

**MINUTES OF CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO**

TUESDAY, FEBRUARY 28, 2023

APPROVED 3-24-2023

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The 2022-2023 Charter Review Commission met on Tuesday, February 28, 2023 at the Wiley Building, 2181 Miramar Boulevard, University Heights, Ohio.

Present: Mr. Stephen Wertheim, Chair

Mr. Tyler Bobes (arrived after the roll call)
Mr. David Farkas
Dr. Margaret Duffy-Friedman
Mrs. Jacquelyn Gould
Mr. H. Lee Crumrine
Mr. David Jackson
Mr. Wesley Kretch
Ms. Threse Marshall
Mr. Chris Myrick
Dr. Alicia Sloan

Also Present: Vice Mayor Michele Weiss
Councilwoman Sheri Sax
Councilman Chris Cooney
Councilman John Rach
Assistant Law Director Michael Cicero
Assistant Clerk of Council Jeune Drayton

I. Call to Order

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

II. Review Minutes

Mrs. Gould noted a correction to the February 7, 2023 minutes on Page 4, near the bottom of the page, the sentence which reads: "Mrs. Gould suggested that having all the city in wards and have each person represent a couple of wards." The sentence should read "Mrs. Gould asked about having all the city in wards"; the remainder of the sentence should be deleted.

Motion by Mr. Myrick, second by Jackson, to approve the minutes as amended. All voted "aye".

III. Department Name Change Amendment

Mr. Wertheim noted that since only a straw poll vote was done on this amendment, an official vote should be taken. He referred to the excerpt from the December meeting included in the packet. Mr. Cicero noted that there were two straw polls taken, one to prohibit Council from eliminating the Department of Public Safety, and the other to change the department names (see attached).

Motion by Mr. Myrick, second by to approve the name change Amendment for the departments and to prohibit Council from eliminating the Department of Public Safety. On roll call, the following votes are recorded:

Mr. Wertheim	Yes
Mr. Crumrine	Yes
Mr. Farkas	Abstain
Dr. Duffy-Friedman	Yes
Mrs. Gould	Yes
Mr. Jackson	Yes
Mr. Kretch	Yes
Ms. Marshall	Abstain
Mr. Myrick	Yes
Dr. Sloan	Abstain

Seven (7) Ayes; three Abstentions

IV. Hybrid Council Charter Amendment

This is the second reading of this proposed amendment.

Mr. Crumrine restated his reasons for supporting the proposed amendment.. University Heights is not homogeneous, and there are geographical concentrations of certain communities of interest whether economic, racial, or religious. Because they are geographically concentrated, these voters are underrepresented. The model city charter recommends a hybrid system to help produce more fair representation. Mr. Myrick suggested to let the citizens decide.

Mr. Farkas is against this proposal and stated that this feels more harmful; that it reinforces distinctions and is not helpful. Mr. Myrick stated that the recommendation to have a hybrid system includes that there still would be three council persons at-large. Discussion continued regarding perceived divisiveness, political influences, under voting, lack of cohesiveness and wards. Dr. Sloan pointed out that even if there are ward representatives, residents are also free to contact at-large Council member; residents aren't restricted to just the ward designee.

Mr. Wertheim stated that in the past, there have been areas underrepresented, although not intentional, on Council and in the community. Goals are to make sure everyone is heard, and to get more people out to vote for not only the Mayor and those at the top of the ticket, but for those they may know in their own community. He noted that the Commission's work today is also for years to come, not just today. It was noted that 21 cities in Cuyahoga County use the hybrid system.

Dr. Sloan reviewed data from various elections, noting under voting. Mr. Myrick described voting patterns in sections of the city showing pockets of disproportion of votes.

Ms. Marshall believes that there is some division in the City, and feels that if this route is pursued, it will become more so. However, she noted that if the residents don't want this, they will not vote for it.

Mr. Cicero noted that whatever the Commission votes on, it is not automatic that same will go on the ballot; Council has to approve.

Motion by Mr. Myrick, second by Mr. Wertheim, to approve the Hybrid Council Charter Amendment proposal originally submitted by Dr. Sloan. The votes were:

Mr. Wertheim	Yes
Mr. Bobes	No
Mr. Crumrine	Yes
Mr. Farkas	No
Dr. Duffy-Friedman	No
Mrs. Gould	No
Mr. Jackson	Yes
Mr. Kretch	No
Ms. Marshall	No
Mr. Myrick	Yes
Dr. Sloan	Yes

Five (5) Ayes; Six (6) Nays – Fails

V. Rank Choice Voting Charter Amendment

Mr. Crumrine explained how rank choice voting works for both the Mayor and Council. It was noted that this system avoids the expense and necessity for a run-off election.

Concerns were expressed about residents not understanding the process. It was pointed out that the Board of Elections does the tabulations and that what voters need to know is to rank their candidates in the order they prefer. There was a robust discussion concerning pros and cons.

Motion by Mr. Myrick, second by Mr. Crumrine, to adopt the Rank Order Charter Amendment. The votes were:

Mr. Wertheim	Yes
Mr. Bobes	No
Mr. Crumrine	Yes
Mr. Farkas	No
Dr. Duffy-Friedman	No
Mrs. Gould	Yes
Mr. Jackson	Yes
Mr. Kretch	Yes
Ms. Marshall	Yes
Mr. Myrick	Yes
Dr. Sloan	Yes

Seven (7) Ayes: Four (4) Nays – Motion passes

VI. Recall Amendment

Mr. Wertheim stated that this is the first reading for this item.

Mr. Crumrine noted that this proposal replaces Article 4, Section 3, of the Charter, removing the entire process for a recall. Mr. Cicero detailed the process. The number of petitions required and the process involved in initiating a recall were discussed, some of which are: five electors form a recall committee, and they file a sample petition, which has to have the grounds for a recall. The Clerk of Council personally or via express mail or certified mail submits the affidavit. Within ten days of service of affidavit, the person being recalled files a response. The recall petitions have to be signed by 20% of the total number of registered voters. Mr. Cicero further explained the stipulations of time limits and Council submission and when the election can be held.

Mr. Wertheim pointed out that a person recalled can run in the next election. University Heights has not had to deal with that; this matter was discussed. Mr. Cicero pointed out that one can be recalled and re-elected on the same ballot.

Mr. Cicero referred to Article 5, Section 3, Vacancy, which reads in part: “In case of death, resignation or removal other than by recall”. Mr. Cicero stated that this should be changed to “including recall election”.

VII. Initiative/Referendum Amendment

Mr. Wertheim noted that this is the first reading of this proposal.

Mr. Crumrine detailed the proposal. In response to Mr. Wertheim, Mr. Crumrine explained that an initiative is a proposal that starts with petitioners, and a referendum would be if Council passed something and the citizens wanted to nullify it, it would go on the ballot for a referendum. A lengthy discussion ensued regarding the number of votes needed for each and the resulting ballot requirements and elections. Dr. Sloan distributed a chart on this matter which is attached to original minutes.

Mr. Wertheim stated that there had been discussions about what it would take to put a citizen’s initiative and a referendum on the ballot. More citizen involvement was discussed and making it easier to put something on the ballot from the community without making it too easy.

Mr. Cicero noted there is a provision which applies to both the initiative and referendum that all that is required is ten percent (10%) of the registered voters who voted in the last election (335), and then the matter goes to Council on the initiative. If Council does not agree and there is 20% level, it is considered at some next election. If there is 25% total, then there must be a special election held within sixty (60) days. If Council does not want to touch an Initiative, and if there are additional petitions of 20%, it can be considered at the next municipal election or primary; if it comes to 25%, the City has to pay for it.

Mr. Farkas recommended caution about lowering thresholds and expressed concern about having to go to the polls repeatedly.

Discussion continued about percentages, using inaccurate voter lists, and the difficulty of obtaining enough signatures for the initiative and referendum, and how it is possible to override Council. Council can refuse it.

Mr. Wertheim clarified with Mr. Cicero that to get an issue to Council for consideration, 445 votes are needed; to override Council's refusal to consider it, 890 votes are needed, and to get it as a fast-tracked election 1,780 votes are needed. Mr. Kretch clarified with Mr. Cicero that if 10% is reached under the current language, the issue will appear on the ballot, but there won't be a special election. Mr. Cicero affirmed.

Mr. Wertheim stated that this issue will be voted on at the next meeting.

VIII. Miscellaneous Business

Mr. Wertheim noted that the separation of powers still needs to be discussed; the matter of changing the Vice Mayor to President of Council. Mr. Kretch indicated that he would prepare material regarding the Mayor presiding over Council meetings. (Article 5, Section 4) He welcomed participation of other members toward this effort.

Issues that are yet to be addressed by the Commission are the Board of Zoning Appeals, the Planning Commission, and the Civil Service Commission. Mr. Wertheim urged the members to examine Article 7 for possible consideration at the next meeting.

IX. Public Comment

There was no public comment.

X. Adjournment

Motion by Mr. Farkas, second by Mr. Myrick to adjourn the meeting at 8:45 p.m. All voted "aye".

Jeune Drayton
Asst. Clerk of Council

Steve Wertheim, Chair
Charter Review Commission