

**MINUTES OF THE REGULAR MEETING
OF THE
CHARTER REVIEW COMMISSION**

**Monday, February 22, 2010 – 7:00 p.m.
Mayfield Village Civic Hall**

The Regular Meeting of the Charter Review Commission was held on Monday, February 22, 2010 in Mayfield Village Civic Hall at the Mayfield Village Civic Center.

Chairman Caticchio called the meeting to order at 7:00 p.m. and asked for a Roll Call.

Present: **Pat Caticchio**
 Eric Jochum
 James Mason
 Shirley Shatten
 Paul Fikaris
 Randy Hyde
 Merv Singer

Absent: **Jim Farmer (Excused)**

Also Present: **Mary Betsa**

. Approval of Minutes of Regular Meeting of Monday, February 8, 2010

Chairman Caticchio asked if everyone received the Minutes of the Regular Meeting of February 8, 2010. The Commission members received. Chairman Caticchio asked if there were any comments. There were none.

Mr. Jochum made a motion that the Minutes of the Regular Meeting of February 8, 2010 be approved as written. Mr. Mason seconded. The motion was unanimously carried.

ROLL CALL: AYES: 7	Motion Carried
NAYS: 0	Minutes Approved

. Proposed letter to Mayor, Council, Department Heads, Commissions and Boards

Chairman Caticchio referred to the 2-12-10 proposed letter prepared for the Mayor, Council, Department Heads, Commissions and Boards. Commission members received the e-mail forwarding the letter for their review, comment and approval. At the end of the letter, Chairman Caticchio initially included the following sentence: “If you have no comments, please send us a note on your letterhead.” That addition hit Chairman Caticchio wrong for some reason. It felt like

we were being patronizing. They are all professional people. Does anyone have any comment? Does anyone know the reason we should even ask that question?

Mr. Jochum replied, Randy made a good point when he brought it up. The only reason Mr. Jochum thought that it was even suggested was that we make sure that the Department Head actually saw it.

Chairman Caticchio asked, you mean that they saw the letter?

Mr. Jochum replied, right. There's so much they deal with in a given day. How do we know that they even saw it?

Mr. Hyde added, what it is doing is it's backing us up, anyone who reads our Minutes will know that we are doing our due diligence to make sure we are getting as much information as possible.

Mrs. Shatten asked, why couldn't they just answer on e-mail? Why do they have to send a letter?

Mr. Jochum replied, that would be fine. Any acknowledgement.

Mrs. Shatten said, that's how it should be worded, instead of on letterhead.

Chairman Caticchio suggested the Commission write up something that would sound palatable.

Mr. Jochum responded, "please acknowledge receipt".

Chairman Caticchio asked, why don't we do it that way instead of asking them to put it on their letterhead? "We would appreciate your acknowledgment of the receipt of this letter", something to that effect?

Mr. Jochum replied, he often puts it on an e-mail anymore. If you want to make sure the person is seeing it before you actually take the next step to do it. If Mr. Jochum is sending something to another person involved in the process, to ensure they have looked at it, he asks for an acknowledgment before he moves forward. At least he knows that that person that could be part of the process has received it.

Chairman Caticchio said, on the other hand, there's a lot of people who aren't going to acknowledge it. It's just like RSVP's. You ask for RSVP's for a party, and only half the people respond. Mr. Hyde added, but they all show up.

Chairman Caticchio stated, he will do it that way. Then we will send it out.

Mr. Mason stated, the only comment he made to Mary Beth was on the first sentence, "The Charter Review Commission has been convened and is now in session." Mr. Mason did not know if that was necessary. You could just state that "it's been convened", "it's been structured", "it's been formed", period. But you could wordsmith this document. The most important thing is to get this thing out so that we get responses back. The other important thing is that they know it has been

commissioned and now we are underway with performing our due diligence and we would like to hear back from them if they have anything to say. If you don't, that's all. The briefer the better.

Chairman Caticchio asked, so what you are saying is, we are convened and we don't have to say that it is now in session.

Mr. Mason replied, yes.

Chairman Caticchio asked if anyone has any comments up to now on the procedures we have adopted? Would anyone like to speak on that for a moment, like the method of doing things?

Mr. Jochum asked for clarification, do we intend to send things on to Joe and Diane periodically?

Chairman Caticchio replied, yes.

Mr. Mason asked, so after we finish our work tonight?

Chairman Caticchio stated, if there is anything, we will forward it to them. The reason we didn't do it last time was because we really didn't have anything to send. Now we may or may not have. Chairman Caticchio does not know.

Mr. Jochum stated, but that does not stop us later on from taking another look at it at the end. We may at the end decide that we don't want to even put this one out.

Chairman Caticchio suggested the way to handle this is to ask any questions that may arise as we have gone through the sections.

Review and discussion of Articles I, II and III of the Charter

Chairman Caticchio asked if anyone had any comments as to the Preamble, Article I and Article II of the Charter as it is written at this time.

With regard to Article II, Section 3, Mr. Singer asked about the phrase, "as the Council may determine".

Chairman Caticchio stated, here's what he highlighted, "The powers of this Municipality. . .then in such manner as the Council may determine."

Mr. Singer said he put a question mark beside it. It doesn't seem right to him. It seems like it is giving them too much power.

Chairman Caticchio does not know whether it gives them too much power or not. It's qualified. In the last two lines it says, "in such manner as may now or hereafter be provided by the general laws of the State of Ohio." That's a qualification of "as Council may determine". They need a certain amount of flexibility, obviously. Would you suggest that we should try to change that?

Mr. Singer replied, no, he didn't understand it. He thought it gives them too much say so. They could make changes without anybody else knowing about it.

Chairman Caticchio stated, no, they have to go through all these procedures.

Mr. Singer said, within the Constitution.

Mr. Mason added, and the Charter.

Chairman Caticchio added, and the general laws of the State of Ohio. Chairman Caticchio highlighted it as well. When you read the whole thing in total, you understand that they can only go so far.

Mr. Mason asked Mary Beth if the Charter is on our website for any of the citizens? Have we stated in the upcoming issue of the *Voice of the Village* that Charter Review has started meeting and that we will be asking for our citizen's input?

Chairman Caticchio said, that might be a good idea. He did not think about contacting the citizens.

Mr. Mason asked what we do about getting citizen input?

Chairman Caticchio asked, at this time?

Mr. Fikaris stated if it is on the website, they can print it off and if they want to, show up.

Mr. Jochum replied, he is pretty sure it is there.

Chairman Caticchio asked Mrs. Betsa what her experience has been in dealing directly with the residents of the Village. Do you ever send out anything that is to go to everyone in the Village?

Mrs. Betsa replied, yes, we do.

Chairman Caticchio asked, for instance, what?

Mrs. Betsa replied, notices of public meetings, notices from the County, for example when they were dropping the raccoon bait.

Mr. Mason stated there will be something, he suspects, in conjunction with the income tax increase that will be going out.

Chairman Caticchio said, that's a tax. Everyone has to be notified on that. That's by Charter.

Mr. Mason continued, the filing deadline has come and gone. We have a tax increase on the ballot. There will be something distributed to all the residents relative to that. Mr. Mason asked how citizens give input. Is that our role to do that?

Chairman Caticchio replied, no it isn't. We don't have to ask. As a matter of fact, we don't even have to ask anyone.

Mr. Mason said, but we have done it.

Chairman Caticchio said, we are doing it because we decided to it, but we don't have to do it if we didn't want to. That goes also for the residents. Maybe we should get something out to tell them that we are in session and that we are open to the public. How difficult is it to send something? Mary Beth, do you sent e-mails out to the entire Village? Have you ever done that?

Mrs. Betsa replied, not e-mails, because we don't have all of their e-mail addresses,

Chairman Caticchio asked when the next public meeting is.

Mrs. Betsa remembers seeing a letter going out to the residents in March 2005 when the Charter Review Commission commenced their review.

Mr. Mason seemed to remember that as well. We tried to communicate in some fashion.

Chairman Caticchio asked if anything came out of it.

Mr. Mason did not remember.

Mr. Jochum replied, if we did, he does not remember any citizen making any suggestions.

Mr. Mason said, we did not have too many people give input anyway.

Chairman Caticchio asked when the *Voice of the Village* is going out.

Mr. Mason said he wrote an article for it and it had to be in a couple of weeks ago. It is in production.

Mrs. Shatten asked, what if it was just on the website for people to read it?

Mr. Mason replied, then the onus is on them. That's right Shirley. Put it on there for people who have computers.

Chairman Caticchio referred to a letter of March 30, 2005 which was sent to the residents. It looks like a draft. Mrs. Betsa will check to see if it actually went out. It is addressed to the residents. It states that a copy of the current Mayfield Village Charter was enclosed. It was the old one before we changed it. It reflects the amendments made in November 2004 pursuant to the initiative

petitions submitted to the electorate. The initiative petitions requested elimination of the three-term limit requirement imposed upon the Mayor and Council. Both issues were passed by the electorate. This is not anything we did.

Mr. Jochum stated, that was after the fact.

Chairman Caticchio stated this was put on the ballot by referendum.

Mrs. Shatten stated the easiest thing would be to put the whole Charter on the website and tell people this is the present Charter of our Village. We now have a Commission reviewing it. If you have any suggestions, to let us know.

Chairman Caticchio stated we have to send a letter out.

Mrs. Shatten stated, no put it on the website.

Mr. Jochum agreed. Put it on the home page.

Mrs. Shatten added, then we have made it public. It's up to the people to see if they are interested in doing what they want.

Chairman Caticchio asked if we keep track of the amount of hits the website gets.

Mrs. Betsa will check on this with Jeff.

Chairman Caticchio stated, it would be good to know just to see how many.

Mr. Jochum stated we could not justify the cost if we do a separate mailing.

Chairman Caticchio stated, we will now get back to the Charter.

Article I - The Municipality

Section 1 - Name and Change of Name

Chairman Caticchio asked if anyone had any comment on this. There were no comments, Chairman Caticchio stated he doubts we will ever become a city. We don't have that much land anymore. We are at about 3,500 now. We need 1,500 more residents. Chairman Caticchio does not think we are ever going to get to that point. We don't have that much land to build homes.

Mr. Hyde stated from the '60's to now, it has been between 3,300, 3,400, 3,600. It goes back and forth in that range. It stays there.

Chairman Caticchio asked if anyone has any further comments. There were none.

Section 1 - Preliminarily approved

. Section 2 - Boundaries

Chairman Caticchio stated that obviously we cannot change the boundaries.

Section 2 – Preliminarily approved

Article II - Form of Government and Powers

. Section 1 - Form

Chairman Caticchio stated this is a simple fact, we are a Mayor-Council form of government. Are there any comments?

Mr. Fikaris stated Dr. Keller did point out in his report if Council-Mayor sounds better. Joe had mentioned that if we are looking at some typographical issues, it does not require a vote to change that.

Chairman Caticchio stated, it would require a vote to change that because you are changing it from Mayor-Council to Council-Mayor. It does not mean anything legally.

Mrs. Shatten asked Mr. Fikaris what he was thinking.

Mr. Fikaris referred to the report. He thought his comment was interesting, who goes first, Council or the Mayor? Mr. Fikaris does not want to make waves, he just wants to know what everyone thinks about that. He is just as good with Mayor-Council. He thinks everyone understands that.

Mr. Mason said, it would be interesting to see what other municipalities have.

Mr. Hyde stated he has always heard it referred to as Mayor-Council.

Mr. Singer stated, the Mayor leads Council.

Mr. Fikaris stated the professor from CSU had made a comment about that. He said only the legislative body can enact laws. This is true in cities and states and national levels. He suggested it should read Council-Mayor.

Mr. Mason stated, you make a good point.

Mr. Fikaris continued, Joe said we could chalk this up to a grammatical error type of thing. Just like you are going to have to address the five year error in the back. Mr. Fikaris does not know if that strikes someone different or not.

Chairman Caticchio asked if anyone has any thoughts on that. Do you want to take it to a vote? Do we want to change it? Does anyone else have any ideas about changing it?

Mr. Hyde stated he is happy with the way it is. Chairman Caticchio agreed.

Mr. Fikaris said he is okay with it. He understands, as an example, the question about whether you thought the Council had too much power in the manner of exercise section. He is good with that.

Mr. Mason stated, it's like the Federal Branch. Congress has the purse strings. The Administration proposes but the Congress disposes.

. Section 1 - Preliminarily approved.

. Section 2 – Powers

Chairman Caticchio read the section. He always thought that was an interesting approach because our laws of any state, any government, keep changing all of the time. That has to be taken into consideration but that's a fact that we are limited by the laws of the State of Ohio. Any further comment on this? There were no comments.

Section 2 – Preliminarily approved.

. Section 3 – Manner of Exercise

Chairman Caticchio asked if there were any comments on this.

Mr. Mason asked what we would do to this section to Merv's point. Would we recommend any changes? He thinks too much power is in the hands of Council, Merv, is that your point on that?

Mr. Singer replied, that's what he thought. That's the way he read it.

Mr. Mason asked Mr. Singer if he is happy with that interpretation.

Mr. Singer stated he thought about it too. The next paragraph softens it.

Chairman Caticchio stated, this is what we had said originally when we were discussing the entire Charter. The language is, what a person writes, what you may write or what he may write may be totally different but still come to the same conclusion. Words do cause problems, there's no doubt about that.

Chairman Caticchio asked if anyone wished to take that further. Shall we just let it be?

Mr. Mason said to Mr. Singer, you brought it up, what do you want to do?

Mr. Singer replied, he understands it now. He is satisfied.

Section 3 – Preliminarily approved.

. Section 4 - Interpretation

Chairman Caticchio referred to the first two lines. As a lawyer, he likes that one. “The powers of the municipality under this Charter shall be interpreted liberally in favor of the municipality.” This comes into play on two levels. The first level it comes into play is with the Council who will interpret their machinations and their powers in how they create ordinances. They will do it liberally. This also applies and we have run across this in the courtroom when a lawyer who is trying to defend the charter, law or ordinance and says, hey, judge, it says in the charter that we are supposed to have a liberal interpretation and the judge looks at him and says, yeah, sure. That does come up. This is not unusual, especially in this context.

Mr. Mason said, but there’s no reference to Council in interpretation in this section where there is reference to Council in Section 3 and in Section 1. What is your point on that?

Chairman Caticchio said, what he is thinking of is that when Council is considering an ordinance, they go into the Charter and say, oh well, we have a certain amount of flexibility because our ordinances will be interpreted liberally. He’s not so sure that’s a bad thing.

Mr. Jochum would think that you would want the Village to have more flexibility.

Mrs. Shatten said you would have to have that. When some of these rules were written, there wasn’t television or something. If they don’t have some opening, they are too restricted. You have to talk about progress that is going to come. This is the way to cover that.

Chairman Caticchio had no problem with that.

Mr. Jochum said, there’s a presumption that what Council does is for the benefit of the Village so you would want them to have that liberal, what laws or ordinances they put forth, to be construed liberally.

Chairman Caticchio stated, it also assists them in court battles like zoning. When a zoning issue comes before the courts, the Charter gives the judge a certain amount of leeway also that they would look liberally at.

Mr. Mason asked if liberal is a key word in this section. Would that appear in most charters?

Chairman Caticchio would assume that. He would think so.

Mr. Jochum said, Pat makes a good point. Each word does, at some point, could mean a lot.

Section 4 – Preliminarily approved.

Article III - The Council

Section 1 – Composition and Term

Chairman Caticchio asked if anyone had any comments.

Mr. Jochum said, not so much as an advocate, but more or less to be provocative with respect to going through this. He looked at it and thought, we have got a four year term and a Village of 3,500 people. Is a four-year term too long?

Mr. Singer replied, no. He doesn't think so.

Mr. Jochum asked, rather than a two-year term?

Mr. Singer replied, yes.

Mr. Mason asked, are you thinking, like the size, like Cleveland City Council, with the diminishing population of the city, should we have less? With a 3,500 population, is seven people the right size?

Mr. Jochum said, the other issue too is we have Ward spots and At-Large spots. Yet we have a Village where it's different than a lot of cities where a large city may have interest on one side of the town that needs to be represented differently than perhaps the other side of town. Living in a Village he would think there aren't too many things that are happening on the east side of the town that don't affect the west side of our Village. He wonders whether or not it's necessary to have actual Ward councilpeople or maybe they should all run At-Large. He just throws it out there for discussion.

Mrs. Shatten said, that appeals to her, but she does not know why it does.

Chairman Caticchio's experience has been that people have a tendency when they have a problem with their Village to go straight to the Ward representative.

Mr. Mason said, and we have four of them. Who goes to the other three that are At-Large?

Chairman Caticchio replied anyone can go to them.

Mr. Mason said they can live anywhere.

Mr. Singer asked if it would save the Village a lot of money if we cut out one of the Council representatives.

Mr. Mason said, Merv, we have two questions, size of composition and then Wards versus all At-Large.

Mr. Jochum is not suggesting that seven is too many. But it is a good question to put on the table as well.

Mr. Singer asked, do we need seven?

Mr. Jochum replied, that's one question. The other question is how should they be elected? Should they be elected from Wards or should everyone in the Village be voting for every Councilperson.

Mrs. Shatten said, if we made them all At-Large you might be getting everybody living in one area, it could happen.

Mr. Jochum agreed.

Mrs. Shatten continued, that would not be fair to other people.

Mr. Jochum stated, probably not likely but it could happen.

Mrs. Shatten said, that's why she thinks we need to have the vote.

Chairman Caticchio asked if the Wards are set up by boundaries according to population. As a matter of fact, it says in the Charter that after the Census which is this year, they will be reapportioning the Wards and it will be by population.

Mr. Singer asked if that happens here in Mayfield Village.

Mr. Mason said he does not know how that happens here. He knows better at the Congress because when he worked, that's how that happened.

Mr. Singer does not think that applies to the Village.

Chairman Caticchio stated the Charter does say it further on that there will be a reapportionment if there has been a change.

Mr. Mason said, we have not lost any population. We are about the same, 3,500 give or take a couple hundred.

Chairman Caticchio agreed it shouldn't change.

Mr. Mason asked how we tackle this thing that Eric brought up. That will raise the wrath of our Council. How do we deal with that?

Mr. Jochum is not suggesting that we should. He thinks it is at least good for discussion. He does not know that he is an advocate of a two-year term as opposed to a four-year term. Every two years there is an election. That's not always a good thing. But he threw it out there because there are a lot of communities that have two-year terms.

Chairman Caticchio thinks a two-year term is too short.

Mr. Jochum agreed.

Chairman Caticchio continued, by the time a councilman goes through his first two years, he is just learning the ropes. That does cause a problem.

Mr. Jochum stated, the next question that we threw out is is there a good reason to keep Wards as opposed to all At-Large. You have raised a good point.

Mrs. Shatten said, everyone could be living in one place who gets elected and the people in Worton Park might not have any representation. Certainly their problems are different from the people who live east of SOM.

Mr. Jochum thinks that is an excellent point.

Chairman Caticchio said the councilmen appointed At-Large is a balance to the Ward Councilmen when they are voting on certain things because it has been his experience that Ward Councilmen play games. You vote for me this time, I'll vote for you next time. That really happens. He has had experience to that effect.

Mr. Jochum stated, maybe in a larger community, though.

Chairman Caticchio clarified, probably, yes.

Mr. Jochum said, not so much here.

Chairman Caticchio said, a lot of things we are discussing is actually what you just said. A lot of this would fit better into the larger communities.

Mr. Jochum stated, you have a city like Cleveland then you have somebody that's representing the Flats as opposed to somebody that's out in Collinwood, he can understand that. He does not see it as being the same in our Village. But you make an interesting point, if it it's a question of whether or not those people feel like they really have representation if by chance they end up with councilpeople on the other side of town.

Mrs. Shatten said, that's different. This is a small community.

Mr. Jochum asked, do you think it is?

Mrs. Shatten replied, yes. There are traffic problems, everything's different.

Chairman Caticchio said, you mean they are affected differently by different things.

Mrs. Shatten did not mean that the people are different.

Mr. Jochum did not see it as someone that is living maybe perhaps where Pat lives as not being affected but perhaps you are right, not as affected as someone living across from Home Depot.

Mrs. Shatten, all the traffic that comes on Wilson Mills, they had to change the light there. They have had specific problems different from the problems someone in another area has.

Mr. Jochum said, that's an interesting point.

Mr. Fikaris stated that with some of these gas well issues, people that live in different neighborhoods definitely have different opinions.

Mrs. Shatten said, that's true. That was another issue.

Chairman Caticchio also found out that ward councilmen service their people better. When you call them up, you can talk to them. He has a subdivision down in North Canton. When something happens, he does not call the Mayor, he calls the ward councilman. He will call the Mayor and they will go down and see the Mayor together.

Mr. Jochum does not know we would have to do the same since we are a Village. Our councilpeople are all pretty much involved across the board. You even have ward councilpeople that represent a ward that get involved in the issues in other wards. That's why he thought our Village was a little bit different. He understands the point.

Chairman Caticchio asked if anyone wanted to take any action on that.

Mr. Fikaris, being a newer citizen of the Village, asked if there has ever been a time when you were looking for Council people, there was not enough to run or willing to make that commitment or representation?

Mrs. Shatten replied, no.

Mr. Mason said if a person gets a job change that takes that person out of their community by their employer. One time he lived in Lyndhurst, got transferred to D.C. and then came and lived here and was asked to serve, but his job took him travelling too much. You get that occasionally. It does happen sometimes. We don't have many contested elections in the recent history.

Mr. Jochum said, it's much different than the community he grew up in.

Mr. Mason asked Mr. Jochum where he grew up.

Mr. Jochum replied, Euclid.

Mr. Fikaris said if as a community we are always looking for councilpeople willing to do the job, that sometimes is, or as a Ward sometimes looking for someone. He likes the system as it sits, but he is just curious about when a ward is looking for somebody for representation.

Mr. Mason replied, homeowner's associations or working on various committees, people get involved. There's a lot of time they spend on things. If you are gainfully employed, you might not be able to discharge those duties and responsibilities. Mr. Mason found that he couldn't, with family.

Mr. Jochum added, and they don't do it for the money. People don't realize the amount of time people are serving, the committees that they have, it's unbelievable.

Mr. Mason had a good friend who was a councilman in Cleveland Heights. He would get a lot of calls. Garbage and snowplow especially.

Mr. Fikaris' question is if there is a ward system and there's nobody to run in a ward, what happens then? Is there a provision in the Charter?

Mr. Mason said, that's a good question.

Mr. Jochum does not know if we have ever had a problem like that.

Chairman Caticchio said he does not remember.

Mr. Mason said that's a good question.

Chairman Caticchio said this Village has a lot of people like ourselves who contribute our time. This goes also for the councilpeople who do not get paid that much. Mary Beth, what do they receive?

Mrs. Betsa replied, \$7,500.00.

Mr. Mason said, if you break that down into an hourly rate,

Mr. Jochum added, they would be paying the Village.

Section 1 – Preliminarily approved

Section 2 – Election

Chairman Caticchio asked if anyone has any comments on this.

Mr. Jochum stated that might be a fix for Paul's situation where he raises whether or not that Ward doesn't have candidates running. Someone from another Ward could run. Not necessarily a resident of that Ward.

Chairman Caticchio said, it would have to be from that Ward. He has to reside there.

Mr. Jochum stated, that's what this says, but if we were to change it.

Mrs. Shatten said, maybe that's why we have representatives At-Large. They could take care of something like that, right?

Chairman Caticchio stated, what would happen is that if somebody does not volunteer to run for Council, they will just have to keep at it until they do find someone who will run.

Mr. Singer stated that has not happened in 40-50 years that he knows of.

Chairman Caticchio asked how many years we have all been here:

Paul Fikaris:	4 ½ - 5 years
Mrs. Shatten:	1952
Mr. Jochum:	1995
Mr. Mason:	1981
Mr. Hyde:	1997
Mr. Singer:	25 years
Chairman Caticchio:	23 years

Section 2 – Preliminarily approved

Section 3 – Qualifications

Mr. Jochum asked if there is a good reason, again not that he is an advocate for anything less, but the two-year continuous residency before one can run.

Chairman Caticchio stated we discussed this during the last review.

Mr. Jochum replied, yes we did. Now Paul has been here five years, but if he was here a year and a half, would he be any less qualified to sit?

Chairman Caticchio replied, probably not.

Mrs. Shatten said, the thinking is that a person who has not been here for some amount of time really wouldn't understand the Village.

Mr. Jochum replied, then the electorate wouldn't elect him. Do we want to limit who can serve?

Chairman Caticchio said, that goes to his question which is if no one wants to run but you have someone there who has been here a year and a half, why not?

Mr. Mason said, if the person has knowledge and understanding, it ought to be up to the voters. If the person's mature or knowledgeable and what have you.

Mrs. Shatten said there are requirements for this Commission also.

Chairman Caticchio asked, for this Committee? At this point, no.

Mrs. Shatten said, they had qualifications for that. When Mrs. Shatten was asked, she replied, why do you want somebody as old as I am who's been here such a long time. That was one of the things they wanted, someone who knew the Village for that length of time.

Mr. Jochum said, here's the thing. The Mayor gets many people involved who have just moved to our community. He is sure amongst that group there are people that, after being here six months are so involved in the community that they could serve.

Mr. Hyde is thinking, so you get two years to look at them, we get two years to look at them. Turn it around the other way. If you are going to be like an elder or something in a church, they will observe you for five or ten years to see how you are before you would ever be asked to fill that position.

Mr. Jochum asked if that is the system we want to use. He just throws this out there.

Chairman Caticchio went back to Paul's idea. If no one in the Ward qualifies for this two-year clause, then they can go to someone who has resided less than two years if they can't find someone who has resided in that Ward for at least two years. You would open up the door to practically anyone else or you can just lower it to one year.

Mr. Fikaris said the language could be, should the qualification not be able to be filled in an election that Council will rule on that just like they do on the rest of these. They said, okay if you leave then the next guy that got the next number of votes and then they go down the line until they exhaust that and then the Council picks.

Mr. Hyde said it says that the Mayor could appoint if they run out of the total succession.

Mr. Fikaris stated we could cover everything with a thing that said if a position can't be filled under the qualifications of the Charter, then either the Council or Mayor can appoint, or do you want to do a whole election?

Chairman Caticchio replied, you would have to go through an election. It's not a matter of Council. The only thing you could amend is that the Charter can waive this two-year qualification if no one is available to run or no one wishes to run under this two-year requirement.

Mrs. Shatten asked if that also has to go to referendum.

Chairman Caticchio replied, that would definitely have to.

Mr. Jochum asked why two years? Maybe we want to take a look at them for six years? Isn't two years arbitrary? Is there a good basis for two years? That's what we should first decide. If there isn't, maybe we should look at changing it.

Chairman Caticchio asked, changing what, though?

Mr. Jochum replied, changing the amount of time that one has to be a resident before they can run for office.

Chairman Caticchio asked, change that to say one year?

Mr. Jochum asked, why should there be any qualification as to residency other than you are a resident?

Chairman Caticchio said if a carpetbagger comes in from another municipality and moves into our community, you want to have time to evaluate the guy.

Mr. Jochum said, the guy won't be elected.

Mr. Mason agreed.

Mr. Singer said, he might. If he advertises.

Mr. Mason replied, he might. If he runs a good campaign. More power to him.

Mr. Jochum said, we are a Village of 3,500. A carpetbagger is not coming here and not be known as a carpetbagger.

Chairman Caticchio personally feels more comfortable that the person has to be at least a resident for a period of time. He would not eliminate the time at all.

Mr. Jochum asked how other communities do it.

Mr. Singer replied, we are not other communities.

Mr. Mason replied, we are not the model community that we have to pattern everybody after, but it raises a good point.

Mr. Fikaris replied, these things do happen. Even in surrounding communities there are issues like that. There are issues like, does this guy really live here, does he not? He gets his mail here. There's been issues like that too.

Chairman Caticchio said, look at Obama. They are still arguing the fact that he was not born in Hawaii.

Mr. Fikaris thinks this is a healthy protection. Maybe he is not articulating very well, but if there is a clause that says, if there are any issues like that where circumstances that qualifications could not be met including no one from the Ward was qualified or that someone was not qualified, that could be interpreted or Council could rule on their eligibility.

Chairman Caticchio is not so sure we want to leave it in the hands of Council.

Mr. Mason stated, the point that Eric's making is that if a person moves in to our community from Washington, D.C. and has a lot of experience, maybe within the Federal government and wants to get involved in local government, bring their skill set to our Village. Does that individual who has gained all this experience in Washington want to become a councilperson in Mayfield Village? Do we have to let them wait two years to run for election?

Mrs. Shatten likes the fact that we take that out completely.

Mr. Jochum is not sure it will fare very well in the electorate. He is not sure that we need to have a two year.

Chairman Caticchio said, if you have someone who has never lived in the Village and he runs for Council, it will get around.

Mr. Jochum is talking about if we decide to put this on, to take it off.

Mr. Mason said Council may not like it.

Chairman Caticchio said Council and the Mayor may not like it.

Mr. Jochum said, we are not here to decide whether or not they do.

Mr. Singer feels that a person should live in this community at least two years. If we wants to become active to become councilman, he should get on different committees and learn more about the community.

Chairman Caticchio added, and the people.

Mr. Singer continued, serve his time and grade like in the Army.

Mr. Fikaris thinks there was a reason for that.

Mr. Mason is sure our founding fathers had a reason. He is sure it was a good one. For probably just that reason. Get involved at the grassroots level.

Chairman Caticcho asked if anyone wishes to make a motion on this.

Mrs. Shatten said we should leave it the way it is.

Mr. Singer made a motion that we leave Section 3 of Article II as is. Mr. Fikaris seconded.

Mr. Jochum asked, to leave it the same.

Chairman Caticcho asked for a Roll Call.

Upon Roll Call, the motion to leave Section 3, Article II as is passed with the following vote:

Chairman Caticchio	Aye
Mr. Jochum	Nay
Mr. Mason	Nay
Mrs. Shatten	Aye
Mr. Fikaris	Aye
Mr. Hyde	Aye
Mr. Singer	Aye

Mr. Fikaris asked about the requirement that Council not hold any other electorate. How does everyone feel about being contracted with the Village or having contracts with the Village?

Mr. Jochum asked for an example. He thinks that would be a conflict.

Chairman Caticchio said, in other words if they are selling computers, they could sell computers?

Mr. Fikaris meant someone under contract to the Village, let's say the Village decides to contract employment to somebody.

Mr. Jochum asked, to a temporary service, for example?

Mr. Fikaris replied, yes. Would that person be eligible if they were Council?

Mr. Jochum does not think that's good.

Chairman Caticchio said, when you start mixing business you have a bad situation.

Mr. Fikaris said, Mary Beth, by this she is excluded from being a member of Council. She is an employee.

Mrs. Shatten said, she could not be on Council.

Mr. Fikaris quoted, "shall not hold any other elected public office or other employment within the Village." Out of curiosity, does that include a contractor? He is not employed by the Village but he has contracts with the Village, in business with the Village, does that exclude me or is that a concern?

Mr. Jochum said he would think Ohio Ethics would probably prohibit you.

Mr. Fikaris said, if it is covered in Ohio, we don't need to address it here. He was just curious.

Mr. Jochum would think that if you are somehow connected contractually with the Village, you would be prohibited.

Chairman Caticchio said, it does not specifically say that.

Mr. Jochum said, this doesn't say that, but wouldn't State law? How could someone serving on Council –

Chairman Caticchio said, under State law he does not think that's possible.

Mr. Fikaris was just curious. He did not mean to hold anything up.

Mr. Mason has a good friend who is a councilman in Pepper Pike who is employed by Forest City. He is the Vice-Mayor. Forest City is trying to build some moderately priced condos. He recused himself on the vote. He still serves on Council, but is employed by Forest City. Mr. Mason does not know if that points to this, but that's how he worked himself on that. That's as close as a parallel that he can see on that. If a person on our Council was engaged by an employer and a company was going to get a contract here, he would have to recuse himself from voting on that.

Mr. Jochum said, if for example the city owned property that needed to be managed and they went to Forest City and Forest City had this gentleman who is now serving as an elected official for the city and now they are going to have a long-term contract to manage property, Mr. Jochum does not think he would be permitted to sit on Council.

Mr. Mason said, he could sit on Council, he couldn't vote on the terms of the compensation for that.

Chairman Caticchio said the point you just made is that he would have to recuse himself on any matter before Council involving Forest City. Those come under the ethical considerations of the Constitution.

Mr. Mason said that would be the same here. If you are employed by someone doing business with that municipality you obviously can't vote on any compensation that you would be impacting.

Mr. Jochum said, let's take it one step further and then we will move on. Let's say his job with Forest City was the property manager and on a daily basis he is working, he does not think he could serve at all. Who knows? That is a good question.

Mr. Fikaris would think a property manager would say it's not going to be in my cards to be councilperson any more.

Section 3 – Preliminary approved following vote of members (5 Ayes, 2 Nays)

. Section 4 – Organization

Chairman Caticchio read Section 4. There were no comments.

Section 4 – Preliminarily approved

. Section 5 - Clerk of Council

Chairman Caticchio stated that those who served on the last Commission, this is one of the sections we made a change on. It appears in the first sentence: "The Clerk of Council shall be appointed by and serve at the pleasure of Council." As you may remember, there was nothing like that in the prior Charter.

Mr. Mason said what Pat is referring to the last time we did this and the voters approved it in 2005.

Mr. Jochum said, before it said "Clerk-Treasurer".

Chairman Caticchio said, we clarified that very well.

Mrs. Shatten said, that was one of her questions she had from reading this over. She wanted to know what it said before.

Mr. Jochum said, we have some language here as to what it said before. It said, the current Charter requires that Council appoint the Clerk of Council at the expiration of term of office of the incumbent Clerk-Treasurer. Since Clerk-Treasurer no longer exists, the language will be deleted. That was the old Charter.

Chairman Caticchio said the other comment we made was that Council was to appoint the Clerk.

Section 5 – Preliminarily approved

. Section 6 – Salaries, Bonds and Compensation

Mr. Jochum had a question under (b). He kept reading it over.

Mr. Mason said we changed it from last time.

Mr. Jochum asked, how did we change it? We had, "Shall Mayfield Village Charter Article III, Section 6(b) be amended so as to require any expense incurred by the Mayor to be approved." That's different from his question. When he reads this over, 6(a) under Compensation, it says,

“Each member of Council shall be compensated equally both newly-elected members and those serving the balance of the term.” Mr. Jochum does not know what the ordinance reads, but let’s say that it says that they receive \$7,500.00 a year and somebody comes in with six months left in the term. Does he get half of it? Maybe he is making too much of this. Does the language make it clear? Maybe he is reading too much into this. “Each member of Council shall be compensated equally, both newly elected members and those serving the balance of a term.” So somebody’s serving the balance of the term and they are coming in with six months left. Is it pro-rated? Maybe it’s clear to everybody. Mr. Jochum would think they don’t get \$7,500 for the term.

Chairman Caticchio asked if they get paid bi-weekly.

Mrs. Betsa said it is every two weeks.

Mr. Jochum referred to the last sentence of (a). If it is pro-rated, they are being compensated per pay period equally but if we are saying that they’re making \$7,500 a year and somebody comes in 6 months and he is only getting half, he hasn’t received the same compensation.

Chairman Caticchio said, this is one of those sentences which causes problems. This is one of the things that you could litigate in court. It does not specify. When they talk about being compensated equally, whoever wrote this was thinking in terms of pay periods.

Mr. Jochum said, right, but it doesn’t say that.

Chairman Caticchio agreed.

Mr. Jochum continued, if our ordinance says that they are being paid \$7,500 a year, then it doesn’t match up.

Mr. Hyde suggested, equally comma, pro-rated comma, would that fix it?

Chairman Caticchio said, that wouldn’t exactly answer the question because what are you pro-rating is the question.

Mr. Mason said, we don’t mention any dollar amount in here.

Mr. Jochum said it refers to the ordinance. Council has a right to set compensation.

Mr. Mason said if he understands the point, you are saying that if someone leaves July 1st after getting half their pay every two weeks and then someone else comes in July 1, he’s not going to get the whole amount because he did not work the first half of the year. He is going to get half of it.

Mr. Jochum said, if he gets Pat Caticchio and Pat goes and says, hey, it says here, a newly-elected and those serving the balance of the term shall be equally compensation.

Chairman Caticchio said the first thing we have to look at is the ordinance. Because what's happened here is the first thing it says is that Council shall have the power to fix all compensation. You have to look at the ordinance on how they exercise that.

Mr. Jochum said if it says in the ordinance by per pay period. He does not want to take it apart. He just brought it up.

Mrs. Shatten said, it says in the first part of the first sentence that Council can fix the salaries. So, they would fix the salary of that person only working half the year.

Mr. Jochum said they fix the salaries based on what the ordinance is. It probably says per pay period. We can move on.

Chairman Caticchio said this is an issue. If you go to the ordinance, it probably states exactly the way they get paid. The ordinance will say it is \$7,500 payable in 'x' amount of installments every two weeks.

Mr. Jochum will look that up and bring it to the next meeting.

Mr. Mason said (b) is what we fixed last time five years ago.

Chairman Caticchio asked if there were any other comments. We changed the compensation for the Mayor and curtailed his spending habits. Now Council has to approve. He can't exceed the Mayor's general spending limit which is \$2,499.00.

There were no other comments.

Section 6 – Preliminarily approved. Mr. Jochum will bring the ordinance to the next meeting.

. Section 7 - Council Meetings

Chairman Caticchio said this spells out when Council shall hold its regular meetings.

Mr. Fikaris asked what it means by "but a lesser number may adjourn the meeting from time to time"?

Chairman Caticchio replied, if you have only three people come to a meeting, they say we have no quorum, let's take a vote, and terminate this session.

Mr. Jochum said, but if they start the meeting and a couple guys have to leave, you wouldn't necessarily have a quorum to end it.

Chairman Caticchio said, you couldn't take any votes anyway. There would be no quorum.

Mr. Mason said, this is where, Paul, it would be interesting in hearing from any Council members. This was amended last time back in 1989. We never touched it the last couple times.

Mr. Fikaris said, here's a rookie question for you. There's no voting in absentia.

Chairman Caticchio replied, they have to be present.

Mr. Fikaris said, so if you have a quorum, it's down to four minimum and a majority of that would be three to pass.

Chairman Caticchio replied, right.

Section 7(a) – Preliminarily approved.

Mr. Singer said on (b), he does not think 12 hours is enough. He has 24/48.

Mr. Jochum agreed.

Mr. Singer said 12 hours is not enough time. It should be 24 hours or 48 hours.

Chairman Caticchio agreed that 12 hours isn't very long. What do you recommend?

Mr. Jochum said this would be interesting to see what Council members think about. 48 hours may be too long on some issues, but 12 hours is too short. That means that someone could call a meeting at 7 in the morning for 7 at night.

Chairman Caticchio said he thinks they put 12 hours notice in here in case of an emergency.

Mr. Jochum can't imagine that this provision has been used. That would be a good question for Council to see how many times they have ever called a meeting in 12 hours.

Chairman Caticchio suggested we keep it open and see if we get any councilmen in here.

Mr. Jochum said, they may very well say, hey, there has been a situation where we needed to have a vote that day and we had to do it with 12 hours' notice.

Chairman Caticchio asked Mary Beth to please put down that we should talk to some councilmen prior to making a decision on this.

Mr. Singer asked if we should get every single Council member's opinion on this, not just one.

Chairman Caticchio said we are free to talk with anyone we want and come back with our opinion.

Mr. Jochum suggested we see if anyone has recalled a situation where that would be. A guy like Bill Buckholtz or even the Mayor who served on Council. He would know.

Chairman Caticchio suggested we leave this open until the future. He had a question in his own mind here since e-mails are so prevalent. It says that Council may call special meetings of the Council upon at least 12 hours' notice to each member, served personally or left at the member's usual place of residence. We certainly don't want to change served personally, but what do you do? Put a notice in his mailbox or slide it under the door? How do you do that when you send notices out?

Mrs. Betsa replied, we drop it off at the police station and they deliver it.

Chairman Caticchio said they want to make sure someone gets it.

Mr. Jochum said e-mail would not be good.

Chairman Caticchio said, no, that would not be. There's no way of alerting that person.

Chairman Caticchio said we will leave the issue of 12 or 24 hours open.

Section 7(b) – Left open pending discussion with Council

Section 8 – Vacancies in Council

Chairman Caticchio said you read that once, twice and it never sticks. The point is there is a hierarchy here by which people will take Council vacancies.

Mr. Jochum read it several times, five or six. He drew a diagram. He is not sure he is getting this correctly. It would appear to him that we have the successor for an unexpired term where vacancy is more than a year and less than two years is the issue. For example, based on this language, if you had someone that within the first year of their four year term if they move away, we know that there's a hierarchy. Let's say if the person moves away a year and a day afterwards, is the seat vacant for the year leading up to that next mid-term election? We have got staggered terms, so every two years we've got an election, even though you've got four year terms. If the person moves away a year and a day after having been elected, according to this if he is reading it correctly, we no longer have the hierarchy. They can't fill the seat. That seat remains open until the next election which is one day short of a four year.

Mr. Hyde asked where Mr. Jochum is getting that. What line are you on? What does it start with?

Mr. Jochum replied, “. . .and if the vacancy cannot be filled within 30 days”, that's still the hierarchy. Then we've got “A successor shall be elected for an unexpired term at the next regular (a) if any such election shall occur more than two years prior to the expiration of the unexpired term and (b) the vacancy shall have occurred more than 120 days prior to such election”.

Mrs. Shatten said what they used to do is the Mayor would appoint somebody.

Mr. Hyde said, that is what he is guessing is the 30 days the Mayor fulfills that. If there's no candidates and Council doesn't move on a candidate, then the Mayor shall fill by appointment within 30 days.

Mr. Jochum said that is in the first scenario, within the first year of having been elected. You then go to the next scenario. He does not think it's covered.

Chairman Caticchio said the entire period is covered here. In other words, if they can't go down the hierarchy that's been created that is spelled out here, then the Mayor elects. The entire time period is covered. Or is he missing something?

Mrs. Shatten said that's how she understands it too.

Mr. Mason remembers we did it two times ago. He can't remember what it was before this. It is too cumbersome and lengthy of a paragraph anyway.

Chairman Caticchio said this is one of those paragraphs that probably should be rewritten.

Mr. Jochum said if you look at that phrase that says “, providing that such vacancy occurred within the one year of the prior election of such position”.

Mr. Fikaris said, it goes all the way to the word “appointment” which covers that one year. He was trying to figure out the next part. That whole block right there says what should happen based on that one year.

Chairman Caticchio suggested this is a good one to give to Joe.

Mr. Jochum will see what else he can do with this. He will re-review it.

Mr. Mason said this was amended two times ago.

Chairman Caticchio suggested Mr. Jochum talk to Joe and unscramble this a little bit.

Section 8 . Left open – Mr. Jochum will talk to Mr. Diemert about this section.

. Section 9 – Powers and Duties

Mr. Mason said this goes back far. It was last amended in 1984. This is where you need some input from Council. If we are going to get Buckholtz or some councilperson in, they know about awarding contracts and levying assessments.

Chairman Caticchio said it may go back to 1984 for the simple reason that it doesn't need to be changed. If it's not broke, we won't have to fix it then. Anybody have ideas on this Section?

Mr. Singer said the only thing he did was on (d), he put a question mark, “such other general regulations as the Council may deem necessary”.

Chairman Caticchio said that would be the same argument you made with your other comments, the idea of giving Council too much latitude. He understands what Mr. Singer is saying.

Mr. Mason asked, what do you want to do about it?

Mr. Singer replied, he doesn't have a solution.

Chairman Caticchio said you have to understand one thing. When you read this, you are taking the word “Council” as if it were a body that votes as a body altogether. It doesn't work that way. You have 7 Council. Between the 7 of them, it's lucky that they get 50% of the legislation approved. Chairman Caticchio asked if there were any other comments on this section. There were none.

Section 9 – Preliminarily approved

Section 10 – Effective Date of Ordinances and Resolutions

Chairman Caticchio said this is the interesting part in the way Council votes. His favorite subject on the way Council does business. Does anyone know what he's talking about?

Mr. Jochum replied, an emergency ordinance?

Chairman Caticchio replied, right. Probably, and in every Council he has ever had business before, 80% of all ordinances were passed by emergency ordinance. If you read this carefully and you follow it, it shouldn't be that easy. On the third line (d), “Each ordinance or resolution providing for any emergency ordinance or resolution necessary” this is the key “for the immediate preservation of the public peace, health or safety shall take effect unless a later time is specified.” Like Chairman Caticchio said, every Council violates that. Everything is an emergency.

Mr. Jochum said this is where we have to go back and say, construed liberally.

Chairman Caticchio continued, the other part of that clause is the first part of the next sentence, “Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of two-thirds of the members of Council.” Well, you always have two-thirds. That's a given. But for some of the reasons that they give, anything is an emergency. But Chairman Caticchio is not so sure we want to do anything about this.

Mr. Singer suggested, instead of having Council making up their mind deciding, if it is something very important to the Village, shouldn't there be a special general election?

Chairman Caticchio replied, we are talking about ordinances that are passed during Council meetings.

Mr. Jochum stated they may use this on a purchase of a fire truck, for example. He's not saying that they have done that, but they could do that.

Chairman Caticchio said, they could do it the way they do it. It's one of the most violated clauses in any charter in every city.

Mr. Jochum agreed. Every municipality does it.

Chairman Caticchio said, they precede that by waiving this clause of the Charter. They have a way of waiving it and then they take a vote. It's always done in two steps. First they waive it and then they vote on it and the people don't know what's going on.

Mr. Jochum asked if we should do anything with it.

Chairman Caticchio would not suggest that we do anything with it. You would really put a kink in the way business is done.

Mr. Fikaris referred to a suggestion Dr. Keller made. He said it has to only last 60 days and then it would have to be renewed. That wouldn't help with a fire truck.

Mr. Mason said we looked at that when we did this last time.

Mr. Fikaris does not think that matters then.

Mr. Hyde said for a real emergency, that's good language.

Chairman Caticchio said, for a real emergency, there's no doubt about it. 80% of them are not real emergencies, they just declare it to be an emergency.

Chairman Caticchio asked Mr. Jochum to look at all of the changes amended 11/7/2000. There's an awful lot of those. He does not remember us making that many changes.

Mr. Jochum said, to be honest with you, he doesn't either.

Chairman Caticchio said there are a lot of the 11/7/2000.

Mr. Jochum actually thought we had more the last time, but it doesn't appear that way if you look at this.

Chairman Caticchio agreed.

Section 10 – Preliminarily approved.

. Section 11 – Mandatory Referral of Ordinances and Resolutions

Mr. Mason said this was changed last time.

Chairman Caticchio said we reviewed that carefully. We made changes we thought were necessary.

Mr. Mason asked if anyone has any questions on this. Dr. Keller gave us good guidance on this one.

Mr. Fikaris asked, if the language means, if the P&Z Commission shall fail to act, it shall be deemed to be adopted?

Mr. Mason replied, yes.

Mr. Fikaris said that is kind of a motivational thing.

The thing Mr. Fikaris found interesting was the word “newspaper”. In 10 years that will be very interesting.

Mr. Jochum said that is an interesting point. As it is now, how many people read the public notices. When everyone read the paper, most people saw the public notices.

Chairman Caticchio said it is interesting, *The Legal News* is still being printed. He is surprised, with the internet, why should they bother even printing it.

Mr. Jochum said, you can put a notice in *The Legal News*, but the only people who see it are the attorneys.

Mr. Fikaris said it will probably have to be changed. There is that gap, too, like we don't have everyone's e-mail at the Village, but maybe in a couple of years, that will be a moot point.

Section 11 – Preliminarily approved.

. Section 12 – Public Notice and Hearing on Certain Ordinances

Chairman Caticchio stated you will notice that those generally refer to zoning and building restrictions. Are there any comments?

Mr. Mason said where it has been amended, unless there's something else, maybe there's some merit in why these have not been touched. Maybe some of the sections that don't have amendments

on them, maybe there's some merit. They have never been touched. He does not know if it has any merit in being touched.

Chairman Caticchio said we are reviewing the entire document and that's it.

Section 12 – Preliminarily approved

Section 13 - Submission to Electorate of Zoning and Land Use Changes

Mr. Mason suggested we spend a minute on Section 13.

Chairman Caticchio stated 13 is the one we riled up the two councilmen on. Who was it that got all riled up? One of the big issues of Section 13 is this is his type of work. He handled zoning and land use changes and development. The big question is why should the people be given the power to rezone land? Let's start from a small community. In a small community, it almost makes sense. In a larger community, it makes absolutely no sense whatsoever. The west sides of Cleveland could care about what's happening on the east side and vice versa. Even here you run into that situation. Where Shirley lives, if they want to do some rezoning up there, you have to get the approval of the entire community. What happens there is that people have "not in my backyard" situations. They think about zoning in that terminology. Chairman Caticchio always felt that the Council should have that power. They have the ability to get all the facts, analyze what is required, they have master plans and the input of the residents and other forms. Usually what happens is that most of the people, if they don't know much about what's going on, they will just vote no. That's it. There's a lot of zoning that could be done in a more orderly fashion that giving it to the people to do it.

Mrs. Shatten said that will never pass. That has to go on a referendum. If we wanted to change that, that would not pass.

Chairman Caticchio spoke for Joe, it depends on how you word it when you put it on the ballot.

Mr. Jochum agreed with Chairman Caticchio. This is an issue for people that want to maybe make changes to Beta or present something they would like to see on Beta. But a developer, Pat is one, if you have someone that wants to do something there, they know that they face a referendum. They can look to another community where they may be able to get Council to approve it. All things being equal, they would rather go to Council because of the timing alone.

Mrs. Shatten asked how we get this passed if we put it on the ballot?

Chairman Caticchio replied there's no guarantee. The question is should we try. You remember we riled up two councilmen because they really didn't want it. He is not so sure the Mayor wants it either from the comments he made not only this time but when we tried to do this last time. The

worst part of all of this and you mentioned Beta, if somebody wants to get a zoning change in Beta, they have to go through referendum. So, how do we get around that, can anybody tell me?

Mr. Jochum said we use conditional permits. But it doesn't solve our problem long term. We have been doing it for years.

Chairman Caticchio said, that's stupid.

Mr. Jochum said that is what we have been discussing. It has to be that we look at that for changes to the zoning. That's really what needs to be done. If we want to attract people to Beta, it has to be done before they get there.

Chairman Caticchio said the power should be the Planning Commission and Council.

Mr. Jochum said there's accountability there. Council has to be elected.

Mrs. Shatten asked how you are going to get the residents to change this?

Chairman Caticchio said, we may not, but if we think it should be done, let's do it. Then let the people decide if they want to do it.

Mrs. Shatten said they voted against the 10 year because they wanted to have something to say every five years.

Mr. Mason said they didn't understand that. Joe said if he had worded it differently, it could have passed.

Mr. Hyde said it should have said "Shall the Charter Commission meet every 10 years?"

Mr. Jochum said it would be interesting if you ask Council what their opinion is. Just to get their perspective. There may be some that would say they don't want to make these decisions; they would rather the voters make them. It's much easier to say, well you wanted it rather than I voted for it.

Chairman Caticchio asked, look at the time and effort we are spending.

Mr. Jochum said collectively the whole Village has been concerned about this.

Chairman Caticchio is talking about the 2020 for instance. In order to accomplish anything with that 2020, how are you going to do it unless you have the flexibility of Council and the Planning Commission making these decisions.

Mr. Jochum does not think it will happen.

Chairman Caticchio said this is one of the things he would like to see change.

Mr. Jochum said, let's ask the Mayor and Council to comment on it. These are the people leading our community. We will get their take.

Chairman Caticchio suggested we send them a letter or an e-mail asking them a specific question.

Mr. Jochum added, let's send a third letter to Planning and Zoning and ask them for their opinion.

Chairman Caticchio said we should explain to them why we want this change. We feel it is for the betterment of the community. Are we in agreement on that? Anyone not in agreement, let's know.

Mr. Singer agreed with everyone here.

Mr. Fikaris said it's interesting Dr. Keller's language when he says it erodes the responsibility of Council.

Mr. Jochum said, you may never have a more controversial situation than a zoning matter. That's why they take the job. They have to make tough decisions.

Mr. Jochum added, Pat can speak firsthand to what a developer thinks when he comes to a community that has referendum zoning. You look for another community.

Chairman Caticchio said you don't even come to a community with referendum zoning.

Mr. Jochum said, it takes a lot of money and time.

Chairman Caticchio added, it takes almost a year to go through referendum zoning. It takes more than a year to go through the full procedure.

Section 13 - Left open – Send letter to Mayor/Council/P&Z for comment

Discuss with Joe Diemert about the Commission attending a P&Z meeting and asking their opinion (concern: doing it in a public meeting)

Section 14 – President of Council and President Pro Tem

Chairman Caticchio does not think there is anything here that needs to be changed. All they are saying is you have President of Council and President *Pro Tem*.

Mr. Mason said this was amended in 1981.

Chairman Caticchio asked if there were any comments. There were none.

Section 14 – Preliminarily approved

. Section 15 – Employees of Council

Chairman Caticchio said, obviously the Council may employ such persons as it deems necessary for the proper discharge of its duties. That's a given.

Section 15 – Preliminarily approved

. Section 16 - Removal

Chairman Caticchio asked if this happened before.

Mr. Jochum replied, several years back. Prior to 1985.

With regard to Council cleaning its own house, Chairman Caticchio likes one of the reasons here, if there is a violation of the member's oath of office or persistent failure to abide by the rules of Council. What does "persistent" mean?

Section 16 – Preliminarily approved

. Section 17 - Wages, Terms and Conditions of Employment

Chairman Caticchio said it is unlikely we are going to change this because the police and fire department come under Chapter 4117 of the Ohio Revised Code regarding collective bargaining. The only thing they changed here was the effective date.

Section 17 – Preliminarily approved

. **Any Other Matters**

There were no other matters.

. **Next Meeting**

Chairman Caticchio reminded everyone of the next meeting on Monday, March 8th at 7:00 p.m. We will go through Articles IV, V and VI.

Mr. Hyde moved that the meeting be adjourned. Mrs. Shatten seconded the motion. There were no objections.

There being no further business, the meeting concluded at 9:00 p.m. The next meeting of the Charter Review Commission was scheduled for Monday, March 8th at 7:00 p.m.

Respectfully submitted,

Mary E. Betsa, Secretary
Charter Review Commission