



CHARTER REVIEW COMMISSION

March 22, 2022- Meeting Minutes

Present: Robert Boldt, Scott Maitland, Andrea Diedrick, Aaron Cantu, Lisa Galek, Eugene Orynycz, Billy Bisco, Suzanne Lambert
Not Present: Ken Emling, Sam Alai
Also Present: Vince Ruffa, Lisa Putka
Guests: Glenn Goodwin, Tom Pavlica, Marilyn Houdek, Mark Cartellone

Chair Scott Maitland called the meeting to order. The meeting opened with the Pledge of Allegiance. Recording Secretary Lisa Putka took roll call; Ken Emling and Mayor Alai were not present; both were excused, and all others were present. Council Member Glenn Goodwin and Tom Pavlica were in the audience.

Chair Scott asked if there were any discussions on the March 15 minutes. Andrea stated that on page 2 on the top, should it say 'all at once,' instead of 'at once'. Rec. Secretary Lisa noted that she would change it. Vice-Chair Lisa Galek made a motion to approve the March 15, 2022 minutes; Billy Bisco seconded the motion, all in favor.

Before reviewing the Items of Discussion, Chair Scott Maitland asked if anyone had additional items they wanted to add.

Eugene would like to withdraw the sections regarding independent audits for the Finance Department and Public Records. Eugene called the State of Ohio and Cuyahoga County regarding the audit. Eugene stated that they only audit when it involves finances. He said that they also look for procedures on how things get done.

Chair Scott would like to add his item. He tailored this after his job and other city charters.

Article III, Section 3 Qualifications, Paragraph 3

No member of Council shall be directly or indirectly interested in any profit or emolument from or on account of any contract work or service with or for the Municipality. No two members of a family shall serve in an elected position concurrently. Family is consanguinity or affinity of the second degree which includes spouse, parents, children, siblings, grandparents, and grandchildren.

Suggested Change: No council member shall engage in conflict of interest, therefore, shall not participate or vote on topics where their relationship with the company/individual might impair their judgment, have a financial interest in any city contracts, or consultant hold any municipal employment during their term, misuse or share with others information that may be preliminary that may benefit others.

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Chair Scott stated that this Change is open for edits and added this to the list.

Chair Scott moved forward to review the Items for Discussion from the past two meetings, including Jim Giomini's addition.

Article III – The Council. Suggested Change: adding electronic means acceptable.

Eugene asked if this was an official notification. The members clarified that this is for special meetings to notify the Council.

Chair Scott moved to the next item:

Article IV, The Mayor, Sec.1 Terms and Qualifications. Suggested Change: 'shall have resided therein for not less than four (4) years preceding the date of the election'.

Andrea stated that other cities also have the two years.

Chair Scott asked for clarification about voting. Is voting all or nothing, or are they voted on individually? It was clarified that each item gets voted on individually.

Discussion continued about changing living in the city from 2 years, common amongst other towns, to 4 years.

Chair Scott moved forward:

Article IV, Section 3 – Legislative and Veto Powers - Suggested Change: The Mayor shall attend Council Meetings (remove 'all').

No comments were made.

Article V – Administrative Depts., Boards, Commissions, and Offices, Sec. 3 – Department of Finance - Suggested Change: The Director of Finance shall attend Council Meetings (remove 'all').

No comments were made.

Additionally, in this section: 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.

Chair Scott confirmed with Eugene that this item is withdrawn.

Sec. 7 – Planning Commission (b) Qualifications

Suggested Change: remove number (b) 2 of Section 7 in Article V or change the wording to add 'must recuse themselves from any case'.

There was confusion about the wording; They must recuse themselves from any case.

The committee members considered changing the wording or removing the section since it was voted down four years ago.

Vince suggested the phrase: *Any member of the Planning Commission that holds a Real Estate License or Brokers License will need to recuse themselves from any matter that is a conflict.*

The members deliberated about allowing people in the industry that have the knowledge and are more qualified to recuse themselves or to leave it as is.

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Vince offered three options: leave it alone, remove it, or modify it. Chair Scott offered another proposal, allowing up to two members of the Planning Commission to hold a license and add the recusing statement. Then there will be a balance of two to three.

Discussion continued about changing the wording and taking it to vote or leaving it alone.

The committee could not conclude and decided to vote on it at the next meeting.

Chair Scott moved forward to **Section 8, Article V – (a) Organization Suggested Change: add, 'At least one regular member of the Board of Zoning Appeals shall not be filled exclusively from one ward.'**

The members discussed the wording and agreed on the following:

'The Board of Zoning Appeals shall not be filled exclusively all from one ward.'

Andrea suggested adding 'that efforts should be made before that. Chair Scott would like to keep it simple. Bob indicated that all five members could be at-large, but not all from one ward. Discussion continued on the wording and decided to keep as initially agreed on.

Chair Scott continued to the next item.

Section 8 (c) Suggested 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...'

Eugene suggested changing it to read a 1000 ft. from the property 'line' instead of the edge. Radius does not make sense. Bob reiterated that we are doing two things on this item, we are changing it from 500 feet to 1000 feet, and we are reinforcing the language to make sure it's anywhere from the property as far as the outskirts. All agreed that removing the word 'radius' makes it easier to understand.

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) feet from the edge of the property line'.

Chair Scott moved to the next section.

Sec. 9 – Civil Service Commission (c) Powers and Duties Suggested Change: The commission shall maintain civil service rules, regulations, and the appropriate administrative function regarding the appointment and promotion of employees in the classified service of the city. The Commission shall comply with all required mandates by the Constitution of the State of Ohio, the Ohio Revised Code, and all applicable requirements for the appeal from actions of the police and fire departments and the Director of Public Safety in cases of transfer, reduction in grade or removal except as otherwise provided in this Charter and appropriate negotiated collective bargaining agreements.

Chair Scott explained that this is Jim Giomini's suggested change. The members were unsure of the meaning. Bob stated that he talked to Jim and Jim said it essentially changes nothing. He just wanted to change the wording so people would better understand what Civil Service does. Chair Scott suggested tabling this one until we have more clarification from Jim. Bob also mentioned that he would contact Jim and ask him to attend the next meeting to clarify.

Chair Scott moved on to the next section, Section 13 Department of Engineering, subject to public audit, confirming with Eugene that this item is also withdrawn.

Chair Scott moved to the last item, **Article XIV Miscellaneous Provisions, adding Section 8 to include Equal Opportunity Employer.** The members discussed the wording and what groups to add other than

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race, sex, and national origin to Equal Opportunity Employer. Vince suggested using a template for the language.

Chair Scott moved talked about adding **Section 9, allowing for Editorial Edits in the Charter**. Chair Scott asked if this would include changing everything to he/she and eliminating section 7. Vince thought it would be more appropriate to leave section 7 as is, which already addresses gender, and add section 9 for typos. All agreed to keep section 7 and add section 9 for typos.

Chair Scott suggested reviewing the emails submitted by residents at the next meeting in two weeks moving forward.

Chair Scott brought up the email from Jennifer Mahnic regarding the concerned citizen, which he read:

"I saw that the city has formed a charter review commission and that always makes me nervous. I think the city should reverse that awful amendment they proposed and got behind that only registered voters of the city can circulate petitions. It is actually illegal per court precedent but we know how that goes. I am actually fine with this law, but only if it is balanced to limit campaign contributions from non-residents and corporate donors. I am all about the people who reside in the community being the deciders, but with the amendment we have in place the scales to local democracy have been tipped way out of balance. How do residents find out what this commission is proposing and discussing? Are the minutes made available after each meeting of the commission? If not, they should be. If you can find anything out about how transparent this process will be, I would really appreciate it."

Chair Scott stated that some points are brought up here but suggested no wording. He is unsure how to interpret this into a wording change. Also, the suggestion came from an anonymous person. Since the request was anonymous, Chair Scott recommends that Jennifer Mahnic replies to that person directly.

Chair Scott mentioned that is the end and asked if there were any other comments or concerns?

Rec. Sec. Lisa told the group that she would retype the items so everyone was clear about what was remaining. As they come in, additional submittals will be forwarded to the committee, and everyone has all the submittals to date. The Broadview Journal ad will go out this week, and the submittal deadline is April 1, 2022.

Vice-Chair Lisa motioned to adjourn the meeting, and Bob Boldt seconded that motion.

All in favor, the meeting was adjourned.