

MINUTES OF THE
CHARTER REVIEW COMMISSION MEETING

Tuesday, April 7, 2015 – 7:00 p.m.
Mayfield Village Main Conference Room

Present: Merv Singer
Stivo DiFranco
Ron DiNardo
Tom Piteo
James Sheridan
Albert G. Hehr, III
Paul Fikaris

Absent: Vetus Syracuse

Also Present: Steve Jerome (8:10 p.m.)
Mary Betsa

The Meeting of the Charter Review Commission was held on Tuesday, April 7, 2015 in the Main Conference Room at the Mayfield Village Civic Center. Chairman Fikaris called the meeting to order at 7:00 p.m.

. **Approval of Minutes of Regular Meeting of Wednesday, March 18, 2015**

Mr. DiNardo, seconded by Mr. DiFranco, moved to approve the Minutes of the Regular Meeting of Wednesday, March 18, 2015.

ROLL CALL: Ayes: All
Nays: None

Motion Carried
Minutes of Wednesday, March
18, 2015 Approved as Written

. **ARTICLE IV –THE MAYOR (cont'd)**

. **SECTION 5 – EXECUTIVE POWERS**

Chairman Fikaris asked if there were any comments. Did the Mayor give a State of the Village report yesterday?

Mrs. Betsa replied, the Mayor reports in his *VOV* article. There is also a public meeting being scheduled to provide an update to residents on projects and finances of the Village and to answer any questions residents might have. The Mayor holds this annually. Notices will be sent out soon.

- **Preliminarily approved 4/7/15**

. SECTION 6 – VETO POWERS

Chairman Fikaris stated, this is fairly straightforward. Are there any questions? There were none.

- **Preliminarily approved 4/7/15**

. SECTION 7 – INABILITY TO PERFORM DUTIES

Chairman Fikaris stated, this was amended because originally it said when the Mayor is for any reason unable or away. We thought that was very archaic. Back then, if you went away it was by horse and buggy and you would be gone for about three weeks.

- **Preliminarily approved 4/7/15**

- SECTION 8 – VACANCY

Chairman Fikaris stated, this is straightforward. There were no comments.

- **Preliminarily approved 4/7/15**

- SECTION 9 – REMOVAL

Chairman Fikaris asked, are there any issues with this section? There were none.

- **Preliminarily approved 4/7/15**

. **ARTICLE V - ADMINISTRATIVE DEPARTMENTS, BOARDS AND COMMISSIONS**

- SECTION 1 – GENERAL PROVISIONS

Chairman Fikaris stated, this is just general provisions of what boards we have.

Mr. DiNardo stated, John Marrelli wrote a letter to the Commission on this.

Chairman Fikaris stated, the letter you are speaking of from John was about breaking up a tie vote in Architectural Review Board and/or serving as an alternate for quorum purposes.

Mr. DiNardo stated, which is probably Section 2.

Chairman Fikaris stated, we are pretty squared away with our departments. There was no further comment on Section 1.

- **Preliminarily approved 4/7/15**
- SECTION 2 – ARCHITECTURAL REVIEW BOARD.

Chairman Fikaris stated, John Marrelli brought a question before the Commission on this.

Mr. DiNardo stated, I can give you guys an example of the reason why John sent a memo to the Commission. We recently had an Architectural Review Board meeting where, myself being the Chairman and the Chairman Pro Tem were there at the meeting. We had an applicant who was a resident who was doing an addition to their house. We could not approve the submission because of a lack of quorum. We had a work session. We said, you will have to come back and we can approve it at the next meeting when we will have a quorum. If we had the ability of the Building Commissioner who attends every Architectural Review Board meeting to vote, he could be there for lack of quorum to vote. In turn, we could have approved it that night. That applicant would not have had to come back. They came back and it was a five minute thing, but we were trying to save the resident from coming back a second time. John could essentially have had the ability to vote for lack of quorum or in case there is a tie. I have been Chairman for quite a while and have been on the Board for 10 plus years. I don't think we have ever had a situation where we had a tie, but nevertheless, if we are going to modify this, then let's do both – allow the Building Commissioner the ability to vote when there is a lack of quorum and when there is a tie between the members. We do have 5 members. If there was a time when only 4 members were there, we could end up with a tie.

Mr. Piteo asked, so give the position the ability to vote?

Mr. DiNardo replied, yes. We would ask the Law Department to come up with wording to allow this. I wanted to make sure the rest of the members here are in agreement with it or if they see any issue with it.

Chairman Fikaris stated, if we are going to submit that, I would ensure there would not be a conflict. Check whether or not the Law Department sees any conflict with this change.

Mr. Hehr asked, is he appointed by the Mayor?

Mr. DiNardo replied, yes. The position of Building Commissioner is a full-time position.

Mr. Hehr asked, so it's a hire? It's not an elected position?

Mr. DiNardo replied, yes. It's a hired position. Architectural Review Board members are appointed.

Mr. Piteo asked, he's an employee of the Village?

Mr. DiNardo replied, yes. He's at every meeting.

Mr. DiFranco asked, he's not appointed by the Mayor though?

Mr. DiNardo replied, no. He's hired by the Mayor.

Chairman Fikaris stated, he's classified as well. Is he Civil Service?

Mrs. Betsa replied, no. But he is listed under the Committee list under Architectural Review Board as Building Commissioner.

Mr. DiNardo replied, he's also on the Planning Commission. He plays both roles, ARB and Planning Commission. And Board of Zoning Appeals.

Chairman Fikaris stated, he's there at most of them. We ran into a conflict that was in the Charter but that was for a different reason. With Planning and Zoning and the Board of Zoning Appeals, only one individual can serve on both of those because you don't want to go in front of someone and you want to appeal it and then you turn around and see the same faces on the appeals board. I am not saying there would be a conflict. That's just something to mention. Obviously he would take that into consideration as well.

Mr. Piteo asked, is John in any other position besides Commissioner?

Mr. DiNardo replied, no. He's the Building Commissioner, Chief Building Official. He's in charge of everything.

Chairman Fikaris stated, all things building. Does this happen a lot?

Mr. DiNardo replied, occasionally it does. I have seen where we did not have a quorum. We communicate with other members, but things come up. This might have been a weather issue where one of the members was unable to attend.

Mr. DiFranco asked, is there 5 members?

Mr. DiNardo replied, 5 members.

Mr. DiFranco asked, plus John?

Mr. DiNardo replied, plus John.

Mr. DiFranco stated, so there would be 6 now.

Mr. DiNardo replied, no. He would only vote when there is a lack of a quorum when only two people show up like the situation I described earlier. Or if there is a tie when 4 people show up and we don't come to an agreement, he can step in and vote. That rarely happens.

Mr. DiFranco asked, so he wouldn't be a member?

Mr. Hehr asked, do we really want decisions made by two people?

Mr. DiNardo replied, in the example I gave you it was the Chairman and the Chairman Pro Tem.

Mr. Hehr stated, I am just not inclined to say that I want two people on a board to be able to make that decision. I would prefer to have that quorum. That's the definition and purpose of a quorum, to make sure you have enough people to adequately address all of the potential issues. My inclination would be to have at least 3 people out of 5 there in order for a decision to be made.

Mr. DiNardo stated, John's well qualified to do that. You have to look at that too.

Mr. Hehr stated, John is. But what if the next guy won't be?

Mr. DiNardo stated, he will be qualified. You have to be certified quite a bit.

Mr. Hehr stated, my point is that we put 5 people there. Years back, it was decided that a quorum should be required. That quorum was 3 people. The value of that was to get different opinions. That's part of the reason why the well-qualified guy is not a voting member because they want the opinions of the Village residents. Otherwise, we wouldn't need them.

Mr. DiNardo stated, I would have to disagree. I do feel any building official who takes on that position is certified in many aspects in order to have a certified building department. They are well capable of making that decision. I don't say it happens very often but it's an injustice to have an applicant who is a resident who is doing an addition; I'm not saying a commercial project like Deacon's, which would be something different. Unless we give the building official the option. I don't know if we can do that.

Mr. Piteo stated, I don't know if there's anything in the law that restricts that.

Chairman Fikaris stated, it says, members may not hold an elected position within the Village.

Mr. DiNardo stated, that stays the same. John's not an elected official. He's a hired employee.

Chairman Fikaris stated, we are going to discuss that in Section 10 where it talks about the Building Department. It's a one-sentence thing. We are going to submit this to the Law Department. Let's get the wording on that. Ron, I can see your point, if someone's waiting on something, but I think to get 5 people together, or at least 3 of them, that's the way it has to work.

Mr. Piteo stated, that's the way everything works.

Chairman Fikaris agreed. That's the way all of our Commissions work.

Mr. Hehr stated, we are not even trying to get 5 people together. We are only trying to get 3.

Mr. DiFranco stated, just so I understand, Al, what you are saying is if Ron and John were there, that would be 3?

Mr. DiNardo stated, John would only vote on a situation where there is a lack of a quorum and only 2 members were there or if there's 4 members there because the 5th person doesn't show up and if there's a tie, he would break the tie. Like I said, I have not seen that situation in the 10 years I have been on it. But this is the Charter. This is forever. We have to look at that. In my opinion, the building commissioner is well qualified to make the judgment on whether something gets approved. He has tons of impact.

Mr. Hehr stated, I am not arguing that the guy's qualified or not qualified. I am certainly not arguing that John is qualified or not qualified, because I know he is. But, it's that we wanted to keep it at the population level. We wanted those kind of decisions to be at the residential level, not at an executive level. A hired position is an executive within a governmental body. We are trying to keep this at a residential level. It doesn't seem like 3 out of 5 should be difficult to get together. If it is, then maybe we have the wrong 5.

Chairman Fikaris stated, there's an appearance of a conflict. I think John's fully qualified. Most of these are slam dunks anyway. I think these guys do a really good job. There's really not any conflicts going on where someone says, this or that. It's pretty squared away. Joe will figure out if there is a conflict. He will present it to us. ARB is very thorough. They get into detail. I can see your point in saying there are some time limits to this.

Mr. Hehr stated, part of the reason we want councils and we want commissions is to keep things slow so that people can have the opportunity to raise objections and be involved. The slower government moves, the better off the people are.

Mr. Piteo stated, I have been on architectural review boards around the country. Sometimes the commissioner is asked his opinion. If he is a voting member, that would be a conflict. He couldn't give his opinion. The architectural review board will evaluate the whole situation and will look to the commissioner if they don't know an answer to a question. He's the chief building official. They will ask him how he views it. Based on that opinion is how the board voted. I don't think I ever saw it go the opposite way. As soon as the commissioner opened his mouth and if he went negative, I walked out. If it went positive, I was happy. I would table the discussion so he wouldn't be able to speak much.

Mr. DiNardo stated, if there's some issue that came up, you could table it to another meeting. It doesn't happen much.

Mr. Hehr stated, we are spending a lot of time trying to fix something that's really not all that broke. If we are getting 90%, that's a win. If we are succeeding, we are trying to change something that's working.

Mr. DiNardo stated, we can make it better.

Chairman Fikaris stated, let's ask Joe's opinion.

Mr. DiNardo stated, let's ask Joe's opinion and go from there.

Mr. Piteo stated, I would almost think we would be better off having a couple alternates that could fill in rather than the commissioner. If those 5 couldn't get a quorum, we could have alternates.

Chairman Fikaris stated, they would have to attend almost all meetings. It's pretty in-depth.

Mr. DiNardo stated, you would be on call all the time.

Chairman Fikaris stated, if you had to show up, you would have to try to read the minutes from the last one and get up to speed.

- **Held pending opinion of Law Department**
- SECTION 3 – DEPARTMENT OF PARKS AND RECREATION

Chairman Fikaris asked, any comments on this? It's fairly straightforward.

Mr. Hehr asked, are we going to put executive voting members on each board? If it's important for one board, is it important for other boards to have voting executives?

Mr. DiNardo asked, on the Rec Board? Stivo, you are on the Rec Board.

Mr. DiFranco stated, the Rec Board is made up of volunteers. There's hardly any voting *per se*. It's not like the Architectural Review Board which is specifically made up of 5 members. The Rec Board has cycled anywhere up to 10-12 people.

Chairman Fikaris stated, that is a point. If you take Planning and Zoning, John sits on that. Also, we rely heavily on his opinion. Are there any other questions or comments? There were none.

- **Preliminarily approved – 4/7/15**
- SECTION 4 – LAW DEPARTMENT

Chairman Fikaris asked, does Joe serve for any other municipality?

Mrs. Betsa replied, yes.

Chairman Fikaris asked, do you know where?

Mrs. Betsa replied, Macedonia, Bentleyville, Chagrin Falls and a number of others.

Chairman Fikaris stated, there have not been any issues. Joe and his office do a great job. They cover all the Village's needs. Do we have any comments?

Mr. Hehr asked, is the law director a position that should be appointed by a majority vote of the Council rather than appointed by the Mayor and brought to Council?

Mrs. Betsa replied, Council has to pass the legislation.

Mr. DiNardo added, they vote on it anyway.

Chairman Fikaris stated, so it would be more of a –

Mr. Hehr stated, a change without a difference.

Chairman Fikaris stated, it would be interesting to know how the process works. If someone gets elected Mayor, do they typically keep the same law director? I think the process is spelled out in this.

Mr. DiNardo stated, and it's been working.

Chairman Fikaris asked, any other comments? There were none.

. **Preliminarily Approved 4/7/15**

. SECTION 5 – FINANCE DIRECTOR

Chairman Fikaris stated, this was amended in 1986. My question was at the end, the only qualification would be a public accountant or a certified public accountant. I don't know enough to know the difference. I know what a CPA is, but I don't know what a PA is. Is there anything else we should add?

Mr. DiNardo stated, CPA's have continuing education requirements no matter what by the State.

Mr. Hehr stated, in order to retain your position as a CPA, you have a certain amount of hours you have to take annually. It's actually more than attorneys.

Chairman Fikaris stated, we use the term lawyer. There's specialty lawyers.

Mr. Hehr stated, lawyers do not have sufficient specializations out there to put that into a category like this.

Chairman Fikaris asked, is there any municipal requirements for this position?

Mrs. Betsa stated, Ron annually fulfills his continuing education requirements.

Mr. Piteo stated, you have to have years of experience.

Mr. DiNardo stated, you have to be in the workforce for several years before you take your CPA.

Mr. Hehr stated, there are CPA's, audit guys, tax guys, prep guys, planning guys, all different styles, but I think they fall under that same category as attorneys which is ICPA. I do a lot of estate planning and tax planning. Also, I would be allowed to practice law in any facet. I may be a poor choice in some areas, such as a divorce law, because I have never done it before. You have a responsibility under the Code of Ethics to do or be able to do at the time necessary. Could I run out and take a quick CLE? I would suggest the answer to that is no. There are other attorneys that would say they can get it done. I just disagree with that position.

Chairman Fikaris stated, through the hiring process then, as long as you have the qualification, that could be vetted in and it could be said there we would find the best candidate. This way, they would not be handcuffed into a requirement. But as we move on, like with the Building Director, there's really no requirement, let's go from there.

Mr. Hehr stated, there are in fact multiple designations of specific CPA's so if we want to state a specific style of CPA, there are different styles. It looks like it is a distinction without a difference again. You are a CPA and, you also have other designations. Certified Management Accountants, Certified Merger and Management Accounts, Certified Fraud Examiners, different designations.

Mr. DiNardo asked, would that be above and beyond your CPA exam? You take this as an additional exam?

Chairman Fikaris stated, maybe with a bigger city, that would be a requirement. That's where that would come in to play. The hiring would require it. It would be at that level, not in the Charter. Does anyone have any other questions?

Mr. DiNardo asked, how do we leave it? Are we going to just inquire with Ron or pass it along?

Chairman Fikaris replied, I think we are okay.

. **Preliminarily approved 4/7/15**

. SECTION 6 – CIVIL SERVICE COMMISSION

- o (A) Composition, Term and Removal.

Chairman Fikaris asked, does anyone have any questions relative to subsection (A)?

Mr. DiNardo asked, subsection (B) is for discussion with the Police and Fire Chief?

Chairman Fikaris replied, that is subsection (E). Subsections (A) through (D) are pretty straightforward. In subsection (D), probationary, is that set by the department head?

Mrs. Betsa replied, under the contract and in the wage ordinance.

Chairman Fikaris asked, is it standard across the board?

Mrs. Betsa asked, for all employees?

Chairman Fikaris replied, yes. One year, for all employees, including police and fire? It's pretty standard.

Mrs. Betsa replied, yes.

Chairman Fikaris asked, does anyone have questions about subsections (A) and (B)?

Mr. DiNardo stated, it looks like it went through changes back in 2005. I'm fine with it.

Mr. Hehr asked, should the department heads be part of Civil Service? Having been a policeman, I see the value of protecting your police chief so he is generally not subject to the political problems. The chiefs are part of the Civil Service Commission. The value of having them outside of that means that if our department is going a different direction, a direction we don't want it to go, we can get rid of that individual and terminate that position putting a new head of that department in, much easier than going through the civil service process.

Mr. Piteo asked, can we really have input on this because of collective bargaining?

Mr. Hehr replied, we can. Personally, I favor the position where it's at. But there's value in both sides. The determination is what is that value and what is outside that value? If our fire department were going in a direction or our police department was beginning to have substantial numbers of violent issues and we felt the leadership was going in the wrong direction we are substantially limited on how we can terminate an employee because they are part of the civil service classification. However, by having them as part of the civil service classification, we prevent them from being swayed by the winds of the political subterfuge.

Mr. DiNardo stated, it sounds like you want the ability to remove someone if needed.

Mr. Hehr stated, I like it right where it's at as part of civil service. However, I think it's a huge piece when you are considering the political climate that surrounds police chiefs and the difficulties that police are having in America currently and it should be considered. If everyone is happy with where it's at, I am not adding anything, so therefore I withdraw it.

Mr. DiNardo asked, so would it be an amendment to the Charter that would allow a removal of a police or fire chief?

Mr. Hehr stated, we don't have to do both. We have them separated.

Mr. DiNardo stated, you would have to get some direction from the law department on that.

Chairman Fikaris stated, it's interesting that we go through the civil service and then throw in building and public service at the end. I am not as familiar with the civil service process. There's probation duties, promotions, power to appoint, power to promote, but there's nothing in the process on power to remove.

Mr. Hehr stated, you have to follow the civil service process.

Chairman Fikaris asked, how do you do that?

Mr. Hehr stated, it's defined by contract generally for the individual officers, how many times they have to be written up, what that write up looks like, whether it's an oral correction, whether it's a written correction, whether they go before a board, how egregious is it, does it go to their executive officer and then to the chief of police, what does that process look like, how many days off do they get and how egregious is the infraction is a huge piece to it.

Chairman Fikaris stated, but there is a mechanism to do that.

Mrs. Betsa replied, the Civil Service Commission has recently revised their rules. If you would like me to forward a copy electronically to the Commission, I can. The rules define the steps.

Chairman Fikaris stated, it probably does not have to be referenced then at the Charter level. Does that make the position less attractive?

Mr. Hehr replied, absolutely. But it also gives you the ability to obtain members from outside the community. If you have someone better from somewhere else.

Chairman Fikaris stated, that's a point that is going to be brought up here very shortly. The Charter states that no one above the level of patrolman can be brought in from outside. Both the fire and police chiefs have made a recommendation that that be changed. Let's go on. We can ask Joe about that and see how he feels about that.

Mr. DiNardo asked, that would be power to remove?

Mr. Hehr stated, either power to remove or should the police chief or fire chief be outside the Civil Service classification?

Chairman Fikaris asked, does that exist anywhere else?

Mr. Hehr replied, yes. Most departments that I have been involved with, the chief of police was outside the civil service classification.

Mr. DiNardo asked, is that a good thing or bad thing?

Chairman Fikaris stated, Cleveland is like that. For years, it's like football and then you bring someone in from the outside. Is there like size communities that have that?

Mrs. Betsa stated, when the Civil Service Commission went through the process of promotionals for police and fire, the test was administered through the Ohio Fire Chiefs Association. If you don't have them classified under Civil Service, how else would they be tested? They have to go through thorough testing.

Mr. Hehr stated, you can do the same testing to get the same interview process and the Mayor could then take that appointment and say this is my recommendation to Council and Council could do the review. There are a lot of mechanisms to achieve that same result.

Mrs. Betsa asked, who would then commence review of the testing agency and how the test would be administered? Who would have that authority?

Mr. Hehr replied, generally it would be a commission that is put together.

Mrs. Betsa asked, but it wouldn't be the Civil Service Commission?

Mr. Hehr replied, no, it wouldn't be civil service. They would go through the same exact process. You could even use the Civil Service Commission to do that. They would just not fall within the civil service guidelines. The search process would not necessarily have to change. It would be able to be broadened because it wouldn't be defined the way that it is. Again, I don't object to the way it is at.

Mr. DiNardo stated, for as long as I have been in the Village, 25 years, it usually comes from within. I feel we should leave it alone.

Chairman Fikaris stated, to make a change would be to bring it before the voters. What these chiefs are proposing in subsection (E) is to introduce outside hiring above a certain level where the Charter states that maybe moves in that direction.

Mr. DiNardo stated, we should ask them to attend the April 22nd meeting to give us an explanation. Maybe we can ask some of those questions that we are throwing out here right now if we want to recap.

Mr. Piteo stated, I would imagine the chiefs would prefer to stay under civil service.

Chairman Fikaris stated, if we all agree that the classifications and the duties are pretty straightforward and the probationary period, if you think that can be approved without any questions, we can always go back.

. **Subsections (A)-(D) preliminarily approved 4/7/15**

o Subsection (E) - Promotions

With regard to subsection (E), Chairman Fikaris stated, both Chief Edelman and Chief Carcioppolo suggested that, actually Chief Carcioppolo referred to the second paragraph, "For purposes of this paragraph, only part-time firefighters in the fire department shall be deemed to

be within the classified service.” He wants that section eliminated. Whereas the police chief stated that the amendment should allow the Village the option to seek qualified applicants for police chief from outside as well as through promotion. Chief Carcioppolo stated the fire services become a more professional organization. From my interpretation, he is stating that he is doing a disservice to the Village in the promotion process. They want the option to do that as well. To promote from within but with the option, above the rank of patrolman and with the fire department.

Mr. DiNardo agreed with both chiefs. We should have the ability to do that.

Mr. Piteo stated, I don't see why we wouldn't be able to do that. Why wouldn't we allow that to happen?

Mr. Hehr stated, you lose history. If we have a good fire and police department that has over the last 40 years developed and been able to achieve the goals of the city and people are comfortable with it, what you get is a patrol officer that knows when he is coming here he has a good job that is going to give him an opportunity to move up the ranks and as long as he is good and faithful to the city, he will have a shot.

Mr. DiFranco asked, you have to be qualified to be promoted, right?

Mr. Hehr stated, if you are a police officer in Gainesville Florida and you have the qualifications to be chief of police in Mayfield Village, and it pays more here and it is easier to work, now you are competing against all those people versus people that know Mayfield Village and are solid and built within the confines of the Village. We know what we get when we bring a Gino up through the ranks. Would Gino be chief of fire right now if we could have gone outside? I don't want to answer that question. It would have been really hard for Gino to have gotten that position from where he was at if we didn't have this in the Charter.

Chairman Fikaris stated, historically there's a reason why this was in there. Does it reflect the fabric of the Village? The people wanted that to say I want familiarity. I want someone that knows my city and is familiar with running it. I feel I have a better level of confidence or satisfaction knowing that patrolman isn't a guy from Florida or from the outside. I am viewing someone looking at this proposal up for vote and saying what does this mean? Is that the route of other communities? You could go both ways. This might be a comfort level and that might be why this is here.

Mr. Piteo stated, for example, Richmond Heights, he was a retired chief from Orlando. He was born and raised here. He came home and is the chief of Richmond Heights. If Richmond Heights had that in their charter, he couldn't be a chief. He was very qualified. He brought vast knowledge and training into Richmond Heights that they never had before. That's where I see the benefit in agreeing with the chiefs being able to bring from the outside. Just like when we go and work for other people, we bring that company the vast knowledge that we have been able to achieve to our history to that company. The company benefits by it or they wouldn't hire us.

Mr. DiNardo asked, they just want to have the option to do this?

Mr. Hehr stated, the option is, when you open that door, the door is open. It essentially becomes anybody. It's not like we have to wait until we go through the people we have and then the door opens. If the door is open, the door is open.

Mr. DiNardo suggested we talk about it on the 22nd. There are a lot of questions brought up that are very good here.

Chairman Fikaris stated, I think it is all good. If these guys think it's a good idea.

Mr. DiNardo stated, yes, let's get their opinion.

Chairman Fikaris added, it doesn't exclude anybody existing. They have to go through the Civil Service process also. Let's hold subsection (E) until the next meeting.

Mr. DiNardo asked, until both chiefs attend the April 22nd meeting?

Mrs. Betsa stated, Brenda Bodnar, the Chair of the Commission would like to be in attendance as well. She is very well qualified and offered a lot of input.

Chairman Fikaris stated, that's good. Let's hold this pending further discussion with the chiefs and with Chair Bodnar at the next meeting.

- . **Subsection (E) held pending further discussion on 4/22/15**
 - o Subsection (F) -- Power to Appoint
 - o Subsection (G) – Power to Promote

Chairman Fikaris asked, any questions on these subsections? There were none.

- . **Preliminarily approved 4/7/15**

Councilman Jerome arrived at the meeting at 8:10. Mrs. Betsa provided Mr. Jerome with a copy of the Charter to follow along.

- SECTION 7 – DEPARTMENT OF PUBLIC SERVICE

Mr. DiNardo stated, do you know what's interesting about this? It doesn't say anything about a director. Every other department does.

Mr. DiFranco referred to Article V, Section 1 where it says Director of Public Service.

Mr. DiNardo stated, so it's at the very beginning. It's a general broad description.

Mr. DiFranco stated, but it doesn't get into discussion of what the duties are.

Chairman Fikaris stated, I would assume that if there is no date behind it, that's original to the Charter. Again, I question, is there any requirements that are set for that? It's pretty broad ranging. Everything moves toward professional.

Mr. DiNardo stated, the Service Department literally does everything.

Chairman Fikaris asked, are there qualifications? Does it go through Civil Service?

Mrs. Betsa replied, full-time employees. The Service Director is not Civil Service.

Chairman Fikaris asked, so our Service Director is appointed?

Mr. DiNardo replied, he's hired as an employee.

Chairman Fikaris asked, employed by the Mayor and agreed upon by Council?

Mrs. Betsa replied, right.

Mr. DiNardo stated, I don't think there's anything to change in front of the voters. We should leave it.

Chairman Fikaris asked, is everyone okay with this section?

Mr. Piteo stated, the challenge with that position is you have to have a master of all trades for everyone. I feel bad for Doug. He has to handle all complaints.

Mr. DiFranco stated, there are no qualifications specified for him. Should there be? The other sections have qualifications specified.

Mr. Piteo stated, but there's no professional organizations required.

Mr. Hehr asked, should that position be civil service? Should we give him the protection of a secured position?

Mr. DiNardo asked, can you ask Doug to respond to this? That's a good question.

Chairman Fikaris stated, that's a good question. What do other communities do? Find out what Doug thinks.

. **Held pending response from Doug Metzung**

- SECTION 8 – POLICE DEPARTMENT

Mr. DiNardo stated, this went through a lot of changes in 2005.

Mr. Hehr stated, they just made the part-time officers employees at will.

Chairman Fikaris asked, are there any questions? There were none.

- . **Preliminarily approved – 4/7/15**
- SECTION 9 – FIRE DEPARTMENT

Chairman Fikaris asked, any questions about this Section?

Mr. Hehr stated, there's interesting case law surrounding police and fire. Cities needed to be careful to make sure that both police and fire protect the city at large, not the individual within the city. If one person is injured, it's not the policeman's fault that he wasn't there. Or if someone gets robbed, it's not the policeman's fault that he wasn't there protecting you as an individual. When I read this, it to me is pretty close to saying this is the people at large in the city, not the individuals. Inevitably, there are lawsuits that are filed that allege the police department didn't protect me. I am pretty comfortable with both of these.

Chairman Fikaris asked, does anyone else have any questions on this? There were none.

- . **Preliminarily approved 4/7/15**
- SECTION 9.1 – REGIONALIZED DISTRICTS

Chairman Fikaris stated, I brought this up in the beginning of our process a couple weeks ago. This states that Council has the authority to enter into regionalized public service other than police or fire. Police or fire would have to go to the voters.

Mr. DiNardo stated, the hot topic is dispatch. It's not part of fire and police. Because we are going to make this change, can somebody come back and argue that in our Charter it says we have to bring it in front of the voters?

Mr. Jerome stated, dispatch is separate.

Mr. DiNardo stated, to me it is. Does this clearly state police and fire to everyone in the room?

Mrs. Betsa stated, residents have called on regionalized dispatch. It was clarified to them.

Mr. Jerome stated, also, the State will require it in 2018 or you won't get any funding.

Mr. DiNardo stated, people will read between the lines.

Chairman Fikaris asked, so we are protected by this as it sits?

Mr. Hehr asked, is there a reason we decided to keep police and fire separate, that they can't be regionalized except by vote of the public? Why do we segregate them so they can't be regionalized?

Chairman Fikaris asked, does it have something to do with collective bargaining?

Mr. DiNardo replied, I don't know. Do you see a combination of departments in 20 years? Not every community has to buy a \$500,000 fire truck.

Chairman Fikaris stated, I think some of that already goes on with equipment. I believe that with a consolidation the Village would lose. It would not be a good thing. We have top notch police. Under a regional system, it would not be good.

Mr. Piteo agreed. Response time would be worse.

Chairman Fikaris stated, for us moving forward, at least for the next five years, it's not for us to say.

Mr. DiNardo stated, leave it alone. Let the voters decide. Back in 2005 when it was changed, it was overwhelmingly passed. It tells you the consensus.

Mr. Hehr asked, they added police and fire in at that point to prevent regionalization?

Mr. DiNardo stated, not to prevent. To let the voters decide.

Chairman Fikaris stated, but it says if Council wants to regionalize the other departments, would that include something like zoning?

Mr. Hehr stated, I don't know that zoning falls within that confine.

Mr. DiNardo stated, recreation may. They do that anyway. It's a community.

Chairman Fikaris stated, it's fine. These guys work together. As far as this sits in the Charter, is everyone good with that? There was no opposition.

- . **Preliminarily approved 4/7/15**
- SECTION 10 – BUILDING DEPARTMENT

Mr. DiNardo stated, this was defined in 2005. You had asked about the qualifications. The State of Ohio Board of Building Standards requires certification in order to have a Building Department certified by the State for inspections and plan review and so forth. In order to have that, John would have to have all his qualifications. It's implied. If you want a certified Building Department, you would have to go through the Board of Building Standards in the State of Ohio, so there's nothing to add in here about qualifications. If you don't have certifications, you don't have a certified building department. There are a variety of exams which need to be taken for each specialty.

Mr. Jerome stated, how it's set up today, it is based on the Ohio Building Code. If you don't have the person, you have to sub it out.

Mr. DiNardo stated, then you lose the control of your community because you have an outside source.

Mr. Jerome stated, most municipalities in Lake County do it through their health departments. Larger municipalities have their own building department but the smaller ones go through the health department.

Chairman Fikaris asked, is someone monitoring it?

Mr. DiNardo stated, you submit a report of your certifications annually to the State. John does that.

Chairman Fikaris asked, do we feel the Charter protects us? Is there a set of eyes watching over it? Does the hiring process include that requirement?

Mr. DiNardo replied, absolutely.

Mr. Jerome suggested the ordinance be checked.

Mr. Piteo asked, should the Charter reflect that this follow the State of Ohio requirements?

Chairman Fikaris stated, again, as we brought up with Service and Finance, whether or not this would handcuff us, or is it something that says is required?

Mr. Hehr asked, what if we put a certified building department shall be responsible for issuing. Add the word "certified".

Mr. DiNardo asked, certified by who?

Mr. Piteo replied, State of Ohio.

Chairman Fikaris stated, this could be done at the ordinance level. If it is at that level, we could be comfortable that someone is vetting this process.

Mr. Jerome stated, our ordinance for the Building Department says we will follow the Ohio Building Code. The Ohio Building Code simply says, you have to be certified. The State would take over.

- . **Preliminarily approved – 4/7/15**
- SECTION 11 – PLANNING AND ZONING
-

Chairman Fikaris asked, any questions on this?

Mr. DiNardo stated, it's been working. You have a Council representative.

- . **Preliminarily approved – 4/7/15**
- SECTION 12 – BOARD OF APPEALS

- o Subsection (A) – Creation, Powers and Duties.

Chairman Fikaris stated, there was a conflict that was resolved. Only one member can be on both boards, which makes sense. Does anyone have any questions? There were none.

- . **Preliminarily approved – 4/7/15**
- o Subsection (B) – Compositions and Terms

Chairman Fikaris asked, any questions? There were none.

- . **Preliminarily approved – 4/7/15**
- o Subsection (C) – Vacancies and Renewals

Chairman Fikaris asked, any questions? There were none.

- . **Preliminarily approved – 4/7/15**
- o Subsection (D) – Officers, Rules, Quorum and Compensation.

Chairman Fikaris asked, any questions? There were none.

- . **Preliminarily approved – 4/7/15**
- SECTION 12.1 – COUNCIL ZONING POWERS

Chairman Fikaris asked, any questions? This goes back to the idea of referendum zoning. The Mayor spoke on this. It was suggested to incorporate language into the Charter which allows for Planning and Zoning, then going to Council, to issue use variances in commercially-zoned areas. It would be something to ask Joe. Vetus can speak more in depth on this. He felt it was one of these things that you didn't have to take away the referendum part of it and give P/Z and Council to change zoning because he thought you would be changing zoning at different times and different applications, but the use variances would be the ones where it would open up the attractiveness or ability that you talked about that would not handcuff our development efforts. It would either minimize the conditional use permits and things like that. Can that be amended in the Charter? Vetus can discuss this more at another meeting. We should get Joe's opinion on this.

Mr. DiNardo stated, giving an example, take a parcel that we want to rezone the use. It's commercial so you have to stick with commercial. We rezone the use. Where does it fall under setbacks and other rules? Would it fall under that commercial zoning category? If someone is reviewing a site plan to make sure setbacks are correct, by changing the use, if someone creates vacant land that is zoned partially commercial and partially residential, does that get us into a different situation? What are we using to define setbacks? I don't know if we have that many cases like that, but there's always that one.

Chairman Fikaris stated, I would think the process would continue after the whole proposal over time was submitted, and those things are discussed and worked out, instead of having set rules. Vetus can speak on that. Let's get an opinion to see if it is possible. Joe will state his reason why he thinks it would be a win-win. There's good and bad for everything. In Planning and Zoning we are trying to expand possibilities in the commercial area. Is this going to be the best thing? It specifically says in the Charter that Planning and Zoning cannot change a use variation. You can understand why that would be in there.

Mr. DiNardo asked, would we ultimately change the use? If Planning and Zoning denies, can the applicant appeal? To who? To BZA? To Council?

Chairman Fikaris replied, the process would still exist. How that would exactly work, I don't know. He said, P/Z or Council. An applicant would say here's the proposal. Just like everything else, it goes through the machinations. Whether that would start in the BZA or the P/Z. The BZA is an appeal on something not permitted. If that would be permitted, I don't know how. If the P/Z could make a use variance, whenever a variance is proposed, it goes through all the machinations. It's hashed out. You wouldn't change it. Use variances would not work for residential. The zoning would have to change, but with a use variance, if we could vary the use.

Mr. DiNardo asked, not a conditional. If you grant that use, it carries with the land until you sell it or until another business comes in.

Chairman Fikaris stated, the conditions could be stated. We can get inquiry on this. Does anyone have any questions?

- . **Hold pending opinion of Law Department**
- **ARTICLE VI – NOMINATIONS AND ELECTIONS**

Mr. DiNardo stated, this has never been changed. Is everyone okay with this?

Chairman Fikaris asked Mr. Jerome for his input.

Mr. Jerome stated, some municipalities don't have anything. When I ran, the woman brought out a huge book and gave me the specifics. It's not that difficult to meet the 2%.

Chairman Fikaris asked, what's our electorate, 1,800? So that's 36 people.

Mr. Jerome stated, I think the magic number is 28.

Mr. DiNardo asked, you need a signature page with minimum number of signatures?

Mr. Jerome replied, yes. Some municipalities have larger percentages.

Mr. DiNardo stated, this is fine.

. **Preliminarily approved - 4/7/15**

Chairman Fikaris suggested that the Commission go through the remainder of the Articles on the 22nd after meeting with the chiefs and Chair Bodnar. We will use our remaining time to discuss Joe's opinions and the other articles which we need to discuss further.

. **ADJOURNMENT**

Chairman Fikaris stated, if there is no further business, I will entertain a motion to adjourn.

Mr. DiFranco made a motion to adjourn the meeting. Mr. Piteo seconded. There was no opposition.

The meeting concluded at 8:50 p.m. The next meeting is scheduled for Wednesday, April 22nd at 7:00 p.m. in the Main Conference Room at Mayfield Village Civic Hall.

Respectfully submitted,

Mary E. Betsa, Secretary
Charter Review Commission