

CITY OF UNIVERSITY HEIGHTS
MINUTES OF CHARTER REVIEW COMMISSION MEETING
OCTOBER 30, 2008

Chairman Harvey Morrison called the meeting to order at 7:30 p.m.

A. ROLL CALL

Present: Dr. Roderick H. Adams, Jr.
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. Joseph M Shafran (not at roll call)
Mr. Mark N. Wiseman

Absent: Mr. F. Michael Boyle

Also Present: Assistant Law Director Robert G. Mansour

MOTION BY MRS. PARDEE, SECONDED BY DR. ADAMS to excuse the absence of Mr. Boyle. On roll call, all voted "aye."

B. INTRODUCTION OF COMMISSION MEMBERS NOT PRESENT AT ORGANIZATION'S MEETING

Mr. Mansour administered the oaths of office to Dr. Roderick H. Adams, Jr. Dr. Adams introduced himself and shared his background.

C. STATEMENTS FROM MAYOR, LAW DIRECTOR, CITY COUNCIL AND PUBLIC

Mayor Beryl E. Rothschild postponed her statement until a later meeting.

Vice Mayor Adele H. Zucker stated that the Commission has a very serious job ahead of it because what the Commission decides will affect the future of the city for years to come. She suggested that the Commission approach the review with an open frame of mind, do what is best for the city, and to take the job very seriously.

Councilwoman Frankie B. Goldberg presented a written statement, which is attached hereto and made part of the record. She stated that the charter review will be a collaboration between the Commission, the Mayor, Council members, department Directors, and the residents of University Heights. Ms. Goldberg suggested that the Commission be proactive and utilize a multitude of different resources which are included in detail in the attachment. She stated that "the charter review process is an opportunity to modernize outdated codes and procedures and take a closer look at the way the City operates now and in the future."

Ms. Goldberg clarified that she did not vote in favor of establishing the Commission as a referendum on a Strong Mayor. She desires for the Mayor to retain his/her executive and administrative powers as provided under Article 5, Section 4 of the Charter. She requested that the Commission consider the following: a City Administrator and/or Chief Administrative Officer, part-time versus full time Mayor, appointments to Boards and Commissions by City Council, and a mandated charter review every 10 years.

Councilman Peter R. Bernardo stated that the Commission's recommendations for amendments to the Charter will have to position the City for the next decade. He added that the City will be facing hard economic times; therefore, any recommendation must be efficient and cost effective in order to hold the City in good financial standing for the next decade.

Councilman Frank Consolo stated that he is satisfied that the Commission will do a good job. He was glad to see that the review will be done article by article. He stated that Councilmen Steven D. Bullock and Kevin Patrick Murphy could not attend this meeting. But, on behalf of all three of them, Mr. Consolo stated that they will be available at future meeting to answer any questions the Commission may have.

Kate Uhlir, resident on Fenwick Road, stated that the most important aspect is to keep within the constraints of the budget. She noted that University Heights is a small city of approximately 14,000 people and urged the Commission to maintain sensibility with respect to City finances.

Steve Bennett, resident on Hillbrook Road, stated that the Charter is the structure of government which needs to be flexible so that the government has the ability to change through the adoption of ordinances.

Commission member Joseph Shafran entered the meeting at 7:50 p.m. Mr. Mansour administered the oath of office to Mr. Shafran. Mr. Shafran introduced himself and shared his background.

Margaret Duffy-Friedman, resident on University Parkway, stated that the charter review is an important process, but the needs assessment should have preceded the charter review. She encouraged the Commission members to do research in order to determine what is going right with the City and what is not going right, as well as identifying the City's strengths and weaknesses in order to work from the strengths and address the weakness. Mrs. Duffy-Friedman also suggested that a fiscal feasibility be undertaken for the ideas which are brought forth. As a former City Council member, Mrs. Duffy-Friedman offered her assistance, if needed.

Susan Infeld, resident on Tyndall Road, offered her services as a former Council member.

Mayor Rothschild invited the Commission members to the City's annual civic awards event on Thursday evening, November 6, 2008 at the Gesu Family Center. She noted that members will get a feel for the community and its residents by attending.

D. DISCUSSION OF TABLED BUDGET FOR CHARTER REVIEW COMMISSION AND PRESENTATION OF RESEARCH REGARDING BUDGETS FOR OTHER CHARTER REVIEW COMMISSIONS IN REGION

The Commission reviewed the results of the research regarding the budgets of other Charter Review Commission within the region.

Mr. Carroll reported that the Village of Cuyahoga Heights did not expend any money for its Charter Review Commission because all the positions were volunteer. The review took five months. Cuyahoga Heights is much smaller than University Heights with a population of 599 and median household income of \$46,000.

Mrs. Pardee reported that the City of Euclid estimated it spent between \$4,000 and \$6,000 per year during its two-year review. Commission members were paid \$25 per meeting and the secretarial staff was paid at her overtime rate for her services. The Law Director provided legal assistance at no additional cost. The Euclid Charter is reviewed every 8 years. The population of Euclid is 47,940 with a median income of \$39,800.

Mr. Miller reported that the Village of Moreland Hills expended \$400 for its charter review. Legal fees were covered under a \$5,000 per month retainer to a law firm. The review process took six months. Even though the Moreland Hills Charter requires a review every 6 years, the last review was undertaken in 1988. The population of Moreland Hills is 3,300 with a median income of \$110,000.

Mr. McConville reported that the City of Willoughby Hills is required to have a charter review every 10 years, but it had been 12 years since the last review. There were no legal fees because the Law Director is on monthly stipend. The population of Willoughby Hills is 8,700 with a median income of \$54,200.

Mrs. Fink reported that the City of Brook Park appropriated \$1,400 for the Charter Review Commission, but only spent \$56.64 on office supplies. The Law Director or prosecutor attended all meetings as part of their job. The charter review is done every 7 years, and the last review took 6 months. Communication regarding the Charter review was mailed to every residents as part of a regular Council mailing. The population of Brook Park is 21,000 with a median income of \$46,333.

Mr. Morrison reported on behalf of Mr. Boyle, who researched the City of Wickliffe. A charter review is conducted every 10 years. The last charter review took 6 months to complete. The population of Wickliffe is 13,480 and the median household income of \$48,035.

Mr. Wiseman reported that the City of Norton did not establish a budget for the Charter Review Commission. A retainer covered legal charges of the Law Director. The only expense was advertising the proposed amendments which came out of the budget for the Clerk of Council. The Charter requires a review every 5 years. The last review took 18 months. The population of Norton is 11,523 with a median income of \$47,085.

Information from East Cleveland was not able to be obtained.

It was noted that University Heights' 1979 Charter Review Commission did not have a budget.

There was discussion of the Law Director's duties and whether or not his work for the Commission would be covered under the his contract. It was noted that the Law Director is part-time and his duties include: general legal services, advice to the Mayor, Council members and department heads, attendance at various meetings, preparing legislation, and representing the City at court cases not covered by the City Prosecutor. The Law Director receives an hourly compensation of \$110 for extraordinary services above and beyond his regular duties.

Mr. Mansour stated that the Commission will need legal counsel experienced in municipal law and election law in order to draft amendments to comply with Ohio election law. He noted that University Heights' Law Director Kenneth J. Fisher is very experienced in both.

Mr. Wiseman requested that the Commission receive job descriptions for all the appointed and elected officials of the City. Mr. Morrison also requested a copy of the ordinance authorizing the contract for the Law Director.

There was discussion of not requesting a budget until it is determined as to how many hours will be required for the Law Director's services. Councilman Consolo suggested that the Commission present the budget request to Council, and then Council will clarify the legal fees with the Law Director.

MOTION BY MR. McCONVILLE, SECONDED BY MRS. PARDEE to request Council to establish a budget of \$5,000 for the Charter Review Commission.

It was suggested that Council make the determination if providing legal advice to the Charter Review Commission is covered as part of the Law Director's contract. In the interest of time, a motion to table was introduced.

MOTION BY MRS. PARDEE, SECONDED BY MRS. FINK to table the motion to request Council to establish a budget of \$5,000. On roll call, all voted "aye," except Mr. McConville and Mr. Shafran, who voted "nay."

Mr. Morrison requested that the Council members present at this meeting to clarify as to whether the Law Director's duties include the work encompassed in preparing any charter amendments and presentation to the Board of Elections and report back to the Commission at its next meeting.

Mrs. Pardee mentioned that other possible expenses may be necessary and requested that such items be considered. She also recommended that a line item budget with specifics be prepared prior to passage of a motion to request a budget. The Chairman indicated that the Commission should hear back from Council first.

E. DISCUSSION OF CHARTER PREAMBLE, ARTICLE 1 AND ARTICLE 6

PREAMBLE

There were no changes made to the preamble in the 1979 review.

A typographical error was identified – the word "insure" in the preamble should be changed to read, "ensure."

In order to effectuate a separation of church and state within the preamble, there was discussion to eliminate the words, “to Almighty God” and “to secure its blessings.” It was decided that the wording does not violate the rule of church and state. It was also noted that the wording is traditional and should remain as is. A majority of the members agreed that the preamble should remain as written except for the change in the word “insure” to “ensure.”

MOTION BY MR. McCONVILLE, SECONDED BY MR. CARROLL to amend the preamble to correct a typographic error by changing the word “insure” to “ensure”; otherwise, to accept the preamble as written. On roll call, all voted “aye.”

ARTICLE 1 - POWERS

There were no changes made to Article 1 in the 1979 review.

MOTION BY MR. CARROLL, SECONDED BY MRS. PARDEE to accept Article 1 as written. On roll call, all voted “aye.”

ARTICLE 6 - ADMINISTRATIVE OFFICERS AND DEPARTMENTS

In the 1979 review, there were no changes to the first and second paragraphs of Article 6. However, there were amendments to the third, fourth and fifth paragraphs.

A change in the second paragraph was suggested to clarify the head of the Law Department. The first sentence of the second paragraph should read, “The Director of Law shall be in charge of the Department of Law, appointed by the Council to serve at the pleasure thereof.” There was discussion as to how the Department of Law is set up and how cases are handled.

There was preliminary discussion of making changes to paragraph three to include the appointing authority of the Director of Finance. Mr. Wiseman stated that he is uncomfortable reviewing Article 6 and suggesting or not suggesting changes without sufficient information about the duties of the major department heads of the City. He suggested that the department heads appear before the Commission and explain their essential job functions.

Mrs. Pardee implied that she too was not comfortable voting on specific changes at this time and proposed that a protocol be established on how the articles will be considered. She inquired as to why the Preamble, Article 1 and Article 6 were selected for discussion. Mr. Morrison replied that he selected what he thought would be the three least objectionable areas to consider at this meeting in order to have a constructive meeting.

Mr. Shafran was interested in knowing more about the various departments, especially the Department of Public Service and Properties. There was confusion by many of the Commission members as to the functions of the various departments. Clerk of Council Nancy E. English offered to provide copies of the job descriptions for each director and sections of the Administrative Code which established each department. An organizational chart was also requested for the next meeting. The directors will be invited to a future meeting.

Review of Article 6 was suspended for the time being.

F. DETERMINATION OF COMMISSION MEETING SCHEDULE

MOTION BY MRS. PARDEE, SECONDED BY MRS. FINK to hold regular meetings on the second and fourth Tuesdays of each month at 7:30 PM in City Hall Council Chambers. On roll call, all voted “aye.”

The next meeting will be held on Tuesday, November 11, 2008 at 7:30 p.m. in City Hall Council Chambers. At that meeting, the Commission will have a work session to review the documents to be submitted and to establish a protocol for review of the Charter.

G. ADJOURNMENT

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

The meeting was adjourned at 9:15 PM.

Harvey S. Morrison, Chairman

Jason Patrick Ferrante, Secretary