

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

**Monday May 10, 2010 – 7:00 p.m.
Mayfield Village Main Conference Room
Mayfield Village Civic Center**

The Regular Meeting of the Charter Review Commission was held on Monday, May 10, 2010 in the Main Conference Room at the Mayfield Village Civic Center.

Vice-Chairman Jochum called the meeting to order at 7:10 p.m. and asked for a Roll Call.

Present: **Eric Jochum
Paul Fikaris
Jim Farmer
James Mason
Shirley Shatten
Randy Hyde**

Absent: **Pat Caticchio
Merv Singer**

. Approval of Minutes of Regular Meeting of Wednesday, April 28, 2010

Mr. Farmer made a motion that the Minutes of the Regular Meeting of April 28, 2010 be approved as written. Mr. Mason seconded. The motion was unanimously carried.

ROLL CALL: AYES: 6	Motion Carried
NAYS: 0	Minutes Approved

Mr. Jochum stated we will now move into the work session. What we have to do is prepare those items that we are going to submit to the legal department. We are working off the Status Summary of 4/26/10 (attached to the Minutes for reference).

Mr. Jochum stated we have been through the Charter once. We have cited the sections that have raised some interest with respect to whether or not we need to take some action on it. What we should do is make our way through the Charter again. We have read it once. We can stop at those segments that we think we need to discuss further, just so we don't miss anything.

Mr. Farmer stated a lot of these we have preliminarily approved, so unless someone has something else, then we can go over it.

Mr. Jochum stated, for example we go to Article I. Unless someone has anything to add about Article I, we are good to go.

ARTICLE I- THE MUNICIPALITY

Approved

ARTICLE II – FORM OF GOVERNMENT AND POWERS

Approved

ARTICLE III – THE COUNCIL

Section 3. Qualifications.

Mr. Jochum stated it appears that there was the one section with respect to Qualifications that an issue was raised about. On a roll call vote, it looked like that might be something we wanted to send over to Joe.

Mr. Farmer asked what the issues were.

Mr. Fikaris replied we were discussing the number of years that a person needs to reside in the Village.

Mr. Mason stated two continuous years was the discussion of the Commission.

Mr. Jochum added, we talked about whether or not there should be a residency requirement of two years before someone should be permitted to run for Council.

Mr. Mason stated what we were talking about concerning the two continuous years was, a person moves in and lives here for six months. They wish to run for Council. They would be prohibited from running if they have not resided here for two continuous years. We discussed letting the electorate determine whether or not that person is qualified by putting his or her name on the ballot. Could they make a case for themselves that they are worthy to serve in that position?

Mrs. Shatten stated, we also mentioned that might be somebody who has lived here before and came back, but cannot run because of the word “continuous”.

Mr. Mason stated that we decided it was good the way it was. It had been amended back in 2000, but we are not sure what the amendment was.

Mr. Jochum stated, the question that was raised is exactly what Jim said. Is it necessary to have a qualification of two years to run? Does anyone have any questions about that?

Mr. Hyde stated, it's a good idea. Tom Marrie wrote a letter about this and thought it was a good idea too. He said you lose talent but you can always plug them into commissions or committees in that two years and let people in the Village get to know the individual.

Mr. Jochum asked for a vote. The Commission voted to keep the Qualifications as they are. Four members were in favor. Mr. Jochum and Mr. Mason opposed.

Section 7. Council Meetings – subsection (b).

With regard to Section 7(b), discussion had taken place as to whether there should be more than 12 hours notice for an emergency meeting. We talked to a couple of people who said they had never used the 12-hour notice. Mr. Jochum stated, if we need to change it, we need to provide the language to send to Joe.

Mrs. Shatten stated, but that has to go up for vote. Mr. Jochum stated, right, if that's something that we want to do. Mr. Mason stated, it seems to be much ado about nothing.

Mrs. Shatten asked, so they actually wait longer than 12 hours? Mr. Hyde replied, they didn't even know when they had ever used the 12 hours.

Mr. Farmer suggested it be left alone. Mr. Mason asked if it should be changed. Mr. Jochum replied, the way it's written is kind of crazy, but he doesn't know that we need to change it.

Mr. Mason asked who had indicated that they normally go with 24 for an emergency. Mrs. Betsa replied, it was in Tom Marrie's letter. Mr. Jochum stated, apparently it's never been abused. What is your pleasure? Any motion here with respect to this?

Mr. Farmer replied, he doesn't see that we need to change it. He does not know how much better 24 is. Everyone has e-mail and text messages. If it hasn't been an issue, don't make changes just for changes sake. The Commission agreed.

Mr. Fikaris stated the notice is served personally and left at the member's usual place of residence. That was before e-mail. If you provide a notice to someone at 7:00 p.m. and the meeting is at 7:00 a.m., that's 12 hours. Mr. Fikaris stated it's fine. He's comfortable with that. There are enough checks and balances. It's only a special meeting. Like Pat said, they can call an emergency session.

Mr. Farmer stated they have to get a quorum to be able to pass anything anyway. This would be a pretty radical situation, like we are under attack or something and want to call a meeting in 12 hours.

Mr. Jochum proposed that at this point we leave it alone. The Commission agreed and voted without opposition to approve the section, leaving it the way it is.

Section 8. Vacancies in Council

Mr. Jochum read to the Commission what Joe wrote in his March 23rd letter: “It would not be a bad idea to clean up some of the language in this section, and we will be happy to do so if you will advise us on your preferences for recommendation. For instance, it is my reading of this section, currently as well as in the past when it has come up, any vacancy is replaced within 30 days either by Council or appointment by the Mayor. The seat does not remain vacant for a year at any time. Should the Council member vacate the seat within the first year of their taking office, a temporary appointment will be made and an election set for midway through the term of the balance of that term to be chosen by the electors. If the person vacates the office after the first year, the appointment will be made by Council or the Mayor for the balance of the term without any mid-term election.”

Mrs. Shatten stated, maybe we should clean it up if he says so.

Mr. Jochum stated, it was a little confusing when we read that. This was the one Mr. Jochum had the diagram on. We probably should clean it up.

Mr. Mason asked, so we have to give him our marching orders? Mr. Jochum replied, he’s not going to do it unless we tell him how we want it done.

Mrs. Shatten asked, but was his more clearer than this, what he sent back? Mr. Jochum replied, he just gave his reading of it. His reading of it would mean that he wouldn’t change the language, right? If it’s his reading of it and that’s what he gets out of it.

Mr. Mason asked, what do we want to accomplish out of this section?

Mr. Hyde asked, didn’t we go over the language at the last meeting with Diane Calta? Mr. Jochum does not think we did. The first question with Diane was Article VII, Section 3. We didn’t discuss this.

The way Mr. Jochum read it is if the Councilperson vacated his or her seat one year plus one day, the seat would be vacant for one year. Mr. Mason asked, why would we want to have that happen? Mrs. Shatten asked, wouldn’t you want them appointed immediately?

Mr. Jochum replied, yes, the way it said was, for example, if the Councilperson vacates his seat the day before the next election, the seat would actually be vacant for two years according to that language. Mrs. Shatten stated, that needs to be changed.

Mr. Jochum suggested that we should say that seat should not remain vacant for a period of more than ‘x’ amount of time and then let Joe write something. That’s the goal.

Mr. Mason asked, was there anything that the professor said about this? Mr. Fikaris replied, yes, there was something about language clean-up, but nothing specific.

Mr. Jochum stated, Joe reads this section and says that any vacancy is replaced within 30 days. When Mr. Jochum read that, he did not see that. Mr. Mason stated it says, “shall not so be filled within 30 days”. Mrs. Shatten stressed, it says the vacancy shall *not* be filled within 30 days.

Mr. Jochum stated, if you take the wording of this and an example of if a Councilperson vacates his or her seat one year plus one day, is the seat vacant for one year until the mid-term election, not 30 days, because he does not think the language provides that.

Mr. Mason asked, why don't we tell him what we want to accomplish and then let them figure it out? Mr. Jochum replied, we want to make sure that it is 30 days.

Mr. Mason stated, what we want to accomplish in this is if one of our Councilpeople leaves for whatever reason, what's the time gestation to get somebody else to fill it? Mr. Jochum replied, it shouldn't be more than 30 days. Why don't we tell him that and ask him to take another look at that because it does not reflect that. Even though the language says that if you break it down. Unless everybody sees it differently than he does.

Mr. Hyde stated, it's a tad wordy. The more you look at it, the more confused you become by it.

Mr. Jochum suggested, see if Joe can simplify the language.

Mr. Mason asked, is it an appointment procedure until the next election or is it an election? In Congress sometimes the Governor will appoint somebody until the end of that term.

Mr. Jochum stated, it should only be an appointment whether that be by Council or by the Mayor or within 30 days, but only until the next election.

Mr. Fikaris stated, what Joe says, whether we interpret it as the seat does not remain vacant, he says, “Should the Council member vacate the seat within the first year of their taking office, a temporary appointment will be made.” That's what Mr. Fikaris thinks he means, within 30 days, a temporary appointment will be made. That decision will be made within 30 days of the vacating of the seat and “an election set for midway through the term for the balance of that term to be chosen by the electors. If the person vacates the office after the first year, the appointment will be made ... for the balance of the term without any mid-term election.” That's all that's saying. Mr. Fikaris likes the way that says it.

Mr. Mason asked, what's magic about one year in the seat?

Mr. Hyde suggested, how about “Council shall appoint within 30 days and if not within 30 days then the Mayor shall appoint”?

Mr. Mason asked, they are four year terms, aren't they?

Mr. Fikaris stated, he thinks it is interpreted that no matter who is making the appointment –

Mr. Hyde stated, “The Council shall appoint within 30 days and after 30 days if the Council has chosen not to appoint, the Mayor shall appoint.” Nothing is left hanging then.

Mr. Fikaris stated, there will be no vacancy within 30 days no matter who makes the appointment. The other part of that is just whether the seat is vacated in the first year of the two-year term or four-year term?

Mr. Mason asked, everyone on Council is four years, aren't they Mary Beth? Mrs. Betsa replied, yes.

Mr. Jochum stated, but they are staggered. Every two years we have an election. The most that you can have somebody serving would be two years. If the day after the person took office they left and there was an appointment, they will only serve two years until the next election. It may not be their next election, but it would be a mid-term election. They could put that Council seat back up.

Mrs. Shatten stated, that's perfect. It's plain English.

Mr. Jochum suggested we have Joe write it up. We will tell Joe that we want to have, “If the seat is vacated for more than 30 days” –

Mr. Hyde continued, “Council shall appoint within the first 30 days to fill a vacancy. After 30 days, the Mayor shall appoint for the vacancy.” Mr. Jochum added, right, and at the election would be at the mid-term.

Mr. Farmer asked, what about this highest number of votes language at the beginning of that? Mr. Jochum asked, where the vacancy shall be filled by the person who pulled the next highest number of votes? Mr. Farmer replied, yes, as long as it was within one year of the election.

Mr. Jochum asked everyone what they thought of that. Mrs. Shatten replied, that's good, that person almost won. Mr. Hyde suggested it be left. Mr. Fikaris stated, he mentioned that that kind of hierarchy thing, that could get confusing.

Mrs. Shatten asked, why do the people think that's not a good choice? People voted. The person closest to it, - Mr. Jochum stated, but he or she didn't win. Mrs. Shatten stated, okay, they didn't win, but now that that person's gone, it seems fair to her that that should be the person who gets it.

Mr. Hyde stated, if you had someone interested enough to take all the time to do the legwork and what have you that it takes to run, it's worth giving them a shot.

Mrs. Shatten thinks they should be appointed.

Mr. Farmer does not know what the magic is to the one year, but you could have a real bad slate and the next person with the most votes might have had 30 votes, but it is what it is. Nobody's perfect. Mrs. Shatten stated, but at least the people that had something to say about it.

Mr. Jochum asked, so are we all in agreement on that?

Mr. Fikaris asked, so you have a four year term, if it's within the first year, then the appointment goes until the next election term and then if not, if it's past that, it goes to the full end of the term.

Mr. Mason stated, it's easy if we had somebody running in November. The Council person gets elected in November and then his employer says, you are getting transferred and he or she has to leave. Mr. Farmer said that person would fill out the rest of the term though, the second person.

Mr. Jochum stated, they would fill the entire term. If they are appointed by Council, they only serve until the mid-term, right? Mr. Farmer asked, what if he was unopposed?

Mrs. Shatten still thinks they should only serve until the next election.

Mr. Jochum suggested we simplify it and say, even if they are appointed by Council, they serve out the whole term rather than going to an election.

Mr. Mason asked, are many of our elections contested in Mayfield Village at the Council level? He does not remember. Not many of them are contested.

Mr. Fikaris stated that a lot can change. Your idea is fine. He is all for simplifying it.

Mr. Mason suggested we give him some broad parameters. He can come back to us. If we don't like it, we can advise him.

Mr. Jochum stated, so if a vacancy occurs in the first year, the next highest vote getter would get the position. He or she would serve the entire term? Mr. Mason stated until the next election. We don't have to call a special election. Mr. Farmer stated, it says here, the unexpired term, so it would be the balance of the four years. Mr. Jochum stated, not the two year split. It simplifies it.

Mrs. Shatten asked, what if the person isn't very good? We don't have an opportunity to get rid of him or her.

Mr. Jochum asked what the feeling is. Should he or she serve until the next election or serve the entire term? What are your opinions? Mr. Hyde replied, it says here, the entire term. Mr. Jochum stated, it says they would serve the entire term. What do we think that it should be?

Mr. Fikaris said, if we can ask him to clean this up as it sits, we could say, include this provision. Mr. Jochum thinks he wants us, he says it may not be a bad idea to clean up the language. We will be happy to do so if you will advise us as to your preference.

Mr. Shatten thinks it should be the next election. Mr. Mason agreed.

Mr. Fikaris stated Joe has offered to clean it up, not say, okay, clean this, but make this change 30 to 60 days. All we are saying is clean this section up. All we are doing is voting to send this to Joe. When it comes back we can read it and say, all right, now we understand. Now we want to change it. There are two parts to it. We can say, here, just clean this up, or if we feel 30, or the remainder of the term, Mr. Fikaris is fine with that. He just wants to try to understand it.

Mr. Mason stated he and Shirley thinks if we elect someone in November and he or she leaves in December and Council or the Mayor appoints someone a month later, he does not think he should go for four years.

Mr. Jochum stated, no, it would be the next highest vote getter. Mr. Mason asked, but if he ran unopposed? Mr. Jochum replied, then it would go to Council, right? Mrs. Shatten does not want him or her to run the whole four years. He or she came in second. We are giving them that opportunity, but what if we don't like him?

Mr. Jochum replied, understand, that's the way it has been. He understands what you are saying.

Mr. Farmer stated, if you do it at the next election, then you are going to goof up how the election terms are done.

Mr. Jochum asked, would it only be for a two-year term? Mr. Fikaris replied, it would have to be.

Mr. Fikaris asked, if it were a Ward Councilperson, that would only matter in the Ward, right? Mr. Mason replied, yes. We have four Wards and three At-Large. Mr. Fikaris stated it would have to be. If it were a Ward Councilperson, that would only matter in the Ward, right? Mr. Mason replied, yes. We have four Wards and three At-Large. Mr. Fikaris stated it would then only matter to a Ward Councilperson. Mr. Jochum stated, until you get it back in sync. You would only give the guy a two year term. In other words, when the election came up, if you had that seat filled the remainder of the term and an election midway, it would only be for a two-year and not a four-year term.

Mr. Fikaris stated, right, try to clean this up to say we are not going to appoint you for a week, the election is in a week and by Charter I have to fill this vacancy within 30 days of the resignation of the seat. This way, if I appoint you a month before the mid-term election, what they are trying to say is once you get close, we will give you the whole rest of the term.

Mr. Mason stated, that person who gets appointed is going to still have the power of the incumbency when they run for re-election anyway. Mr. Mason does not think it will stay that way forever.

Mrs. Shatten stated, we are breaking up that routine. Mr. Fikaris stated, we are saying either/or. Mr. Jochum stated everyone is elected to a four-year term, but they are staggered. If they do serve until that next election even though there's three years left, that next election instead of electing for that Council seat for just that term, it would be a two-year seat. It wouldn't be a four-year seat, because if you wanted a four-year seat, then you throw it out of sync.

Mr. Farmer would tell Joe what we are thinking. He might have some comments. He might say, that's a terrible idea, because.

Mr. Jochum's feeling is that if they are the next one in line in that first year, if somebody leaves in the first year, the next person as far as votes gets the seat but only gets it until the next election. Then that election would be to fill the remainder of that term. It would be a two-year term.

Mr. Fikaris likes the language "for the remainder of the term". That defines it, whether it is a day, or two years or whenever.

Mr. Jochum asked for a vote. All were in favor of that language. There was no opposition.

Mr. Farmer reiterated that we want Joe's comments on it. We might be totally off base. Mr. Mason agreed. He has dealt with a lot of municipalities that probably have similar language.

. Section 9. Powers and Duties

With regard to Section 9, Mrs. Shatten stated she wanted something changed. She would 'like the words "policeman" and "fireman" changed. Mr. Fikaris stated that's later on. Joe understands the Commission's request to make it gender-neutral.

Mr. Mason stated he was talking about putting a definitions portion there in the beginning. Mr. Fikaris stated yes, there were going to be some small things that are changed in the language including gender neutralized. Some of this could be under one definitions portion.

. Section 13 – Submission to Electorate of Zoning and Land Use Changes

With regard to Section 13, Mr. Jochum stated the Commission discussed the zoning land use changes. This was the one that Diane Calta spoke with us about at the last meeting. This is probably the premier issue that we have been talking about on Planning and Zoning. Mr. Farmer stated she was going to write up something for us on that. Mr. Jochum asked if everyone still feels that we should be looking to see what the Village thinks on that issue. He is not sure they are ready to do it.

Mr. Hyde stated all they can do is throw it out.

Mr. Jochum stated from the standpoint of Planning and Zoning, it made sense.

Mr. Mason stated the only thing he put down was Mayor and Council and P&Z. He put that in the margin of his notes. Did we ask Diane to write something up for us?

Mr. Hyde stated, she took notes and she said she was going to be working on it for us. Mr. Mason asked if we have seen anything. The Commission has not. Mr. Hyde suggested a call be made to Diane to see if that's proceeding, to make sure we have that right.

Mr. Mason asked Mr. Farmer if he thinks that's a pretty sticky one. Mr. Farmer stated, it's a sticky one because people are going to think you are taking away their power. It needs to be worded right. Diane thought they could put something together for us. People are going to be suspicious when they see it.

Mr. Mason stated, let's be specific. Is the Mayor and the Council going to be in agreement on this? Mr. Jochum replied, the Mayor will be on board with it. Mr. Farmer stated they may not like it because they don't think their constituents would, but it makes their job easier.

Mr. Jochum stated, there are some Council people that may not want to be sitting in that situation where they are rezoning property. Mr. Mason agreed. They can say, well, it wasn't us that did it, it was the voters. Mr. Jochum agreed, the way it is now.

Mr. Mason stated, this has never been touched. It's never been amended. Mr. Jochum agreed. If you talk to people - the biggest issue for us has been Beta. We know that for years we have been doing things piecemeal over there. The reason is because it's a hassle. How do you get the zoning changes where the process could be much faster if Council was the one that was responsible for rezoning?

Mr. Farmer stated, it's not such a learning process either. To the electorate you have to explain.

Mr. Jochum asked, how do you go out and educate? Not that you couldn't, but you have a short window oftentimes to get somebody's attention for an election. Mr. Farmer stated developers don't wait around.

Mr. Mason asked if the professor ever raised anything on this. Mr. Fikaris does not know. Mr. Mason does not remember. Mr. Jochum stated, it was something we kicked around the last time. Mr. Mason agreed.

Mr. Jochum asked the Commission their thoughts. The Commission agreed. Mr. Jochum asked for a vote. There was no opposition.

Mr. Farmer asked if this is old fashioned. Mr. Jochum does not know how many communities have this anymore, although Solon has it. If you want to make changes in your community, you have to have faith in those that you elect to do what's the right thing.

Mr. Fikaris stated it's worth a shot. What that shows is that we thought this over. The Commission is charged with looking at this. Mr. Mason stated, and if it's not worded properly, like 5 years ago when we thought we ought not to do this every 10 years. Mr. Jochum thinks it's going to be a tough sell. Mr. Fikaris said, it has to be done. We thought that about the tax too. We said, might as well do it now and get the defeat over with and go back to the drawing board. Mr. Mason stated, he thinks the Finance Director thought it was going to go down.

Mr. Farmer said, Joe needs to know too, we are asking them to word stuff for us, but he does not know that necessarily means we are going to say that's what we want to be on the ballot. He might say, you know what, you're pushing it. We have a chance of getting the most important ones done if we don't do these.

Mr. Fikaris stated his recommendation was, in fact he recommended eliminating the referendum zoning requirement many years ago and he believes Mayor Rinker has.

Mr. Mason stated, the Mayor may be sensitive to this too. After this election, he may not want it.

Mr. Jochum asked for a vote of all those in favor of the current language and all those opposed to the current language. All were opposed to the current language. This will be sent to Joe with a recommendation for revisions.

Mr. Shatten stated, we shouldn't put too many things on the ballot. If this is what we really want, this should be the only thing we put on as a change in the Charter.

Mr. Jochum replied, we are going to have a couple minor issues. This may be the big one. When we get the whole picture, we may say, this is not the time for this.

Mr. Fikaris asked how many issues they had last time, 11? Mr. Mason replied, yes. 10 passed.

Mr. Jochum stated it looks like we have covered all of Article III.

ARTICLE IV - THE MAYOR

Section 2. Qualifications.

Mr. Jochum stated the same issue has been raised. Should there be qualifications for the Mayor? As much as he would say that there shouldn't be, he would think that you would have the same argument.

Mr. Fikaris stated that Joe's letter was interesting. He said he has seen these sorts of things. They have been hot topics in the courts. If we leave it, then someone can fight it in court if they want to contest a residency. He then says it is possible to allow for cumulative residencies; to say, I left for one year and I had been here 16 years and now I have come back.

Mr. Jochum is for doing all that, but you can get crazy with some of that stuff too if you are going to try to do the others.

Mr. Fikaris is okay with it as it sits. If someone wants to contest it, he is sure they can.

Mr. Farmer stated you have to be fairly passionate about changing something unless it's really a blatant error. It's like tinkering with our Constitution.

Mr. Hyde asked if "Municipality" should be changed to say "Village of Mayfield"? Mr. Jochum asked that we make a note to tell Joe about that. Maybe that's something we can clear up as he goes through it.

Mr. Farmer stated, in Article I, Section 1, it talks about the Municipality. They capitalize the word and then they say now existing in Cuyahoga County, State of Ohio and known as Village of Mayfield. If you were defining something, you would put it in quotes and say hereinafter referred to as "x". This doesn't, but Mr. Farmer thinks that was the intention.

Mr. Jochum asked, maybe that's what he intends to do with the definitions, right? Mr. Farmer replied, yes, that was. We have Municipality come up in other areas. Joe was talking about doing some type of definitions in the beginning and to cover Shirley's issue. Mr. Mason replied, "The Municipality" is prevalent throughout the whole thing in Section 2.

Mr. Hyde said, it states in Section 1, "known as Mayfield Village."

Mr. Jochum asked for a vote from the Commission to leave the current language for Article IV, Section 2, Qualifications. All were in favor to leave the current language.

Section 7 - Absence

Mr. Jochum referred to Joe's letter: "This is an example where Charter Review Commissions come in handy. Because of the change in technology with cell phones, computers and facsimiles, the Mayor can be anywhere in the world and still capable of communicating with his office and performing the duties of that office. We have begun interpreting this sentence in most charters to really mean that when the Mayor is absent from the municipality "and" is unable to perform the duties." So, not just absent. Every time the Mayor went to work downtown, he would be absent. "Since the Mayor works in Cleveland he is absent from the Village on a daily basis. It would be ridiculous to interpret this section or sentence in any other way. Therefore, it may be advisable for the Commission to recommend that it change the language to so state. It think it is still okay to leave in the language that allows Council to be the arbiter of whether or not the Mayor is

capable or not to perform the duties should that question become murky for any reason. Thus a simple change by eliminating "or" and substituting the word "and" should accomplish what you have identified as an unclear section." He pretty much sets it out there for us.

Mr. Jochum asked for a vote from the Commission. All were in favor of using Joe's suggestion on this provision. There was no opposition.

Mr. Fikaris added, maybe this is one that can fall under the language clean-up.

Mr. Mason asked if this has to go to a vote. Mrs. Shatten replied, no, it's clean-up. Mr. Jochum was not sure. Mr. Mason said, we better ask him. Mrs. Shatten asked why it would have to go. Mr. Jochum stated because it changes the meaning of it. It's not a typo. It's not a definition.

Section 9 - Removal

Mr. Jochum stated, Joe says to us, "We have always put grammatical changes on the ballot as well as gender changes and as I indicated above, this would probably be one of those we should just include under general clean-up amendment rather than a separate question."

Mr. Mason stated, he may just lump all these in the clean up. Mr. Jochum said, anything he can put in grammatical change, clean-up. Do we want to ask him to do that on this? Mrs. Shatten agreed. Mr. Jochum asked for a vote. There was no opposition.

Mrs. Shatten asked, if he doesn't consider that grammatical and it has to go on the ballot, she still thinks it should. Times are different now. Mr. Jochum asked if Mrs. Shatten was talking about Section 7. Mrs. Shatten stated, if he says that isn't grammatical to change "or" to "and". Mr. Jochum stated we will see what he has to say about it.

ARTICLE V – ADMINISTRATIVE DEPARTMENTS, BOARDS AND COMMISSIONS

Regarding adding the Human Services Department as a mandatory department in the Charter, Joe replied in his letter that this is "possible, but not required. There needs to be charter language only when there is a decision that this will be a permanent fixture in our government and one that voters do not want to ever see removed. Perhaps it's best for the Council to make those decisions on such areas as Human Services, Planning Department and advisory committees, etc. Sometimes it's good to leave some flexibility with Council to change the names of departments or to merge them, should the economy require it or efficiency in government require it."

Mr. Mason stated, Eunice was supposed to come to that one meeting and then she didn't come. Mr. Jochum stated she submitted the recommendation. Mr. Farmer stated she deferred it. The explanation made sense to her.

Mr. Jochum asked if anyone has an opinion with respect to that issue, or is it a non-issue for us. The Commission stated it is a non-issue.

. Section 6. Civil Service Commission.

Mr. Mason was out of town for the meeting when this was discussed. Mr. Jochum stated this is another one of those general and gender-neutral changes. We asked him to make those changes.

Mr. Jochum asked the Commission for a vote on this.

Mr. Farmer asked, we are saying two different things to him, aren't we, like we either change it in each section that we are talking about or he's going to define it? Mr. Jochum replied, it sounds like that's something he's going to define at the beginning.

Mr. Mason stated, so if he defines it at the beginning, we don't have to go through all these machinations for the voters do we? Mr. Jochum would imagine that's probably the best way to do it. That's what we should tell Joe. If everyone's feeling is is that anyplace he can do that, he should do that.

Mr. Mason asked the Commission what they think of that. The last time we had 11 Charter changes. The electorate had to go through and read each of these and they either said “yeah” or “nay”. That was fairly lengthy for the voters to go through that process, but we got through the process and approved 10 out of the 11. What we are trying to say here, if we have language that can be approved on gender and, definitions such as "Municipality", that can be done.

Mr. Jochum stated, like if we can make this gender-neutral, without having to go to the voters, we should do it, right? Mrs. Shatten stated, that's what the professor said in his letter. You don't have to go to the voters if you want to do that.

. Section 9.1. Regionalized Districts.

Mr. Mason stated this was amended in 2005.

Mr. Jochum stated we had a little bit of a discussion with the Mayor on this. What's everyone's feeling on this?

The question was if someone proposed regionalizing the police and fire, we had in here that it has to go to the voters. That passed.

Mr. Mason stated, the Mayor's point at the last meeting was we have entered into a contract with Gates Mills for emergency medical service for \$122,000. He didn't go to the voters for that. He didn't feel he had to. Mr. Mason did not think he had to. He does not know what others think. There are other opportunities for that. When we were building the police station, there were plans to have cooperation with other municipalities. Mr. Mason does not know if that is going to work out because of budgetary constraints.

Mrs. Shatten replied, like the firing range. Mr. Jochum stated, but those are contractual. They were going to use something else in return.

Mrs. Shatten stated, today there was something in the news about the trash collections. The City of Cleveland was joining with some other communities. Mr. Fikaris added, and EMS and Fire. That was a big deal in Cleveland for a long time.

Mr. Jochum stated, there's a community around here, South Euclid, that is going to have Cleveland do their garbage pick-up.

Mr. Mason stated, there's going to be more of that in the future as Cleveland shrinks. With the Census, the numbers may change things.

Mr. Jochum feels that we passed it for a reason last time. He doesn't like it the way it is, but do we want to go back and put it back the way it was?

For clarification, Mr. Fikaris asked, the words "other than" could be swapped for "including police or fire"?

Mr. Mason stated, the last time around, someone did not want anyone else. Mr. Fikaris asked, other than the Village handling their safety? Mr. Mason replied, correct. Mr. Jochum stated, he was with him on that the last time. Mr. Mason was more for it. He had come from a community that had regional government. He liked it pretty well.

Mr. Jochum does not have a problem with regional government, but with regard to safety forces, let the Village electorate decide whether or not they want to take that step. Mr. Fikaris stated, personally that's fine with him. Mr. Jochum stated, we would be crazy to put that one back on the ballot to change it back.

Mr. Jochum asked for the Commission's opinion. Mr. Mason replied, especially after this tax increase, he does not think he want to send this to the electorate. We pushed it for safety and services.

Mr. Jochum asked for a Commission vote. All were in favor of leaving the language alone. There was no opposition.

. Section 11. Planning and Zoning Commission.

Mr. Jochum read off the portion of the letter from Joe with regard to this section: "Including the Planning Department in the charter is addressed above." This goes back to the same issue discussed as was being proposed for Human Services. Do we want to let Council do this one?

Mr. Jochum does not know that it needs to be a chartered department. What are everyone else's thoughts?

Mr. Farmer does not think it should be at this point. It's not even solidified. We don't know what it is exactly. Planning and Zoning is going to be discussing it. We don't quite understand our interaction with them. It's nebulous right now.

Mr. Mason asked, they don't work for you, do they? Mr. Farmer replied, no, but we are working in conjunction with them. Mr. Jochum added, they are there to help do some of the research that maybe P&Z doesn't do or can't do.

Mr. Mason asked, they are employees of the Village, right? Mr. Jochum replied, right. Much like Cleveland's Planning Department. Mr. Farmer stated, it's still getting off the ground. We don't know what it is for sure.

Mr. Jochum knows there was some discussion about it, but is everyone okay with leaving it without putting that in there? Mr. Farmer replied, it could be revisited if Council wanted to bring it up the next time the Commission meets, but right now, it's not ready.

Mr. Jochum asked for a vote of the Commission. All were in favor of leaving that provision alone. There was no opposition.

ARTICLE VI – NOMINATIONS AND ELECTIONS

Approved

ARTICLE VII – INITIATIVE, REFERENDUM AND RECALL

Section 3. Petition Procedure.

Mr. Fikaris stated this was cleared up. We are all good with that. He just had a question. It was clarified by Diane Calta. She said the language was consistent throughout the Charter. He is fine with that.

Mr. Jochum asked for a vote of the Commission. All were in favor of leaving Section 3 the same. There was no opposition.

Section 5. Measures Subject to Referendum

Mr. Fikaris stated Diane Calta explained this one as well. The first resolution or ordinance are the only ones that can be voted on. She made sense of it.

Mr. Jochum stated, she indicated that you otherwise would be killing the project.

Mr. Fikaris said, although Pat said that can still be done. He wasn't crazy about that. Mr. Fikaris is not so sure about this. That was from Pat's experience as a developer.

Mr. Jochum asked if anyone remembers the issue on this. Mr. Farmer thinks we were trying to come up with a little more language on this. He understood it after they explained it, but it was tough to sink in.

Mr. Jochum suggested we ask them to simplify it. We had to keep reading it over.

Mr. Farmer stated it was something like the word “related” or something was related to that. Mr. Jochum would be in favor to having Joe look at that to see if he can simplify that section. What are the Commission’s thoughts? Mr. Farmer agreed. It’s hard to slug our way through it. Nobody’s there to explain it on the ballot. It has to be in a form that people can understand. It’s confusing. Nobody got it right away.

Mr. Jochum asked, should we ask Joe to see what he can do to simplify it? The Commission agreed on vote without opposition.

ARTICLE VIII – FRANCHISES

Approved

ARTICLE IX – FINANCES AND TAXATION

Approved

ARTICLE X – AMENDMENTS TO CHARTER

Approved

ARTICLE XI – CHARTER REVIEW COMMISSION

Mr. Jochum suggested it be left to 5 years. Mrs. Shatten agreed. Mr. Farmer also agreed.

Mr. Jochum did not think that way when he started out. Mrs. Shatten did not either. Mr. Fikaris agreed. Now he feels we should keep it at 5.

Mr. Mason is not sure it should be the same faces on the Commission every time. Maybe it should be fresh faces. There are a couple things here we can bring before the electorate. It was good interaction. He met a couple people he didn’t know. There’s some merit in doing it on the five year basis, but it is better to get new citizens engaged in the process. When Tom called him for the third time, he said okay, one more time. If the majority feels it should be done every 5 years, that’s fine, but he would recommend some other fresh faces as members. It’s not up to him to choose the individual, it’s Council’s selection. He does not have anything to say about it.

Mr. Hyde stated the Charter’s been in existence for 46 years. With a review every 5 years, this is the 9th time it’s been gone through.

Mr. Farmer stated, what people need to know is just because you have the Charter Review Commission that does not mean you need to change anything.

Mr. Jochum agreed. It looks like we have about three or four items, if we have them, at the end of the day. Mr. Mason agreed, if we get this overall language as an inclusive one.

Mr. Fikaris stated it sends a good message. We are doing a little maintenance. Someone's at least putting their nose in the book every now and again. With the rapid changes, who knows what's going to happen even in 5 years. Things change. Mr. Jochum added, a lot can happen in 10 years. Mr. Mason stated, the Village has changed a lot since 1981.

Mr. Jochum asked for a vote of the Commission. All were in favor of leaving it at 5 years. There was no opposition.

Mrs. Shatten asked how we got convinced that five years was a good idea, because things are changing so quickly now, we can't put it off for 10 years. Mr. Farmer replied, yes. Mr. Jochum said, it's not an expensive process.

Article XI will be left as is.

ARTICLE XII – MISCELLANEOUS PROVISIONS

Approved

Mr. Jochum stated there are approximately three or four items to send to Joe.

Mrs. Shatten asked, "the Charter of the Municipality", what is that going to say now? Mr. Mason thinks the word "Municipality" starts on page 1. Municipality is prevalent throughout. Mrs. Shatten asked what we are putting in its stead. Mr. Farmer said it is defined at the beginning. Every time you see it it's in capital letters. They just didn't do it the way you would see it done now.

Mr. Hyde read off the excerpt in Section 1: "The Municipality now existing in the County of Cuyahoga, State of Ohio, and known as the Village of Mayfield. . ."

Mr. Jochum stated, we are now down to waiting for the law department to get back to us. Is there a timeframe? Mr. Farmer stated we have to wait for them, when is our next scheduled meeting, that would be kind of like a deadline. If they couldn't meet it, we could reschedule.

Mr. Mason stated the next meeting is on the 24th. Mr. Jochum asked if they can provide a response by the 24th. There are only a couple of items, they can probably do it. Is that date good with everyone?

Mr. Mason asked if it would be starting at 7:00 p.m. Mr. Jochum replied, yes. Mr. Fikaris stated, two weeks from today, so it's a Monday.

Mr. Jochum stated the meeting on the 24th will be to vote on those that we are going to send to Council, correct? We may be two meetings ahead right now.

Mr. Farmer asked if they would be done by then. Mr. Jochum thinks they will have it done. We have two weeks from tonight. They should have it done. Mary Beth will let us know if they won't be able to get it done.

Mr. Jochum stated, we are going to give it to them by the 24th of May. Our job then is done or do we have one more meeting after Council? Mr. Jochum does not think there's anything more that we need to do. Once we send it to Council, it's their job. Our job is done. Is that the timeline?

Mrs. Betsa responded, it was recommended by the Law Department that amendments be available for consideration by Council by Caucus on July 6th. Therefore, all recommendations were requested to be submitted to the Law Department for drafting no later than June 15th.

Mr. Mason replied, we scheduled the next meeting for after Caucus, on June 8th at 7:00 p.m. We don't have to do it. Mrs. Betsa stated in the event that during Caucus discussion on the 7th, if there should be any questions, then the meeting of the 8th may want to go forward.

Mr. Jochum asked the Commission if anyone has any upcoming vacations.

Mr. Hyde asked if the Commission should show up at Caucus on the 7th in the event they have any questions. Mr. Farmer stated that would not be a bad idea. We could extend that offer to them.

Mr. Mason suggested the Chair or Vice-Chair could be in attendance. Mr. Hyde asked what time on the 7th. Mrs. Betsa replied, 8:00 p.m. in Civic Hall. Mr. Jochum stated, we have P&Z that night. Mr. Farmer stated we will be voting on something that night. We should extend the offer. They might say, that's a great idea or no, we don't want you there right now.

Mr. Jochum stated, once we send it off to Council, we are done. So, we are done at the next meeting once we send it off to Council other than if they have questions for us. Then we will schedule a meeting. Mr. Farmer said, then we start campaigning for the changes.

. **Any Other Matters**

There were no other matters.

. **Next Meeting**

There being no further business, Mr. Hyde, seconded by Mr. Farmer, made a motion to adjourn the meeting. The meeting concluded at 8:40 p.m. The next meeting of the Charter Review Commission was scheduled for Monday, May 24th at 7:00 p.m.

Respectfully submitted,

Mary E. Betsa, Secretary
Charter Review Commission