

Approved April 18, 2023

**CITY OF UNIVERSITY HEIGHTS, OHIO  
MINUTES OF CHARTER REVIEW COMMISSION  
APRIL 4, 2023**

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The 2022-2023 Charter Review Commission met on Tuesday, April 4, 2023 at the Wiley Building, 2181 Miramar Boulevard, University Heights, Ohio.

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

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

**1.       Call to Order**

Chairman Wertheim called the meeting to order at 7:08 p.m. Mr. Bobes notified the Clerk that he would not be able to attend.

**2.       Review Minutes of March 28, 2023**

Motion by Mr. Myrick, second by Ms. Marshall to approve the minutes of March 28, 2023 meeting. On roll call, all voted “aye”.

**3.       Second Reading on the Separation of Powers Amendment**

**Article 3, Council, Section 4, General Powers and Duties** was discussed. Mr. Kretch stated that the proposal submitted this evening is different from what he originally proposed, but he agrees with the language Mr. Cicero recommended. Mr. Kretch stated that he agrees with Mr. Cicero’s recommendation to make it explicit that the Mayor should be at all Council meetings and still has the veto power as previously specified. There was a discussion regarding whether the language should read the Mayor “shall” be present or the Mayor “has the right to be present”; and,

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if the Mayor's designee should be named should the Mayor be unable to attend the meeting. Mr. Cicero stated that Article 5 of the Charter already covers that; if the Mayor is not present, the Vice Mayor takes over. It was pointed out that currently, if the Mayor cannot attend the Council meeting, the Vice Mayor runs the meeting, pursuant to Article 5 of the Charter.

Motion by Mr. Kretch, second by Mr. Myrick, to amend Mr. Kretch's March 14, 2023 original proposal by replacing the first sentence in **Section 4, General Powers and Duties; B. Legislative** as follows: **The Mayor and the directors of all departments established by this Charter or by ordinance shall be entitled to seats in the Council.** On roll call, all voted "aye".

**Motion by Mr. Kretch, second by Mr. Jackson, to approve the amendment to Section 4 B, Legislative, as voted on above. On roll call, all voted "aye". The motion passed unanimously (10 ayes).**

Mr. Farkas reminded the Commission that it had been suggested that a stipend be provided if it is decided the Vice Mayor assumes additional duties of running the Council meetings by preparing agendas, etc. Dr. Duffy-Friedman agreed. This matter has been discussed in previous meetings. Mr. Jackson suggested that this could be included in the final report. There were no objections to same. It was also recommended that this should be done by ordinance. Mr. Wertheim noted that additional staffing to assist with the additional duties could also be considered.

**4. Review Civil Service Amendment (First Reading)**

**Article 7 – Commissions and Boards, Sec. 2 – Civil Service Commission, third paragraph, first sentence.** The following language was recommended by Mr. Cicero.

*The Commission shall provide rules for the procedure of the Commission, for standardization and classification of positions, for competitive and noncompetitive tests, for qualifications in meeting reasonable requirements as to age, physical condition, trustworthiness and truthfulness.*

**Motion by Mr. Wertheim, second by Ms. Marshall, to adopt the language as outlined above. The word "sex" is removed from the proposed amendment.**

**On roll call, the following voted "aye": Mr. Wertheim, Dr. Duffy-Friedman, Mr. Crumrine, Mr. Jackson, Mr. Kretch, Ms. Marshall, Mr. Myrick, and Dr. Sloan.**

**The following abstained: Mr. Farkas and Mrs. Gould. The vote was eight (8) ayes and two (2) abstentions.**

Mr. Crumrine explained his preferences to this section. He noted that he would keep the words "moral character" in. For the last sentence discussing discrimination, he stated that "sex" should be included and he would move the entire sentence to Article 8, Miscellaneous, and make it an

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employment discrimination provision that applies to all employees of the city, not just the civil service. Mr. Cicero stated that if this is moved to Article 8, it would not cover applicants.

This cannot be voted on this evening since it is the first reading.

Discussion ensued regarding discrimination not being mentioned elsewhere in the Charter and the Model Cities report, the protection provided by state and federal laws regarding this issue.

Mr. Farkas stated that the reasons he abstained on the proposed amendment are because he likes the word “morals” included in the current language; and that the proposed language represents an enormous expansion of Title VII, which protects five classes of people, and he expressed concern about the possibility of law suits. He is not convinced that this is a step forward.

Mr. Kretch suggested that perhaps the word “truthfulness” could be substituted for moral character; that the truth cannot be twisted in the way that moral character can be [interpreted]. Discussion ensued regarding the merits of the words, and how they would be perceived, and suggestions were brainstormed. It was suggested that attempts to modify this amendment should be done for the next meeting with suggestions provided in advance.

Reference was made to a document provided by Mr. Crumrine, (Section 8.02 Prohibitions – attached). Mr. Cicero read from the document and noted that some of the language may be more appropriate. Mr. Wertheim stated that he and Mr. Crumrine will work on this in conjunction with Mr. Cicero for the next meeting. Mr. Kretch asked if the requirement of citizenship status has been addressed for hiring police officers; Mr. Cicero will consult with legal immigration partners. Mr. Cicero noted that he will be out of town next week and requested that material be sent to Mr. McConville as well as cc Mr. Cicero.

The question of biological gender was mentioned vis-a-vis sexual identity. Mrs. Gould expressed concern and wants to be respectful and not dismissive of same.

**5. Review All Amendments Passed to-date**

Mr. Wertheim noted that the following amendments have passed; sponsors are in parenthesis.

- Law Director (Mr. Kretch);
- Term Limits (Dr. Duffy-Friedman)
- Gender Neutral (Mr. Crumrine)
- Separation of powers (Mr. Kretch)
- Recall and Initiative and Referendum (Mr. Crumrine)
- Department Name Changes
- Ranked voting (Mr. Crumrine)

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**6. Discussion on the Drafting of a Final Report**

Discussions on how to proceed with the final report, the Public Hearing, and presentation to Council followed. Mr. Cicero recommended that oral presentations to Council not include failed proposed amendments.

Mr. Wertheim stated that he would like to report at a Council meeting with each individual who sponsored an amendment present the rationale of same.

Mr. Cicero noted that the required public hearing should be done before the interim report, and a seven-day notice has to be provided; report needs to be filed with the Clerk's office. It was pointed out that the interim report is a rough draft of the Commission's progress.

**It was decided that the Public Hearing can be held on April 24, 2023 and the notice of same should be done April 21.**

The process of how to present or "report out" the report was discussed. It was suggested that the form being used currently would work well with a copy of the amendment attached to the form. Consideration was given to the length of the presentations.

Dr. Sloan asked whether it would be permissible to state the reason for opposing an amendment. Mr. Cicero noted that there is no legal issue regarding same.

The logistics of notifying residents of the report were discussed.

**7. Other Business**

In response to Mr. Cicero, Mr. Crumrine explained the 8.02 document distributed. Mr. Crumrine stated that this is from the National Civic League's Model City Charter.

**8. Audience Participation**

Mayor Brennan suggested that the Commission consider that in years to come, Council and the public will review the Charter amendments, and future generations should be considered in developing same; the next Charter Review Commission will need to have an understanding of the reasoning for the actions taken.

Motion by Mr. Myrick, second by Mr. Kretch to adjourn the meeting. The meeting adjourned at 8:35 p.m.

Submitted by,

Jeune Drayton, Assistant Clerk  
Of Council

Stephen Wertheim, Chair  
Charter Review Commission

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