

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

**Monday, March 8, 2010 – 7:00 p.m.  
Mayfield Village Civic Hall**

The Regular Meeting of the Charter Review Commission was held on Monday, March 8, 2010 in Mayfield Village Civic Hall at the Mayfield Village Civic Center.

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

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

**Absent:**               **Jim Farmer (Excused)  
Merv Singer (Excused)**

**Also Present:**       **Mary Betsa**

**. Election of Chairman Pro Tem**

Chairman Caticchio stated that when we met initially, we never appointed a Chairman Pro Tem.

Mrs. Shatten stated we talked about appointing Mr. Jochum.

Chairman Caticchio asked for a motion to appoint a Chairman Pro Tem.

Mrs. Shatten nominated Eric Jochum as Chairman Pro Tem. Mr. Mason seconded. There was no opposition.

ROLL CALL: AYES: 7  
                  NAYS: 0

Motion Carried  
Eric Jochum Appointed  
Chairman Pro Tem

**. Approval of Minutes of Regular Meeting of Monday, February 22, 2010**

Chairman Caticchio asked if everyone has received the Minutes of the Regular Meeting of February 22, 2010. The Commission members received and read the Minutes. Chairman Caticchio asked if there were any objections. There were none.

Mr. Hyde made a motion that the Minutes of the Regular Meeting of February 22, 2010 be approved as written. Mr. Jochum seconded. The motion was unanimously carried.

ROLL CALL: AYES: 7  
NAYS: 0

Motion Carried  
Minutes Approved

Chairman Caticchio asked the Commission how they wanted to receive their Minutes. Mrs. Betsa has been sending them to the Commission by e-mail. Mr. Fikaris and Mr. Hyde would like to print their Minutes out. Mrs. Betsa will print the Minutes out double-sided and three-hole punched for the rest of the members of the Commission.

. **Letter to Mayor, Council, Department Heads, Commissions and Boards**

Chairman Caticchio stated that the letter was sent out to the Mayor, Council, Department Heads, Commissions and Boards. We have received one response to date. We have to decide how we want to respond. Chairman Caticchio asked if everyone received a copy of the response from Eunice Kalina.

Chairman Caticchio suggested we ask Joe Diemert to attend the next Charter Review Commission matter.

Mr. Mason stated that there is another meeting scheduled during our next scheduled meeting on March 22<sup>nd</sup>. He will be at that meeting. It is a Town Hall meeting. We will have a big crowd.

Mr. Jochum agreed, it is an important issue being discussed at the Town Hall meeting. Maybe we should look to change the date of our next meeting.

Chairman Caticchio said, if we are going to have Joe at our meeting, we should change it so that everyone on the Commission is present.

Mr. Mason said a flier will be going out this week to all residents of the Village announcing a series of Town Hall meetings starting on March 22<sup>nd</sup>, which is the same date as our next meeting.

Chairman Caticchio asked how many Commission members will be at the Town Hall meeting. If Joe is going to be attending our meeting, Chairman Caticchio would like all of our members here. Should we change the March 22<sup>nd</sup> meeting?

Mr. Hyde said, we should.

Mr. Mason will be at the Town Hall meeting. He is not sure about Jim Farmer. Council and the Mayor will be at the Town Hall meetings.

Mrs. Betsa replied, March 29<sup>th</sup> is the fifth Monday. There are no Council meetings scheduled if the Commission would like to reschedule their meeting for that date.

Chairman Caticchio asked the members if they would like to reschedule the meeting to the 29<sup>th</sup>.

Mr. Fikaris and Mrs. Shatten will be unable to attend.

Mr. Mason asked, what about the 23<sup>rd</sup>?

Mr. Jochum replied, we have a Planning Development Committee meeting. Mrs. Shatten said she will be at that one too. Mr. Jochum is not sure if that is going forward. It is still in the books.

Mr. Hyde asked about the 24<sup>th</sup>.

The Commission members were okay with the 24<sup>th</sup>. The meeting will be rescheduled to Wednesday, March 24<sup>th</sup> at 7:00 p.m. Chairman Caticchio would like to have Joe Diemert here. If he can't be here, then Diane Calta should be present. We have come to a point where we should start asking questions and start talking to Joe.

Mr. Jochum asked if we should have Eunice here as well.

Chairman Caticchio agreed. That issue will come up, whether we should get involved in that or leave it up to Council. Council has the power to do it also.

Mrs. Shatten asked if it made sense to add it to the Charter.

Chairman Caticchio replied, not necessarily. It depends on if we want to leave it in the hands of Council or we should interfere. He's not so sure.

Mr. Hyde stated, they are looking to us for recommendations.

Chairman Caticchio agreed. We need to know why she wants to have the Human Services Department created.

Mr. Jochum stated, it exists. It just doesn't exist in the Charter.

Chairman Caticchio asked, it exists under the ordinances of the city?

Mrs. Shatten does not know how it exists, but they have two paid people. They have activities every week.

Chairman Caticchio said that is beside the point. If it doesn't belong anywhere, if it is not in the ordinances –

Mr. Hyde stated, under Council or under the Mayor, or something.

Chairman Caticchio stated, if it is just something that someone drafted, it looks like it was drafted probably by Joe Diemert's office.

Mr. Jochum said the memo states we would like Charter Review Commission to make an amendment similar to the Recreation. What they did was took Parks and Recreation and plugged in the appropriate language.

Chairman Caticchio stated, we will have to ask these questions of Eunice. We will have to find out how this came about.

Mrs. Shatten said, maybe we shouldn't have her come if Joe Diemert is going to be there. Maybe if she comes she would probably want an answer that day.

Chairman Caticchio stated, no, we don't have to give any answers to anybody that day. All we want to do is listen to what she has to say and ask her questions. The memo says, "to create a new section number".

Mr. Jochum thinks what she means is that when you look at our Charter, there is no Department of Human Services, although the department does exist. It's just not in the Charter.

Mr. Mason said, it was created by the Mayor.

Mr. Jochum said Eunice's work is with the Seniors.

Mrs. Shatten said yes, she does activities and the flu shots and takes care of the snow removal program. She has lots of jobs.

Chairman Caticchio said it is probably worthwhile to find out if this should be in the Charter and we should put it in there or whether Council should put it in there. There may be a reason why Council never voted on it. Chairman Caticchio has a feeling Council never voted on this one. It doesn't seem like there is an ordinance to that effect. Is there an ordinance for the Department?

Mrs. Betsa replied, there is an ordinance for the position.

Chairman Caticchio asked, but not for the Department? This needs to be discussed. We need information in order to make a decision.

Mr. Mason said, as of now, there are two Town Hall meetings in March, the 22<sup>nd</sup> and 29<sup>th</sup> at 7:00 p.m. at Civic Hall, presumably for Wards 1 and 2, but you don't have to live in Wards 1 and 2 to attend. If you want to hear about what you are going to vote on, you are going to want to come. All the elected officials and department heads will be present to answer any questions. Our meeting then will be on March 24<sup>th</sup>.

Chairman Caticchio said the meeting will change from the 22<sup>nd</sup> to the 24<sup>th</sup>. We will discuss the conflict with another Town Hall meeting scheduled for April 12<sup>th</sup>, another meeting we have scheduled. That will be discussed at our next meeting.

Mr. Mason asked, Joe and Eunice will be invited at our next meeting?

Chairman Caticchio suggested if we invite Joe we should all have a list of questions or issues that we want to present or discuss with him.

Mr. Mason asked if there are questions on Article I, II and III.

Chairman Caticchio replied, yes. We will compile them.

Mr. Hyde suggested he receive a copy of Eunice's memo before the meeting since we will be speaking about that.

. **Review and discussion of Articles IV, V and VI of the Charter**

**Article IV – The Mayor**

. **Section 1 - Term**

Chairman Caticchio asked if anyone had any questions on this Section. There were no questions.

**Section 1 - Preliminarily approved**

. **Section 2 - Qualifications**

Chairman Caticchio asked if anyone had any comments on this.

Mr. Jochum said he would make the same argument that he did with Council. We should look at whether or not it is necessary to have three continuous years prior to election. The same argument would apply here as to why we would believe it is necessary for someone to live in this community three years before they run for Mayor.

Chairman Caticchio looks at it from the residents' point of view. Hey, what are you, you are coming in here and you want to be our Mayor?

Mr. Jochum gave an example. A guy lived here for 20 years. He was involved in the community. He gets transferred out. He's gone for a year and a half. He moves back to the community. He knows the community well, but yet he can't run.

Mr. Hyde said, but he lived here for 20 continuous years.

Mr. Jochum said, prior, but then he left and moved back to the community.

Chairman Caticchio said, the language says, immediately preceding. That's what he is talking about.

Mr. Jochum stated, he comes back and he can't run.

Mrs. Shatten said, that's a good point.

Chairman Caticchio is not so sure you are going to have a problem like that. The question is, do we want to make changes of that kind as we go through this.

Mr. Jochum is just throwing it out there. Is three years an arbitrary –

Chairman Caticchio replied, of course, everything's arbitrary.

Mr. Jochum continued, but is it good arbitrary. Is it necessary? Does it serve a purpose? What purpose does it serve to prohibit something if they lived here for a long period of time?

Chairman Caticchio stated if you want to change that, just say that he would have had to have lived here for three years, forget about the continuous and immediately preceding. He can accumulate three years over a period of time.

Mr. Jochum suggested it be eliminated altogether.

Mr. Mason said, his point is to not have it at all. Don't put any term down. Let the voters decide whether this person is qualified.

Mr. Jochum's question is, should our Charter prohibit something that the voters can prohibit by their vote?

Chairman Caticchio asked whether there was a motion to change this.

Mrs. Shatten asked, this has to go to the voters, correct?

Chairman Caticchio replied, yes.

Mr. Mason added, if we strike any terminology in this, we have to take it to the voters. It goes to Joe, if we decide this. He has to write the ballot language. This language would be put before the voters.

Mrs. Shatten asked, how expensive is it to the Village for him to rewrite these things?

Chairman Caticchio stated, it's no big deal.

Mr. Jochum made the same argument he made for Council because it wouldn't be fair to make it for Council and not for the Mayor.

Mr. Fikaris stated that throughout this Charter he noticed, for example, in this section it goes from, obviously the Mayor's different from some of the boards, but the language goes from "must be a resident", then "must be an elector" in another section and then there's "registered elector" and now the Mayor has to be a "qualified elector". There's a comfort level of having the residency rule there. Maybe what Pat's trying to say is overturning this is a big deal. Yes, the electorate will determine their Mayor. Under circumstances that Eric pointed out is true, but that comfort level is going to be a real hard thing to turn over. Once you get someone to think about that, there's a small comfort level knowing that these folks have been here for a couple years and kind of know what is going on. In a way he agrees in circumstances that you suggested that somebody that would not fit the rules, but turning this thing over, that shouldn't discourage us, but it's one of those things that, oh wait, what are you telling me, now I have a vote on this? Well no, I want somebody to be here in this city.

Mr. Mason stated it would be interesting to know, this was amended in 1986. None of us were involved. Something was amended to change this.

Mr. Jochum stated like Jim said, we don't know why there was a change in 1986.

Chairman Caticchio asked Mrs. Shatten what the problem was around 1986. Mrs. Shatten said it may have had to do with a past Mayor.

Mr. Jochum looks at it from the standpoint of, do we have these same qualifications for other positions whether they be local, county, state?

Mrs. Shatten said, even to be appointed to this Commission, you have to be a resident for a while.

Mr. Jochum said, maybe I am beating a dead horse here.

Chairman Caticchio asked the Commission for a vote.

Mr. Jochum proposed that we eliminate any regulation that would require three continuous years. He would take out –

Chairman Caticchio asked Mr. Jochum if he would substitute something else for it.

Mr. Jochum said, no, just that you have to be a qualified elector and shall reside in the community. Eliminate any reference to three years' service.

Chairman Caticchio asked for a second on the proposal.

Mr. Mason seconded the proposal.

Chairman Caticchio asked for a Roll Call.

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

ROLL CALL: AYES: 3  
NAYS: 3

Motion Failed  
Proposal Rejected

Mr. Fikaris suggested this be a question to bounce off of Joe. Tell him we have had this discussion and this issue. Ask for the definition of “qualified elector”. Any type of elector, what does that mean? “Registered to vote”, what does that mean, in the Village, or just registered to vote?

Chairman Caticchio stated, we have to continue “qualified elector of the municipality”.

Mr. Jochum also, does “qualified elector” also means a guy that lives here but does not vote? He lives here, but didn’t vote, does that make him a qualified elector?

Chairman Caticchio said the problem you are going to have with this and we discussed it originally is that these things are written in pieces and parts. Whatever the language is at the time is used. It does become confusing. A lot of the terminology, of course is the same.

Mr. Mason stated Joe might have the history. He has been the Law Director for a while.

Mr. Jochum asked, are you a qualified elector if you have not registered to vote?

Chairman Caticchio asked, if you have not registered to vote?

Mr. Jochum replied, could there be an argument made that if you didn’t register to vote in the election prior to – a guy lived here 20 years but decided in the last 5 years he wasn’t voting so he didn’t register to vote?

Mrs. Shatten said, he’s still qualified if he lives here and he was born here, according to the Constitution.

Chairman Caticchio said, yes.

Mr. Jochum stated, Paul has a point, what is “qualified”?

Mr. Fikaris stated Shirley is right. If you are qualified, that means you are over the age of 18 and you are a registered. You are qualified to vote. Whether you register, that's something different.

Mrs. Shatten stated, it doesn't say "registered voter", it just says "qualified".

Mr. Fikaris said, that's how he views qualified elector, somebody who has met those requirements, doesn't necessarily have to register.

Chairman Caticchio said, Eric, you raised it, you should ask Joe at the meeting.

Mr. Hyde asked what if you had a questionable resident, would you want him or her to have a waiver of the requirement of being a resident for three years before he would put his hat in the ring for Mayor?

Mrs. Shatten replied, the voters would vote him down.

Mr. Hyde said, but he would be allowed to run.

Chairman Caticchio stated the following language was conflicting and the Commission will ask for clarification from Joe Diemert:

. Definition of "qualified elector"

Mr. Fikaris will dig up the rest of the terminology.

Chairman Caticchio asked if that terminology was in conflict.

Mr. Fikaris replied, not necessarily. He has determined in his mind what the term "elector" means. He does not care about the modifiers on "elector".

Chairman Caticchio said, let's put it to Joe. You say you have lived here since 1981?

Mr. Fikaris replied, yes.

Chairman Caticchio asked when the Charter was written.

Mr. Mason said, this section was amended in 1986.

Mr. Fikaris replied, the Charter was originally adopted on May 7, 1974.

Mr. Mason said, Shirley brought up a good point. We were having some difficulties with a prior Mayor.

Chairman Caticchio stated one of the things that has confused him about this Charter is that it was amended on 11/2/04, 11/4/86, 11/8/05. That one we amended. How did these other amendments get

done? They are off years. They were not the beginning of the period and the middle of the period. How did those get processed?

Mr. Hyde asked, processed in 85, but maybe not actually amended until 86?

Chairman Caticchio said, that doesn't sound right.

Mr. Mason stated, that's something we can all ask Joe.

Chairman Caticchio agreed. Joe needs to answer that question.

Mr. Jochum stated, Charter Review is not the only way to amend the Charter.

Chairman Caticchio knows that. Council can amend. In other words, what we are saying is these others were amended by Council. That is the only way it could be done.

Mr. Mason asked, doesn't it have to go to the electorate?

Chairman Caticchio replied, yes, at the next General Election.

Mr. Jochum stated the off years are Council.

Chairman Caticchio stated, for instance 11-2-04. Does anyone remember, did the Mayor's term, was it only two years?

Mrs. Shatten knows the Mayor had a limited term. She went around with petitions.

Mr. Jochum said, that might have been the change, that year that we took out term limits.

Chairman Caticchio asked, in 04? This was done by Council?

Mrs. Shatten asked, that was done by Council, not by you guys?

Chairman Caticchio replied, no.

Mr. Hyde said, we had to vote on that.

Mr. Jochum asked, but you are saying that Charter Review did not consider term limits?

Chairman Caticchio replied, right, absolutely. When he says that Council can do it, I merely mean that Council can put it on the ballot. That's all he is saying.

Mr. Mason said, the Charter Review Commission only works every 5 years. We tried to get it changed to 10 years and we lost last time.

Chairman Caticchio said, we are not going to lose this time.

Mrs. Shatten said, you should try it again.

. Section 3 - Judicial Powers

Chairman Caticchio stated, this is pretty straightforward. Anyone have any comments on this?  
There were no comments.

**Section 3 - Preliminarily approved**

. Section 4 - Legislative Powers

Legislative Powers –

There were no comments.

**Section 4 - Preliminarily approved**

. Section 5 - Executive Powers

Mr. Jochum asked about the State of the Village.

Chairman Caticchio stated we changed that last time.

Mr. Jochum said he knows it is in the *Voice of the Village*, which “shall be delivered orally in Council”. Mary Beth, is it?

Mrs. Betsa replied through a report he provides to Council.

Mr. Jochum asked, is it given orally?

Mrs. Betsa replied, yes. It was also given a couple of times during the January meeting when Committee members come in, providing the opportunity for the residents to hear the State of the Village.

Mr. Jochum stated, maybe that terminology should come out. Maybe it is too cumbersome to have to give that if he gives it in the *Voice of the Village*.

Mr. Mason asked, is this a problem for him? Does he express it as a problem?

Mr. Jochum replied, not to me.

Mr. Mason said, if it ain't broke, he's not shy about expressing things to us. We could ask him.

Mr. Jochum asked, does it matter if it is orally.

Mr. Mason asked, if we have to tweak this, should we take out orally.

Mr. Jochum said, just that he will provide an annual State of the Village report.

Chairman Caticchio asked, and then what, put it on a shelf somewhere?

Mr. Jochum said, well, it should be distributed to every resident.

Mr. Mason asked, would it have to go to the voters?

Chairman Caticchio said, anything you change has to go to the voters.

Mr. Jochum, stated, all right, let's leave it.

Chairman Caticchio suggested we move on.

Mr. Fikaris saw that as well and he was curious.

Mr. Mason said, we had gone to great pains over this issue.

### **Section 5 - Preliminarily approved**

#### Section 6 - Veto Powers

Mr. Fikaris asked about the language "or any item of an ordinance or resolution appropriating money, may approve or veto", is that kind of like a line item or something? It's right in the middle.

Chairman Caticchio quoted "The Mayor may approve or veto the whole or any item of an ordinance or resolution appropriating money". It definitely is a line item because he can veto anything that involves money. Anything else, he has to veto the entire bill.

### **Section 6 - Preliminarily approved**

#### Section 7 - Absence

Chairman Caticchio stated when you read that paragraph and then you read the last sentence, to him it seems that one contradicts the other. "When the Mayor is absent from the municipality or for any reason is unable to perform the duties of Mayor, the President of Council shall become. . ." and then it says at the bottom "A majority of the members elected to Council shall determine when the absence or inability to perform duties of the officials herein requires implementation of the provisions of this section".

Mr. Jochum clarified, they are just giving Council the right to define –

Chairman Caticchio understands what it says, but first it gives the power and then it qualifies it.

Mrs. Shatten replied, because this would determine a length of time. There's nowhere else in the thing where it determines a length of time. If it's six months or a half a year, for example, if he has had a stroke or something.

Chairman Caticchio asked, but what about if he's on vacation? Does that mean you have to bring the Council in and have them vote on it?

Mrs. Shatten said when she read it, it meant for a long period of time.

Mr. Mason said, it means for an extended period of time.

Mr. Jochum stated, it doesn't say that. It leaves Council in the position of deciding what the long period of time is.

Chairman Caticchio said, when there's an "absence". What is an "absence"?

Mrs. Shatten said, you have to have something like that because you don't know what the situation is going to be.

Mr. Fikaris said that sentence struck him as in an adversarial situation. You are gone three days. We vote and it's a majority of the members. That comes down to four people.

Chairman Caticchio said one of the words that attorneys like to use is the word "shall". What does the first sentence say? When the Mayor is absent from the municipality or for any reason is unable to perform the duties of the Mayor, the President of Council shall become the acting mayor. Then you drop at the bottom and it says that "a majority of the members elected shall determine".

Mrs. Shatten said, they are talking time limit then in that sentence.

Chairman Caticchio said, if he were the President of Council –

Mr. Jochum said, any time the Mayor went downtown to work, he could be the Mayor.

Mr. Mason said, we are way off base on this.

Chairman Caticchio said, again, that goes back to terminology. We are not going to do anything about it.

Mrs. Shatten said, you need that last sentence.

Chairman Caticchio asked, why don't they simply say that Council shall –

Mr. Jochum asked, why don't we ask Joe if there is a better way to word it. See if he can come up with it.

Chairman Caticchio asked Mrs. Betsa to put that down as a question to Joe.

Mr. Fikaris interprets it as that if it goes on for any length of time –

Chairman Caticchio stated, but it doesn't say that.

Mr. Fikaris replied, right, but then how do you say when it says "President of Council shall be the Mayor."

Mr. Mason said unintended consequences, it was probably brought up here. The common sense aspect of it –

Chairman Caticchio said you have to apply that to all of them. We are raising issues.

**Section 7 – The Commission will ask Joe for better language.**

. Section 8 - Vacancy

Chairman Caticchio asked, this one has caused some concern to some of you, correct?

Mr. Mason said we have talked about it a little bit, but we have not done anything since 1986 on this. But go through it, Pat, because we have some new faces.

Chairman Caticchio asked if anyone has any questions on this.

Mr. Fikaris made a chart saying, when is "before" from the election to the start of the term to two years, four months, there must be an election and then after two years, four months, it's the Council President. That's fine. It's clear.

Mr. Jochum asked what the problem was the last time.

Chairman Caticchio stated, calculating this two or more years prior to the expiration. Were you able to figure it out?

Mr. Fikaris stated, he guesses, from the day you are elected up until two years, four months, the four months being the 120 days. If the Mayor's gone from election start to two years four months remaining in his term, then there's an election.

Mr. Jochum said, but if the Mayor leaves two months prior to the election in the middle of his term, the Council President is going to serve out the remaining two plus years.

Chairman Caticchio stated, that was the intent.

Mr. Jochum said, because we have missed the 120 deadline. There's not another General Election until the end.

Mr. Mason, there's never Special Elections which we always hear about at other levels of government. You can never have that terminology in this section.

Chairman Caticchio stated it would be too expensive to have a Special Election for something like that. They are quite expensive.

Mr. Mason said, all elections are expensive, but that's how you get good government. Mr. Mason added, so, what do we do, stay with it?

Chairman Caticchio asked if anyone would like to make a motion to change it. No one wanted to make a motion to change it.

## **Section 8 - Preliminarily approved**

### Section 9 - Removal

Mr. Mason said, this must have been the time period we had all the problems.

Chairman Caticchio asked what happened.

Mr. Mason said, there were some issues with a former Mayor unrelated to Village business.

Chairman Caticchio stated the following sentence is very badly constructed: "The Council may remove the Mayor for gross misconduct or malfeasance in or disqualification for office, . . ." Chairman Caticchio could not make heads or tails on the "in or disqualification for office".

Mr. Jochum stated, that may be something that we may be able to clean up without going to the electors. When Joe was here, he mentioned grammatically he can clean it up.

Chairman Caticchio asked Mrs. Betsa to include this question to Joe for discussion at the meeting of the 24<sup>th</sup>.

Mr. Fikaris said, it's interesting because in passing it says that the charge against the Mayor "Mayor shall have been notified in writing of the charge against the Mayor at least 15 days in advance of a public hearing upon such charge". Does that say that the public hearing is mandatory, or is it optional?

Chairman Caticchio said, that's what it sounds like.

Mr. Fikaris said, so he gets a hearing.

Chairman Caticchio replied, yes.

**Section 9 – Commission will ask Joe Diemert for grammatical clarification on language.**

***Article V - Form of Government and Powers***

. Section 1 - Administrative Departments, Boards and Commissions

Mrs. Shatten said, the Commission on Aging is included in this as a government department. Why does Eunice want a separate thing?

Chairman Caticchio asked, is that what she is talking about? She is talking about Human Services Department.

Mr. Fikaris thinks she wants an umbrella for the Human Services Department which would include the Commission on Aging.

Chairman Caticchio is assuming this is a paying job.

Mr. Jochum replied, it is.

Chairman Caticchio asked, and does she have any employees?

Mr. Mason replied, Donna Roman.

Mrs. Shatten said she takes trips, she does a lot of things for the community.

Chairman Caticchio asked Mrs. Betsa to send a notice out to Eunice and invite her to the meeting on March 24<sup>th</sup>.

Mrs. Shatten said, besides saying Commission on Aging in this section, she probably wants “Department of Human Services and Commission on Aging”.

Chairman Caticchio stated, that’s what it seems to be. After we talk to her, then we will ask Joe if he knows why Council has not acted on that and put it in there.

Mrs. Shatten said, maybe her activities have changed. Maybe at that time it was just called the Commission on Aging.

Mr. Jochum said, but if you read her language she would like in there, it says, “and shall serve under the general supervision of the Mayor on the advice of the Commission on Aging”.

Chairman Caticchio asked, “on the advice”?

Mr. Jochum stated, that's what she is saying. He is sure that language will probably change.

Mrs. Shatten said, also in the same paragraph, as Paul noted, she was reading what the Professor said. He said the Board of Appeals should not be called the Board of Appeals, it should be called the Commission of Appeals because there are no paid employees on it. It's all volunteer community people. That also should be changed without going to the voters.

Chairman Caticchio clarified, we do get paid.

Mr. Jochum replied, yes, \$50.

Mrs. Shatten said, she has not been there so long, she forgot.

Chairman Caticchio stated, we get \$50 for each meeting.

Mrs. Shatten asked, so why does he say it should not be called the Board of Appeals?

Mr. Jochum asked, who said that?

Mrs. Shatten replied, the Professor.

Mr. Jochum replied, he did not realize we were getting paid.

Chairman Caticchio stated, at that time we may not have been getting paid.

Mrs. Shatten said, maybe that's why.

. **Section 1 – Commission will revisit the request for inclusion of the Human Services Department following discussion with Eunice Kalina and Joe Diemert at its next meeting on March 24<sup>th</sup>**

. Section 2 – Architectural Review Board

Mr. Jochum asked, at one point, did we take out the requirement that one of them had to be an architect?

Chairman Caticchio stated, that's not in there any longer. It was in there.

Mr. Jochum asked if that was a condition at one point.

Mrs. Shatten asked, don't you think it would be good if someone was an architect on the Board?

Chairman Caticchio remembers the problem. We were saying what if we don't have an architect living in the Village who wants to serve? That's why we don't have it in there.

Mr. Jochum said, Ron's on that now. He's an architect.

Chairman Caticchio said, they have always had an architect on that Board.

Mr. Mason asked, Shirley's point was, do we have architects serving on this Board?

Mr. Jochum replied, yes, but it's not a written requirement. The Mayor makes sure that we always do. If we put that language in there and could not find someone, we would be in trouble.

Chairman Caticchio remembers that being discussed.

**Section 2 – Preliminarily approved.**

Section 3 – Department of Parks and Recreation; Parks and Recreation Board

Chairman Caticchio asked, didn't we put almost the entire Section 3 in 2000? We amended it. Who was the current Director?

Mr. Jochum replied, Bill Thomas.

Chairman Caticchio stated, at that time, he was new at it. He had only been there one year. This is why we went through this because of Bill. Anyone have any questions?

Mr. Fikaris asked, this is a quasi-residential question here. "The members shall consist only of residents of the municipality willing to devote their time to the Recreation Board." (*See B*).

Mrs. Shatten replied, because you don't want people being on it just by name and not doing it by duty. Oftentimes people sign up and never do it.

Chairman Caticchio stated this is more of a subjective thing. That's why it causes a problem.

Mr. Fikaris said, the clarification, and he's just being a stickler about residents or non-residents on the Board, it doesn't really say. It does say residents.

Chairman Caticchio stated, it says it shall consist only of residents of the municipality.

Mr. Fikaris stated, okay, so that constitutes on the residents on the Board.

Chairman Caticchio said in addition to being residents, they have to be willing to devote their time and effort.

Mrs. Shatten added, not just say that they will.

Chairman Caticchio stated, the first question that should be asked is, are you willing?

**Section 3 – Preliminarily approved.**

. Section 4 - Law Department

There were no comments.

**Section 4 – Preliminarily approved.**

. Section 5 - Finance Director

Chairman Caticchio stated this goes back to 1986. No one has touched it since.

Mrs. Shatten said, this sounds pretty good.

Mr. Mason said, we have a new Finance Director.

Mr. Jochum replied, Mr. Wynne.

Mrs. Shatten stated, it's very important that he is a Certified Public Accountant.

Mr. Mason did not disagree. Is our Finance Director a CPA?

Mrs. Betsa replied, yes.

**Section 5 – Preliminarily approved.**

. Section 6 - Civil Service Commission

Mrs. Shatten stated, the Professor said two things on this one. He said something about switching the paragraphs. Are we going to do it?

Chairman Caticchio replied, no.

Mr. Fikaris said, residency requirement to be on the Commission applies as well.

Chairman Caticchio stated, the parts we changed were at that time both the Fire Department and Police Department raised the same issue regarding part-time employees.

Mrs. Shatten stated, he says that we should not call them patrolmen, we should call them patrol officers and we shouldn't say firemen, we should say, firefighters.

Mr. Fikaris said that was corrected.

Mrs. Shatten pointed out where the incorrect words were.

Mr. Jochum said, that can be changed without going to the voters.

Mr. Mason said we had the Police Chief and Fire Chief at our meeting last time. They both came in and spoke to us.

Chairman Caticchio said there were employment issues at the time involving part-time employees.

Mr. Mason said, maybe they will respond like Eunice has and we can raise those issues again with them.

Mrs. Shatten said it might be more of a compliment to call someone a patrol officer instead of a patrolman, because it might be a patrolwoman.

Mr. Fikaris said we can do that without going to the voters. It can just be edited. We should degenderize.

Mrs. Shatten moved to change the language of “patrolman” to “patrol officer”.

Mr. Jochum added, or that we change it gender neutral.

Chairman Caticchio suggested we ask Joe. He might be able to make those changes without going to a vote.

Mrs. Shatten said, it says in this letter we can do that.

Chairman Caticchio said, okay, we don't have to vote on it. Just ask Joe to make the change. Let him look at it.

Mr. Jochum said, good suggestion Shirley.

Mrs. Shatten said it was the Professor's suggestion.

Mr. Mason would like to hear what the Chief has to say.

Mr. Fikaris believes that's standard. That's been standard for a long time. They call firemen firefighters and police patrol officers or police officers.

Mrs. Shatten said in the Charter it says patrolmen, so we can change it to either patrol officer or police officer.

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

Mr. Mason asked if the Chairman of the Civil Service Commission got a copy of the letter sent to the Mayor, Department Heads, Council, Boards and Commissions.

Mrs. Betsa responded he did.

Chairman Caticchio suggested that if any member of the Commission would like to call the individuals directly and invite them to a Charter Review Commission meeting, that is fine. Go ahead.

**Section 6 – Preliminarily approved. Commission will talk to Joe Diemert about changing the language.**

. Section 7 - Department of Public Service

Chairman Caticchio asked if there were any comments on this section. There were none.

**Section 7 – Preliminarily approved.**

. Section 8 - Police Department

Mrs. Shatten asked what the term “at-will” means under Sections 8 and 9.

Chairman Caticchio said it means that the Mayor or body under whose control it is can hire or fire at-will. At their will. That’s a phrase of art under the law.

Mr. Hyde asked, if they are collective bargaining, can they appeal that?

Chairman Caticchio replied, that goes according to the Ohio Revised Code.

Mr. Mason said, police and fire are collective bargaining. They are the only two. The Service Department is not.

Mr. Hyde said, so if there was an egregious firing, they could appeal?

Chairman Caticchio replied, yes.

With regard to this section, Chairman Caticchio stated we made definite changes to this section last time. The big issue was that all part-time patrol officers are to be considered employees at-will. That was one of the things that had to be clarified at that point.

Chairman Caticchio asked if there were any further comments on this section. There were none.

**Section 8 – Preliminarily approved.**

. Section 9 - Fire Department

Chairman Caticchio said the same change was made to this section as was with Section 8. Both Chiefs came in here and talked to us about that.

**Section 9 – Preliminarily approved.**

. Section 9.1 – Regionalized Districts

Chairman Caticchio stated, as you know the Mayor made a comment on this the first night we were here. He isn't quite sure that what we created is a situation where they could not even cooperate with adjacent fire departments or police departments. That was never our intent if you remember. Our intent was that the people of the Village would have to vote on anything if they want to regionalize police or fire districts. This goes on to say that Council shall have the authority to abolish or consolidate positions or departmental functions. Remember what we were concerned about, Council has the power to get involved in regionalization, but, not only do they have the power to join, they can merge the services of the Village and the facilities of the Village with anyone else in the region. That we did not want with the Fire Department or with the Police Department. We wanted a vote of the people to do that.

Mr. Jochum stated the amended date of 11/86 is not correct.

Chairman Caticchio stated, this was done in 2005.

Mr. Mason asked Mrs. Betsa to check that. Five years ago regional government was being discussed. Now we have the Council of Government being voted on in November. The big concern of the Commission members was were we going to be taken over. The date should be 11/8/05.

Mrs. Betsa said that may be a typographical error.

Mr. Mason suggested this be fixed.

Mrs. Betsa will fix it.

Mrs. Shatten asked if we are not cooperating right now with Gates Mills.

Chairman Caticchio said that's mutual aid.

Mr. Jochum added, that's not regionalization.

Chairman Caticchio said, but the Mayor says, well, maybe we are doing things illegally. Chairman Caticchio does not think that's true.

Mr. Hyde said, if we do something long enough, it may be presumed to become into a regional situation with another group.

Mr. Jochum stated, but mutual aid is when they need our help, we come to their aid. Regionalization would mean day by day operations. They merge. Their department is our department. He does not know exactly how mutual aid works, but let's say we have two fires at one time. Our obligation is to Mayfield Village. If we were regionalized, they would both be a priority, would they not.

Chairman Caticchio stated it would be the fire station closest to the fire.

Mr. Jochum said, you would know it was if it were under mutual aid. We have an obligation to our own people first whereas regionalized, you would not have a say. You would have an obligation to both.

Mr. Hyde stated, there would be a central authority assigning.

Chairman Caticchio stated, in other words, the word of the Village would not mean anything any more.

Mr. Jochum stated, that's the difference between mutual aid and regionalization.

Chairman Caticchio said, for example, that's like the regionalization of the water department and sewer department.

Mr. Fikaris interpreted this as saying, participate in a regionalized police or fire district. He interprets that to say, okay, we are going to have a regional fire district called "B" and you guys are going to be part of it. That says we can't do that, but if you are Gates Mills, Mayfield Village or Highland Heights, you can participate because it's not a district, it's just mutual aid.

Chairman Caticchio asked, what contract controls mutual aid? That's one of the things we need to ask Joe. What is the contractual relationship between Mayfield Village and for instance Gates Mills. Mrs. Betsa, are you aware of any contract that exists between the two communities.

Mrs. Betsa said there is a contract for EMS.

Mr. Jochum stated they have their own fire department, but there's probably times that we go help them out.

Chairman Caticchio asked if there are any other contractual relationship besides that.

Mr. Hyde asked what the extent of the limitations are on that. Let that be a question to him.

Chairman Caticchio said, in order to make the Mayor and Council feel at ease about this, all we need to do is add a sentence into this saying that this section shall in no way prohibit mutual aid between adjacent communities, that's all.

Mr. Jochum replied, once we know what mutual aid means.

Chairman Caticchio agreed. We need to know what it is first.

Mr. Fikaris suggested we add “, not regionalization”. Cover it on both ends.

**Section 9 – Commission to discuss with Joe.**

. Section 10 - Building Department

Chairman Caticchio stated we added “The Building Department shall be responsible for issuing building permits...” in 2005. The way it was written before, they did not have that power.

Mr. Jochum stated, we now have a Planning Department.

**Section 10 – Preliminarily approved.**

. Section 11 - Planning and Zoning Commission

Chairman Caticchio asked if there were any comments on this.

Mr. Mason said, Eric, you ought to be able to help on this. We have not amended this Section since 1984. There have been a lot of changes in this area. Have you looked at this?

Mr. Jochum replied, not with respect to the make up.

Mr. Mason asked for clarification.

Mr. Jochum replied, when you say we have had changes.

Mr. Mason said, there has been a lot of activity in the area of Planning and Zoning.

Mr. Jochum said, that’s why he said, we have a Planning Department. We should look to see what the Mayor’s thoughts are on putting that in the Charter as a chartered department.

Mr. Mason asked, does this reflect, in your view, all the work you have done in this area and with the Planning and Development activity over the last three years, this is nearly 30 years of activity.

Mrs. Shatten said this is talking about the Planning and Zoning Commission. The Planning and Development Committee we are on is a completely different thing.

Mr. Jochum stated, if we break this down, he does not see where the changes have been with respect to the language that’s here.

Mr. Mason asked Mr. Jochum if he is comfortable with this as it is since 1984.

Mr. Jochum will go over it again, unless he missed something.

Chairman Caticchio asked what the Planning Department does. Did this arise out of the 2020?

Mr. Jochum stated, that is where we have to have the Mayor comment. It's in the formation stages here.

Chairman Caticchio asked, the Planning Department is?

Mr. Jochum replied, yes.

Chairman Caticchio stated, we would need the input of whoever is creating this.

Mr. Jochum thinks that should be left to the Mayor. He's the one forming this. Council has looked at doing this. We have talked about it.

Chairman Caticchio asked if there are representatives from Council on this Planning Commission.

Mr. Shatten replied, yes.

Chairman Caticchio stated, we should talk to a couple of them to find out if they wish to put something about our Planning Department in here. Are they all non-paid employees?

Mr. Jochum replied, it's a department.

Chairman Caticchio asked, who heads it up?

Mr. Jochum replied, Ted Esborn.

Mr. Mason asked if Mr. Farmer would be the best person to talk about the Planning and Zoning Commission.

Mr. Jochum replied, he can go through it as well, but Jim would be good to have here tonight if we were going to go through it.

Chairman Caticchio asked, is he the Chairman?

Mr. Jochum replied, yes.

Chairman Caticchio said he is getting confused between Planning Department and Planning and Zoning.

Mr. Mason clarified, Jim Farmer is the Chairman of the Planning and Zoning Commission. We have not touched this since 1984. Maybe it doesn't need any touching. He doesn't know enough about it.

Chairman Caticchio suggested the Commission wait until he comes back and we will talk to him.

Mr. Jochum explained, there is not a Planning Commission. There's a big distinction between it. It's more of an advisory, an offshoot of the 2020, it became a committee, the Planning Development Committee. That's not what we are talking about here.

Chairman Caticchio said, Planning and Zoning is the standard Planning and Zoning when people come to this Committee and say, I don't like my house, I want to put a K-mart here.

Mrs. Shatten said, it's a good idea to talk to Jim about this. We should skip this for today.

### **Section 11 – Pending further discussion**

#### Section 12 - Board of Appeals

Mrs. Shatten was going to change it to Commission Appeals, but you said it should still be Board of Appeals, right?

Chairman Caticchio replied, I think so.

Mrs. Shatten has been on the Board of Appeals for a long time. They do a very good job. We don't need to change anything.

Mr. Mason asked Mrs. Shatten if she is comfortable with this language.

Mrs. Shatten is very comfortable with this language. Were you?

### **Section 12 – Preliminarily approved.**

#### Section 12.1 - Council Zoning Powers

Mrs. Shatten asked, what does it mean, Charter V, Section 12.1 was repealed by the voters in 1995?

Chairman Caticchio asked where that is at.

Mr. Mason replied, on page 20.

Mrs. Shatten asked, why does that still need to be in there?

Mr. Hyde asked, was that the issue that zoning was in the hands of Council?

Chairman Caticchio replied, that's what it sounds like. For legal purposes, that should remain there because if any lawsuits ever come up, they have something to show that it was repealed.

Chairman Caticchio suggested we wait for Jim Farmer to get here. We will talk to him next time about the Planning and Zoning Commission.

Mr. Jochum said he looked at it. He doesn't see any changes, but maybe Jim might.

Chairman Caticchio asked who heads the Planning Department.

Mr. Jochum replied, Ted Esborn.

Chairman Caticchio asked if he was President, Secretary, what is he?

Mr. Jochum replied, Ted handles the Planning Department.

Chairman Caticchio suggested Ted come to the meeting.

Mr. Mason asked what purpose we would get out of that.

Chairman Caticchio said, Eric was saying we should look into putting the Planning Department into the Charter. Is it necessary?

Mr. Jochum said, that's why, rather than him speaking to it, we should have Ted or the Mayor comment on that.

Chairman Caticchio asked who we should invite.

Mr. Jochum clarified that Ted is not considered a department head. He is part of the Planning Department. We should ask the Mayor what his pleasure would be with respect to this issue.

Chairman Caticchio stated, when you look at Section 10, *Building Department*, it says "The Building Department shall be responsible for issuing building permits and for....and shall perform such other duties as are provided by ordinance of Council." That is the Building Department. Is Ted in the Building Department and a part of the Building Department?

Mr. Jochum replied, no, it's a newly-formed department.

Chairman Caticchio asked, who's his boss?

Mr. Jochum replied, the Mayor.

Chairman Caticchio asked, it's not Marrelli?

Mr. Jochum replied, no.

Chairman Caticchio stated, then we need to know. You might as well put that on the list for Joe too. Next week, we will have Joe and Eunice come to the meeting.

Mr. Mason suggested we don't ask Ted to come.

Mr. Jochum stated, we need to ask the person who set it up to see what his ideas are.

## **Section 12 – Pending further discussion**

### *Article IV – Nominations and Elections*

Chairman Caticchio said this Section does not have a date on it. It may be one of the original ones.

### **Article IV – Preliminarily approved**

Mr. Jochum said we have gone through this Charter much faster than we have in years past.

Mr. Hyde stated we are up to page 21. This ends on page 27.

Mr. Mason suggested Chairman Caticchio call Jim Farmer and see what he thinks of Section 11.

Chairman Caticchio said we will not need to review any Sections before the next meeting. Just prepare any questions you may have for Eunice and Joe Diemert for the next meeting.

Mr. Jochum asked if we want the Mayor at the meeting.

Mr. Hyde suggested we have them at the next meeting.

Mr. Jochum suggested to have the Mayor stop by and talk about the Planning Development Department, or if he just wants to send a note.

Mr. Fikaris said he notices it takes four of five votes for the Planning and Zoning Commission for something to go through. It's only three for an appeal.

Mr. Mason asked Mr. Jochum why that is.

Mr. Jochum said, generally you don't get too many. Pat can probably speak to how municipalities do it all over the place.

Chairman Caticchio said he can tell you the same. Nobody follows the rules or regulations. If they want to do something they do it, if they don't want to, forget it. You are not going to get it. Sometimes they don't even listen to you.

Chairman Caticchio asked if there were any further comments. There were none. Chairman Caticchio asked for a motion to adjourn.

Mr. Jochum, seconded by Mrs. Shatten, made a motion to adjourn the meeting.

There being no further business, the meeting concluded at 8:50 p.m. The next meeting of the Charter Review Commission was scheduled for Wednesday, March 24<sup>th</sup> at 7:00 p.m. in the Loft Conference Room at Mayfield Village Civic Hall.

Respectfully submitted,

Mary E. Betsa, Secretary  
Charter Review Commission