

DRAFT
MINUTES OF THE
CHARTER REVIEW COMMISSION MEETING

Wednesday, April 22, 2015 – 7:00 p.m.
Mayfield Village Main Conference Room

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

Also Present: Chief Edelman
 Chief Carcioppolo
 Brenda Bodnar, Chair – Civil Service
 Diane Wolgamuth
 Mary Betsa

Absent: Stivo DiFranco

The Meeting of the Charter Review Commission was held on Wednesday, April 22, 2015 in the Main Conference Room at the Mayfield Village Civic Center. Chairman Fikaris called the meeting to order at 7:05 p.m.

. **Approval of Minutes of Regular Meeting of Tuesday, April 7, 2015**

Mr. Piteo, seconded by Mr. DiNardo, moved to approve the Minutes of the Regular Meeting of Wednesday, April 7, 2015.

ROLL CALL: Ayes: All
 Nays: None

Motion Carried
Minutes of Wednesday, April 7, 2015
Approved as Written

. **Discussion of Article V, Section 6, Subsection (E) – Civil Service Commission**

Chairman Fikaris welcomed Chief Edelman and Chief Carcioppolo and Civil Service Commission Chair Bodnar this evening to discuss Article V, Section 6(E). We are all in receipt

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 2

of your written opinion and have briefly discussed the proposal and would like your thoughts on it.

Chief Edelman stated, thank you for having us. We appreciate your time. Basically what I am proposing and I can't speak for Gino, but we are a very small city, very small police department. The role of the police chief has evolved over the years. There was a time in the history of Mayfield Village where coming up through the ranks was a great thing because you got to know the community and the community got to know you. There's still a ton of value in that. I recognize that. But because the world is changing, I think we need the option of seeking talent from outside of Mayfield Village. I am not trying to close the door on the people we have working for us. There are a lot of dedicated people in my department that I value a lot. But I think there's a lot of talent outside of Mayfield Village and we would be doing a disservice if we didn't open the door to that. At least to have that as an option.

Chairman Fikaris asked, is that common practice with our surrounding communities?

Chief Edelman replied, it's not. The communities in the Hillcrest area typically promote from within. We are setting a trend.

Chief Carcioppolo stated, for me it's a little different. Along the same lines of Chief Edelman, there's the portion of removing the language enacted pertaining to part-time officers becoming members of the classified service. When that was drafted in 1980, our department was much different then in terms of its structure and we were evolving from a volunteer department to a full-time staffed department 24/7. With that being said, that's basically like going outside the department for lack of better terms. The fire service itself has evolved over the last 30 years. Most recently, in the last 10 years it has become more of a profession than it ever was because now there is an actual curriculum that's followed throughout the country for colleges. That didn't come about until 2004. It was adopted through the U.S. Fire Administration and FEMA. It's called a FESHE curriculum which stands for Fire and Emergency Services Higher Education. I received an Associate's Degree from Lakeland in 2009 and graduated from the University of Cincinnati with a Bachelor's Degree. The University of Cincinnati is one of the 7 universities in the country that accredits other colleges. Currently, the standard for the country for a chief job at a municipal fire department is a Bachelor's Degree in a field-related area such as fire and safety engineering or fire science, emergency management.

So I guess the proposal that was recommended to the Charter from my perspective is removing the eligibility for this. How the language was written in 1980 takes part-time personnel and automatically puts them in a classified position and gives them the ability to sit for a promotional test. That's one that I don't necessarily agree with in today's fire service. The Union also feels the same way. To go further past that point, because of how small our department is, you do run into issues with people not wanting the job or not wanting to take a promotional test at this level, so by having the option to go outside the department and if you don't have qualified applicants to take this job because this job itself is much different, so just working somewhere.

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 3

As much as I agree it is important to have someone that comes from within, I am not a product of my working in Mayfield Village. My credentialing is because of my drive. I didn't aspire to be the Chief. I took the Chief's job because it was the right thing to do given the circumstances. Because of my credentialing, I knew that was the right thing. It was my way of saying I am going to give back because I do feel fortunate that I have worked here, but my lifestyle before was much easier and it was much more conducive to my young family at home. This has been a big adjustment for me. I would have preferred to have taken that test against other people with equal or higher credentialing than I had because those are the people that have the leadership attributes that you need to guide the department in today's fire service. So by going through the ranks that we have now and the offering of the test, I would say that if you can't yield people within the organization that meet those standards for the country because as much as people want to say that Mayfield Village is a small village of less than 3500 residents, from an actual tactical and protection standpoint, a risk standpoint, we are a lot greater than that with the businesses that we have here, the high school, the elementary school, our risk profile is a lot larger than a small bed and breakfast village. If you go through the application process and you can't yield enough people to take the test, then I think it is in the best interests of the community to open the doors to outside. You start within and if you can't yield enough qualified people to test for a promotional test, then you can open those doors.

I read the minutes and saw the discussions about chiefs from different areas of the country. If you were to post this job in today's market for a chief's position and required the recommended educational and credentialing that a fire chief should have, you would have national attention for that job with people that have years of experience. As much as they didn't come up through the ranks here, their expertise elsewhere would or could have a very positive impact on the services that we provide here. While I don't think that this is going to be a problem in the future where you would have to go outside of that because the direction I am taking in the department emphasizes professional credentialing and education, you never know. People might not want to take this position because it is a big change. With how small our department is, it does make sense to at least have the ability to exercise that right if you need to because you would be selling the residents and everyone short if you were to just say we will take what we have because you worked here all these years. You can work here all these years and never advance yourself professionally or credentially and just waltz into the position and take it because you are the only one.

Mr. DiNardo stated, it sounds like it's two different scenarios.

Chief Edelman replied, not really.

Mr. DiNardo stated, you promote within because all officers have to be qualified from the beginning and on Gino's side they have to be qualified to a point and then they can take it further. You have to be qualified to be a police officer so it's a little easier to promote within on the police end.

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 4

Chief Edelman replied, it is, but that doesn't preclude Civil Service setting standards that would increase the profession.

Mr. DiNardo stated, I agree with that. I wonder if it's the ability to have the option as the way it should be worded.

Chief Carcioppolo stated, the option.

Mr. DiNardo asked, does that make sense?

Mrs. Bodnar replied, that's what I am reading. You would just like the option of seeking qualified applicants. I would assume that means in your position you would look to see what you had to choose from. If you felt you needed more people to choose from, then you would open the door to others.

Mr. DiNardo asked, so is that changing Section (E) under Promotions?

Chief Carcioppolo replied, you would take out the section that says, "For purposes of this paragraph (E) only, part-time firefighters". This only applies to part-time firefighters. This is basically what happened with my testing for this position. If I didn't take the promotional examination, this test would have opened to people with less credentials than I had. To me that wasn't the right direction for our department to go. It lets it open to people that work there part-time that may not work in this field as their primary profession. We have people that have volunteer fire cards and EMT basic. They could be sitting for a test with a volunteer firefighter that's not even a professional level Firefighter II level certification for the State of Ohio. They could have sat to be the chief of the fire department with very limited credentials and training. Especially to the level of running a department and structuring it. It just doesn't make sense. My recommendation, and as I said, the Union supports this, is to remove this paragraph.

Mr. DiNardo asked Chief Edelman, that's okay on your end too?

Chief Edelman replied, that only applies to fire.

Chairman Fikaris asked, then in (E), Promotions, you would need a rewrite or obviously an elimination of the second paragraph. We would have to request language from the law department on how to rewrite that. Brenda, if you have any other additional comments, we want to get the language correct.

Mrs. Bodnar agreed. I would like a draft that has stricken the second and third paragraphs of Section (E), but the first two sentences at least need to be changed in the first paragraph of (E) and then the rest of that first paragraph has to be adjusted accordingly to reflect what the Chiefs want. I thought we would go back to Dave Matty who handles our Civil Service Commission and answers our legal questions. Either them or our law department. They could draft the language that could get the result you need without stepping on toes.

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 5

Mr. Piteo asked, how would that affect the police? We have only addressed the fire department.

Chief Carcioppolo replied, if you deleted this paragraph and then just modified the language of this to say, no positions above the level of patrolman in the police department and firefighter in the fire department shall be filled by original appointment if there are more than two qualified applicants available. As far as the language you need to put in, I don't know if it needs to be that substantial, but if you can't yield two qualified people for the position based on the recommendations of the Civil Service Commission and what that credentialing should be.

Mr. Piteo stated, so basically ask legal to come up with the language.

Mr. DiNardo asked, is this language that would go in front of the voters or would it be for the Charter? Whatever we come up with language-wise would just be implemented into the Charter? We would have a long paragraph and people would all be confused on what it means.

Chief Carcioppolo stated, you could modify the language and identify what it means.

Mrs. Bodnar agreed. You write it up and someone has to approve it. You can summarize it and say an affirmative vote means this.

Chairman Fikaris stated, the first step is always the law department. He is very aware of how to write something understandable. I don't know if he would use language like revoke the existing rule. That's what we have been doing is passing this along and then usually we get a return pretty quickly on the language portion of it.

Mrs. Bodnar agreed. Our law department is good at writing things in plain English so people can understand it and then they can write it technically.

Chairman Fikaris stated, this is all reviewed and presented to Council as well. You will definitely have an idea of what the language will look like and if there's something that needs to be modified.

Mr. Piteo asked, this is just for the chief position?

Chief Edelman replied, yes.

Mr. Piteo asked, only? It's just for police or fire chief, not for fireman or patrolman, right?

Mrs. Bodnar asked, it's anything above that though, right?

Chief Carcioppolo replied, right.

Mrs. Bodnar asked, is there any intermediate rank?

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 6

Mr. Piteo replied, yes.

Mrs. Bodnar asked, this would apply only for chiefs?

Chief Edelman replied, just for the chiefs.

Chief Carcioppolo added, that's a good question. I had wrote in my request that it should be for any position above the line shift officer in the event the department was to add a position down the line like an executive officer's position or assistant chief's position because that position too is a position that carries a lot of credentialing or should carry a pretty substantial amount. If you couldn't find that within your organization, you should have the ability to find someone with those appropriate credentials outside.

Mr. DiNardo asked, that's assistant chief or chief?

Chief Carcioppolo replied, it would be anything above a line shift officer position.

Mrs. Bodnar asked, you would like it to apply for any intermediate office above line shift officer and for police, you would like it only to apply to police chief?

Chief Edelman replied, correct.

Mr. DiNardo asked, Mary Beth, can you have Joe distribute his answers like he does to Brenda also?

Mrs. Bodnar asked, do you think you two can talk about it or are you pretty set in your opinions that it should only be for the chief and you think it should be above line shift officer?

Chief Edelman replied, in my opinion, there's a big difference between a promotion to sergeant or lieutenant than there is from a promotion to chief. The job of the police chief, and I am not trying to pat myself on the back, but it involves a lot more than just running a small department. There's an entire world out there that we have to be concerned with whereas the line supervisors have to be concerned with what's right there in front of them. If I had to test against people from all over the country, who knows, I may not have been promoted to chief. But that position requires a lot more educational, a lot more credentialing, than the other internal promotions.

Mrs. Bodnar asked, if you had the latitude of seeking outside applicants or not in anything above the first position so that for intermediate positions you could choose not to go outside of the Village?

Chief Edelman asked, are you talking about lateral transfers? I am not sure that I would agree with that.

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 7

Mr. Hehr asked, Chief, would it cause a little bit of dissent? Would there be a lot of difficulty in motivation and promotion and conceptualization if you started saying, listen, I don't like you guys, I am going from the outside?

Chief Edelman replied, it would definitely cause an issue as far as motivation.

Mr. Hehr stated, I think that's a huge concern.

Chief Carcioppolo agreed. But I don't think, maybe we are a little off on where we are going. Like if you couldn't yield the right credentialed person, maybe police and fire is a little different. The only time I would say it would be okay to exercise the ability to go outside is if you couldn't yield from within people that met the professional qualifications for those positions.

Mrs. Bodnar asked, what is the size of the fire department compared to our police department?

Chief Edelman replied, I have 16 full-time.

Chief Carcioppolo replied, we have 10 if you count me.

Mrs. Bodnar stated, so you have fewer full-time. 10 as opposed to 16. Which is a big difference when you are talking those numbers to begin with.

Chairman Fikaris stated, that was a good question. That was one of my concerns. That would change the fabric. The overall professional level would increase in terms of the fire department. You would open it up to more.

Chief Carcioppolo stated, if you couldn't yield that from within. That's the direction I am taking the department.

Chairman Fikaris stated, it's important to emphasize to Joe what he is saying that if they can't be found within. There's management practices that you folks use. We are not decreasing anyone's opportunity here. We are just expanding.

Mr. Hehr stated, one of my concerns is if we can't find the credentialing that we want, is that unless we write the direct credentialing that we want it starts to put ambiguity and changes the management's position. If I want a particular style person, I put credentialing in that requires something different. If I said I wanted my sergeants to all be attorneys, I can change my credentialing to achieve the particular person that I want whereas Chief Edelman's position is we are going to hire within up to the chief's position. The chief's position is a substantially more defined as to what that credentialing is and to go outside that credentialing would be much harder. I like that position applying to the chiefs.

Mr. DiNardo stated, but it gives the opportunity to any patrolman or fireman that has the ability to grow and take exams and be ready for the next part of their career.

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 8

Chief Carcioppolo stated, the credentialing or professional standards that I believe Civil Service Commission should be following aren't based off of my opinion or the Mayor's opinion. It would be based off of what the U.S. Fire Administration recommends for those positions.

Mr. Hehr stated, we would want language that said based on U.S. Fire Administration. Does that have to be written into the Charter so as to define what credentialing is?

Mrs. Bodnar replied, that could be written into the rules and not the Charter. I agree with what you said. I think the Charter should be broad and not set any specific list of credentials. I don't think it should say if we can't find enough credentialed people within our group then we can go outside. I think it should say at the discretion of the Chief upon consideration, in the discretion of the Chief, it's best to consider outside candidates, we can go forward and do that.

Chief Edelman asked, aren't the defined standards really the purview of the Civil Service Commission?

Chairman Fikaris stated, yes. That's what I was going to say.

Mrs. Bodnar stated, it's within our rules and there's flexibility there. We can change things. Chief Carcioppolo is doing a promotional test and we are going to take some standardized questions but then you are going to do your own questions based on Mayfield Village, right? So we can make adjustments that way also.

Chief Carcioppolo stated, by not tying your language to specifics and just saying if you can't meet at least having two qualified people take it, then you have the ability to go outside and leave the rest up to the Commission.

Mr. DiNardo agreed. They will follow what we have in the Charter.

Mr. Piteo asked, don't you have to follow Equal Opportunity Employment and the standards that are governed by the U.S. Fire Administration?

Mrs. Bodnar replied, yes.

Mr. Piteo stated, I think you have to follow some sort of protocol.

Mrs. Bodnar replied, it's not arbitrary. Our Charter and our Rules are subject to all these other outside laws that govern us anyways. You could always put, subject to, as the same may be changed from time to time, but it's not necessary because we are subject to it anyways. My only question is, in what we have going on now we have varying levels for the fire and police department, so I suppose it would be okay going forward to have the fire department promotional rules apply to any promotion above the initial position and then for the police department you would only be permitted to exercise discretion and go outside for the position of police chief?

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 9

Chief Edelman replied, yes.

Mrs. Bodnar asked, is it okay to be different for both departments? I think it probably is.

Chief Edelman replied, the operations of the two departments are different.

Chief Carcioppolo stated, if you want to just keep it simple, you could just do it for fire chief.

Mrs. Bodnar stated, it is okay to distinguish between the two within the Charter.

Mr. Piteo stated, because there is specific criteria that the Chief has to meet.

Chairman Fikaris stated, as we present this to the voters, what's nice about our Charter is we review it every five years, so if it's something that needs to be reviewed as we go along, maybe there's something in five years that are different circumstances. The next Commission will be able to look at that as well. Are there any other comments or questions?

Chief Carcioppolo stated, I wanted to confirm that it is any position above the position of a line shift officer.

Mr. Syracuse stated, the e-mail correspondence you sent on February 10th lays that out on the second page of it. It just says, "My recommendation is to amend the above language to remove part-time firefighters from being recognized as within the classified service and permit Mayfield Village to open promotional positions above the level of line shift officer to outside of the department provided that there are less than 2 qualified full-time firefighters willing to take the promotional examination." If this e-mail would help the law department to see what we would like to have amended, what you are recommending, that might be something we would want to send to him.

Mrs. Bodnar asked, with the police department, do you want that less than 2 language?

Chief Edelman replied, that can stay the way it is.

Chairman Fikaris asked, are there any other comments?

Chief Carcioppolo replied, yes. I read the Minutes. I am not in support of this position or his position being removed from the Civil Service.

Mr. DiNardo stated, we are not doing that.

Chief Carcioppolo stated, our positions carry authority that is vested by the State of Ohio. Sometimes those things we have to enforce don't necessarily agree with politics. It lends itself to being detrimental if we didn't have that extra level of protection.

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 10

Mr. Hehr stated, for the record, I am also in support of keeping it a Civil Service position. However, both pieces had to be addressed.

Chief Carcioppolo stated, it sounded like it was a broad discussion. But I do see both sides of it. I just wanted to let you know that's my opinion.

Chairman Fikaris thanked the Chiefs and Mrs. Bodnar for coming to the meeting.

Chief Edelman, Chief Carcioppolo and Chair Bodnar left the meeting at 7:30 p.m.

. **April 21, 2015 Response from Law Department**

- Article V – Section 2 – Architectural Review Board

Chairman Fikaris stated, the Law Department commented on Section 2 regarding the Building Commissioner and the concerns of the Commission about conflict of interest and the appearance of impropriety. He suggested it is different from the Board of Zoning Appeals where John makes an opinion contrary to an applicant. He is saying it would be okay to include language as he instructed. It was limited language which said, in case of a tie or in the case that only two members of the Commission are present. He said he could work that around as we suggest.

Mr. DiNardo stated, I am for it. I chair the Architectural Review Board.

Chairman Fikaris stated, it happens so infrequently. All this is really doing is speeding up the process for an applicant. There could be implications like I have my guys ready to go and all we are working on is a little detail, it's not anything major.

Mr. DiNardo stated, most of the time if there is conflicting information, we will table it and have them come back.

Mr. Hehr asked, how often is this an issue?

Mr. DiNardo replied, we had it come up once this year.

Mr. Hehr asked, so once or twice a year?

Mr. DiNardo replied, yes.

Mr. Hehr stated, it seems to work then.

Mr. DiNardo stated, the applicants have to come back.

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 11

Chairman Fikaris stated, it wouldn't be like Planning and Zoning. This is like everyone is sitting around and are all in agreement and if we can vote, we can move on. It's just a matter of having an extra body there to vote. There are five people on the Board?

Mr. DiNardo replied, yes.

Chairman Fikaris stated, you should be able to get a quorum.

Mr. Hehr stated, if it happens infrequently, that's the answer itself. It doesn't need to be changed. It doesn't make that big a difference.

Mr. DiNardo stated, but it does give them the option.

Chairman Fikaris stated, that's what it was. The option. It's either we are going to vote on this amongst us and then it is going to go through the process. We don't even have to say that we preliminarily approve this yet. We are going to go through a vote on each one of these items within the Commission. It's just really how you feel. I did feel the same way, that on paper this is what they do, this is how they set this up. The more thought I gave to this, it was like, who is the one being hurt? I don't think an applicant is going to get a decision made against him. It's actually going to favor him. But I do agree there could be an appearance of impropriety. We will just vote on this at the end. There's no language changes on this?

Mr. DiNardo replied, he has language in here, but he is going to reword it for the voting public. It is going to be similar to what this paragraph says here.

Chairman Fikaris asked, is there any other discussion on this?

Mr. DiNardo asked, do you want the law department to prepare the language? That way you can vote on what is going to be in front of you.

Chairman Fikaris replied, we are all going to have to vote on it. It's pretty straightforward for us to vote on this, whether we want him to do this or not. He works the magic on the language.

Mr. DiNardo stated, you bring up a good point. At the end of this Commission, we are going to present something to Council saying this is what this Commission recommended. Is it going to be the language that the voters see? What is going to be presented to Council?

Chairman Fikaris replied, we are going to vote on all this.

Mr. DiNardo asked, after the vote?

Chairman Fikaris stated discussion ensues with Council on the proposal.

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 12

Mrs. Betsa presented a sample of what is presented to Council. An Ordinance is prepared for each item the Commission proposes.

- Article V, Section 12(A)

Chairman Fikaris stated, a question was presented to the Law Department regarding incorporating language allowing for use variances in commercially zoned areas of the Village.

Mr. Syracuse stated, I wasn't at the last meeting, but it was my suggestion we allow these variances. This is our way of getting around the issue of having referendum zoning being put in the hands of Council and let them just choose whatever they want. This would only apply to non-residential and it would only be commercial. I see Beta as the main area where this would apply. By doing this and putting in what Joe suggested in the language, what you are doing is giving the Board of Zoning Appeals the authority to grant a use variance upon application of either a building owner or whoever is going to make the application to seek a variance from what that building or property is zoned for only in non-residential districts. By including the provision like he suggested that it has to be approved by a majority of Council, you have a built in approval by Council. Instead of changing the zoning every couple years, as Council says we should change Beta to make it zoned for this, we should change it to make it zoned for that based upon what the economy dictates. The economy will dictate who applies for what variances. It wouldn't affect any of the residents in the residential areas and anyone who has any objections to it can show up to these meetings and voice their objections at either the Board of Zoning Appeals meeting or at the meeting of Council.

This would be a better alternative than what was proposed at the last Charter Review Commission that failed by a substantial margin. This was something I brought up a year or so ago in the Planning and Zoning Commission and asked for a legal opinion on why it was not permitted. I found out it was because of the Charter. That's where we are at right now. I am all for this. I personally do not like the proposal made last time for the Commission to have Council give them the authority to change the zoning. I also don't like even giving them the authority to do that just for non-residential areas because that's seems to me to be a waste when you can have a process as simple as this that will accomplish the same thing on an as-needed basis. I am all for the language you proposed in here. I wasn't at the last meeting, but I see that Section 12, Board of Appeals was preliminarily approved. I would ask that we not approve that and try to put this language in.

Mr. DiNardo asked, is it under referendum?

Mr. Syracuse replied, in Section 12, Board of Appeals, it says, "provided, however, that the Board of Appeals shall have no power or authority to grant any change of or variance in any land use or classification or district from the existing zoning ordinances or the zoning map of the Municipality or to permit any land use to become nonconforming therewith." Based on the recommendation we are discussing, Joe came up with "shall have no power or authority to grant any change of or variance in any land use in any residential district" and then add another

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 13

sentence to say “the Board of Zoning Appeals shall have the authority to grant variances in non-residential districts providing that same is approved by a majority of Council.” He says it allows variances by the Board of Zoning Appeals but then has Council review and approve it, whether or not there is an appeal based on the decision made by the Board of Appeals. Because of the referendum zoning that is in Article III, Sections 12 and 13, he is going to have to go back and review and make sure if there’s anything that has to be changed in those sections to permit this change in Section 12 under Article V. He said that’s something we can do.

Mr. DiNardo asked, the big question is, how do you get the use changed? What’s the criteria for an applicant to come in and say I would like to change this to mixed use?

Mr. Syracuse replied, you don’t have to put that in here. It’s a legal standard based on case law. In my experience sitting on the Board of Zoning Appeals in Mayfield Heights as well as in my legal practice and requesting on behalf of clients, it was in the memo from Joe, instead of practical difficulties, it has to be a higher standard than that.

Mr. DiNardo stated, when you get a zoning variance, there’s five particular things set in stone.

Mr. Piteo stated, I have been in quite a few city council meetings. Council is able to give the authority to give a temporary conditional use permit based on criteria established by council that is only approved for three years and then it has to be reapproved every three years. That is not taking the authority away to rezone a particular area, but giving the authority to Council to give a special use so it’s only a temporary situation. I remember us talking about it.

Chairman Fikaris stated, we do that a lot in the Village.

Mr. DiNardo stated, this would travel with the land.

Mr. Syracuse stated, this is not temporary, it goes with the land. The standard I have located is unnecessary hardship. This memo doesn’t necessarily go into what needs to be presented by the applicant for an unnecessary hardship, but there is case law and there are requirements that they have to meet. The reason the June 10, 2002 memo doesn’t go into it is that this was only to the standard for practical difficulties for area variances. We can have the Law Department provide us with what would necessarily constitute unnecessary hardship. It is a higher standard. The Board of Appeals would use those standards to review it or else it would not be granted. You can’t just come in and apply and say we want this, it would be good for the community. There has to be something unusually unique about the land that you can’t really lease it for warehouse anymore because there are no warehouses going in in this area. It’s changed so much that we would like to tear this down and use this space for something more suitable for the community. That would be the unnecessary hardship. It’s just how the land could be used. In residential when it comes to this, which would not be affected by this whatsoever, it would have to be you can’t use your land. If you have one of the few lots in Mayfield Village that has acres and acres of space, it’s different from most of the other properties, in order to use that you might request a use variance to permit something that’s not permitted in that residential district. A lot of times

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 14

that comes through an area variance for asking for something like a larger garage or something like that or a storage facility. In this case, usually it's using the land that falls under an unnecessary hardship and that would not be detrimental to any surrounding properties. There's all sorts of things. That doesn't have to go into the Charter. That's by law. It's something that if we were to put in the Charter that the Board of Appeals had that authority with Council's approval beyond that. I think that would benefit everyone in the community and people who want to come in as well and open businesses of different sorts that these areas are not zoned for.

Chairman Fikaris asked, any other comments on that? So what steps do we take? Do we like the language?

Mr. DiNardo asked, we would vote on it at the end?

Chairman Fikaris replied, I think he is going to check to see if this affects any other sections and get back to us on that.

Mr. Syracuse stated, Section 13 of Article III is submission to electorate of zoning and land use changes. Basically everything has to go to referendum voting for any change in this. I am not sure Section 13 would also have to be changed to say, "except for as provided in Article V, Section 12, granting the Board of Appeals the ability to grant use variances". That probably should go in to Section 13 as well. It might want to be included as one item on the ballot to make those two changes to the Charter.

Chairman Fikaris stated, it's interesting that it is the fear that you are going to bring commercial into our residential. If someone proposes a mixed use, such as apartments over shops, that's very interesting.

Mr. DiNardo stated, they would still have to sell it to the Board of Zoning Appeals and Council.

Mr. Piteo stated, mixed use is very common throughout the country.

Mr. Syracuse stated, if we tried to recommend what was recommended at the last Charter Review Commission just for commercial or just on Beta, wherever you limited it to, Council would have the authority then to just say this is what we want to do and no matter what everyone else wants it won't matter, it's whatever the elected Council members say would stand. Every individual applicant should come in, every property owner or lessee, anyone who is going to be trying to change the use there should come in.

Mr. Piteo stated, they would still have to follow the same process established in Council that it goes to public hearing, it has to be heard three times and it goes out to the public advertised.

Mr. Hehr stated, they have an emergency clause so instead of three times they can do it once.

Mr. Piteo stated, I wouldn't agree with that.

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 15

Mr. Hehr asked, is there a way not to have it be read three times?

Mr. Piteo replied, I don't think so. I am not an expert in it. I think it has to be advertised. We are going to an electronic age. We were addressing that earlier. That advertisement has to be more than just the newspaper. That's what I am used to seeing. That it gets advertised to get the people be able to give their opinion on that change.

Mr. DiNardo replied, I don't think zoning changes ever fast track in Mayfield Village. It's a process. It goes through the steps it has to.

Chairman Fikaris replied, especially with the Board of Zoning Appeals. There are 10 days to appeal on any ruling.

Mr. Piteo replied, after the first two hearings. After the third, it's done.

Mr. Syracuse asked, are you talking about Council meetings?

Mr. Piteo replied, yes.

Mr. Syracuse stated, because with the Board of Zoning Appeals, you appear one time and they vote on it at a meeting and it is tabled to vote at the next one. All the adjacent property owners are notified so if there is any objection, anyone can come up. Any public notice that is going to be on Council's agenda to approve the Board of Zoning Appeals' decision if they were to grant any use variances, that would go through the same procedure that anything Council has to approve goes through.

Mrs. Betsa added, it couldn't be put before Council until after the 10 day appeal of the Board of Zoning Appeals decision has passed.

Chairman Fikaris asked, any further discussion? There was none.

Chairman Fikaris referred to Mr. Wynne's reply relative to mayoral and Council benefits. Do we want to discuss that now or just move on?

Mr. DiNardo replied, I don't know what's there to discuss. Give them the ability to do it. They have to meet criteria for health insurance. They have to pay a certain co-payment and meet criteria.

Chairman Fikaris asked, so this doesn't really change anything?

Mr. Syracuse replied, I don't think there's anything to change in the Charter based on that.

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 16

Mr. DiNardo stated, if you allow it for the Mayor, you should allow it for everyone. The ability to apply for health insurance coverage should be for our elected officials. Village Council and Mayor.

Chairman Fikaris stated, he suggested a measurement, hours, days or weeks. This is more for our interpretation as we finalize the language for compensation. Let's hold off on this. Any other questions? There were none.

ARTICLE VII – INITIATIVE, REFERENDUM AND RECALL

- Section 1 - Initiative

Chairman Fikaris asked, any comments? These sections talk about putting something on the ballot and the criteria for starting an initiative. It was amended in 1994. Does anyone have any comments? There were none.

- **Preliminarily approved 4/22/15.**

- Section 2 – Referendum

Chairman Fikaris asked if there was any further discussion. It's interesting that initiative is 8 months and referendum is 7 months.

Mr. DiNardo stated, this is well thought out.

- **Preliminarily approved 4/22/15**

- Section 3 – Petition Procedure

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

- . **Preliminarily approved 4/22/15**

- Section 4 – Suspension

Chairman Fikaris stated, this is pretty straightforward.

Mr. DiNardo stated, it looks like it has never been changed.

Chairman Fikaris asked, any comments? There were none.

- . **Preliminarily approved 4/22/15**

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 17

- Section 5 – Measures Subject to Referendum

Chairman Fikaris asked Mrs. Betsa, what was the issue at the last Commission on this?

Mrs. Betsa replied, Article VII, Initiative Referendum and Recall, Section 3, Petition Procedure. The Commission requested discussion with the Law Department, Section 5, Measures Subject to Referendum, pending discussion with the Law Department.

Chairman Fikaris stated, it was Section 5. We discussed if they agree to for example build a fire station and that passed by referendum, petitions couldn't be engaged along the way in order to halt that. The Commission tried to clean up the language last time. I don't think any changes should be made, but this seemed to be confusing. A lot of people interpreted it as taking away a right. Does anyone have any questions or comments on this? There were none.

. **Preliminarily approved 4/22/15**

- Section 6 – Effect of Referendum on Emergency Measures

Chairman Fikaris stated, this is pretty straightforward.

Mr. Hehr asked, where is emergency measure defined?

Chairman Fikaris stated, an emergency measure is usually, our fire truck is broken down, we have to do this, we can't go through the normal procedures. Are there any comments?

Ms. Wolgamuth replied, I am not necessarily going to say this is definitely a definition, but they talk about an emergency ordinance or resolution necessary for the immediate preservation of the public health or safety.

Mrs. Betsa stated, the emergency language is not abused. In cases of grants where there is a deadline or there's an opportunity to enter into an agreement, as recently where we had an opportunity to enter into a participation agreement for salt and there was a deadline and we would recognize substantial savings, we had to make it an emergency. If it were something that can go through the three reads, it does.

Mr. Syracuse referred to Article III, Section 10, "Emergency measures shall contain a statement of necessity for such emergency action and shall require an affirmative vote of two-thirds of the members of Council." It goes on about what needs to be in there.

Chairman Fikaris asked, how many times does that occur?

Mrs. Betsa replied, when there are deadlines. Anything changed by Ordinance Review goes through three reads. The budget goes through three reads. Pool salaries, wage ordinance, employment terms and conditions, all go through three reads. Amendments to the Charter.

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 18

Mr. DiNardo added, very few.

Ms. Wolgamuth stated, emergency is also put in there so that it takes effect immediately upon signing.

Chairman Fikaris asked, any further discussion on this Section? There was none.

. **Preliminarily approved 4/22/15**

- Section 7 - Recall

Chairman Fikaris stated, this is the procedure for recalling an elected official. Has that ever been done?

Mr. Singer replied, a mayor was recalled.

Chairman Fikaris stated, the question is, does it work? And if it works, good. Are there any other questions? There were none.

. **Preliminary approved 4/22/15**

ARTICLE VIII - FRANCHISES

Chairman Fikaris asked, what is an example of a franchise?

Mr. DiNardo replied, a public utility.

Chairman Fikaris asked, any questions? There were none.

. **Preliminarily approved 4/22/15**

ARTICLE IX – FINANCES AND TAXATION

- Section 1- General.

Chairman Fikaris stated, this is very straightforward. Does anyone have any questions? There were none.

Mr. Hehr asked, when was the last time we raised taxes in Mayfield Village?

Ms. Wolgamuth replied, in 2010, they were raised from 1.5% to 2%.

. **Preliminarily approved 4/22/15**

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 19

- Section 2 – Limitations on Rate of Taxation.

. **Preliminarily approved 4/22/15**

ARTICLE X – AMENDMENTS TO CHARTER

Chairman Fikaris stated, this is how to do it outside of the Charter Review. Any questions on this? There were none.

. **Preliminarily approved 4/22/15**

ARTICLE XI – CHARTER REVIEW COMMISSION

Chairman Fikaris stated, one of the suggestions in 2005 was to make it longer. Are there any ideas about this?

Mr. Syracuse replied, I like how it is. I would like to recommend it specifically states in here such Commission shall review the Charter, and within five calendar months after such appointment, shall have a review session. It says in January. As the Mayor suggested when he spoke to us a couple meetings ago, instead of January, maybe it should be September or October and then make it 9 months so that way we are not as crammed for time as we have been to have these meetings. It might afford more discussion. It would be a good change to this.

Mr. DiNardo stated, it would, but would we like to go in front of the voters and say we want to change the Charter Review Commission from appointment?

Mr. Piteo stated, it would give us more time to get the right people in.

Mr. Syracuse stated, rather than starting in January, I would suggest maybe starting a couple months earlier.

Mr. DiNardo stated, I agree, but it just says you are appointing an elector.

Chairman Fikaris stated, in 2005, to go from 5-10 years, it tied, therefore it failed. 399-399. That's why it was not changed. As we started, it was laid out that we were going to be pressed for time. In my opinion, things are flowing pretty well. Depending on what we have to go with, we are pretty much on schedule to wrap this up within that timeframe. I know what the Mayor said and I think that's a good idea.

Mr. Syracuse stated, I think it's working fine too. We have had absent members. It might be easier to arrange to have everyone available and have further discussion without meeting every two weeks, maybe once a month, starting a little bit earlier. But I have no problem with the procedure we have been going with now. It's fine for me. Just to give the additional time I don't think would be bad.

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 20

Mr. DiNardo stated, I personally think the other items we are going to have in front of the voters are more important than changing from January to February. It's minor. You don't want to throw everything in front of the voters. They will be confused.

Chairman Fikaris stated, I look at it as saying, if we have this timeframe, we are charged with something. The frequency we are doing this keeps this all fresh in our minds. If we stretch it out to meeting once a month, we would be trying to remember what we talked about. January is a good fresh start. Would this invite more public?

Mr. DiNardo stated, this is a public meeting anyway.

Mr. Syracuse asked, what does everyone else think?

Mr. DiNardo stated, I think it's a minor thing.

Mr. Syracuse stated, I think it's a minor thing too, but it's worth discussing. If anyone else thinks it's something we should be voting on to amend the Charter, then yes. But if I am the only one who thinks it is worth talking about, I am not saying we should have to do it or in favor of doing it. I think it's worth discussing and seeing what everyone else thinks.

Mr. Hehr stated, I would concur that it's worth discussing. Getting it done in five months is still a long time. I have never been in a group setting where I was able to get 100% participation for any extended period of time. The amount of participation we are getting is pretty good. The concern I would have would be taxing Paul or whoever the Chair is at that time further for a longer period of time whereas I am generally not supportive of adding pay and things like that to municipal government. I think when you start saying Paul you have to be in charge of this for a longer period of time, there has to be some kind of remuneration or something that would have to be offered in that scenario because the one person that has to be here is Paul.

Chairman Fikaris stated, we are all pretty good about being here. I don't think there's any extra burden on the Chair. I think we are all very comfortable in this setting. If we had more time, would we still have the meetings, and still start in September?

Mr. Piteo replied, if you start in September, you are going to lose interest in November and December.

Chairman Fikaris stated, we could be done with this process if we started in September. We are 6 meetings into this.

Mr. DiNardo suggested, maybe discussion could take place in December and we start mid-January?

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 21

Mr. Syracuse stated, that's what I was going to say. Instead of January, maybe they could appoint in December and start in January.

Chairman Fikaris stated, you are right. Our five calendar months start in January.

Mr. Hehr stated, however, I would suggest that it not require a change in the Charter. That's an operational change, not a Charter change.

Ms. Wolgamuth stated, whether Mary Beth or I will still be here 5 years from now, it would be incumbent on us. We didn't get the appointments until the third week in January. Your first meeting was the second week of February.

Mr. Piteo asked, do we take the year 2005 out of it?

Mr. Syracuse stated, no, we are not going to change that.

Chairman Fikaris stated, what we are going to do is just suggest to those involved if they can have the Charter Review Commission appointed and ready to go in December so they can schedule their first meeting in January.

. **Preliminarily approved 4/22/15**

ARTICLE XII – MISCELLANEOUS PROVISIONS

- Section 1 – Effective Date of Charter

. **Preliminarily approved 4/22/15**

- Section 2 – Municipal Government Education for Mayor and Council

Chairman Fikaris stated the language says “may”. Did we want to add anyone else?

Mr. DiNardo stated, I think we should allow the directors. There are times when maybe Doug has to learn about stormwater, sediment control; I know John may have to learn about something. There are so many new things coming about for continuing education. It gives them the ability to do it or not do it. Just like Council and the Mayor. Or is this strictly for government-type education?

Chairman Fikaris replied, I am sure those guys do it all the time.

Ms. Wolgamuth stated, in our wage ordinance, we have the ability to do continuing education.

Mr. DiNardo stated, the stormwater item is really a big thing right now. That's part of government.

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 22

Chairman Fikaris stated, this is more like anyone can get elected and be a councilperson. As everything moves more professional, I think that's what this is for. Can you enlighten us about what courses are available and what they do take?

Mrs. Betsa replied, Steve Jerome is taking some courses and also looking at taking the Leadership Academy run by the Max Levin Urban College of Affairs. All of our Council have attended seminars as newly-elected.

Chairman Fikaris stated, the language says "may".

Mr. DiNardo stated, so it's optional.

Chairman Fikaris stated, I am sure a professional individual would be familiar if they are elected. They should understand the process. Someone who would not know should take advantage of that. This section covers elected officials. Professional should be something totally different.

. **Preliminarily approved 4/22/15**

- Section 3 – Effect of Charter on Existing Laws and Rights

Chairman Fikaris stated, this is pretty straightforward. The Charter can't step on any existing laws. I don't think it does, otherwise it would come to light by now.

. **Preliminarily approved 4/22/15**

- Section 4 – Oath of Office

Chairman Fikaris stated, we have all taken this. It's pretty straightforward as well.

. **Preliminarily approved 4/22/15**

- Section 5 – Interpretation of Charter

Chairman Fikaris stated, I interpret this as being just because we are reviewing all of the sections in here, we can add something if we felt inclined. I am sure this is how this came about.

. **Preliminarily approved 4/22/15**

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 23

- Section 6 – Saving Clause

Chairman Fikaris asked, does anyone have any questions or discussions about this section? There were none.

. **Preliminarily approved 4/22/15**

- Section 7 – Conflict of Interest

Chairman Fikaris stated, we touched on this a bit. Does that look okay? There were no comments.

. **Preliminarily approved 4/22/15**

- Section 8 – Wards and Boundaries

Chairman Fikaris asked, did we ever do anything on this?

Mr. DiNardo replied, we talked about this in the beginning.

Chairman Fikaris asked, in 2010 did they ever adjust it?

Ms. Wolgamuth replied, no, there was no change.

. **Preliminarily approved 4/22/15**

- Section 9.1 – Distribution of Revised Charter Copies

Chairman Fikaris asked, does anyone have any questions on this Section?

Mr. DiNardo asked, so when we are all done, do we distribute this to every resident within the municipality with what we all agree is going to the voters so they have it ahead of time?

Mrs. Betsa replied, no. It is distributed after the changes have been voted on. Changes approved are made to the Charter, reviewed by the Law Department and the final distributed to the residents. That's expensive. At that time we did not have the expansive web that we have now. Maybe this year, a letter might go out by the Mayor saying that the Charter is on the web and that a copy can also be forwarded on request.

Mr. DiNardo stated, it says printed and distributed. Either we change it or leave it alone. I think we should put it on the web and call it a day. That's my opinion.

Chairman Fikaris agreed.

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 24

Mr. Hehr stated, you would get huge amounts of pushback from people 65 and older.

Mr. Piteo stated, you should do both.

Mr. Hehr continued, it will look like we are trying to hide something.

Mr. DiNardo stated, we have some important things here that we need voters to vote on. I agree with Al.

Mr. Hehr stated, I would go to the web to get it. But there would be unnecessary pushback.

Chairman Fikaris disagreed. I think we can language this to make us look like the good guys here.

Mr. Piteo stated, I think you have to put something in there that has to do with the electronic age that has come about. Five years from today, it's going to be a whole different make-up than it was five years ago.

Chairman Fikaris stated, it's a fiscal responsibility that copies are available. Or, how about this, you can request a copy.

Mr. Hehr stated, or this will be the last fiscal copy that is distributed and then you can get them by request from 2015 forward.

Mr. DiNardo stated, they would have it with them in the voting booth.

Chairman Fikaris stated, it's a green initiative. This is a good example.

Mr. DiNardo suggested it be worded in order to maintain a green initiative.

Mrs. Betsa stated, they won't get this until after they have voted and the results have come out. They won't even have it in front of them.

Mr. Hehr stated, they will have the change in language in front of them.

Mrs. Betsa replied, yes, they will have the revision. There is a letter prepared to the residents outlining all changes and the language.

Chairman Fikaris stated, the final copy of the Charter is distributed at the end?

Mrs. Betsa replied, yes.

Mr. Hehr stated, what we are saying, as they are walking in we are saying, you don't get a copy of the Charter anymore.

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 25

Chairman Fikaris stated, Joe is talented enough to work the language. It is going to say, the Charter will be available to all interested parties upon request or via the website. Rather than being printed out and distributed to each household.

Mr. DiNardo suggested, leave it to Joe.

Mr. Piteo stated, maybe we could phase it out?

Chairman Fikaris asked, why don't we ask Joe to write up something? Let's take a gander at it next time.

Mr. Hehr stated, again, I don't have any desire to have the Village send me a copy. I don't need any more paper at my house. It's not that I am looking for it. What I am trying to say is that my concern would be the PR that we are not going to give you your Charter any more. We have other things we want to make sure get passed.

Mr. Piteo stated, the PR as far as giving the Charter is one thing. We are giving the Charter. The means of giving it is it won't be mailed to them. It would still be available and we would have ample copies at the Civic Center.

Mr. DiNardo stated, so how it is worded will be key.

Ms. Wolgamuth stated, at the first sentence, instead of saying, "shall cause revised copies to be printed and distributed", you could just say, "whenever the Charter is amended, it will be immediately made available via the internet and copies will be available at Civic Hall". A completely positive message.

Mr. Piteo stated, it has to be worded correctly.

Mr. DiNardo stated, then we can still vote on it.

Mrs. Betsa will also check with OfficeMax and Kinko's and get a proposed amount for copying. Our machine did not have the ability to make the volume of copies.

Chairman Fikaris asked, what does everyone else feel about it?

Mr. Piteo replied, it's ecologically better.

Mr. DiNardo stated, and it's Earth Day today.

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 26

. **ANY OTHER MATTERS**

Mr. DiNardo stated, before we finish this, I mentioned this at the Council meeting. Mary Beth is going to gather some information on what the inflation index is for the past 15 years to help us establish what we are going to do with wages. We have to come up with something if we are going to go down that path and vote on it. If she does that, maybe we can figure it out based on a percentage. I have no idea what it is.

Mrs. Betsa will check with Ron Wynne and provide the information.

Chairman Fikaris stated, for the next meeting, we will look at all of the sections that we have up in the air and attack those one by one for approval.

Mr. DiNardo asked, who is going to compile that?

Chairman Fikaris stated, Mary has provided status summaries of each Article and Section and where we are. The ones that need to be discussed further are highlighted. If it can be updated for the next meeting, we can take it from there.

Mr. DiNardo asked, we are going to vote on these at our next meeting?

Chairman Fikaris stated, we will vote on them and will get the language for any item that needs it.

Mr. DiNardo stated, so we could theoretically be done by June.

Chairman Fikaris stated, yes. We go through these and then go through a final vote internally. The next step would be to present Council with the final language prepared by the Law Department on all of our proposals.

Mrs. Betsa stated, you would separately sign off on each proposal and legislation is prepared for each one by the Law Department.

Mr. DiNardo asked, what is our timeline?

Mrs. Betsa replied:

June 15	Final day for all recommendations to be provided to the Law Department
July 6	Charter amendments to be ready for Council Caucus
September 4	Charter amendments must be filed with the Board of Elections
November 3	General Election

DRAFT

Minutes of the Charter Review Commission

Wednesday, April 22, 2015

Page 27

Chairman Fikaris stated, okay. We will have another review section the next time and then maybe one more to go over this and finalize.

Mr. DiNardo asked, one in May and one in June?

Mrs. Betsa suggested that two meetings be held in May in order to go through three reads with Council.

. **Adjournment**

Chairman Fikaris asked, any other questions or comments? There were none. If there is no further business, I will entertain a motion to adjourn.

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

The meeting concluded at 7:46 p.m. The next meeting is scheduled for Thursday, May 7, 2015 at 7:00 p.m. in the Main Conference Room at Mayfield Village Civic Hall. A tentative meeting was scheduled for Wednesday, May 20, 2015 at 7:00 p.m.

Respectfully submitted,

Mary E. Betsa, Secretary
Charter Review Commission