

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

TUESDAY, MARCH 28, 2023

Approved April 4, 2023

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The 2022-2023 Charter Review Commission met on Tuesday, March 28, 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
 Ms. Threse Marshall
 Mr. Chris Myrick
 Dr. Alicia Sloan

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

1. **Call to Order**

Chairman Wertheim called the meeting to order at 7:08 p.m.

Mr. Jackson and Mr. Kretch indicated they could not attend this evening. Mr. Farkas and Mr. Bobes were also absent.

Motion by Mr. Myrick, second by Mrs. Gould, to approve the minutes of the March 14, 2023 meeting. On roll call, all voted “aye”.

3. **Separation of Powers Charter Amendment**

Chairman Wertheim questioned whether or not action should be taken on this item now since Mr. Kretch, author of the proposed amendment, is not present to discuss same and there are three other members absent. Mr. Cicero referred to Article 3, Council, Section 4 (B). Legislative, and recommended that it read: “The Mayor shall be present at all Council meetings and shall have the power to veto as specified in Article 3, Section 7 of the Charter.” Mr. Cicero legally recommended that since he proposed an amendment which is being considered to a change to what the sponsor (Mr. Kretch) has originally submitted, that action be delayed until Mr. Kretch returns. Chairman Wertheim noted that it was the consensus of the Commission to delay action on this item.

4. **Review Article 7 of the Charter**

Reference was made to the comparison of comments made by the Mayor and Vice Mayor prepared by Mr. Myrick (attached to original minutes). Section 1 of the Vice Mayor’s comments was addressed which reads in part:

Section 1. General Provisions for purposes of voluntarily serving on boards and commissions

and regarding elected officials, (vs. Supervisor/supervisee employment capacity) blood and/or marriage relationships have been acceptable and should continue to be allowed for qualified individuals. University Heights is a small city and more versus less involvement in general is needed.

Vice Mayor Weiss referred to the possibility of a family member being on a committee/board while there is someone on Council. She stated that there is such a small pool to choose from since the City is small.

Mr. Cicero legally advised against changing Section 1 of the Vice Mayor's suggestion since it would be contrary to Ohio Ethics Law. Nepotism is against Ohio Ethics Law. It was noted that in spite of the fact that the city is small, the rule still applies. In response to Mrs. Sax's question about whether or not the Council member could recuse themselves from participation on a particular issue, Mr. Cicero advised that it could be attempted, but it is the appearance of impropriety/unethical behavior. Even if the charge survives a court challenge or an Ohio Ethics Commission charge, this could cause bad optics.

It was noted that the Architectural Review Board is not in the Charter, but done by ordinance. Mr. Cicero stated that currently, the Architectural Review Board can exist at Council's pleasure. If it is included in the Charter, it has to exist. Mr. Cicero stated that all cities have a Planning Commission, and a Board of Zoning Appeals. Mr. Cicero stated in most cities, appeals from the Architectural Board of Review cannot be submitted to the Zoning Board of Appeals or Council; the decisions cannot be administratively appealed. Mr. Cicero mentioned that Council is going to have to choose which proposed amendments will go on the ballot. He stated that it could be stated in the Charter that there shall be an Architectural Review Board, not the composition.

Streamlining the process of the Planning Commission, Board of Zoning Appeals and the Civil Service Commission was addressed in Vice Mayor Weiss' comments. (see attached)

Vice Mayor Weiss stated that each have different processes/descriptions, excessive verbiage. Mr. Cicero stated that planning commissions in most cities has five (5) resident members, and he described practices in some cities in terms of how members are selected. Mr. Cicero noted that University Heights is unique in that the Planning Commission consists of the Mayor and a Council member. It was noted that with a city the size of University Heights, the Civil Service Commission is always comprised of three (3) people. The Zoning Board of Appeals is done by ordinance.

The selection of appointments to the boards/commissions was described. The Civil Service Commission appointments are recommended by the Mayor, subject to consent and approval by majority of Council; the Planning Commission members are appointed by the Mayor; one member of Council selected by Council, and three electors of the City not holding any other municipal office, although it is not specified in the Charter who selects the electors; the Zoning Board of Appeals is by ordinance.

Mr. Cicero suggested that an ordinance be created specifying that the three (3) electors of the City serving on the Planning Commission are to be chosen by the Mayor, subject to majority approval of Council, and the same with the Zoning Board of Appeals ordinance. Mr. Cicero suggested that this be done by ordinance, not the Charter.

Civil Service Commission (see attachments from Mr. Crumrine)

Reference was made to the material Mr. Crumrine prepared. Mr. Crumrine stated that he was unsure if this material should be included in the Charter, that legal counsel is needed regarding same. Chairman Wertheim recalled there had been discussion about changing the language - moral character to ethical. Mr. Crumrine stated that had been eliminated, although allowance is made for rules and regulations along as they are not discriminatory.

Mr. Cicero discussed moral character as referenced at the last meeting, reiterating that the phrase needs to be included but restated in a non-offensive way. Also, the words trustworthiness and truthfulness need to be included. Mr. Cicero stressed the importance of these attributes in the classified service, the police and fire departments. Mr. Cicero advised that to take the word "sex" out and change the phrase moral character to "trustworthiness and truthfulness". It was agreed to leave the paragraph in on Page 2 of the material from Mr. Crumrine, which begins with "The Commission...

Mr. Crumrine agreed to draft language and work with Mr. Wertheim for discussion at the next meeting, at which time the document will be on first reading.

5. Next Steps in Development of a Final Report

It was noted that the required public hearing can be done before a presentation to Council. Mr. Wertheim stated that he would like for each person who sponsored a proposed amendment to discuss same before Council so it can be done as a group presentation.

Another meeting of the Commission is needed to complete the work, and the date of April 24, 2023 has been chosen.

6. Other Business

There was no other business to consider.

7. Audience Participation

There was no audience participation.

Motion by Mr. Myrick, second by Dr. Duffy-Friedman, to adjourn the meeting.
The meeting adjourned at 8:07 p.m.

Submitted by:

Jeune Drayton
Asst. Clerk of Council

Steve Wertheim, Chair
Charter Review Commission