



# City of Cleveland Heights Charter Review Commission

## Submissions to the Commission

Committee of the Whole  
16 April 2018

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The following messages and other materials have been submitted to the Facilitator since the last sharing of Submissions. The materials are ordered by date received.

1. Ed Yandek – Message 28 March 2018

My understanding is the Commission is overwhelmingly in favor of a City Manager type of government.

I strongly disagree.

I would support an elected Mayor having a strong administrator assistant. But to me we need an accountable (not only via council, which has it's [sic] own storied reputation) person directly responsible to the community on how issues are handled. As a minimum, the options should be submitted for a vote by the citizenry.

Best regards,

Ed Yandek  
3025 East Overlook Rd

2. Melissa Yasinow – 3 April 2018

Larry:

I hope that all is well. I'm writing because I thought you and/or the Commission may be interested in a dispute that is currently unfolding in nearby Willoughby Hills between its mayor and council. By way of background, Willoughby Hills is a chartered Mayor-Council form of government. There are seven council members (three district-based and four at-large), and with the exception of one at-large member who serves a two-year term, all other members serve a four-year term. The Mayor serves for a four-year term.

In October 2017, Willoughby Hills Mayor Robert Weger sued the Willoughby Hills City Council for overriding his veto on the choice of acting law director (Michael Germano). Shortly thereafter, the Willoughby Hills City Council counterclaimed, stating that they had appointed a different person (Stephen Byron) to serve as acting law director. [Weger v. Willoughby Hills City Council, Lake Cty Case No. 17CV1758]

Yesterday, the Court ruled in favor of the Mayor. Per the articles below, it is anticipated that there will be an appeal.

In a related lawsuit, the Willoughby Hills prosecutor (also Michael Germano) had sued Willoughby Hills Council for their decision to terminate him. Yesterday's resolution of the lawsuit with the mayor resolved this second matter. [Gemano v. City of Willoughby Hills, Lake Cty Case No. 18CV288].

The relevant articles from the News-Herald are in chronological order:

- 1) [Willoughby Hills Mayor Sues City Council Members](#) (Oct. 30, 2017)
- 2) [City prosecutor latest official to sue Willoughby Hills](#) (Feb. 15, 2018)
- 3) [Mayor Weger, Councilman Plecnik testify in Willoughby Hills law director dispute](#) (Mar. 5, 2018)
- 4) [Willoughby Hills law director dispute: Judge rules ordinances are illegal](#) (April 2, 2018)

As I've stated previously, I believe that Cleveland Heights's current form of government fosters consensus-building and guarantees a certainty of execution once that consensus is achieved.

Sincerely,

Melissa Yasinow  
Councilwoman, City of Cleveland Heights

3. David Porter – Message 4 April 2018

Two new stories from the past week highlight a potential upside/downside from having an elected mayor.

In Willoughby Hills, the elected mayor won a Common Pleas court decision invalidating the appointment of the city law director by council at a council meeting the mayor was not at.

<http://www.news-herald.com/article/HR/20180402/NEWS/180409908>

In East Cleveland, an appellate court ruled that the mayor lacked authority to appoint two members of council to fill vacancies left by a recall election.

[http://www.cleveland.com/court-justice/index.ssf/2018/03/appeals\\_court\\_rules\\_east\\_cleve.html](http://www.cleveland.com/court-justice/index.ssf/2018/03/appeals_court_rules_east_cleve.html)

These stories demonstrate that if we were to have an elected mayor, we can create a golden opportunity to support the legal professions, and some of my former law students may benefit from the work. The downside, of course, is that we taxpayers will get to do the supporting. But seriously, the Commission, if it recommends a change to our current system, should be cognizant of the legal and political logjam risks entailed in setting up a two-headed organization, replacing the council as sole political head of the city with two potentially opposing political heads. And be darn certain to write a charter that is absolutely clear on what power and authority each has.

And one comment on process: Keeping the charter clear, simple and free of ambiguities cannot be accomplished by on the fly, rushed, dialog at a meeting such as occurred about Dr. Keller's slide at last week's meeting. Drafting on the fly often leads to unintended consequences because you did not take the time to think it through. Been there, done that.

Best regards,

David Porter  
Harcourt Drive

4. Deborah Van Kleef – Message 4 April 2018

Dear Dr. Keller,

I have spoken during the public comments period at the past two Charter Review Commission meetings (March 15 and 29). Below is the gist of my comments (paraphrased) for you to share with the Commission.

March 15:

- In regard to the question of Cleveland Heights' form of governance in the future, with all due respect, I believe that this issue is too important to be decided by *any* group of 15 residents, no matter how well-informed and diligent. I urge you to recommend to city council that the voters be given the opportunity to choose between (1) our current council/city manager system and (2) a popularly elected mayor and an appointed chief administrative officer.

- Former Council Member Jeff Coryell lived up the street from me. As soon as he took office I felt a stronger connection to city government than I had previously. If I had a problem or concern and wasn't sure where to take it, I would be able to ask him. It gave me a sense of what it would feel like to have council members elected by ward. Instead of trying to figure out which of seven members to call, I would know exactly who was responsible for representing me.

Of course, under a ward system, I would not expect to be represented by someone who was a close neighbor; but it would be someone who lived in my geographical area, and who had a responsibility to understand my concerns. I believe ward representation would give all Cleveland Heights residents a greater sense of being represented than under the present system.

March 29:

At the previous meeting, Carla Rautenberg briefly shared her observations after attending more than 90 Committee of the Whole meetings, over a period of 2 1/2 years. I have attended a few and am now trying to go whenever I can (though I will never catch up to Carla). At least one member of the Commission later congratulated her and expressed admiration for her commitment.

I realize that all of you have taken on a very time-consuming responsibility, but I would urge you, at some point in the next six months, to make sure you attend at least a couple of these meetings. Without actually seeing how our city government works, you are deliberating largely in the abstract. Committee of the Whole meetings can be interesting and informative — and sometimes boring. Observing them can inform your understanding of the roles of Mayor, Council, City Manager and staff, and strengths and weaknesses of the council/manager system, particularly as it affects our local democracy.

Sincerely,

Deborah Van Kleef