



# City of Cleveland Heights Charter Review Commission

## Submissions to the Commission Addendum with the Comments of the Chair

Committee of the Whole  
24 January 2019

### Messages and Documents Index

#### 1. Three Messages from Fran Mentch

The following messages have been submitted to the Facilitator since the last sharing of Submissions. Fran Mentch stated in a message to the Facilitator that she had three concerns but would probably not be able to submit them before midnight 24 January. In light of that initial message being timely received, I informed her I would distribute her messages in an addendum to the Submissions document. Her messages in this Addendum are ordered by date received.

#### 1. Fran Mentch – 25 January 2019

Larry and Carla,

I am asking that the charter be changed to include explicit language that legislation passed as an emergency IS subject to a referendum.

Carla and I were part of the leadership in putting the rezoning of the former Oakwood Country Club on the ballot in South Euclid. We worked with the Kramer Law Clinic at CWRU and learned from talking with the Clinic and from our experience that if a city's charter is silent on this issue, then no referendum can be brought against emergency legislation. The silence of the charter means that the state's rule is in effect, and no referendum can be brought.

This is a very effective way for city councils to prevent citizen involvement in the form of a referendum. Referendums, as you know, are the citizens "veto".

If South Euclid's charter had not stated explicitly that emergency legislation is subject to a referendum, the rezoning of the former Oakwood Country Club would not

have made it to the ballot. (South Euclid's city council passed the rezoning as an emergency--as they knew there was citizen opposition to this action.)

Thank you very much,

Fran  
216-577-2224

PS two more to come--these are the same three issues I brought up last night.

**Comment: The Cleveland Heights approach (which is not changed in the proposed amended charter) to referendum is in line with Ohio's approach for handling both state statutes and, as noted, ordinances in non-charter cities. To the extent South Euclid might permit legislative action that meets "emergency" or other criteria so as to go into effect immediately, only then to be undone via referendum, it is an outlier that could invite mischief and would constitute a major change for our City. Any re-do on that score of the work done and conclusions reached by the Commission would, in my view, require fact gathering and analysis demonstrating that something truly important could be achieved without material negatives. I do not see that as a likely outcome.**

## 2. Fran Mentch – 26 January 2019

Larry,

Thanks for your patience.

My second concern is the 25% extra salary that the president of council will receive. I did not see or hear any metric for providing this amount. Just that this is done in other cities- I believe Lakewood is one city mentioned, but I wonder about South Euclid and University Heights, Shaker Heights, etc. I don't know of duties other than to run the meetings, or preside over some ceremonies. I am not sure how much time the ceremonies require.

I assume that an increase in salary will increase the retirement benefit, too.

Based on the past--people will want the position-even for zero extra money, so a 10% differential seems more reasonable, if a differential is the standard in other cities.

I believe I read in charter review documents the opinion that there is need to pay city council members more in order to attract people to the position. Certainly, they should be fairly compensated, but about 30 people applied for the current position

that Cheryl Stephens vacated. It seems clear that the position attracts plenty of people at its current compensation.

**Comment: The evidence before the Commission indicates that the current compensation of Council members, while hardly generous, is not out of line with the range found among other cities. As to the additional amount for the President of Council, the person who occupies that post does much more than run meetings and attend ceremonies. Among other key things, the President must plan how the Council will operate, developing the long range agenda and each of the regular meeting agendas within that overall umbrella, at all times working closely with the City Manager. This is a lot of work that may not immediately strike the consciousness of outside observers, particularly if it is done well. I believe 25% is not unfair but rather well warranted.**

3. Fran Mentch – 26 January 2019

My third concern is about citizens buying city council members' meals. It is not appropriate for the relationship that citizens have with their elected officials and public funds.

Some argue council members don't get paid much, but that is a separate issue (I disagree, but still, that is not the issue.)

Some argue they don't have time to stop for food. Understandable-the city can help order the food and ask that it be delivered, or send someone to pick it up, but the city should not pay for their food.

Some argue "it's not much money"--I think it costs about \$8,000 a year-or did the last time I asked. That can be used for lots of other things. Playground equipment, camp counselor, Cain Park performance, public art, hanging flower baskets or cost of planting or watering.

I have talked with some of them about this and they want the free food. It's concerning to me that they see their relationship with the city and citizens and tax dollars in this way--that they deserve this special treatment. Maybe the committee can ask the city council members how they feel about it.

Please see the second link below for recounting of an incident that took place over this "free food".

[https://www.cleveland.com/brecksville/index.ssf/2013/10/brecksville\\_and\\_cleveland\\_h eig.html](https://www.cleveland.com/brecksville/index.ssf/2013/10/brecksville_and_cleveland_h eig.html)

[https://www.cleveland.com/cleveland-heights/index.ssf/2015/07/cleveland\\_heights\\_councilwoman.html](https://www.cleveland.com/cleveland-heights/index.ssf/2015/07/cleveland_heights_councilwoman.html)

Thanks for your patience and thanks for hearing me out!

**Comment: Whatever might be the merit, or lack of merit, to this issue, I would suggest that it is not a matter for the charter.**