

CITY OF UNIVERSITY HEIGHTS
MINUTES OF CHARTER REVIEW COMMISSION MEETING
OCTOBER 16, 2008

A. CALL TO ORDER

Assistant Law Director Robert G. Mansour called the meeting to order at 7:30 p.m.

B. ROLL CAL

Present: Mr. F. Michael Boyle
Mr. Simon A. Carroll
Mr. Jason Patrick Ferrante
Mrs. Debra C.S. Fink
Mr. Luke McConville
Mr. Paul M. Miller
Mr. Harvey S. Morrison
Mrs. Susan Pardee
Mr. Mark N. Wiseman

Ab sent: Dr. Roderick H. Adams, Jr.
Mr. Joseph M Shafran

Also Present: Assistant Law Director Robert G. Mansour
Darcel Arrington, stand-in for Dr. Adams

C. ADMINISTERING OF OATHS OF OFFICE

Mr. Mansour administered the oaths of office to all members as a group.

D. ELECTION OF OFFICERS

Mr. Mansour reported that three (3) officers must be elected: a Chairman to preside at all meetings, a Vice-Chairman to serve in the Chairman's absence, and a Secretary to record the meeting minutes and actions of the Commission.

MOTION BY MR. McCONVILLE, SECONDED BY MR. CARROLL to elect Harvey S. Morrison as Chairman. On roll call, all voted "aye."

MOTION BY MRS. FINK, SECONDED BY MR. MORRISON to elect Luke McConville as Vice-Chairman. On roll call, all voted "aye."

MOTION BY MR. McCONVILLE, SECONDED BY MR. CARROLL to elect Jason Ferrante as Secretary. On roll call, all voted "aye."

E. ADOPTION OF PROPOSED RULES AND OVERVIEW OF CHARTER COMMISSION MEMBERS DUTIES AND RESPONSIBILITIES

Mr. Mansour reported that the Law Department drafted the proposed rules of the Charter Review Commission after reviewing the rules of other Charter Review Commissions in other cities. He noted that the rules are general provisions to assist the Commission as it proceeds with the review. Mr. Mansour gave an overview of the rules and recommended that the rules be adopted.

After a question, Mr. Mansour advised that a stand-in may attend the meetings for informational reporting purposes for a member, but will not have a vote.

A typographical error was identified in RULE 5. The first sentence of the second paragraph should read, "Oral testimony from interested persons shall be limited to five **minutes**."

MOTION BY MR. MORRISON, SECONDED BY MR. McCONVILLE to adopt the Rules of the University Heights Charter Review Commission, as amended. On roll call, all voted "aye."

F. DISCUSSION OF THE BUDGET FOR THE CHARTER REVIEW COMMISSION

Mr. Mansour advised that in accordance with Section 9 of Ordinance No. 2008-45, which establishes the Charter Review Commission, the Commission shall request of Council and the Council shall provide a reasonable budget for legal advise, secretarial staff, necessary supplies and miscellaneous expenses. The ordinance also states that the Commission shall select the Law Director of the City of University Heights as its legal counsel, unless he declines to serve. Mr. Mansour noted that Law Director Kenneth J. Fisher is willing to serve.

Mr. Mansour suggested a budget of \$5,000 and noted that if it is not enough additional funds could be requested. He mentioned that the Commission may need legal assistance to review proposed amendments and to draft the amendments in legal form. Mr. Fisher will be available to answer questions in person, by e-mail or by telephone. It was noted that Mr. Fisher's hourly rate would be the same rate which the City is charged for extraordinary items at approximately \$100 per hour. A total numbers of hours to be spent on Commission business was not determined. It was noted that there would also be other expenses in addition to legal fees.

Following a question from Mr. Miller about what other cities have done, Mr. Mansour mentioned that ten (10) years ago the City of Maple Heights spent tens of thousands of dollars to hire an outside consultant company to assist with the charter review which took one year to complete. Mrs. Pardee stated that the Cities of Euclid and the Cleveland both have charter amendments on the ballot, and she offered to contact the cities to determine how long their reviews took, how many meetings were held, and how much money was expended. She suggested that the Commission request a budget while the information is being gathered.

MOTION BY MRS. PARDEE, SECONDED BY MRS. FINK to request of Council an initial budget of \$5,000.

Mr. McConville suggested that the Commission postpone requesting an initial budget until the information is received. He did not want the Commission criticized for being inefficient in the event additional funds have to be requested.

Mrs. Pardee withdrew the motion to request of Council an initial budget of \$5,000.

MOTION BY MRS. PARDEE, SECONDED BY MR. BOYLE to table the budget discussion until the next meeting. On roll call, all voted "aye."

The Commission members decided to gather information from other cities on Charter Review Commission experiences. Data to be collected included: size of the city, number of years since the last charter review, how long the charter review took, how much money was expended with a breakdown of costs, and median household income. Members will collect data from cities in Cuyahoga, Lake and Summit Counties as follows:

Cuyahoga County

Brook Park - Debra Fink

Cuyahoga Heights - Simon Carroll

East Cleveland - Simon Carroll

Euclid - Susan Pardee

Moreland Hills - Paul Miller

Lake County

Wickliffe - Michael Boyle

Willoughby Hills - Luke McConville

Summit County

Norton - Mark Wiseman

Richfield - Mark Wiseman

The information will be gathered and e-mailed to all the members. Mr. Mansour advised that e-mail correspondence is public record and records must be kept of all e-mail correspondence and made available upon request.

Mr. Mansour stated that time for public comments will be scheduled on each agenda at either the beginning or end of each meeting. Mr. Morrison opened the floor to public comments.

Christopher Keller, a resident on Fenwick Rd., requested that the members introduce themselves. The Commission members introduced themselves and shared their backgrounds.

Sheila Hubman, a resident on Ashurst Rd., inquired if there is an attendance policy in the rules. Mr. Mansour replied that there is no formal attendance policy in the rules. However, Mr. Morrison stated that the members were either asked to serve and accepted or asked Council to consider them to serve and that commitment sets up the attendance policy.

Kate Uhlir, a resident on Fenwick Rd., inquired if it is a part of the Law Director's job description to be legal counsel to the Charter Review Commission. Mr. Mansour responded that it is not part of the Law Director's job description because Ordinance No. 2008-45, which established the Charter Review Commission, authorized the Commission to select the Law Director as its legal counsel and made provisions for him to be paid for his legal advice. Mr. Mansour added that the Law Director will not attend all of the meetings, but will be available in his office to answer legal questions on his private time.

Margaret Duffy-Friedman, a resident on University Parkway, inquired if the public is required to present testimony in writing or can it just be presented orally. Mr. Morrison replied that written testimony is not required, but the Commission may get a better understanding of the testimony if it is presented in writing to all the members.

Mayor Rothschild invited the Commission members to contact her with any questions they may have.

G. DETERMINATION OF NEXT MEETING DATE

MOTION BY MRS. PARDEE, SECONDED BY MRS. FINK that the next meeting be scheduled for Thursday, October 30, 2008 at 7:30 p.m. in City Hall Council Chambers. On roll call, all voted “aye.”

The Commission will establish a regular schedule for its meetings at a future meeting.

Mr. Morrison inquired if it would be possible under the open meetings law to hold sub-committee meetings to review the larger articles of the Charter. Mr. Mansour responded that all meetings of the Commission, including sub-committee meetings, would have to be open to the public, publicly announced, and posted at City Hall. Mr. Morrison stated that because the Commission time to do its work is limited, he wants the Commission to be as efficient as possible. Mayor Rothschild recommended that the all members be involved in all meetings in order to keep the general public informed of the Commission’s deliberations.

In preparation for the next meeting, Mr. Morrison suggested that the Commission members review the Charter and the final report of the 1979 Charter Review Commission.

Mr. McConville suggested that the Mayor, Council members, and Law Director be invited to the October 30, 2008 meeting to make presentations to explain why the ordinance was passed forming the Charter Review Commission. He stated that the presentations will provide guidance and insight to the Commission. Mr. Morrison agreed and invited the Mayor, Council members, Law Director and Clerk of Council to the next meeting to make comments, give their advice and insights.

H ADJOURNMENT

MOTION BY MR. CARROLL, SECONDED BY MRS. FINK to adjourn the meeting. On voice vote, all voted “aye.”

There being no further business to discuss, the meeting was adjourned.

Harvey S. Morrison, Chairman

Jason Patrick Ferrante, Secretary