



CHARTER REVIEW COMMISSION
April 5, 2022- Meeting Minutes

Present: Robert Boldt, Scott Maitland, Andrea Diedrick, Aaron Cantu, Lisa Galek, Eugene Orynych, 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, William Tarter Jr. Jill Adam, Jim Giomini

Chair Scott Maitland called the meeting to order. The meeting opened with the Pledge of Allegiance. Recording Secretary Lisa Putka took roll call; all were present. Council Member Tom Pavlica was in the audience.

Chair Scott asked if anyone had comments or concerns on the March 22, 2022, meeting minutes. Bob Boldt made a motion to approve the minutes; Both Andrea Diedrick & Vice-Chair Lisa Galek seconded the motion, all in favor.

Before reviewing the Items of Discussion, Chair Scott Maitland decided to check the items submitted by the residents.

The first item to review is Jim Giomini's change request. Mr. Giomini also would like to suggest a change Section 9, (3) '..may appoint a Secretary' to '..may appoint an Administrator.'
Jim explained that he is suggesting his first change because the number of applicants for police and fire has significantly decreased in the past few years. He was driven to change the description in the Charter so that potential applicants would understand what Civil Service does therefore increasing the applications. Mr. Giomini explained that this language does not alter the function of the duties. It clarifies it.

Chair Scott asked if there were any comments or concerns.

Aaron Cantu asked if this can be categorized as a change that can be included in the new section to allow for edits under Miscellaneous Provisions. Vince explained that the new section is specifically for grammar. Chair Scott asked everyone if they wanted to keep it on the list of items. All agreed to keep it on the list for now.

Chair Scott asked if anyone else would like to speak

William Tarter Jr. 369 Wilmington Drive. Mr. Tarter read his proposal regarding live streaming all public meetings and having a publicly accessible video archive.

Bob Boldt asked how will this protect the people. He commented that people come to the meetings and personal items are brought up. His concerns were exposing these people to video sabotage. Also, if people know they are being live-streamed, they may hold back on what they want to say. They are not protected.

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All meetings are documented. Eugene also brought up that anything can be compromised. Anything on the internet, no matter how secure, can be compromised.

Aaron Cantu brought up the concerns by talking about the incident with the school. During a live stream, pornography was displayed. Mr. Tarter understood the apprehension but continued to assure everyone that live streaming is secure. Aaron stated that he is not convinced that many people would participate. Andrea said that she feels this does not belong in the Charter. Suzanne thinks that many people in the audience would not participate; they would be afraid to come up, knowing they are being recorded. Vice-Chair, Lisa likes the idea of live streaming and explained that the school district live streams their meetings which she views. She feels it is a great resource and all meetings are public record. Anyone that comes to a meeting to talk is on public record. Vice-Chair Lisa continued to talk about the meetings being public, anyone that speaks is on public record, and she favors transparency. Bob also brought up his concerns about council members no longer attending meetings in person by holding virtual meetings. Mr. Tarter talked about the public's expectations and mentioned that live streaming is more secure and incidents become less and less. Mr. Tarter also suggested talking to other cities that have zoom meetings. Vince wanted to point out that this is better to do this via ordinance than the Charter. It is better to have this in a matter that we can tweak things. If anything has to be changed in a Charter, it has to be voted on.

Eugene feels that this topic needs more discussion. Chair Scott asked everyone to vote to add to the items list. Vice-Chair Lisa is in favor of adding this suggestion to the list. All others voted no. Discussion continued about having this as an Ordinance. Bob stated that he would bring it up at a Council Meeting in the next few months.

Jill Adams from 428 Carrington Lane talked to the Commission, supporting Mr. Tarter's request to live stream meetings.

Chair Scott asked if anyone else would like to speak.

Mark Cartellone, 8063 Longview, has a few items and questions. The first suggested change is Article IV, The Mayor, Section 3, Legislative and Veto Powers, paragraph B in the middle of the paragraph.

The Mayor may approve or disapprove the whole or any items of an ordinance appropriating money but otherwise his approval or disapproval shall be addressed to the entire ordinance or resolution. If the Mayor does not sign or veto an ordinance or resolution within the aforesaid ten (10) days, it shall take effect in the same manner as if he had signed it. When the Mayor has vetoed an ordinance or resolution, Council may, at its next meeting thereafter, reconsider said ordinance or resolution and if approved by two-thirds (2/3) or more Council members after such reconsideration, said ordinance or resolution shall take effect notwithstanding the disapproval of the Mayor.

Mr. Cartellone would like to know how the public knows if the Mayor vetoes an ordinance? Mayor Alai explained that if he rejects an ordinance, it is on the council floor in public. In addition, it will be archived and recorded as minutes. Discussion continued on how a law is vetoed and how it is published for public record. Chair Scott intervened that this is a question that the committee does not have an answer. He asked Mr. Cartellone if he had a specific charter change request. Mr. Cartellone stated that he doesn't have verbiage for the change, but he wants to know if it is appropriate to include a public notice when the Mayor vetoes an ordinance. Chair Scott asked if anyone had comments or questions. Bob continued to explain how the last veto was published. Chair Scott asked for a vote. Vice-Chair Lisa would like to add it. All others voted no.

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Mr. Cartellone had another item to add. He would like the Planning Commission Duties and Requirements to mirror the BZA Duties and Requirements. He suggested adding, 'publish on the city website to general circulation' to that section. Eugene feels that it should be in both a newspaper and the city website not either, or. Vince states the BZA is worded either/or, not both. Eugene stated it should be both. All voted to add that to the list.

Next up, Marilyn Houdek, 1880 West Royalton Road, has several minor items.

Page 4, Section 3 at the bottom, 'Council shall be the judge of the qualifications of its own members.' Her concerns are of the future, that council members may misinterpret what this says, and they can use it to eliminate potential members. She would like to see it say, based on the above qualifications. Vice-Chair Lisa suggested a Removal Clause. She stated that other cities have this clause, and she has some of their languages. She wanted to know what our city does in this case. Bob noted that you could not just vote someone out, and this is something that we should include council and legal. Maybe this sentence should just be eliminated. Vice-Chair Lisa talked about the language the other cities have, and they are all similar.

Chair Scott asked Ms. Houdek to clarify what she wanted to see in the Charter. He redirected the conversation to Ms. Houdek's suggestion and will go over Vice-Chair Lisa's suggestion later. Mayor and Vince recommend removing the sentence. Ken Emling stated that this sentence is the only thing giving the council members the ability to remove that member if necessary. Discussion continued about bringing this up at a council meeting. Council members can put this on as a charter amendment at any time. Chair Scott suggested tabling this so the council members can look at this in detail. Vice-Chair Lisa suggested adding the Removal Clause as another section in addition to leaving the other sentence. Chair Scott would like to talk about this request after the public speaks.

Ms. Houdek moved on to her next item. She would like to add the following to the Powers of Council and BZA.

Page 12, Section (d) Powers,

(4) In the performance of its functions, prior to voting on a development, enter said land and make examinations.

Vince explained that a board member could go to a resident's property before a meeting, but you cannot step on someone's property. Discussion continued about board members visiting properties as a part of their job. The committee all agreed that this statement is unnecessary to add to BZA and Council.

Ms. Houdek continued to her next item. Planning Commission (b) Qualifications, (2) No member of the Planning Commission should hold a Real Estate license. She offered her comments on this subject; she did not have any changes. Discussion continued on the current suggested change, adding that they recuse themselves. Ms. Houdek continued to remark on this subject; she would like the statement to remain as is.

Chair Scott suggested that we move forward. Ms. Houdek continued to ask why the complete Article XV the Community Bill of Rights was invalidated. Chair Scott stated that this is not for the Commission to answer and suggested talking to Vince afterward about this. Vince continued to explain that this whole article concerns gas wells. The Ohio Supreme Court states that the community cannot regulate Gas Wells.

Ms. Houdek moved on to request specific ordinances listed on her suggestion sheet be added to the Charter.

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The Commission took a 5-minute break.

Chair Scott started the second half of the meeting by going over the Items for Discussion. He continued to read from Article III – The Council, 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.

Suggested Change:

No council member shall engage in conflict of interest, therefore no member of council shall:

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 (need to add state and federal) employment during their term,

Misuse or share with others, information that may be preliminary that may benefit others.

Chair Scott asked if anyone wanted to discuss this. Mayor Alai felt that part of this statement would take away some people's rights to make a living. Vice-Chair Chair Lisa agrees. She explained that her husband is a mail carrier, and the bullet, '*Hold any municipal (need to add state and federal) employment during their term,*' would affect him.' Discussion continued about removing the third bullet. Aaron commented that the current language is fine and to leave it alone.

All voted and agreed to remove it from the list.

Chair Scott moved forward to vote on the following articles:

Article III, The Council, Section 5, Meetings and Quorum, 'Electronic means acceptable,' change request. All agreed to keep this on the list.

Article IV – The Mayor, Sec. 1 – Term and Qualifications, 'shall have resided therein for not less than four (4) years preceding the date of the election'. *All agreed to keep this on the list.*

Article IV – The Mayor, Sec. 3 – Legislative and Veto Powers, remove 'all'. Chair Scott would like to retract this change. Everyone agreed to wait until the end before removing it from the list.

Article V – Administrative Depts., Boards, Commissions, and Offices, Sec. 3 – Department of Finance – same as above, everyone agreed to wait until the end before removing it from the list.

Article V – Administrative Depts., Boards, Commissions, and Offices, Sec. 7 – Planning Commission, (b) Qualifications

Suggested Change: 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.

Discussion? Eugene would like this to stay the way it is; to allow someone to recuse themselves is self-policing. Ken commented that he is on the Planning Commission, and he, among others, would do the right thing and recuse themselves. Chair Scott announced that they needed to vote. The Commission continued to discuss the benefits of having someone with a realtor's license on the board vs. the complications it may bring. Bob reminded everyone that this was turned down at the last Charter

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review. Chair Scott moved forward to vote: *Andrea and Ken voted to keep the suggested change; Suzanne recused herself from the vote, all others voted to remove this from the list.*

Chair Scott moved forward to the other items on the list.

Article V – Administrative Depts., Boards, Commissions, and Offices, Sec. 8 – Board of Zoning Appeals, (a) Organization - At least one regular member of the Board of Zoning Appeals shall be appointed from each ward. **Suggested Change:** Add, ' The Board of Zoning Appeals shall not be filled exclusively all from one ward.' *All agreed to keep this on the list.*

Article V – Administrative Depts., Boards, Commissions, and Offices, Sec. 8 – Board of Zoning Appeals, (c) Duties and Requirements – going from 500 feet to 1000 feet. *All agreed to keep this on the list.*

Article V – Administrative Depts., Boards, Commissions, and Offices, Sec. 9 – Civil Service Commission – change Powers and Duties language, all agreed to keep this on the list.

Article XIV – Miscellaneous Provisions, **Suggested Change:** Add Section 8 – Equal Opportunity Employer Chair Scott asked if the EECO Language was provided when the city hires people. Scott asked everyone if this suggestion should remain on the list. *All agreed to keep this on the list.*

Article XIV – Miscellaneous Provisions - Add a section to allow for edits. *All agreed to keep this on the list.*

Section 9 Civil Service Commission – (a) appoint a Secretary to appoint an Administrator. The discussion was regarding the change being a title change and not duties. Aaron suggested changing the title by using the new section to allow for edits. Vince stated that the new section is for edits only, not language changes. Since there are many suggested changes, keeping the title of Secretary does not change the duties. *Therefore, everyone voted to remove this item from consideration.*

Chair Scott moved forward with Mr. Cartellone's suggestion of adding the website to circulation to the Planning Commission. *All agreed to keep this change on the list.*

Vice Chair Lisa wanted to talk about adding a Removal clause to Council. Chair Scott stated that there are currently eight suggested changes, with two on the 'bubble'. He suggested removing Article IV & V, 'attending all meetings.' *All agreed to remove both suggestions.*

Chair Scott reverted back to Vice-Chair Lisa's suggestion of adding a Removal section under Council. She continued to read Seven Hills language: *'Council may by a vote of five (5) of its members expel or remove any councilperson for gross misconduct, malfeasance, nonfeasance, misfeasance in or disqualification for office; for violation of the Councilperson's oath of office; for the conviction while in office of a crime involving moral turpitude; for persistent failure to abide by the rules of Council; or for absence without justifiable excuse from three (3) consecutive regular meetings. Prior to any such action by Council the accused member shall be notified in writing of the charge against him at least fifteen (15) days in advance of any hearing upon such charge, and the Council member and the Council member's counsel shall be given an opportunity to be heard, present evidence, and examine any witness under oath, appearing in support of such charge.'*

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Vince would like to look at other charters; he wants to ensure our wording is solid. Bob is unsure. Vince stated that it should be particular as to why a Council member is removed. *Chair All agreed to keep this and allow Vince to find the best language for this.*

The Commission noted that there are currently nine suggested changes, and they should narrow it down. It was suggested to remove Equal Opportunity Employer. Chair Scott asked for a vote. *Vice-Chair Lisa voted to keep this proposed change. All others voted to remove this change request.*

Vice-Chair Lisa would like to see the 'Electronic Means' removed. Discussion continued about keeping or removing this suggestion. Since it is already being done, there is no reason to change it. *All agreed to remove this change request.*

Mr. Tarter requested to talk again. He continued to talk about his proposed suggestion and that he could come back with more information. Chair Scott stated that he should present his findings to Council.

Chair Scott asked if there were any other concerns or comments since this was the last meeting.

Rec. Sec. Lisa asked Vince if he could explain to the Commission what happens next.

Vince explained that he would prepare the legislation on all the suggested items. Council has to pass the legislation, and they cannot vote it down. After it gets passed, Vince sends the legislation to the Board of Elections.

He asked the Commission how they wanted him to handle the legislation. Do they want to see it before it goes to the BOE? The Commission talked about meeting again, it was decided that everything was done via email after. Rec. Sec. Lisa will email everyone Vince's direct email address for anyone that has questions. Discussion continued on the legislative language and keeping everyone in the loop before November's election.

Chair Scott asked for a motion to adjourn. VC Lisa made a motion to adjourn, Suzanne Lambert seconded that motion. Meeting Adjourned.

Submitted by: Lisa Putka, Recording Secretary.