



City of Cleveland Heights Charter Review Commission

Submissions to the Commission

Committee of the Whole
26 February 2018

The following messages and other materials have been submitted to the Facilitator since the last sharing of Submissions.

1. Bob Brown – Suggested Public Meeting and Process

First, thanks again to members of the Charter Review Commission for the time and energy you are devoting to considering updates to the Cleveland Heights Charter. I am writing now (the morning after your meeting of February 15th) to follow up on the comment I made on the need to facilitate broader community input as soon as possible.

It was mentioned at the meeting that there will be a public hearing before the Commission's recommendations are formally presented to City Council. Although that public hearing is necessary, I believe that your final product can be much improved – and residents will be much more supportive of your final recommendations – if you proactively facilitate broader public input *before* you have drafted your recommendations.

Even though your regular meetings are open to the public, they are not widely publicized, and the opportunity for comment at those meetings is very constrained. The increased citizen attendance at your last meeting was due in large part to an email I sent directly to many residents who I knew to be civically minded. I did not know their views on these local governance issues.

I completely understand the concerns that some of you expressed about receiving input from residents who are uninformed about issues related to the form of local governance and who may use an opportunity for input to discuss matters not related to an update of the Charter. I think that this can be mitigated by holding a community meeting (at the community center) in which the first 30 minutes is devoted to presenting information to the attendees about the key local governance facts from the current Charter and the alternatives that we have discussed and that exist in neighboring suburbs. The remaining 90 minutes would be devoted to public input, with about 5 minutes per person, supplemented by written materials if desired by the commenter.

I recommend that you consider holding this community meeting no later than mid-late March. As you know, a number of our citizens see the need for a change in local

governance to be important enough that it should not be delayed for an additional two years due to recommendations not being made to City Council by May. I understand that some members of the Commission disagree, and I respect their desire for a fully thorough and deliberative process.

I believe that the needs for thoroughness and timeliness can both be met if the City staff and Dr. Keller focus on drafting the non-governance changes to the Charter for your consideration, while the Commission focuses on the key governance issues. I appreciate your consideration of this recommendation.

Robert N. Brown, FAICP
citybobbrown@gmail.com
www.citybobbrown.com

2. Tony Cuda – Comment on Earl Leiken Appearance and Suggested Framework

Hi Larry,

It is my feeling, after sitting through several meetings of the charter review commission, that the meetings have lost focus. The interview with Mayor Leiken was particularly troubling in that there were too many irrelevant questions. No one asked:

1. What were you able to accomplish in your 10 years as mayor?
2. What are the challenges for Shaker that are still unmet?
3. Could your accomplishments and the unmet challenges be met by a part-time mayor?
4. How much time do you spend on strategy and forward planning and economic development?

The framework for this commission should be:

- A. What are the current major challenges for Cleveland Hts?
- B. How is the current form of government meeting those challenges?
- C. What form of government is best suited to meet these challenges now and in the future?

My answers would be:

- A. Economic development; vacant lots, foreclosed and abandoned homes; a shrinking population and tax base
- B. The current government is failing to meet those challenges
- C. Only a strong, fulltime mayor that has a vision and a plan to meet those challenges (with managerial and econ dev skills)

Our council is part time. I will argue that having a fulltime job, going to council meetings at night, answering constituency complaints and going to community events, and then trying to keep up with your family in between is about all we should expect from them.

No one is saying the city manager form of government never served us well. But after 100 years, and taking inventory of our unmet challenges, the people of Cleveland Hts deserve a chance to decide what they think is best.

Please help these commission members stay focused and unbiased. Please have another community forum. Please conduct a business roundtable. Please do online surveys (I can help with the surveys by making them demographically representative of our community....and therefore give your data validity).

Thanks,

Tony Cuda
3561 Fenley Rd
440-667-78433.

3. Message from William Gruber, Law Director - Shaker Heights Compensation Data

You can get most of the info you need at the City's website:
<http://shakeronline.com/downloads/city-financial-documents>

On that page click on **“2018 Proposed Operating Budget”**

The City's overall personal services (i.e. salaries and benefits) numbers are there for 2016 actual, 2017 budget and estimate (as of the date of the budget), and the 2018 budget. Those appear on pages 13, 18, 20 and 22.

The Mayor's office numbers are on page 103.

The numbers there are for all salaries and benefits (there are two employees, the mayor and his assistant).

Attached is the legislation in 2015 setting the mayor's salary at \$87,000 starting in 2016. That legislation also lists the mayor's benefits. The salary cannot be changed again until 2019 (by June 30th), for the term starting January 1, 2020.

I will get the breakdown between the mayor and his assistant.

William M. Ondrey Gruber
Director of Law
City of Shaker Heights
3400 Lee Road
Shaker Heights, Ohio 44120
(216) 491-1445
william.gruber@shakeronline.com

Appendix 1

Ordinance on Mayoral Salary
Shaker Heights

ORDINANCE NO. 15-47

BY: Rob Zimmerman

To fix the compensation of the Mayor for the term beginning January 1, 2016.

WHEREAS, pursuant to Article VI, Section 9 of the Charter of the City of Shaker Heights, the compensation of the Mayor shall be fixed by a majority vote of Council on or before the last day of June, beginning in 2003, and each fourth year thereafter, for the term beginning on the next succeeding first day of January; and

WHEREAS, pursuant to Article VI, Section 9 of the Charter of the City of Shaker Heights, the compensation of the Mayor for the term beginning January 1, 2016, must be established by June 30, 2015; and

WHEREAS, once said compensation is established, it may not be increased until the Mayoral term beginning January 1, 2020; and

WHEREAS, pursuant to the terms of the Charter, the Mayor's compensation was established in 2007 in the amount of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) per annum; and

WHEREAS, this Council has determined to adjust the compensation of the Mayor to account for the increase in the cost of living during the eight years in which the salary has remained the same.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. Pursuant to Article VI, Section 9 of the Charter of the City of Shaker Heights, the compensation of the Mayor of the City for the term beginning January 1, 2016, shall be EIGHTY SEVEN THOUSAND DOLLARS (\$87,000.00) per annum. Said compensation shall be paid in bi-weekly installments.

Section 2. The compensation of the Mayor shall also include, in addition to the salary set forth in Section 1, all benefits, including but not limited to hospitalization, medical, dental and life insurance, now made available by the City for its employees, and continued use of a City vehicle, including fuel, maintenance and repair and insurance, but subject to the Internal Revenue Service rules regarding personal use of an employer-provided vehicle, and the cost thereof paid by the City shall not be considered an increase or change in the Mayor's compensation during the term beginning on January 1, 2016.

Section 3. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted June 22, 2015.

Approved this ____ day of _____, 2015.

EARL M. LEIKEN, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council

coun15/0520mayorcompensation

Appendix 2

Compensation and Benefits of Chief Administrative Officer
Shaker Heights

02/21/2018 10:10 |CITY OF SHAKER HEIGHTS
 lamiller |DETAIL CHECK HISTORY
 BY EMPLOYEE NAME
 02/16/2018 to 02/16/2018

|P 1
 |prhsrpt

ORG	OBJ	PROJ	LOC	JOB	CHECK	PAY TYPE	HOURS	AMOUNT	DED	TYPE	EMPLOYEE	EMPLOYER
								LOC: 71			ORG: 10171001	
Check Date: 02/16/2018												
10171001	511101		71	1170	000120504	100 REGSAL	60.00	4,618.99				
10175001	511101		71	1170	000120504	100 REGSAL	15.00	1,154.75				
71	000120504					2075 FSAPLA		110.41				0
71	000120504					3000 FEDERA		1,307.80				0
71	000120504					4000 STOHTX		288.28				0
71	000120504					5001 SHAKER		124.05				0
71	000120504					9999 DIRDEP		3,135.74				0
10171001	512101		71		000120504			7000 PERS		461.90		646.66
10171001	512201		71		000120504			2999 HEALTH		115.00		651.66
10171001	512202		71		000120504			2998 DENTAL		5.12		29.01
10171001	512203		71		000120504			8025 UNUM		0.00		8
10171001	512203		71		000120504			8030 AD&D		0.00		2
10171001	512204		71		000120504			8035 STD		0.00		2.86
10171001	512204		71		000120504			8040 LTD		0.00		6.4
10171001	512401		71		000120504			1100 MEDICT		63.95		63.95
10175001	512101		71		000120504			7000 PERS		115.47		161.66
10175001	512201		71		000120504			2999 HEALTH		28.75		162.91
10175001	512202		71		000120504			2998 DENTAL		1.28		7.25
10175001	512203		71		000120504			8025 UNUM		0.00		2
10175001	512203		71		000120504			8030 AD&D		0.00		0.5
10175001	512204		71		000120504			8035 STD		0.00		0.72
10175001	512204		71		000120504			8040 LTD		0.00		1.6
10175001	512401		71		000120504			1100 MEDICT		15.99		15.99
CHECK 02/16/2018 TOTALS:			NET:		3,135.74		75.00	5,773.74		5,773.74		1,763.17
EMPLOYEE TOTALS:			NET:		3,135.74		75.00	5,773.74		5,773.74		1,763.17
GRAND TOTALS:			NET:		3,135.74		75.00	5,773.74		5,773.74		1,763.17

150,117.24 salary
 # pays
 16,813.16
 15,639.84
 696.24
 192.00
 48.00
 68.64
 153.60
 1,662.70
 4,203.16
 3,909.84
 174.00
 48.00
 12.00
 17.28
 38.40
 415.74
 44,092.60 benefits
 194,209.84 total

02/21/2018 10:11 [CITY OF SHAKER HEIGHTS
 lamiller [DETAIL CHECK HISTORY
 BY EMPLOYEE NAME
 02/16/2018 to 02/16/2018

|P 1
 |prhsrpt

ORG	OBJ	PROJ	LOC	JOB	CHECK	PAY TYPE	HOURS	AMOUNT	DED	TYPE	EMPLOYEE	EMPLOYER
							LOC: 71	ORG: 10171001				
Check Date: 02/16/2018												
10171001	511101		71	1080	000120505	100 REGSAL	54.00	1,973.55				
10171001	511101		71	1080	000120505	315 PERS	6.00	219.28				
10175001	511101		71	1080	000120505	100 REGSAL	13.50	493.39				71,267.00 salary
10175001	511101		71	1080	000120505	315 PERS	1.50	54.82				
71	000120505						2900	DEF0H				0
71	000120505						3000	FEDERA				0
71	000120505						4000	STOHTX				0
71	000120505						5001	SHAKER				0
71	000120505						8001	UNUM				0
71	000120505						8003	COMSHA				0
71	000120505						9000	SHCRUN				0
71	000120505						9995	DIRDEP				0
71	000120505						9996	DIRDEP				0 # pays
71	000120505						9999	DIRDEP				0
10171001	512101		71		000120505			7000 PERS			219.28	307 26 7,982.00
10171001	512201		71		000120505			2999 HEALTH			42.59	241.35 24 5,792.40
10171001	512202		71		000120505			2998 DENTAL			1.90	10.74 24 257.76
10171001	512203		71		000120505			8025 UNUM			0.00	8 24 192.00
10171001	512203		71		000120505			8030 AD&D			0.00	2 24 48.00
10171001	512204		71		000120505			8035 STD			0.00	2.86 24 68.64
10171001	512204		71		000120505			8040 LTD			0.00	6.4 24 153.60
10171001	512401		71		000120505			1100 MEDICT			31.15	31.15 26 809.90
10175001	512101		71		000120505			7000 PERS			54.82	76.75 26 1,995.50
10175001	512201		71		000120505			2999 HEALTH			10.65	60.34 24 1,448.16
10175001	512202		71		000120505			2998 DENTAL			0.47	2.69 24 64.56
10175001	512203		71		000120505			8025 UNUM			0.00	2 24 48.00
10175001	512203		71		000120505			8030 AD&D			0.00	0.5 24 12.00
10175001	512204		71		000120505			8035 STD			0.00	0.72 24 17.28
10175001	512204		71		000120505			8040 LTD			0.00	1.6 24 38.40
10175001	512401		71		000120505			1100 MEDICT			7.79	7.79 26 202.54
CHECK 02/16/2018 TOTALS:			NET:		759.03		75.00	2,741.04			2,741.04	761.89 19,130.74 benefits
EMPLOYEE TOTALS:			NET:		759.03		75.00	2,741.04			2,741.04	761.89 90,397.74 total
GRAND TOTALS:			NET:		759.03		75.00	2,741.04			2,741.04	761.89

4. Message from Raymond Kowalski 20 February 2018

I agree with those who state that the current form of government in CH is undemocratic and needs to be changed.

Most residents that I speak with on the subject agree that we have very little input into how the city is run. Council members elect the Mayor, which leaves us out of the process and Council members at-large feel less of an obligation to respond to the needs of various neighborhoods.

Definitely time for a dramatic change.

R. Kowalski

Sent from my iPad

5. Message from Bonnie Dolezal 20 February 2018

I read with interest the Future Heights article on the meetings of Charter Review. I would like to say that I agree that there has been little or no publicity about these Thurs. evening meetings that the public can attend.

I am a 60-year resident of this city and a 43-year homeowner. I am also active locally on many issues and was asked by two council members to apply for Charter Review and I did. I was not picked.

I am the HTS GOP Chairman and am a local Republican leader. Our group has been interested in the Ward representation issue for several years and I am a supporter of the elected Mayor form of Govt. I also agree with the idea of a survey and more input from the residents. We are certainly a community in decline in many areas and our housing stock is deteriorating as well. Housing and lack of enforcement has been a major issue with me for many years. I would like to have input on that as a resident. I am a homeowner on Keystone Dr. The area which is near Belvoir and Monticello has become a difficult one in which to sell a home unlike many other parts of CH.

I will try and attend the next meeting and have advised the members of my group about the meetings also.

Bonnie Dolezal
914 Keystone Dr
216-381-8775

6. Message from Gary Kanter 21 February 2018

Mr. Keller,

Please introduce the topics of:

- Council Committee of the Whole **minutes** and
- The four city council **retreats**

to the Cleveland Heights Charter Review Commission, as described at this link and attached, for consideration as necessary changes to the city's Charter:

[Ohio Supreme Court declines appeal of lawsuit against Cleveland Heights](#)

Sincerely,

Garry Kanter

Appendix 3

Ohio Supreme Court Article

CLEVELAND HEIGHTS COMMUNITY BLOG

Ohio Supreme Court declines appeal of lawsuit against Cleveland Heights

Updated 3:52 AM;
Posted 3:07 AM

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shares

By Thomas Jewell, special to cleveland.com



With his lawsuit against the city dismissed and state appeals exhausted, resident Garry Kanter hopes the Cleveland Heights Charter Review Commission will address his concerns.

CLEVELAND HEIGHTS, Ohio -- The Ohio Supreme Court has declined to hear the appeal of a local man who sued City Council for not keeping minutes of its "Committee of the Whole" meetings.

That leaves Garry Kanter with a dismissal of his lawsuit against the city, filed in Cuyahoga County Common Pleas Court in November 2015.

There, Judge Cassandra Collier Williams granted the city's motion to dismiss the case the following March, with the Eighth District Court of Appeals upholding that decision just about a year later.

Kanter had sued on the grounds that the city was routinely violating the Ohio Open Meetings Act, also known as the state's "Sunshine Law," requiring that minutes be kept for any regular or special meeting of any public body.

"Cleveland Heights argued that under the Home Rule amendment of the Ohio Constitution, municipalities that have adopted a city charter are not required to follow the mandates of Ohio's Open Meetings Act," the Eighth District appeals court ruling stated.

City Council generally holds a public but unrecorded Committee of the Whole meeting every Monday, either on its own or immediately prior to the twice-monthly meetings held in chambers that are recorded and televised.

Because it operates under "home rule authority" through its charter, "Cleveland Heights asserted that where local rules differ from the state's general laws -- such as the Sunshine Law at issue here -- the local rule prevails," appeals Judge Mary J. Boyle wrote.

From there, the appeals court ruling hinged on the wording in the city code.

"Council members do not have to record minutes of committee meetings because their ordinance states that minutes '*may*' be recorded, rather than '*shall*' be recorded," Boyle stated.

City Law Director Jim Juliano also argued for dismissal on the grounds that Kanter and Akron attorney Warner Mendenhall failed to state a claim upon which relief could be granted.

In addition to an injunction barring the city from holding public meetings without taking minutes, Kanter was also seeking damages of \$500 for each meeting he argued was in violation.

Given over 80 Committee of the Whole meetings held between March 2014 and early November 2015, plus at least three Youth Advisory Committee and four Architectural Board of Review meetings where minutes were not kept, it added up to over \$46,000 in damages.

With the dismissal of his case against the city, Kanter wound up being assessed court costs instead.

"But this is about the city's willful lack of transparency to the citizens, and the courts inexplicably allowing it," Kanter said.

While his lawsuit may be over, Kanter hopes that the recently-convened Charter Review Commission, the city's first since 1982, will address some of his concerns.

"The charter changes are simple -- follow Ohio's Sunshine Laws by taking minutes of the Committee of the Whole meetings, and don't allow private 'retreats,'" Kanter said.

Although the appeals court did not address the latter issue, Cleveland Heights has been criticized for a provision in its code that allows council up to four private meetings, or executive sessions, every year to discuss "general plans for the future or general issues before the city."

This also contradicts Ohio's Open Meetings Law, which allows executive sessions only for specific topics.

"Honestly, I can't believe that the city promotes and defends this stuff, or that the courts allow it," Kanter said.

Ohio Supreme Court Justice R. Patrick DeWine was the only member who dissented on the Jan. 31 decision not to accept Kanter's appeal for review.

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7. Message from Paul Volpe 21 February 2018

Good Morning Larry

I attended and spoke at the Charter Review Commission meeting last week and suggested a way that additional empirical viewpoints might be provided to further inform the members of the committee. My name is Paul Volpe and I have been a resident of Cleveland Heights with my wife for 18 months. My son along with his wife and 2 children are also residents of the city. Nan and I built a home here.

I believe this personal information is relevant, in part, as to why I wish to make this suggestion to the Commission. I noted in the meeting that most of the 8 or 9 speakers in the public comment period remarked with pride about the long periods of time they had been residents of Cleveland Heights. My family, on the other hand, represent 3 generations of new residents of the city. I feel we offer a possibly fresh perspective, from involved people, about why we came here, why we will likely choose to invest and stay, and how we are impacted by the governmental system that exists.

Consistent with providing a diversity of opinions to the Commission, I would like to suggest one of the meetings be dedicated to a “roundtable” discussion among the members and a small group of select citizens that have, and/or have had, active relationships and interactions with both the city administration and council. In addition, the insight of this group of 5 or 6 people, would be most effective, if in their career or lives, they have had meaningful experience with other municipal governments in the region.

I for one, held the position of Commissioner of Architecture during the administration of George V. Voinovich in his term as Mayor of Cleveland. After George left, I moved on, founded an architecture, urban design, and planning company which I owned and directed for 27 years. In this capacity, I worked with and for scores of cities, both appointed and elected public officials throughout the region, on important initiatives. I believe there is valuable insight to be gained by the Commission in talking with folks like myself who have both experience and commitment to contribute.

The thought process I share is a viewpoint of government systems and operations from the outside-in, rather than the inside-out, which has been provided by various governmental officials. I believe this may provide the Commission with a comparative perspective that may better highlight when, how, and why municipal governments work most efficiently and effectively to serve the community and get things done.

There was a wonderful group of diverse and appropriate people to consider for this should the Commission choose to pursue this suggestion. I would be pleased to assist as may be desired.

Respectfully submitted

**Paul J.
Volpe**

Emeritus Architect / Urban Designer
2593 Fairmount Blvd.
Cleveland Heights, Ohio 44106
(216) 870-7961
paul@cityarch.com

8. Message from Susan Berger 21 February 2018

Larry, I've attached some thoughts regarding this process. Thank you again for taking the time to talk with me after last week's meeting.

Appendix 4

Statement of Susan Berger

Larry,

I appreciate that you took the time to engage me in conversation after the Commission meeting last Thursday. As I shared with you at that point, I was feeling discouraged, as from my point of view, it did not seem as if the questioning of the visitors was robust and curious. In many ways, it began to feel a bit as if I was watching a deposition in defense of our current way of doing things.

You are right. The system of government is not a panacea. However, what is also true is that the challenges we face as a community today are far different than those we faced a century ago when the charter was written, or nearly four decades ago when it was last reviewed.

As Kermit Lind ably stated, there are certain new realities that will not be changing anytime soon. Our State government is likely to stay in Republican control, with a far greater connection to the ex-urban, rural, and outer-ring suburban environments. Cities and inner-ring suburbs have few, if any, champions in seats of ultimate decision-making power in State government in Ohio.

Cleveland Heights is land-locked. Our housing stock is aging. And while I have great respect for our CH-UH schools and I truly believe they are responding well to challenges, they face unique hurdles, among them the reality that many move into our city never entertaining the possibility of using the schools because of religious reasons. Schools create a great connecting place for communities and can be a selling virtue or deficit for the housing market. In Cleveland Heights, as things stand now, the schools do not add value to our homes yet they do add significant costs in property taxes.

For decades, Cleveland Heights was the place where young people wanted to live and play after college graduation, myself included. While that is true for some, particularly CWRU graduate students, it is not the case for many who now choose downtown Cleveland and its neighborhoods as the chosen places to live and play.

For me, then, the essential question is: How might we create a system of government that invites the very best citizen engagement, leads to the ability to be bold and agile in response to new realities, and makes clear the lines of accountability?

What has served us in the past may serve us into the future but it may not. This is our moment to embrace inquiry with open minds and deep curiosity. It is not the time to build a defense for how we have always done things. In this inquiry, we may determine that the current form of government serves us best. But we also may determine that it is time for a change. We can't know the answer to that question until we open our minds to all possibilities.

You encouraged me to find the Cleveland.com article where you talked about Lakewood's perfect storm of competence. I did that and found it quite intriguing. I, too, have been very impressed with Mayor Summers. In the interest of full disclosure, I have a good friend who serves on the School Board, so I share your assessment of that body too. In reading that article, I also learned that you have a strong preference for Cleveland Heights' current form of government, which also captured my interest.

In light of what I have learned and observed, I want to share these thoughts for consideration:

- Community engagement is critical if the community is to trust and embrace the recommendations of this body. I was very impressed with Jessica Cohen's questions and seeming interest in finding ways to hear from the community. Given that her professional background equips her to bring expertise in this area, perhaps she might work with a few Commission members to come forth with a recommendation as to how this process can better engage community voice.
- Please be intentional about balance in the representation of views. If a member of Lakewood's charter is coming to share his views, and to my understanding, this is a person who favored a move to the Council-Manager form of government, then it would seem beneficial to bring someone who was part of that process who voted with the majority who favored the current Council-Mayor form of government.
- As a community, we want to hear from all members. It is hard not to notice that there are several members who asked no questions and shared no comments throughout the course of this meeting. While serving the community in this capacity is an extraordinary gift of time, it is also a privilege, as there were nearly 50 others who would have liked to serve who were not chosen. I trust each person is at the table for good reason and their questions and comments will be helpful to this process, I am certain.
- If this body determines that the current form of government is recommended, then please consider changing the titles of Mayor and Vice-Mayor to Council President and Council Vice-President, as that far more clearly describes their roles.

Here is my most essential request: Please help me see that the Commission appreciates that things as they are in Cleveland Heights are not okay and are in need of improvement. City services are good, particularly when it comes to our safety forces, but there are other very serious issues related to our economic future. My husband and I purchased our home at the top of the market nearly 15 years ago. We have invested a lot in updating and maintaining our home, yet given market realities, we believe we have lost 30% of the value of our property. At the same time, our taxes continue to climb. This is not a sustainable model.

When I begin to feel, as I do now, that my local government is not responsive to this reality, it creates a deep frustration and leads me to seriously consider moving from this city. Walking away has never been my style, but there are days that I begin to feel that is the only option left to me.

Please appreciate the urgency of now. The pace of change in this city is painfully slow. We need to find ways to be more agile, facile, and bold – more open to change and far less risk averse. Please help make certain that this process and our current government structure help us move in these directions.

With gratitude and respect,
Susan Berger
Susanberger123@gmail.com

9. Message from Bob Brown 22 February 2018

Larry, please see the attachment.

Appendix 5

Statement of Bob Brown to Council

To: Cleveland Heights City Council Members

From: Robert N. Brown

Date: February 21, 2018

Re: Thoughts on Charter Review Process

I am writing to you as a follow-up to the discussion at last night's Council meeting regarding the Charter Review Commission. I will also send this to the Commission through its facilitator, Larry Keller.

As you know, my wife, Susan Berger, spoke to you yesterday, expressing her thoughts after attending the February 15 meeting of the Charter Review Commission. In her comments, she focused on what she observed as a lack of curiosity in the comments and questioning of speakers, seeming disinterest in inviting more robust community engagement, and wonder as to why three Council members chose not to reply to the survey.

Because I have attended all of the Commission's meetings and have shared my experiences and perceptions with Susan, I wanted to share with you directly some of my specific observations.

First of all, I want you to know that the citizens who have spoken at the Commission's meetings (myself included) have praised the members for donating their time and energies to this public service for the Cleveland Heights community.

While I don't question any of the Commission members' good intentions, I have concluded that the community engagement efforts of both the Commission and the City government have been inadequate, particularly considering the historic significance of this examination of our form of governance in Cleveland Heights. There is a lingering perception that the Commission and the City are not truly open to a full and expeditious exploration of alternatives to our current Council-Manager form of government.

The following observations, in no particular order of significance, concern me. I would add here that I have heard the similar observations, unsolicited, from several other citizens who have attended one or more of the Commission's meetings.

- a) Limited Opportunity for Public Comment at Commission Meetings.** The Commission decided that public comment at its meetings would be held at the very end of its 2(+)-hour meetings, which means that citizens have had to wait until after 9 pm to share thoughts with the Commission.
- b) Poor Publicity for Meetings.** The Commission's meetings are very poorly publicized. Even those residents who read the emailed City News Update see no mention of the Commission's meeting. For example, the City News Update of February 15 made no mention of that evening's Commission meeting. The Commission's web page did not list upcoming meetings until a few days before each meeting. (That was just corrected in response to complaints.)
- c) No Community Forum.** The Commission has not planned to hold a full community forum on the subject matter of its work until the end of the process. It was stated that the Commission would draft its recommendations before that meeting is held. In response to my suggestion, the Commission has agreed to consider holding an earlier community meeting. The lack of a forum during the course of the Commission's deliberations is likely to undermine public confidence in the Commission's recommendations.

- d) No Instructions for Submitting Written Comments.** There is no information on the Commission’s web page on how citizens can submit written comments. The email address of the Commission’s facilitator, Larry Keller, has not been listed on the web page. At the Commission’s fifth meeting, one member suggested publicizing the fact that citizens can email written comments to the Commission through its facilitator. Another member responded that this had just been accomplished – by the first member’s comment. This comment, however, would be known only to those citizens who spent two hours watching the meeting video. This response furthered the impression that some on the Commission have little interest in engaging the community’s voice to inform this process.
- e) Invited Speakers.** For the Commission’s first five meetings, the chairperson and facilitator invited four current Cleveland Heights Council members, one former Council member and a government official from Shaker Heights (Mayor Earl Leiken). No non-government officials have yet been invited to speak to the Commission. For the sixth meeting, the invited guests include a Lakewood charter review commission member who voted for a Council-Manager form of government and a representative from the city of Mentor, one of only several local communities with a Council-Manager form of government. No other speakers have yet been invited (to my knowledge). Therefore, six of the first seven speakers to address the Commission favor the Council-Manager form of government and the seventh member (Mayor Leiken) expressed no preference.
- f) Commission Members.** Before the City formed its Charter Review Commission, a group of citizens had begun meeting to consider a petition-based approach to amending the City Charter. Four of those citizens wrote a letter to City Council offering to suspend their petition-based approach and support the City’s proposed Commission-based approach. Other members of the group declined to sign the letter, some fearing that the City hoped to slow or derail the initiative. Three of the citizens who signed the letter then applied to be members of the Commission. None was selected. This fact, combined with observations that several Commission members rarely if ever speak at the meetings, has fueled concerns as to the City’s criteria in its selection of Commission members. That being said, I believe that the members of the Commission are all bright, well-educated, concerned citizens who truly care about the future of our community.
- g) Facilitator’s Perspective.** Larry Keller, who the City hired as the Commission’s facilitator, is a proponent of the Council-Manager form of government. His perspective is not a disqualifier for serving as facilitator, and his subject-matter knowledge is outstanding, but his perspective makes it particularly important that speakers with other perspectives are brought to the Commission’s meetings. To date, there is a distinct lack of balance in the perspectives of the invited guests.

I hope that these observations will be helpful to you and to the Commission members in ensuring that the Charter Review process is thorough, open, interested in the possibility of change, focused on the future, and, ultimately, successful. I know that we all share a commitment to achieving the best outcome for the future of our community.

10. Lakewood Charter Provision on Mayoral and Council Salaries

6.5 SALARY RECOMMENDATIONS

On or before July 1 of each year in which a presidential general election is held, the civil service commission shall review and make a written report to council, which report shall be filed with the clerk of council and the office of the mayor, setting forth the commission's recommendations for the salary and other compensation for the offices of mayor and members of council. Council shall place that report on the next docket at a regularly scheduled council meeting. If council takes no action or fails to decline to follow the suggestions within 90 days, the recommendations shall take effect as if council had adopted them by ordinance approved by the mayor. However, no increase in salary under this section shall exceed 10 percent of the salary for the office of mayor or council, unless there has been no increase in salary for that office in the preceding 10 years.