

MINUTES OF CHARTER REVIEW COMMISSION MEETING
DECEMBER 9, 2008

Chairman Harvey Morrison called the meeting to order at 7:00 p.m.

A. ROLL CALL

Present: Dr. Roderick H. Adams, Jr. (not at roll call)
Mr. F. Michael Boyle (not at roll call)
Mr. Simon A. Carroll
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. Jason Patrick Ferrante

Also Present: Clerk of Council Nancy E. English
Vice Mayor Adele H. Zucker
Councilman Frank Consolo
Councilman Steven Sims
Councilman Kevin Patrick Murphy
Councilwoman Frankie B. Goldberg
Councilman Steven D. Bullock
Fire Chief John Pitcher
Chief of Police Gary Stehlik

MOTION BY MR. MORRISON, SECONDED BY MR. McCONVILLE to excuse the absence of Mr. Ferrante. On roll call, all voted “aye.”

B. REVIEW AND APPROVAL OF AVAILABLE MEETING MINUTES

There were no corrections or additions to the minutes of October 16, 2008, October 30, 2008, November 11, 2008 and November 25, 2008.

MOTION BY MRS. PARDEE, SECONDED BY MR. CARROLL to approve the minutes of October 16, 2008, October 30, 2008, November 11, 2008 and November 25, 2008 as presented. On roll call, all voted “aye.”

C. DISCUSSION WITH CITY COUNCIL MEMBERS

Mr. Boyle entered the meeting at 7:08 p.m.

Mr. Morrison stated that the Council members were asked to speak to give the Commission guidance as to whether they feel there is a need for a change in the form of government and to present suggestions as to specific articles.

Vice Mayor Adele H. Zucker

Vice Mayor Adele H. Zucker presented a written statement, which is attached hereto and made part of this record as "Exhibit A." In her comments, Mrs. Zucker stated that she was not opposed to a Charter Review Commission being formed, but rather she was against the proposed make up of the Commission. She preferred seven (7) elected members, seven (7) members appointed by the Council and one (1) member appointed by the Mayor. She felt that the charter review was being pushed through hastily without forethought or knowledge of the procedures to follow.

Vice Mayor Zucker reviewed the procedures followed during the previous charter review process in 1979. She submitted a memorandum from the Law Director (Exhibit "B" attached) explaining the City's current form of government, which is the "Federal Plan" as provided in ORC Section 705.71 through 705.86 (Exhibit "C" attached). The memo also outlined the other types of government under the ORC, which are the "Commission Plan" and "City Manager Plan."

Vice Mayor Zucker also reported that the Council met with Sy Murray, professor of Urban Affairs at Cleveland State University, who facilitated a Committee of the Whole retreat. She noted that at the retreat, Mr. Murray explained the various forms of government and commented that it was not in the best interest of the City to have a City Manager form of government because University Heights was too small. She also mentioned that Mr. Murray explained that as an alternative, the City could establish the position of City Administrator by ordinance, which would not require a Charter change. Mr. Murray's report is attached hereto and marked Exhibit "D".

Dr. Adams entered the meeting at 7:15 p.m.

Vice Mayor Zucker stated that the City does not have the funds for a \$100,000 plus salary for a City Manager or City Administrator. She recommended that the Commission look at all aspects of any change that is proposed. Vice Mayor Zucker recommended that an elected Mayor remain the administrative head of the City and that Council remain the legislative body.

After questioning, Vice Mayor Zucker indicated that the range for City Managers in the state of Ohio was between \$100,000 to \$150,000, according to Mr. Murray.

Mr. Wiseman inquired as to who decides on budget cuts, if needed. Vice Mayor Zucker replied that the Council will meet with the Mayor and Finance Director to decide the cuts together as was done in 2005 when salaries and personnel were cut prior to the passage of Issue 153.

Mr. Morrison asked when the Charter was amended prior to 1979. Vice Mayor Zucker stated that before 1979 the Charter was not amended since its enactment in 1941. Mr. Morrison also inquired if Vice Mayor Zucker had any objection to an automatic review provision being included in the Charter. She did not have an objection.

Mr. Miller inquired as to Mr. Murray's rationale behind the City not having a City Manager. Vice Mayor Zucker responded that his rationale was with a City as small as University Heights there is no need to spend extra money on a City Manager or City Administrator if there is a competent Mayor and Council.

Dr. Adams inquired if the salary of a City Manager or City Administrator would be monetarily bigger than the Mayor's salary. Vice Mayor Zucker replied that the Mayor's salary is approximately \$40,000 to \$50,000 compared to an administrator or manager's salary in excess of \$100,000.

Mr. Morrison asked if any consideration was given to staff for the City Manager. Vice Mayor Zucker responded that additional staff was not discussed. However, she added that a manager would probably need staff if he/she is running the day-to-day operations of the City. Vice Mayor Zucker confirmed that Mayor Rothschild is currently running the day-to-day operations of the City on a full time basis.

Councilman Frank Consolo

Councilman Frank Consolo stated that he introduced the ordinance to establish the Charter Review Commission (CRC). He noted that after he took office in January, three (3) fellow council members: Councilman Kevin Patrick Murphy, Councilman Steven D. Bullock, and Councilman Steven Sims took the initiative to explore the idea of considering a change in the form of government. Mr. Consolo mentioned that initially he was against the idea. He noted that several meetings were held regarding the matter, including the meeting with Mr. Murray. However, Mr. Consolo remembers that Mr. Murray did not make a recommendation as to what the City should do, he just presented the four (4) options for the City to consider. Mr. Consolo noted that even though Mr. Murray did not give a recommendation, he suggested that the Charter for the City of Oregon, Ohio be reviewed because its structure of government gave the best balance. He added that the possible change was not considered as a referendum on the current system, but with a vision to the future. Mr. Consolo stated that as the debate continued he became more intrigued with the idea of a City Manager form of government. But, many of the Council members had their own personal opinion as to the form of government they would like to see. Therefore, he questioned whether the Council should be debating the issue alone and suggested that the debate be opened up to more people through a charter review process. Consequently, the ordinance to establish the Charter Review Commission was introduced and passed in order create a forum to raise the debate level.

Mr. Shafran entered the meeting at 7:17 p.m.

Mr. Consolo noted that the last change to the Charter was term limits which was done without a charter review. He added that regardless of the form of government issue, there are certain area of the Charter which should be amended such as whether Council has the ability to go into executive session as well as other items which will be presented as the review process continues. Mr. Consolo was in favor of an automatic review of the Charter and would also support an automatic provision requiring the City to create and maintain a City Master Plan every so many years.

In regard to the question of the direction the Commission should go in, Mr. Consolo suggested that the Commission think outside the box and not get bogged down with the way it was done in the past.

Mr. Morrison noted that recommendations would be accepted with regard to possible changes. Mr. Consolo stated that he will present his recommendation and he, along with his colleagues, will also present a recommendation relative to a proposed change the form of government. After questioning, Mr. Consolo stated that the City would be able to afford an administrator because the compensation for an administrator in a city the size of University Heights would not compare to the compensation for a larger city like Cleveland Heights or Shaker Heights. Mr. Morrison stated that the City would have to consider if the City could afford to make a change in the form of government. Mrs. Pardee stated that the Commission could do more research regarding salaries. Mr. Consolo disagreed that it is the Commission's function to determine economic impact. Mr. Wiseman agreed that the Commission should not consider the financial aspects as that should be left to the Council after the Commission makes its recommendations.

Mr. Shafran pointed out that the Commission is taking this opportunity to learn how the City is operated by talking to the department heads. And in doing so, three (3) things were obvious: 1) the facilities are not up to standards; 2) the organizational chart of the City seem very horizontal with many personnel reporting directly to the Mayor, which cannot be very efficient; and 3) clustering of departments (regionalism) should be considered. Mr. Consolo agreed and stated that a hired professional person making such recommendations would take the to politics out of the decision making process. It was noted that Council would still make the final decision upon the professional advise of the City's expert.

There was discussion regarding the comment "going into the 21st century." Mr. Consolo clarified that he meant something could be improved or done in a different way. He also clarified that he believes the City should have a professionally trained administrator running the day-to-day operations of the City. Mr. Carroll inquired if Mr. Consolo would want the administrator as opposed to a Mayor or in addition to. Mr. Consolo replied that the Charter from the City of Oregon, OH has a Mayor, Council and City Administrator and has the appropriate checks and balances. Mr. Morrison stated that the City of Oregon has different demographic and geographic situations than University Heights. Mrs. Pardee noted that no city will be exactly the same as University Heights, but she suggested that the Commission research and learn from other cities throughout Ohio. Mr. Boyle agreed that the Commission should look at and consider other forms of government and once recommendations are made, the funds can be found to make the recommendations work. After a question from Mr. Boyle, Mr. Consolo replied that with proper efficiencies and checks and balances, a new form of government could help with managing the budget and provide the City the opportunity to improve and grow.

Councilman Steven Sims

Councilman Steven Sims, after making opening statements about his background, cautioned the Commissioned not to get delayed on the question of finances or trying to compare University Heights with another community. Instead, he suggested that the Commission tailor a structure specifically for University Heights after determining the needs of the community.

Mr. Sims presented a written statement, which is attached hereto and made part of this record and marked Exhibit "E." In his comments, Mr. Sims responded to the Council members motivation for convening the Charter Review Commission and offered his thoughts concerning the idea of changing the form of government. He noted that first and foremost the Charter has not been reviewed in thirty (30) years and with the challenges facing the City, he does not want the City to be at a disadvantage among other communities. It is his presumption that the Commission will review the Charter in its entirety, and recommendations will be made by identifying the needs of the community through its work. He sees the charter review process as a way to consider opportunities in which to structure and empower the City to maintain and flourish in these changing times.

Mr. Sims believes the City would benefit from the authority currently under the Mayor's jurisdiction being transferred to a City Administrator that is charged with the full-time, day-to-day management, oversight and development of the City. He explained that an amendment to the Charter to establish provisions for a City Administrator would not constitute a change in the form of government. He noted that the Commission will be provided with sample language to consider.

Mr. Sims stated that other possible aspects to consider would be the measure of authority currently granted to the Council as it relates to how appointments are made to board and commissions, Council's role in advise and consent relating to actions and decisions of the Mayor, and what rights Council has in organizing itself.

Mr. Sims stated that his greatest concern is to have a government structure with the appropriate balance between the Mayor, Council and administrator. He encouraged the Commission to consider the realignment of authorities under the Charter now with the purpose of promoting a government that is progressive and forward in how it functions.

Mrs. Pardee inquired as to when the Commission will receive the sample language. Mr. Sims replied tomorrow and that it is the Charter of the City of Oregon which is a workable plan for University Heights and does not represent a change in the form of government. He commented that it would be very important for the City Administrator to have Charter protection in order to ensure that his/her work is not unduly impeded by the Council or the Mayor.

Mr. Miller questioned whether six (6) months is enough time to determine if the City should be run by a Mayor or City Manager. Mr. Sims suggested that the Commission not limit its ability to move forward because of the time allotted for the review because that time can be extended, if necessary.

Mr. Boyle stated that he appreciated Mr. Sims comments as his thoughts were well organized and he expressed ideas that should be considered as the Commission moves forward in the process.

Mr. McConville inquired as to how the Safety Director position is filled. Mr. Sims responded that the Safety Director is appointed by a vote of the Council. He added that the Mayor has been Safety Director for more than twenty years because the Council recognized that she does perform her duties on a full time basis. But, he added that it should not be taken for granted that the Mayor will always be the Safety Director.

Councilman Kevin Patrick Murphy

Councilman Kevin Patrick Murphy submitted his written remarks (attached hereto and marked as Exhibit "F") at the Commission's meeting of November 25, 2008. Therefore, he took questions. Mrs. Pardee inquired as to what the Council and Mayor will be turning their attention to under a City Manager form of government, and why they are not doing it now. Mr. Murphy replied that the Mayor and Council would be more proactive and do long range planning while learning from other communities instead of conducting the day-to-day operations of the City. He stated that there are many people coming out of Cleveland State University with Master Degrees in Public Administration and the City should utilize those resources. As far as the salary for a manager or administrator, Mr. Murphy noted that depending on the budget, the City may have to get someone in the \$80,000 to \$90,000 range versus the \$80,000 to \$120,000 as quoted by Sy Murray. He noted that the money is in the budget and Council is working in the background on items like clustering and outsourcing which will free up funds. Mr. Murphy also stated that the City has not been able to be more proactive because it lacks the professional capacity of an economic development director or city planner on staff. Mr. Murphy stated that he does not have an agenda, he just thinks the City could be better than it is now and changes must be made in order to move forward.

With regard to the comment of possibly making the change in government effective in four years, Mr. Murphy stated that in his opinion the City cannot wait that long. He added whoever runs for Mayor in 2009 will still run for the part-time Mayor position with a similar salary. Mr. Murphy proposed having an elected part-time Mayor with a full-time administrator similar to the City of Oregon, Ohio.

Mr. Carroll inquired if there would be a full-time or part-time Safety Director under the Mayor, Council, City Administrator plan. Mr. Murphy stated that the Commission can get creative and think outside the box. He added that a Safety Director may not even be needed. Mr. Carroll suggested that Mr. Murphy share his list of concerns.

Mr. Morrison inquired how Mr. Murphy felt about reducing the members on the Council from seven (7) to five (5). He suggested that the Commission consider it and if that is the recommendation, he will not object to it. Mr. Murphy was also in favor of automatic charter review provision.

Councilwoman Frankie B. Goldberg

Councilwoman Frankie Goldberg presented her written comments on October 30, 2008. She was in favor an automatic 10 year review of the Charter. Ms. Goldberg noted that after doing things a certain way for so long the City has to look at how things could be done better and more efficiently while maintaining its viability. She added that the City must continue to provide the level of services that the residents expect even though revenue sources are dwindling.

Ms. Goldberg announced that she is exploring the possibility of running for Mayor in 2009. She feels University Heights's form of government should be a strong Mayor with a City Administrator running the day-to-day operations of the City. She added the Commission should consider whether to have a full-time or part-time Mayor coupled with an administrator. She also noted that regardless of the form of government, a comprehensive review of the Charter is definitely needed. Ms. Goldberg suggested that the politics be taken out of the process and encouraged the Commission to debate, to do its research, and dialogue in order to come up with Charter that will take the City well into the future. She suggested that the review be done with the priority of making the City the most viable and competitive it can be with regard to safety, fire and service. She encouraged the Commission to look at how the City can work with neighboring communities to maximize the City's resources in order to remain financially sound. Ms. Goldberg made herself available to continue offering recommendations during the review process.

Mr. Morrison stated that the Commission is looking to the Council to determine what functions an administrator would have. Ms. Goldberg encouraged the Commission to look at what other communities have done and find the right balance between positions. One area where Ms. Goldberg would like more Council involvement is with the appointments of members to various boards and commissions.

Councilman Steven D. Bullock

Councilman Steven D. Bullock provided written responses and comments regarding questions raised by the Charter Review Commission (attached hereto and marked Exhibit "G"). He thanked the CRC members for their service on the Commission and offered support for the successful completion of the task before them. Mr. Bullock added that he would do what he could to keep some of the politics out of the process.

Mr. Bullock addressed the question of why a charter review is needed now. He responded that a charter review is long overdue as the last charter review was completed almost thirty years ago. Mr. Bullock would like the Commission to identify what needs to be changed through its research, but he will provide a list of concerns if requested. Mr. Bullock stated that he has no personal nor hidden agenda in supporting the charter review now rather than later.

Since there have been many changes over the last thirty years, Mr. Bullock would like the Charter to support and facilitate “a state of the art operation” which utilizes what we’ve learned from the past and what is presently going on to proactively take the City into the future. The outcome of such a Charter, would be an operation and leadership team that creates an overall vision, sets goals for the organization and measures progress of those goals and vision.

With regard to the form of government, Mr. Bullock believes there is a need for a senior administrator with authority to lead the qualified department heads in the daily operations of the City. He mentioned that the administrator should be a trained and experienced public administrator not an assistant to the Mayor. He added that this person would also help create the vision, help set the goals and provide oversight for the achievement. Mr. Bullock stated that the position of administrator should be established in the Charter so that it is not eliminated upon impulse by members of Council or the Mayor.

Mr. Bullock stated that the City is and will be facing financial challenges in the years ahead. He stated that the officials of the City must look to the future and seek out new opportunities and possibilities and a senior administrator could lead the way to setting a new standard.

D. DISCUSSION WITH CLERK OF COUNCIL ENGLISH

MOTION BY MRS. PARDEE, SECONDED BY DR. ADAMS to postpone the discussion with Clerk of Council Nancy English until December 23, 2008 and the discussion with Building Commissioner David Menn until January 13, 2009. On roll call, all voted “aye.”

The Commission presented the Fire and Police Chiefs with the following questions in advance of the meeting:

1. How many employees are in the your Department? 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. What are the major challenges facing your department/the city?
5. What are the most critical issues facing Univ. Hts., and is there anything that requires immediate action?
6. Where do you see your department/city in the next 5-10 years?
7. Where do you see the possibility for more efficient operations w/in Univ. Hts. Government?
and other possible areas of questioning, included:

Accountability

Performance and performance measurement

Recommendation related to increasing efficiency in your specific role

E. DISCUSSION WITH FIRE CHIEF PITCHLER

Fire Chief John Pitchler answered the questions in writing, which is attached hereto and made part of this record as Exhibit "H." In his handout, he answered the Commission's questions, provided an organizational chart, staff assignment sheet, and job descriptions for the Executive Captain/Fire Inspector, Fire Captain, Fire Lieutenant and Firefighter/Paramedic. Chief Pitchler stated that the University Heights Fire Department is a department of the highest quality with regard to equipment, manpower and training. He noted that in 1989 the citizens of University Heights passed a paramedic levy, which currently generates \$700,000 a year.

Chief Pitchler stated that the Fire Department has been actively involved in regionalism since 1997 with the support of the Mayor. He added that University Heights was one of the first cities on the east side of Cleveland to form a Community Emergency Response Team (CERT) with the support of the Mayor and Council. After the 9-11 attacks in 2001, Chief Pitchler became the Emergency Coordinator for the City.

Chief Pitchler noted that the department runs three (3) shifts, 24 hours on and 48 hours off, which is the least expensive and most efficient way to operate. He added that the staff members do several jobs. Chief Pitchler covered the functions of his department in detail as outlined in his comments. The department averages between 1,500 to 1,600 runs a year with 70% to 75% being EMS calls, and three (3) to four (4) house fires a year. Mr. Miller stated that he experienced firsthand the service of the EMS staff and mentioned that they did a very good job. The budget was discussed along with manning. Chief Pitchler stated that he intends to cut the training budget by 52% for 2009 because he negotiated free training from University Hospitals.

Mr. Wiseman inquired if written evaluations are done on the members of the Fire Department. Chief Pitchler replied that he did a written evaluation one time two years ago, but discontinued after he attended a seminar warning against written evaluations for Police and Fire Departments. He added that since the department is small with only one station, he sees what happens on a daily basis.

Mr. Boyle appreciated the level of detail provided by the Chief and inquired how the Mayor evaluates his performance. Chief Pitchler stated that the Mayor does not do a written evaluation, but she evaluates him informally on what he does on a day to day basis.

F. DISCUSSION WITH POLICE CHIEF STEHLIK

Chief of Police Gary Stehlik answered the questions in writing, which is attached hereto and made part of this record as Exhibit "I." He reviewed his written responses to the questions. Chief Stehlik stated that his goal is to remain an attractive, modern Police Department so that during the critical years starting in 2011 when many officers throughout the County will be retiring under the DROP program, he will be able to attract qualified officers. He noted that the current jail facility does not meet the standards of the State Department of Rehabilitation and Correction and the City must submit an action plan in this regard.

In regard to efficient operations, Chief Stehlik stated that the operation of the City is running very efficient because everyone works as a team. He added that the Mayor has hired good people. In regard to the charter review, Chief Stehlik noted that if the Commission proposes any changes a lot of consideration should be given to who hires and fires the staff. With respect to increasing efficiency, Chief Stehlik stated that if the form of government is changed, consideration should be given to providing the Chief of Police security perhaps through Civic Service protection.

In response to questioning, Chief Stehlik noted that theft (shoplifting), assault (generated from Bellefaire) and domestic violence are the biggest crimes in the city. There was discussion on the jail facility. There are five (5) cells – 2 for women and 3 for men. The cell size is substandard and therefore, the jail is certified for zero people. Therefore, prisoners are transported to Bedford Heights jail. They are housed at a rate of \$85 per day plus transportation. With regard to a regional jail, Chief Stehlik mentioned that no one wants it in their city.

It was noted that there is not a residency requirement for City employees.

G. ADDRESS QUESTIONS/COMMENTS FROM ATTENDING CITIZENS

Steven D. Bennett, 3761 Hillbrook Rd., stated that what he noticed during his 13 years as a member of City Council everybody in the City works as a team. Mr. Bennett mentioned that there is more politics in business than in University Heights local government. He urged the Commission not to lock positions in the Charter which will eliminate teamwork. Mr. Bennett suggested that the Commission look at flexibility in the Charter by allowing outsourcing and allowing room for Council to make decisions. He noted that as the baby boomers retire there will be qualified individuals who may be available on a part-time basis so that flexibility should be taken into account for future decision making. Mr. Bennett was not in favor of changing the form of government. After questioning, Mr. Bennett stated that he has aspirations of becoming Mayor.

Mrs. Pardee passed out information on a resident feedback survey because the one element of garnering citizen input has not been discussed. She requested that the members review the information for discussion at the December 23, 2008 meeting.

H. ADJOURNMENT

Mr. Morrison stated that the next meeting will be held on December 23, 2008 at 7:30 p.m. and will be chaired by Vice Chairman Luke McConville.

MOTION BY MR. SHAFRAN, SECONDED BY MR. BOYLE 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