

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

TUESDAY, FEBRUARY 7, 2023

APPROVED 2-28-2023

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The 2022-2023 Charter Review Commission met on Tuesday, February 7, 2023 at the Wiley Building, 2181 Miramar Boulevard, University Heights, Ohio.

Present: Mr. Stephen Wertheim, Chair
 Dr. Margaret Duffy-Friedman
 Mrs. Jacquelyn Gould
 Mr. H. Lee Crumrine
 Mr. David Jackson
 Mr. Wesley Kretch
 Mrs. Threse Marshall
 Mr. Chris Myrick
 Dr. Alicia Sloan

Also Present: Mayor Michael Brennan
 Vice Mayor Michele Weiss
 Councilwoman Sheri Sax
 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.

It was noted that Mr. Tyler Bobes and Mr. David Farkas were absent.

II. Review Minutes

Mr. Jackson referred to the bottom of page 2 of the January 24, 2023 minutes, the second sentence of the paragraph which reads: "It was noted that this was not something the public voted on" and motioned that the sentence be struck. There were no objections to same. **Motion by Mr. Jackson, second by Mr. Myrick, to accept the minutes as amended by Mr. Jackson. All voted "aye".**

Mr. Wertheim stated that he had hoped that all members would be present tonight since there are items of substance to vote on. He explained that according to the Rules, for anything of substance, there needs to be a minimum of six votes, not a majority of those present at the meeting. For example, there are nine people here tonight; but five votes aren't enough to pass items.

III. Law Director Charter Amendment

This proposal was submitted by Mr. Kretch and Mr. Myrick. Mr. Kretch stated that the proposed amendment was not included in last month's packet because of a technological glitch, but it is included in the current packet. Mr. Kretch summarized the proposed amendment. He noted that it is unusual that the Mayor of this city does not have a role in the selection of the Law Director, even though the Law Director does regularly counsel both the Mayor and Council. Section 2 of Article 6, if enacted would

permit the Mayor to appoint the Law Director subject to confirmation by Council. The proposal also provides that the Law Director can be removed either by the Mayor or a majority of Council. Mr. Kretch provided language from the Cleveland Heights, Ohio Charter for comparison and also noted that in the Cuyahoga County Council, the law director is appointed by the County Executive, a position comparable to the Mayor's, subject to the Cuyahoga County Council's approval. The rationale is to give the Mayor a say; this also strikes an appropriate balance of power in Mr. Ketch's view.

Dr. Duffy-Friedman asked whether this refers to a super majority of Council. Mr. Wertheim stated that the goal is to have a balance of power with the Mayor and Council working together to find a law director appealing to both sides. If Council feels the Law Director is not operating in the city's interest, it only takes a majority of four or more for action to remove the law director. The law director cannot ignore either Council or the Mayor; there must be a balance. Mr. Wertheim is reconsidering the super-majority concept since Council would lose power. A super majority is for emergency situations.

Dr. Duffy-Friedman asked Mr. Cicero if there is super majority language in any other parts of the Charter. Mr. Cicero didn't believe so. A super majority would be required to override the Mayor's veto but he isn't sure if this rule is in the Charter or the ordinances. Mayor Brennan was recognized in the audience and stated that a super majority is needed to pass anything on emergency. The Mayor may choose a law director, but the majority of Council has to approve.

Mr. Cicero stated that in most cities, the Mayor selects the Law Director and the action is approved by a majority of the Council. In response to Mr. Wertheim's question of whether Council can remove the Law Director by majority vote, Mr. Cicero stated that it varies from city to city.

Mr. Jackson liked the proposed amendment indicating that a majority of Council can remove the law director if need be, because it shows that there is a balance of power. Everyone has an equal say of who the law director is at all times.

Motion by Mr. Kretch, second by Mr. Myrick, to advance the proposed Law Director amendment to City Council for consideration.

In response to Dr. Duffy-Friedman's question, Mr. Cicero stated that by State law, the Law Director represents the entire city, all the department heads and the Mayor.

Mr. Kretch stated that if the law director position becomes vacant, the Mayor and Council should be working together to find an appropriate selection.

On roll call on the motion to advance the proposed Law Director Amendment to City Council for consideration, all voted "aye".

IV. Decennial Charter Review Committee Amendment

Assistant Law Director Cicero clarified with reference to the amendment just passed and the subsequent amendments for consideration, that these issues were discussed more than once publicly. He noted that the Rules specify that these items are to be discussed in at least two (2) meetings. Mr. Wertheim acknowledged this to be true; the matter was considered at multiple meetings.

Mr. Wertheim stated that currently it is up to Council when the Charter Commission meets. The change he made to the proposed amendment provided by Law Director McConville is that the Commission should meet at least once every ten (10) years.

Mr. Cicero stated that many communities do have a finite period of time within which the Charter Review Commission should meet. This proposed amendment specifies that at least once every ten years the Commission meets; it could be done in five or whenever.

Motion by Mr. Wertheim, second by Mr. Myrick, to approve the Decennial Charter Review Committee Amendment sponsored by Mr. Wertheim. On roll call, all voted “aye”.

V. Hybrid Council Charter Amendment

Mr. Wertheim stated that Dr. Sloan and Mr. Crumrine worked on this, and that this issue has been discussed at two meetings. It was pointed out that the supplement Dr. Sloan provided was not distributed to the Commission. Mr. Wertheim apologized; this information will be provided prior to the next meeting.

Mr. Kretch noted that this proposed amendment had not been discussed previously, and there would be another opportunity to do so at the next meeting on February 28 to comply with the two-meeting consideration requirement.

Dr. Sloan discussed the proposed amendment. The hybrid system would consist of three at-large members and four elected officials by ward. She detailed cities comparing at-large wards and hybrid councils. Less than half of the at-large systems are within a city of the size of University Heights. The majority of cities our size uses the hybrid system, and Dr. Sloan noted that the city’s size did not matter. Some of the research findings include: when comparing systems, the feasibility of campaigning was considered and it was not necessarily the issue of putting in the work, but rather the expense. Some would be good candidates, but would not necessarily have the money to campaign all over the city. There is a better line of communication in a ward because there is a “go-to” person, rather than going to an entire Council. Within a hybrid system, there is the best of both worlds since you have a council member and the at-large member; you can reach out to either one.

Awareness – having a council member in a ward would be beneficial because they will know what is going on in that particular area especially if residents come to them; that is not to say that residents would not be concerned about all of the city.

There is the issue of under-voting. With the votes for the Mayor, there were only 6,300 votes in 2021; but regarding Council, there were 2,266 votes that were not used and that is a pattern in all of the elections. She explained that with under-voting; the choice is to vote for three candidates; you get three votes. People would only pick one candidate, which causes divisiveness. A hybrid system would lessen the divisiveness because you choose one or the other in a ward.

Regarding boundaries, Dr. Sloan expressed concern about using census tracks because it is our city, not the United States specifically, so the residents should choose the boundaries. Choosing the census track would be a good place to start with reference to creating boundaries but that would come from a districting commission.

Mr. Crumrine stated that the model city charter recommends districts or a combination of districts and at-large seats on Council. Both follow recent trends in local government. It was noted that a combination of districts and at-large representatives to address diversity and representation issues is suggested in the research; the report suggests that at-large systems should only be used as an alternative for small communities with no geographic concentration of under-represented voters. University Heights does have geographical concentration of under-represented voters and is not homogenous. This would address the issue and make representation on Council more equitable. Rank choice voting provides better equity. Mr. Crumrine recommends sending both amendments to Council.

Mr. Crumrine stated that Article 8, Section 5 creates an independent districting commission; the only alternative recommendation is to have Council draw those lines. **The election cycle with four seats would transition to become ward elections. The election cycle with three seats would remain an at-large election.** This is the same language as Lakewood.

Mr. Cicero stated that in Richmond Heights, Council shall review districts every two years, and they may adjust the boundaries of the four wards; if they do not do it in two years, they have to do so within ten years, based on population and it is done every ten years as the census.

Mr. Myrick noted that precincts are defined by 1,400 people. He noted that since 2011, 27% of the Council members elected have come from one precinct; 20% has come from another.

Mrs. Gould asked what problem are we attempting to solve. Dr. Sloan stated that with each of the elections there were higher levels of under-voting

Mr. Myrick cited lack of engagement and interest. He believes that could be overcome if people are aware of who their councilperson is; this could get citizens more involved. A discussion ensued regarding the costs relating to campaigning within a smaller area of a ward versus campaigning city-wide.

Dr. Duffy-Friedman discussed the language on the ballots, pointing out that the language could be suggestive. It was mentioned that if a ward did not have a candidate running, Council would appoint. It was pointed out that ballots will look differently with the proposed structure, similar to state ballots. The Board of Elections handles the ward/precinct designations.

It was suggested that good government is a mixed hybrid, council-at large and ward. Mr. Myrick suggested there is no harm in letting the citizens decide if the proposed system is desired.

Mrs. Gould feels that the city is small; all Council members are responsible and she doesn't want to have the city seemingly segregated, for lack of a better word, with this system. Mrs. Marshall agrees and indicated she is uncomfortable with this structure. It would appear that part of the City may receive something and other parts not.

Mr. Myrick stated that the hybrid system eliminates potential for council people that are just focused on their small area. As far as segregation, the city is already somewhat segregated. Discussion continued and included the following. Mr. Kretch expressed concern about drawing of maps. Mr. Cicero referred to the state's drawing of maps, and that the risk with wards is that the at-large elections could become huge because there is a possibility that all three candidates for at-large come from one ward; then there

would be one large super ward and the other three are left out. Mr. Wertheim noted that what the Commission is doing has nothing to do with the present Council, but something is being put forth for the next few years. Areas of the city were discussed including the northwest area Taylor/Cedar Road; the gas station on Cedar and Green.

Mrs. Gould has lived in the City for over 25 years and believes that the present Council as well as previous Councils address issues wherever they came from. Mrs. Gould believes there is an assumption that if there were wards, there won't be so many complaints from a particular part of town. Mrs. Gould appreciates the fact that city is not homogeneous; there are people unique to the city and she doesn't want to do anything to change that. Council and Mayor should be accountable.

Dr. Sloan contends there will be more awareness with wards. If someone at the ward level is working to bring people out, it may help bring out the vote in general and decrease the under-vote for the candidate running at large.

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Mr. Wertheim stated that this issue will not be voted on today.

VI. Miscellaneous Business: Ranked Choice Voting

Mr. Crumrine stated that this is an alternative to Dr. Sloan's proposal. This would **apply to both** the Mayor and Council races. This would retain the at-large system. In the Mayor's race, votes would count toward first-choice candidate. If one candidate for mayor receives 50% or more of the votes, he/she is automatically elected. The candidate with the fewest number of votes is eliminated and their votes are re-distributed to **their** second-choice candidate. This **tabulation** is all done by the Board of Elections. This is essentially a runoff election without the cost. The Council votes work differently. **It addresses the democratic problem of vote splitting. It encourages voters to vote for the best candidate even if they are an underdog.** Mr. Jackson likes this method and stated the hurdle is educating the public about this method.

Chairman Wertheim stated that this will be discussed at the next meeting.

Other matters to consider are the Board of Zoning Appeals, Planning Commission, Civil Service, the Clerk of Council and the issue of considering the naming of the Vice Mayor versus Council President. Mr. Crumrine agreed to provide proposed amendments on Recall and Initiative and Referendum for the next meeting.

Extend Timeframe

Motion by Mr. Myrick, second by Mrs. Gould, to extend the time frame of the Commission. On roll call, all voted "aye".

There being no further business to consider, the meeting adjourned at 8:43 p.m.

Jeune Drayton
Asst. Clerk of Council

Steve Wertheim, Chair
Charter Review Commission

