

**MINUTES OF CHARTER REVIEW COMMISSION**

**CITY OF UNIVERSITY HEIGHTS, OHIO**

**WEDNESDAY, JANUARY 18, 2023**

**Approved January 24, 2023**

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The meeting of the 2022 Charter Review Commission was called to order at 7:05 p.m.

Present: Mr. Stephen Wertheim, Chair  
Mr. David Farkas  
Mrs. Margaret Duffy-Friedman  
Mrs. Jacquelyn Gould  
Mr. Wesley Kretch  
Mrs. Threse Marshall  
Mr. Chris Myrick

Also Present: Vice Mayor Michele Weiss  
Councilwoman Sheri Sax  
Law Director Luke McConville  
Mayor Michael Brennan  
Assistant Clerk of Council Jeune Drayton

**1. Call to Order**

Chairman Wertheim called the meeting to order at 7:05 p.m.

It was noted that Mr. Tyler Bobes, Mr. H. Lee Crumrine, Mr. David Jackson, and Dr. Alicia Sloan were unable to attend this meeting.

**2. In Memory of Rick Brown**

Mr. Wertheim expressed his sadness of the loss of one of the Commission members, Rick Brown. Mr. Wertheim stated that Rick Brown was a community and school activist in the Heights area for four decades, noting that he was a person committed to the community, to his neighbors, the schools, the library and to the City of University Heights. He was a good, good human being and this is a real loss.

**Welcome**

Mr. Wertheim welcomed new members, Threse Marshall and David Jackson. Ms. Marshall is present this evening but Mr. Jackson could not attend tonight's meeting due to the death of his father-in-law.

Mrs. Marshall stated that has been in University Heights for over five years. She is a retired educator and a Navy veteran. Mrs. Marshall has two children. Mrs. Marshall stated that she is looking forward to serving and working with the Commission.

**Interim Report**

The report was reviewed. It was noted that the first meeting was on July 27, 2022, not August 27 as noted on the report.

Mr. Wertheim stated that he listed all the members involved through December. At the end of the report the new members, Threse Marshall and David Jackson, are referenced.

The two Charter amendments that the Commission has agreed to were discussed. The first one is

**An amendment to update and modernize the names of administrative officers and departments. The Charter uses anachronistic terminology for administrative officers and departments that is inconsistent with the City's actual usage. The departments will now be referred to as the Police Department, Building Department, Fire Department, and Service Department. The Police, Fire, and Building Departments will be under the Division of Public Safety.**

Mr. Wertheim stated that the Commission did vote on the above and Dr. Sloan wanted the record to reflect that she abstained on the vote in the Interim Report.

The next amendment was: **An amendment replacing or restructuring gendered terms and language throughout the Charter with gender-neutral and gender-inclusive terms and language.**

Mr. Wertheim reviewed the following amendments that are still in discussion and have been proposed by one or more members of the Commission:

- A. Citizen Referendums and Initiatives
- B. Hybrid Council
- C. Recall of Elected Officials
- D. Law Director
- E. Vice Mayor to Council President/separation of executive and legislative powers
- F. How often the Charter Review Commission should meet
- G. Ending of term limits
- H. IT Department – Mr. Wertheim stated that this idea was from Mr. Myrick, but it is not decided that the Commission will go forward with this.
- I. Ranked Voting

**A. Citizen Referendums and Initiatives**

It was noted that this doesn't imply that there will be Charter amendments for each of the areas. Mr. Wertheim asked if there were any additions or changes. Mrs. Gould mentioned petitions, noting that the matter of petitions is separate from referendums and initiatives in the Charter. It was agreed that **Initiatives** be added to Citizen Referendums and Initiatives to read **Citizen Referendums, Initiatives and Petitions**.

Mr. Wertheim mentioned that legislation permits the Commission to go beyond March if needed, noting last week's meeting was cancelled. Law Director McConville stated that the ordinance states that as long as two-thirds of the members vote, the Commission can extend deliberations up to sixty days. This can be done with just a vote among the Commission. Mr. McConville recommended a motion be made since the ordinance also states there is a requirement that the Commission will generate a report and once adopted by the Commission, it will be submitted to the Clerk of Council and then made available to the general public.

Mrs. Duffy-Friedman clarified that Items A through I don't preclude the Commission from offering other amendments. Mr. Wertheim agreed, stating that these are the articles already discussed to-date. Mr. Wertheim stated that it has been mentioned that other items also need to be addressed, such as the Board of Zoning Appeals, the Planning Commission and Civil Service Commission. Mr. Wertheim stated that there can be majority and minority reports and that it is fair to bring everything that is brought up for a vote, noting that there are differences of opinion.

Mrs. Gould asked if each vote for items adopted are going to be reflected in the report as how all voted individually, i.e., so many voted Yes, so many vote No, or Abstention. Mr. McConville stated that the outcome of the votes would be reflected in the minutes, and that he is not aware that there is a legal requirement to specify the individual breakdown in the report. Mr. McConville stated that perhaps Council can be solicited for feedback regarding same, and that there is nothing wrong with doing it that way. It was noted that Dr. Sloan requested that the vote was not unanimous. Mrs. Gould stated that as a report, the majority outcome should be reflected and not necessarily how the votes were divvied up. Mr. Wertheim stated that Dr. Sloan stated on the department issue, she wanted it known the vote was not unanimous on the first amendment; she abstained.

Mr. Wertheim summarized the changes to the Interim Report as follows: **the date of the first meeting was July 27, 2022, not August.**

The word Petitions was added to Item A, Referenda, to read: Citizen Referendums, Initiatives and **Petitions.**

**Motion by Mrs. Duffy-Friedman, second by Mrs. Gould, to propose the Interim Report to Council representing the Commission's efforts to-date. On roll call. All voted "aye".**

Mr. Wertheim asked if someone would be a lead or co-lead on the matter of Referendums, Initiatives and Petitions – whether there should be an amendment. It was noted that Mr. Crumrine has done a lot of work regarding this issue. If there are 6+ votes, the issue can be forwarded to Council and then the Mayor. Mr. Farkas stated that there are some on the Commission that didn't want to see any changes/amendments. Mr. Kretch stated that to be fair, the Commission should wait until Mr. Crumrine is present to formally advocate the work he has done. Mr. Wertheim stated that what Council would approve should be considered, but in the event that there is no approval for various amendments, mention of same should be included in the minutes and the next Charter Commission may review and decide that it is the time for such items to be addressed.

Mr. Wertheim stated that items A and C in the Interim Report tie together regarding the threshold of putting together a recall election on the ballots, a petition, and an initiative. With reference to a co-lead with Mr. Crumrine on this, Mr. Wertheim left the matter open for later consideration.

## **B. Hybrid Council**

Mr. Wertheim noted that Mr. Myrick has discussed this with Dr. Sloan, who is interested in being the lead on this issue.

## **C. Recall of Elected Officials**

Mr. Kretch referred to a document distributed by Mr. Crumrine dated October 25, 2022 regarding recall of elected officials. Mr. Wertheim will talk to Mr. Crumrine regarding same after this meeting.

## **D. Law Director**

Mr. Wertheim noted that 90% of the work is done with the executive branch, yet is hired and technically works for the legislative branch. The question is whether this is the best model to use. Mr. Kretch volunteered to take the lead on this and stated that he is happy to work with other members who may

share his views and/or want to propose amendments for consideration. Mr. Wertheim supports the efforts of members working together on these issues to expedite the process.

**E. Vice Mayor to Council President/separation of executive and legislative powers**

It was noted that this was incomplete because the Commission wanted to hear from the Vice Mayor but she was out of the country at the time. The Vice Mayor as President of Council, would run Council meetings and this would separate the legislative and executive branches. It was noted that this was the Mayor's proposal, and the Commission to-date has not taken any action on this yet. Mrs. Duffy-Friedman noted that there is language regarding succession that should be addressed.

Mr. Wertheim pointed out that the goal of the Charter Review Commission is to put together something that will be good for ten years from now and not focused on specific individuals.

**F. How often the Charter Review Commission should meet?**

Currently, there is nothing in the Charter that specifies how often the Commission should meet; now, it is up to the discretion of Council. There have been suggestions that it should meet every five, ten, or twenty years. Mrs. Duffy-Friedman asked if the Commission would be permitted to suggest for example, the Charter Review Commission will be established every ten years or sooner or based upon the needs of the Council. Mr. McConville stated that that wording would be acceptable, and if a Council member wanted to convene the Charter Review Commission sooner, they could. In response to Mrs. Duffy-Friedman's question regarding Council's ability to put something out to vote directly, Mr. McConville stated that is correct. Mr. McConville stated that there is a legislative process to get an amendment on the ballot which involves a public hearing.

Mr. Wertheim stated that even if the Council or the Mayor choose not to support an amendment this year, it wouldn't stop them from considering at a later date. Decisions to bring matters before the Council should not be based on whether it would pass Council or not.

**G. Term limits removal**

Mr. Wertheim called on Mrs. Duffy-Friedman to discuss an amendment to end term limits. Mrs. Duffy-Friedman stated that she and Mr. Crumrine read articles and research regarding this issue. She noted that currently the City has a three-term limit, twelve years consecutively for both the Mayor and Council. Mrs. Duffy-Friedman stated that there is not a lot of information about the local level, but rather opinions on national and state levels

Mrs. Duffy-Friedman shared some of the arguments for both sides. Some of the arguments supporting term limits are opinions that it brings new blood, fresh ideas and that new people aren't compelled to adhere to old ways, allows more time on policy-making, rather than fund raising; increases diversity of gender and racial composition.

Some articles discussed what people thought about term limits, the legislators themselves and the public. Arguments about eliminating term limits include that it is basically undemocratic, that the voters' choices are restricted; a candidate is barred from being on the ballot. Some believe it increases polarization of legislators; reduces capacities and skills because there is less time in office. Also, leaders forfeit hard-earned experience over the years. Mrs. Duffy-Friedman gave a comprehensive review of

these issues, both pro and con. She stated that she is in favor of eliminating term limits at the local or state level. She noted that Mr. Crumrine has the information she referred to and it was agreed that same could be requested from him.

Mrs. Gould appreciated the information of “why” that Mrs. Duffy-Friedman detailed, adding that this was helpful. Mr. Wertheim agreed with Mrs. Gould that this is a better way of approaching these issues – the “why” underlying the matters.

Mr. Farkas stated that this is the proper way to operate. If someone has an interest in a particular issue, that person should draft an amendment and then the Commission can vote on it. He, too, thanked Mrs. Duffy-Friedman for bringing the information forward. Mr. Farkas stated that he would be in favor of eliminating term limits.

Mr. Wertheim stated that Mrs. Duffy-Friedman has established a way of how the Commission should go forward.

There was a question on whether the Commission was under the two-reading rule on proposals/amendments. It was pointed out that two readings are unnecessary for this body. With reference to Mr. Kretch’s question about timelines for receiving material to review prior to meetings, Mr. Wertheim suggested that material be submitted to the Clerk by Friday for distribution so that the weekend can be used for Commission review.

#### **H. IT Department**

Mr. Myrick stated that he could discuss this at next week’s meeting. Mr. Myrick believes that it is time for a Chief Information Officer, and that when the Charter was written, computers were people. Everything done now is technology based. Whether this is done through the Charter or ordinance is the question, but Mr. Myrick suggested that enacting in the Charter may have more meaning. Mr. Myrick stated that this does not have to be a full-time employee; it could be a contractor.

Mr. Wertheim stated that at next week’s meeting, the Commission will discuss the term limit proposal. He asked if the issue hybrid council could be addressed next week. Mr. Myrick and Dr. Sloan have been working on this, but it is unclear whether Dr. Sloan will be ready to discuss next week.

Mrs. Gould stated that there are issues that haven’t been discussed. Mr. Wertheim stated that some of those include the Planning Commission, the Zoning Board of Appeals and the Civil Service Commission.

Mrs. Duffy-Friedman recalled that the Clerk of Council issue that has not been addressed.

Mr. Farkas stated that the Commission has received comments from both the Mayor and Council. He suggested that the Commission comb through the comments and the Charter to identify what is important. Not everything discussed or written has equal weight.

Mrs. Duffy-Friedman recalled that she needs to hear from the Vice Mayor regarding Item E in the report. There had been discussion regarding this issue and it had been recommended that the Vice Mayor address the Commission, but at the time she was out of the country,

Mr. Wertheim indicated that he did have issues with Civil Service regarding age and gender, some of which was answered. He expressed concern that language be gender-neutral in the Civil Service Commission. Mr. Wertheim agreed with Mr. Farkas that the Commission review the Charter sections which were not discussed, and if there are concerns those can be addressed. Mr. Wertheim reminded that the next meeting is next week.

Mr. Kretch stated that he can put together a proposed amendment regarding the Law Director. Mr. Kretch asked Mr. McConville if there is a requirement that a proposed amendment go with the agenda before next week, or can it be presented at the meeting. Mr. McConville stated that as long as the topic is on the agenda, the amendment does not have to be in the packet. It should be on the notice that it will be discussed. He noted the concern that members may be uncomfortable with considering language just received. Mr. Wertheim reiterated that the issues of Law Director and term limits will be discussed next week.

### **Changes in the Meeting Calendar**

Because Council will meet in this room on February 21, 2023 because of President's Day, it is necessary to schedule the Commission's second meeting in February to February 28, 2023.

**Motion by Mrs. Duffy-Friedman, second by Mr. Kretch, to change the second February meeting date from February 21, to February 28, 2023. On roll call, all voted "aye".**

### **Set Date for Public Hearing**

Mr. Wertheim discussed stated that a date needs to be set for a Public Hearing to hear from the community.

Mr. McConville stated that the idea for the hearing is to have a draft final report which will include all recommended amendments. The report would be reviewed by the public for comments. After the hearing, there would be an opportunity to adjust the report, if necessary. Mr. Wertheim asked Mr. McConville if the final meeting, March 28, would suffice for the Public Hearing. As long as the agreed-upon report can be presented at that meeting, Mr. McConville stated it could be held on March 28. Mrs. Duffy-Friedman asked if another preliminary report had to be submitted to Council before the Public Hearing. Mr. McConville stated that it does not. After consideration of holidays, it was agreed to schedule April 4, 2023 for the Public Hearing tentatively.

Mr. McConville explained procedural issues. There needs to be a 2/3 vote to move the final date of the Commission beyond March 31 and that eight (8) members must be present. The time can be extended up to sixty (60) days. The final date cannot be established until the next meeting or when eight (8) members are present to vote on the time extension and the Public Hearing.

Mr. Wertheim is uncomfortable discussing issues today more at length because of members not present..

### **Other Business**

Mrs. Duffy-Friedman requested that Mr. McConville suggest a brief statement of how often the Charter Review Commission should meet. She suggested that it could be resolved at the next meeting. Mr.

McConville will make a proposal and the Commission can tinker with it.

Mrs. Drayton noted that the minutes of the last meeting, December 13, were not approved because it was omitted from the agenda. It was agreed that consideration would be postponed until the next meeting since there were absences and abstentions.

### **Audience Participation**

Vice Mayor Weiss was called upon for to discuss the issue of the Vice Mayor to Council President, Item E on tonight's agenda. Mrs. Weiss stated that the current arrangement works well and she explained the process. The Mayor sets the agenda by working with Directors and if there are Council members wishing to add something to the agenda, they speak with the Clerk who then arranges everything. She stated that there is a lot of work getting the agenda done. She is not opposed to the change; and she isn't sure why the Mayor wants the change because it lessens his engagement with Council and with residents, too, because he won't be able to have any dialogue except for the Mayor's report at the beginning of the meeting.

Mrs. Weiss reiterated that she is not opposed to this change if this Commission wants to contemplate same, but there should be caveats as follow.

1. There has to be some type of remuneration for the Vice Mayor because as stated, there is a lot of work and time involved. It would need to be contemplated whether the Mayor's salary would then be reduced;
2. Mrs. Weiss doesn't know why a name change is necessary, but she feels strongly that whoever the Vice Mayor or the President is, those responsibilities, put aside running the meeting, if the Mayor cannot fulfill the duties, that everything stays the same. The Council President or Vice Mayor would stay the same.

To summarize, Vice Mayor Weiss stated that the current arrangement is working well, but if that change is contemplated, the points she mentioned should be considered.

Mr. Wertheim stated that some of the Commission members thought that this would give the legislature more power. Vice Mayor Weiss stated that more power would not be extended; the fundamental responsibilities will be the same.

Vice Mayor/Council President's duties would increase, the Mayor's responsibilities would decrease. There would be no change to the Clerk of Council's function.

Mrs. Duffy-Friedman asked if the name were to stay the same, would that be helpful in keeping the succession language. Mr. McConville stated that he thought it would. Regarding the remuneration, Mr. McConville stated that those issues are typically left to Council to consider year-by-year, but that it could be included in the Charter. Mr. McConville agreed that there should be remuneration for the Vice Mayor/President of Council running the meetings because putting an agenda together is a time-consuming process. There is a lot of review that is involved with the process. The Mayor does prepare agendas for the Board of Zoning Appeals and the Planning Commission and the Mayor spends quite a bit of time with this.

Mr. Myrick asked about what the pay would be for the Vice Mayor/President and mentioned some cities where that position is elected separately. Mr. Farkas asked if there is a percentage paid for this position and wondered if Council would delegate same; and, does the Charter Review Commission get involved at this granular level. It was agreed that this should not be included in the Charter. Mrs. Duffy-Friedman stated that she, along with others, believes there should be some type of stipend or remuneration for the extra work done under this proposal.

Mr. Kretch added that at the County level, the President of Council is paid slightly more than the rest of the body, and that it is in the Charter. Mr. Kretch stated that he can provide the language of the pay that is given at the next meeting.

Mr. Wertheim acknowledged that the Commission has heard from Mayor Brennan, but asked him if he had anything to say. Mayor Brennan stated that while it is not unique, it is uncommon that the Mayor chairs the Council meeting. He mentioned that it is more common that the Mayor chairs the organizational meeting of Council and then a President of Council is elected; the President of Council then takes the gavel. The Mayor's presentation in the meeting is to differing degrees. Mayor Brennan stated that he would favor the idea that the Mayor could still speak, participate in discussions, present a report; would not vote. The Mayor would be part of the agenda, but not in charge of it. It makes sense that it is a matter of good government that the legislative body chair itself.

Motion by Mr. Farkas, second by Mr. Myrick, to adjourn the meeting. All voted "aye".

There being no further business to consider, the meeting adjourned at 8:30 p.m.

Jeune Drayton  
Asst. Clerk of Council

Steve Wertheim, Chair  
Charter Review Commission