

CHARTER REVIEW COMMISSION

March 8th Meeting Minutes

Present: Robert Boldt, Ken Emling, Scott Maitland, Andrea Diedrick, Aaron Cantu, Lisa Galek, Eugene Orynych, Billy Bisco, Suzanne Lambert

Also Present: Vince Ruffa, Sam Alai, Lisa Putka

Guests: Tom Pavlica, Marilyn Houdek, Mark Cartellone

The meeting opened with the introduction of Parks and Recreation representative Suzanne Lambert, followed by the Pledge of Allegiance. Lisa Putka, Recording Secretary, did roll call; all were present. Additionally, Council Member Tom Pavlica was in the audience.

Mayor Alai administered the Oath of Office to Commission Member Suzanne Lambert that was not present last week.

Bob Boldt made a motion to approve the March 1, 2022 minutes, Lisa Galek seconded the motion, all agreed.

After reviewing the target meeting dates submitted with the Agenda, Chair Scott Maitland preceded to go through Articles 1-6 as assigned.

Article III – The Council

Sec. 3 – Qualifications (fifth paragraph)

5th Paragraph "Council shall be the judge of the qualifications of its members" on page 4, Vice-Chair Lisa Galek questioned how council members should judge. Is this referring to the removal of a council member? Bob Boldt explained that to have a member removed would be an in-depth Executive Session. Vince commented that the statement relates to Council Members running for office are qualified. The qualifications are listed in the Charter. ***Suggested change: none.***

Sec. 5 –Meetings and Quorum

"The Mayor or any four (4) other members of Council may call special meetings upon at least twenty-four (24) hours' written notice to the Mayor and each member, served personally or left at his or her other usual place of residence".

Chair Scott Maitland questioned, regarding notification left at the council member's house, should this be by electronic means? Vince and Bob stated that notices are now through electronic means, texts, iPad, email. Vince said it would make sense to change the wording to display that. This has always been interpreted to use the electronic notification. Eugene would like the language to be more evident regarding sending notices electronically. Vince mentioned that it limits what you can do if you are too specific. Scott suggested adding parenthesis after "Electronic means allowed." Mayor brought up that emails are a written form of communication. He also explained that the meaning is if there was an emergency meeting called, they would take any means possible to get that Council Member notified. This statement is a formality. ***Suggested change: adding Electronic means acceptable.***

Chair Scott brought up the usage of 'he' and 'she', and in the past Charter Review, it was recommended to be changed. Vince clarified that in Article XIV, Section 7, there is a Gender Neutrality clause.

Discussion continued to change every section that only had 'he.' Mayor mentioned that is why we had the clause. Each change in the Charter would have to have its vote.

Article IV – The Mayor

Sec. 1 –Term and Qualification

Commencing with the regular Municipal election of 1991, the Mayor shall be elected for a term of four (4) years and until his or her successor shall be elected and qualified as provided by law. He or she shall be a qualified elector of the City and shall have resided therein for not less than two (2) years preceding the date of election.

Vice-Chair Lisa questioned the Mayor and Council living in the community for only two years. She wanted to know what this is based on. Bob explained that was the original terms for the Mayor and Council, every two years. This statement is the qualification to run. You have to live in the City for one term (2 years during that time). Vince stated that it is not based on state law. Just when the Charter was created, other municipalities were similar. Lisa noted that for a Mayor to live in the City for only two years is not long; maybe four years is more acceptable for Mayor. *Suggested change: '.not less than two (2) years preceding the date of the election,' to four (4) years.*

Sec. 3 –Legislative and Veto Powers

The Mayor shall have all the judicial powers granted by the general laws of Ohio to mayors of cities, unless and until other lawful provisions shall be made for the exercise of such powers.

Chair Scott questioned the feasibility of changing section 3. Vince explained the purpose of the language is to ensure that the Mayor goes to the Council Meetings. No one will fault the Mayor for not going to a meeting if there is an emergency. Bob also mentions that if that is removed, then the Mayor may not feel the need to go to any meeting. Mayor said that this is also addressed later in the Charter, 'the disqualification for missing four meetings.' *Suggested change: The Mayor shall attend Council Meetings (remove 'all').* Additionally, add this statement for Finance Director in Article V, Section 3 (a)

Article V – Administrative Depts., Boards, Commissions, and Offices

Sec. 2 –Department of Law (second paragraph)

The Director of Law shall be appointed by the Mayor with the approval of a majority of Council. Disapproval of an appointee by Council shall be accompanied by a public statement of the reasons for disapproval.

Chair Scott would like to understand the term 'public statement.'

Vince stated that since 2003, this has yet to happen. The term 'public statement' means Council would have to declare their reasons of disapproval of an appointee publicly. Chair Scott stated that 'public statement' shows up a lot, and he would like it defined.

Vince explained that any approval or disapproval of an appointee has to take place at a public meeting; therefore, any statement would be public. It is also confirmed that the statements are published in the meeting minutes. Vince continued to explain how public announcements are made during appointments. *Suggested change: none*

Sec. 3 –Department of Finance

(e) The Director of Finance shall prepare financial statements, as deemed appropriate by the Director of Finance and as required by State law, at least quarterly and submit the same to the Council not later than fifteen (15) days after the end of each accounting period detailed as to appropriations and funds in such manner as to show the true financial condition of the Municipality and each department and division thereof as of the last day of the accounting period. He shall furnish such other financial reports, data and statements as shall be required by the Mayor, Council or laws of the State of Ohio. (Approved. November 3, 1998)

Eugene requested adding verbiage to section (e), 'this process will be subject to an independent public audit.' Meaning it must come from an independent auditing agency to review money handling and report back to the public. Vince commented that state law requires that the City be audited annually by the State itself or hire an independent auditor. Eugene debated that the people should go to their constitution for an audit and not depend on the State. Eugene suggested a compromise and would like to add the people have a right to have an independent audit. Or add the handlings of monies should be subject to an independent audit at the local level. Mayor explained that the State would not allow the City to hire our auditor. The debate continued about allowing independent auditing of city records. According to the Ohio Sunshine Law, Vince also mentioned that all records are open to the public.

Suggested Change: The people have a right to have an independent audit, or the handlings of monies should be subject to an independent audit at the local level.

(a) Third paragraph... The Director of Finance shall attend all Council meetings and serve the Mayor and Council as financial adviser in Municipal affairs of the City. His duties shall include the preparation of data for the annual budget, supervision of all accounts, the certification for collection of special assessments and fiscal matters as Council may direct. (Approved November 3, 1998) Chair Scott suggested removing 'all'. *Suggested change: remove 'all'.*

Sec. 7 –Planning Commission

(b) Qualifications

(2) No member of the Planning Commission shall hold a real estate license or a real estate broker's license or be a land developer or the agent of a land developer.

Eugene suggested extending it to say, 'holding any interest in land development or a land development company,' meaning having an investment in a company but not an agent. Holding interest because you have money invested. Chair Scott reiterated, add to the statement, 'or interest in a land development company.' Ken explained that something in the Charter says if someone has a vested interest, they recuse themselves from that project. Eugene questioned why that statement is not under this section and maybe move this wording as long as it is stated somewhere else in the Charter. Bob mentioned that this was up for vote during the last Charter Review, and the people voted it down. *Suggested change: remove number 2 of Section 7 in Article IV or change the wording to 'must recuse themselves from any case.'* Chair Scott will work on the wording and invite any member to do so.

8 –Board of Zoning Appeals(a)Organization

(1) There shall be a Board of Zoning Appeals consisting of at least five (5) regular members and two (2) alternate members.

At least one regular member of the Board of Zoning Appeals shall be appointed from each ward.

Chair Scott explained the challenges of appointing a member from each ward, he would like to see that removed and keep it City-at-Large. He asked is asked the other members if there were concerns. Mayor recognized the difficulty of getting members for any board. Billy recommended the wording, 'shall not be filled exclusively from one ward.' Aaron suggested adding, 'attempt should be made.' Mayor stated that the Board of Zoning Appeals (BZA) is the only board requiring one member from each ward. The

other boards do not have that requirement. Scott recommends removing the sentence from that paragraph. Bob recommends Billy's change request: *Suggested change: add, 'At least one regular member of the Board of Zoning Appeals shall not be filled exclusively from one ward.'*

(2) The term of each member of the Board shall be for four (4) years.

Chair Scott wants to know what happens at the end of four years. Bob explained board members got re-appointed. Chair Scott wanted to know if they should discuss consecutive terms. Vince explained that the terms are set at parameters for the members; they can leave before the time is up. Discussion continued on term differences. Ken mentioned that Planning Commission has difficulty getting members and wonders if the same goes for BZA. He stated that it is mentioned in the Charter that members must attend 50% of the meetings to maintain their role as a member. It is challenging to get a quorum for their meetings, and they usually cancel. Vince agreed that attendance at these meetings was a struggle. Discussion continued about the removal of incompetent members. *Suggested change: none.*

(c) Duties and Requirements

(2) All meetings of the Board of Zoning Appeals shall be public. Public notice shall be given of hearings on any appeals by the posting of a notice in the main entrance of the Municipal Building and by publishing one notice in a newspaper of general circulation in the City of Broadview Heights or by publishing one notice on the City of Broadview Heights website at least fourteen (14) days prior to the date of said hearing. Written notice of a variance to be considered by the Board of Zoning Appeals shall be mailed to all the property owners within a five hundred (500) foot radius of the property for which a variance is requested at least fourteen (14) days prior to the date of said hearing. Said notice shall be in a form reasonably calculated to give actual notice of the date of the hearing. The Board of Zoning Appeals shall keep minutes of its proceedings. (Approved Nov. 3, 1998; Nov. 5, 2002; Nov. 4, 2003; Nov. 7, 2006; Nov. 6, 2018)

Eugene wants the description to pinpoint where on the property does the radius start?

Bob stated the radius starts anywhere on the property. Eugene thought it could create an issue if the location were not specific. Vince said the 500 foot is from the edge of the property. Eugene would like it to say that specifically. Chair Scott suggested changing it to 500-foot radius from all edges of the property. Bob recommended changing the 500-foot radius to 1000 feet. Mayor talked about the differences of 500 feet in a community with smaller lots vs. a city like Broadview Heights with larger lots. Five hundred feet is not a lot. Lisa interjected that a notice regarding a variance of little significance will not have much impact on someone who lives 1000 feet from the property. Chair Scott asked if the proposal is to clarify the radius to the edges of the property and add 500 feet. *Suggest change: 'Written notice of a variance to be considered by the Board of Zoning Appeals shall be mailed to all the property owners within a thousand (1000) foot radius of the edge of the property...'*

Chair Scott suggested that they finish the remainder of their assignment at the next meeting and start on page 15 to the remainder of the Charter. Everyone agreed. They will go through the rest of any changes at the next meeting. On March 22, 2022, they will review the complete list.

There was no miscellaneous business. Chairman Scott announced to the guests that they could speak at the April 5 meeting; it will be on the agenda.

Bob made a motion to adjourn, and Vice-Chair Lisa Galek seconded. Meeting Adjourned

Submitted by: Lisa Putka, Recording Secretary