the commission's consideration which was distributed by e-mail. Mr. Morrison requested that each member send Mrs. Pardee a brief bio to be included in the mailing.

Mrs. Pardee inquired if there is agreement to send the mailing and when it should be mailed out. Mr. Morrison questioned whether it should go out in conjunction with a notice of the town hall meeting. He suggested that the language with respect to the City Administrator be clarified before the town hall meeting is held. He also suggested that someone from the League of Women Voters (LWV) moderate the meeting. Mrs. Pardee stated that she believes the LWV would participate. There was discussion of holding a town hall meeting on March 31, 2009. Mr. Wiseman inquired if there was time to get a notice out for March 31. Mr. Morrison noted that the last bulk mailing sent out by the City took four (4) days to be delivered.

Mrs. Pardee stated that a bulk mailing would cost approximately \$637 to 4,900 University Heights household. First class mailing would be \$2,058. Mrs. Pardee stated that bulk mail could take up to three (3) weeks to be delivered. In order to hold a town hall meeting on March 31, Mr. Wiseman suggested that the informational document be made available at City Hall and on the web site and that the CityWatch notification system be used to inform residents of the March 31 town hall meeting.

Mr. McConville expressed his concern that there is a limited number of meetings left and work has to proceed on review of the Charter in order to meet the June deadline. He noted that holding a town hall meeting prior to completing the review would complicate the process. Mr. McConville suggested using the March 31 date for a special meeting for the commission to do its work. He mentioned that a town hall meeting could be held after the Charter has been reviewed and the commission could take questions at that time.

Mr. McClintock agreed with Mr. McConville. He mentioned that the CRC is required to hold a public hearing prior to adopting the final report. He noted that the commission has had good interaction with the public at the past few meetings; therefore, the mailing may be a better way to proceed with disseminating the information rather than holding the town hall meeting. Mrs. Pardee agreed provided that every effort is made to reach each household at least once with reminders of the meeting dates and contact information for each of the commissioners.

Mr. Morrison suggested that the informational mailing be updated and sent by bulk rate mailing. Mrs. Pardee requested that it be sent out sooner rather than later. She also commented that if Council was willing to fund the mailing, it could be sent out by first class mail. She stated that the entire mailing could be done for \$4,170. Mr. Wiseman did not feel comfortable spending that amount of money on a mailing and suggested that CityWatch be used instead.

MOTION BY MR. MORRISON, SECONDED BY MR. CARROLL to hold a special meeting of the Charter Review Commission on Tuesday, March 31, 2009 at 7:30 p.m. in City Hall Council Chambers to conduct such business that may come before the commission. On voice vote, all voted "aye."

Mr. Boyle stated that the commission has six meetings to finish its work and write the report. He mentioned that Mayor Rothschild did the commission a favor by notifying the residents by the phone notifications system because now the public knows that the Charter Review Commission exists and they can have input. He added that the report is important because it would let the people know the reasoning behind the recommendations made and the public meeting can be held at that point.

Mr. Morrison suggested that the commission members e-mail each other to determine how the informational mailing would be handled. He announced that copies of all CRC e-mails are available in the office of the Clerk of Council.

MOTION BY MR. CARROLL, SECONDED BY MRS. PARDEE to set a deadline for the informational document to be completed by March 17, 2009. On voice vote, all voted "aye."

Mr. Morrison stated that once the document is completed it could be placed on the website and sent out to the people on the e-mail notification list. After which, the commission can discuss the matter at the next meeting.

Mr. Wiseman suggested that each of the members submit a list of Charter articles which they feel do not need to be changed in order to move on to the articles that do need to be amended.

E. ADDRESS QUESTIONS/COMMENTS FROM ATTENDING CITIZENS

None

F. ADJOURNMENT

MOTION BY MRS. PARDEE, SECONDED BY MR. SHAFRAN to adjourn the meeting. On roll call, all voted “aye.”

The meeting adjourned at 10:08 p.m.

The next meeting will be held on Tuesday, March 24, 2009 at 7:30 p.m. in City Hall Council Chambers.

Harvey S. Morrison, Chairman

Jason Patrick Ferrante, Secretary