

CITY OF UNIVERSITY HEIGHTS
MINUTES OF CHARTER REVIEW COMMISSION MEETING
NOVEMBER 25, 2008

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

ROLL CALL

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

Absent: Dr. Roderick H. Adams, Jr.

Also Present: Mayor Beryl E. Rothschild
Finance Director Arman R. Ochoa

Mr. Morrison reported that Debra Fink resigned from the Charter Review Commission for personal reasons. The Council will fill the vacancy pursuant to Ordinance No. 2008-45. A replacement should be appointed by the next meeting on December 9, 2008.

APPROVAL OF MEETING MINUTES

Mr. Morrison stated that Clerk of Council Nancy English will have all four (4) sets of minutes from the previous meetings transcribed by the next meeting on December 9, 2008.

MOTION BY MR. CARROLL, SECONDED BY MR. McCONVILLE to suspend the approval of the minutes until December 9, 2008. On roll call, all voted "aye."

APPROVAL OF THE BUDGET

Mr. Morrison reported that City Council has considered the compensation for legal services and secretarial staff. Law Director Kenneth J. Fisher will cap his fees off at \$2,500 for all services to be rendered to the Commission and Clerk of Council Nancy English will cap her fees off at \$200 per meeting for secretarial services. These fees will amount to approximately \$4,900 with \$100 remaining for miscellaneous expenses, if the budget is set at \$5,000.

MOTION BY MR. FERRANTE, SECONDED BY MR. BOYLE to request Council to appropriate a budget of \$5,000 for the Charter Review Commission. On roll call, all voted "aye."

Mr. Morrison stated that there is no formal written agenda for this meeting. Mayor Beryl E. Rothschild and Finance Director Arman R. Ochoa were present as invited to address to the Commission and answer questions raised.

The Commission presented the Finance Director with the following questions in advance of the meeting:

1. How many employees are in the Finance Dept? Describe all of their duties.
2. Who is your Direct Report in the City?
3. Which depts./dept. heads do you interact with on a daily basis?
4. Please review the functions of the Resident's Financial Advisory Committee?
5. What are the major challenges facing your department/the city?
6. What are the most critical issues facing Univ. Hts., and is there anything that requires immediate action?
7. Where do you see your department/city in the next 5-10 years?
8. Where do you see the possibility for more efficient operations w/in Univ. Hts. Government?

Finance Director Arman R. Ochoa answered the questions in writing, which is attached hereto and made part of this record. For the benefit of the audience, the Commission members asked the questions publicly and Mr. Ochoa responded accordingly.

With regard to a possible change in the form of government from Mayor-Council to Council-City Manager form, Mr. Ochoa was asked if he sees an advantage to the City and its residents by making such a change. Mr. Ochoa replied that he does not see an advantage for a City as small as University Heights because a City Manager or City Administrator would want a staff and the budget would not support it unless other staff is cut. He added that with the Mayor-Council form of government all that is needed is strong leadership, which the City has.

There was discussion regarding regionalism. Mr. Ochoa stated that the City currently has a joint fire dispatch with Cleveland Heights and Shaker Heights which took several years to get. Therefore, it would possibly take years to see other major regional projects. Mr. Ochoa stated that regional jail and a regional service garage where three (3) or four (4) cities could share mechanics and equipment would be beneficial.

The Commission members asked other general questions in order to give them a better understanding of the finances and operations of the City.

Upon conclusion of Mr. Ochoa's testimony, there was discussion of the items distributed to the members, which included: the Codified Ordinances, the City's Master Plan, written comments from the Councilman Kevin Patrick Murphy, Mayor Rothschild's written comments regarding her veto of Ordinance No. 2008-45, and material on the City's regional collaborations.

In response to a question, Mayor Rothschild explained that the current Master Plan was commissioned in 2002 because under the Community Development Block Grant guidelines, the City is required to submit a new Master Plan to Cuyahoga County every ten (10) years. She noted that the Master Plan is a guide of possible ideas for the future.

The Mayor noted that the Codified Ordinances were distributed to the members in case they wanted to research particular areas of the code during the review process.

Mayor Rothschild answered the following questions which were presented to her in advance of the meeting:

1. Please describe the duties of the Safety Director.

The Mayor is a part-time position and the Safety Director is a part-time position which is involved with the internal and external problems related to the Police and Fire Departments. The Safety Director is part of the union grievance procedure, handles personnel problems, and is involved in labor contract negotiations. As Safety Director, Mayor Rothschild attended hate crimes and diversity seminars conducted by the FBI and the U.S. Dept. of Justice, which led to the award winning "Series of Discoveries," the City's diversity program which was formed in 1994. The Mayor hires personnel, makes decisions on equipment purchases, and is the main channel from the citizens to the departments of the City.

Article 6 of the Charter has the Division of Building Engineering and Inspection as a division under the Department of Public Safety. The Mayor was asked if the Building Department should be a separate department or if it should remain part of the Department of Public Safety. Mayor Rothschild responded that she would not object to the Building Department being a separate department.

2. Please explain why you vetoed the ordinance creating the Charter Review Commission.

Mayor Rothschild stated that she felt the right time to have a charter review would be in 2009 after the new administration takes office because it would not be fair to the people running for Mayor in 2009 not to know now what form of government or position they would be running for. Mayor Rothschild's written veto statement is attached hereto and is made part of this record.

Mayor Rothschild stated that the power within the City government is evenly distributed between the Council and the Mayor, but the Council has the ultimate power because it controls the budget. Mayor Rothschild was against a City Manager form of government because University Heights is too small to have a City Manager.

3. Please explain what you feel to be Univ. Hts' 3 greatest organizational needs.

Mayor Rothschild stated that the City does not need departmental restructuring. She added that if the City is facing a fiscal bind, the City would have to look at eliminating or possibly combining departments, but that would be determined at that time, depending on the downfall. Mayor Rothschild stated that the City is a service organization and in order to provide quality services to the residents all departments must be maintained.

4. Please explain the process by which the Mayor reviews the performance of each of the Mayoral appointments in the City.

The Mayor noted that there are eight (8) departments in the City: Community Relations, Building, Service, Police, Fire, Law (off campus), Recreation (seasonal), Engineer (contract with firm). Mayor Rothschild stated that she does not use written evaluations because the campus is so small that she is regularly in touch with all the directors and she knows that they are doing their jobs. She also measures their performance by how many complaints are received from residents or employees. Mayor Rothschild stated that the directors do an excellent job and evaluations are not needed. She noted that the department heads keep records of employees with unsatisfactory performance in the event termination is necessary.

There was discussion of a Mayor versus a City Manager or City Administrator. Mayor Rothschild was in favor of a City Administrator. She noted that the Charter would not have to be changed to allow a City Administrator because the City Council could pass an ordinance establishing the position in the Codified Ordinances. Mayor Rothschild warned the Commission to be careful what it puts into the Charter because it will be difficult to get it changed. In response to questioning, Mayor Rothschild stated that the City cannot afford an Economic Development Director or Administrative Assistant to the Mayor at this time. However, there may be funds for a part-time grant writer.

5. Please explain how the City might/might not benefit from sharing services/resources with surrounding Municipalities.

Mayor Rothschild pointed out that the City is currently sharing services and resources with other cities which includes, but are not limited to: a contract with the City of South Euclid to share animal control services, which will save the City money; a joint fire dispatch is operated with Cleveland Heights and Shaker Heights; the Shaker Heights Municipal Court is shared with Beachwood, Shaker Heights, Pepper Pike and Hunting Valley, which eliminated the need for a Mayor's Court; an agreement was made with SELREC for University Heights residents to participate in recreational activities at the same rate as South Euclid and Lyndhurst residents; the City has mutual aid and automatic response for the Fire Department with Shaker Heights and Cleveland Heights as well as mutual aid agreements with South Euclid, Beachwood and other surrounding communities; the City is a charter member of the First Suburbs Consortium; the Police is part of a SWAT Team with other communities as is the Fire Department with the HASRT Team; there is an agreement with Cleveland Heights for the Service Department to store salt in its storage facility; the Service Dept. works with the County on recycling efforts and storm water management; and the Service Dept. has called upon South Euclid on occasion when they need access to a certain vehicle.

6. What are the major challenges facing the Mayor/the city?
7. What are the most critical issues facing Univ. Hts., and is there anything that requires immediate action?

Question 6 and 7 were considered together. Mayor Rothschild stated that high property taxes is a major challenge facing the City due to the taxes for the Cleveland Heights-University Heights City School District. She noted that the perception of the public schools is also a problem. Other challenges are the constant erosion of home rule by the State legislature and the reduction of Local Government Funds.

Mayor Rothschild stated that the City has conducted entry and exit surveys for the last 30 years, which indicate that people move into University Heights for the architecture, the friendliness, safety, the neighborhoods, the city services and shopping. They move out because of high taxes, the perception of the school system, job changes, and the need for one floor housing.

8. Where do you see your department/the city in the next 5-10 years?

Mayor Rothschild stated that University Heights has always been a very vital City and is attractive to those people who work in University Circle - Cleveland Clinic area, but money will remain an issue if school funding is not resolved. The Mayor stated that some changes may be needed to the Charter, but she believes the Mayor-Council form of government should remain in effect because another layer of government is absolutely not needed for a City the size of University Heights.

Mayor Rothschild stated that she believes in the philosophy of bringing people from various parts of the University Heights, and the City does that through the various forms of activities and events offered. She emphasized that the City has a unique feeling, compassion, communication and programs to bring people together, and that is the favor of the community.

9. Where do you see the possibility for more efficient operations w/in Univ. Hts. Government?

Mayor Rothschild stated that there could always be more efficient operations. However, Mayor Rothschild explained that she has an open door policy, she treats the employees like family which makes for high morale, causing the employees to be more productive.

Mayor Rothschild again cautioned the Commission not to put the positions of City Administrator, Development Director or grant writer in the Charter because those positions can be established by ordinance and placed in the Administrative Code of the Codified Ordinances.

Mayor Rothschild recommended that the Commission also obtain information from former Council members like Mrs. Susan Infeld and Mr. Steven D. Bennett, who served the City for several years, to glean their knowledge also. She suggested that the Commission members get involved in the City, attend events in order to experience the favor of the City and meet the people.

With regard to a question concerning checks and balances, Mayor Rothschild stated that she appoints all the directors except two (2). She added that when she has made those appointment she always has involved the Council in that process. In response as to the Mayor's accountability of herself, she stated, "A job well done!" Mayor Rothschild's written responses will be distributed to the Commission at a later date.

Councilman Kevin Patrick Murphy presented written comments to the Commission, but deferred his oral remarks until the members have had time to review his written material.

Steven D. Bennett, 3761 Hillbrook Rd., stated that the document from Councilman Murphy is a public record and should have been signed.

Susan Infeld, 3906 Tyndall Rd., invited the members to call her with any questions they may have regarding local government. Mr. Morrison stated that they want the proceedings of the Commission to be as transparent as possible and suggested that she address the Commission during the meetings. Following an inquiry, Mrs. Infeld noted that she served on City Council for twelve (12) years. During those years, she served as chair of the Finance Committee of Council for six (6) years and as member of the committee prior to that. Mr. Wiseman stated that he would like to hear from her and other former or current Council members' answers to the general questions presented at this meeting. Mrs. Infeld also suggested that the Commission hear from other former Council members as well, i.e. Steven D. Bennett, Margaret Duffy-Friedman, R. Patrick Kelly and William D. Doyle. She also noted a concern that with the limited time frame in which the Commission has to do its job, there may not be time to hear from everyone the members hope to hear from and then be able to absorb all the information in order to make any big changes.

Mr. Boyle stated that he would still like the current Council to answer the question as to why the ordinance was passed to create the Commission. Councilman Sims noted that the Council was not scheduled to speak at this meeting. But, he did speak to the question at the November 11, 2008 meeting. Mr. Sims stated that he would be more than happy to address the Commission when invited and scheduled.

Mr. Boyle noted that a formal invitation was not sent, but an e-mail was sent around to have the Council members speak as well as the Mayor and appointed directors.

A member of the audience called a point of order stating that there is to be no e-mail communication and secret meetings. She stated that all business should be conducted in an open meeting. Mr. Morrison stated that all e-mails circulated throughout the members are forwarded to Ms. English and is available at City Hall for public inspection. Mr. Ferrante stated that as secretary for the Commission, he is also maintaining an electronic record of all the e-mails being circulated. Mr. Morrison stated that the Commission is complying with the Sunshine Laws, and therefore, no business or votes are conducted through e-mail correspondence. He noted that the Commission will not even meet in smaller committees; all meeting will be conducted in open session on the second and fourth Tuesdays on every month.

Mr. Boyle recommended that a formal invitation be extended to the Council members to attend the next meeting on December 9, 2008. Mr. Morrison stated that he will direct Ms. English to send an invitation to all the members of Council to attend the Commission's meeting of December 9, 2008.

Councilwoman Frankie B. Goldberg stated that she and other members of Council have addressed the Commission on a couple different occasions. She believes it is more important for the Commission to hear from the directors in order to gain the knowledge of how the City is run on a day to day basis.

Sarah Wilder, resident of Meadowbrook Blvd., co-convenor for the Citizens for University Heights, inquired as to how the Commission plans to get input from the residents because of the tight timeline that the Commission has to conclude its business. Mr. Morrison replied that the Commission's function is to review not legislate. He stated that meetings are held on the 2nd and 4th Tuesdays of every month and residents may offer their input at any of those meetings. Dr. Wilder suggested that the Commission extend its notification of the meeting dates and times. Mrs. Pardee suggested that a written notice go out to all the residents on the various citizen committees asking them to spread the word. It was noted that the information has been communicated through the City's newsletter and website. Mayor Rothschild stated that the City could also use the new CityWatch system to notify all the residents of the City. Dr. Wilder also expressed concern that there is not an African-American woman on the Commission.

Mr. Morrison entertained a motion to start the December 9, 2008 meeting at 7:00 p.m. to allow ample time for the testimony of the individuals invited to speak.

Mrs. Pardee offered to coordinate the meeting at which Dr. Tom Bier of the Cleveland State University's Levin College of Urban Affairs and a representative from Case Western Reserve University's Center for Regional Economic Issue would be present, which according to the timeline would be February 10, 2009. The timeline was reviewed to decide who will be invited to each meeting. Mrs. Pardee suggested that after the internal representatives testimonies are heard, then the representatives from CSU and CWRU could be heard, followed by representatives like Sy Murray of CSU to address the various forms of government. Mr. McConville stated that he would like to hear the qualitative differences of the various forms of government sooner rather than later. Mr. Morrison suggested that the members do online research to learn about the different forms of government. He noted that in a City Manager form of government, the Council hires the City Manager and sets his salary. The Manager runs the city, hires the employees, and all employees are answerable to the City Manager. Mr. Morrison suggested that the members go to www.kentohio.org and review Article 8, Section 39 of Kent's Charter. Mr. Wiseman agreed that he also wants to hear from people experienced in the various forms of government.

Mr. Miller stated that he has information about the forms of government for the 212 municipalities in Ohio. He noted that only 67 have a Council-Manager form of government. The information will be distributed to the members.

There was extended discussion about the timeline and when to invite the individuals from the universities and representative from the various cities. Mayor Rothschild pointed out that Sy Murray of Cleveland State teaches the various forms of government and could answer all the questions and the members could gain extensive knowledge from him alone. She suggested that the Commission seek advise from representatives from cities of similar size, not large cities like Cleveland Heights.

It was suggested that each member bring names of people they wish to hear from to the next meeting on December 9, 2008 so that the schedule on the timeline can be decided at that time.

MOTION BY MRS. PARDEE, SECONDED BY MR. BOYLE that the December 9, 2008 meeting start at 7:00 p.m. with the following people to be invited to that meeting: all City Council members, who shall be limited to 10 minutes each; Clerk of Council Nancy English; Fire Chief John Pitchler; and Police Chief Gary Stehlik; external information sources will be invited to the January 27, 2009 meeting. On roll call, all voted "aye."

Mrs. Pardee stated that she will work on updating the timeline and will e-mail it to all members and Ms. English.

MOTION BY MR. McCONVILLE, SECONDED BY MR. CARROLL to adjourn the meeting. On roll call, all voted "aye."

The meeting adjourned at 10:00 p.m.

Harvey S. Morrison, Chairman

Jason Patrick Ferrante, Secretary