



# City of Cleveland Heights

## Charter Review Commission

### Decisions and Rationales

24 January 2019  
Meeting Room and Conference Room  
Cleveland Heights Community Center

Charter Review Commission: Present; Patrycja Ajdukiewicz, Craig Cobb, Jessica Cohen, Vice Chair, Michael Gaynier, John Newman, Jr., Chair, Howard Maier, David Perelman, Carla Rautenberg, Vince Reddy, Maia Rucker, Katherine Solender and Jim Vail. Absent: Randy Keller and Sarah West.

#### 1. Opening of the Meeting

The Chair welcomed the public and introduced the members of Council that were present (Mayor Carol Roe, Michael Ungar, and Mary Dunbar; Melissa Yasinow and Kahlil Seren arrived during the course of the Chair's presentation and were recognized before the public commentary). He then introduced the members of the Charter Review Commission.

#### 2. Overview of the Meeting

The Chair explained that the purpose of the meeting is to present a draft of a revised City charter and receive any comments that those in attendance may have. He also noted that following the public comment portion of the meeting, the Commission would assemble briefly in an adjacent conference room to consider the draft Decisions and Rationales from the prior meeting and to schedule and plan for the next meeting. This additional portion of the meeting would likewise be open for attendance by the public.

#### 3. Overview of the draft First Amended Charter

Using a PowerPoint presentation (which is posted on the Commission webpage), the Chair gave an overview of the nature and core elements of a city charter in general; the history of the Cleveland Heights charter; Council's charge to Commission (focus on the best interests of Cleveland Heights and as to any given point, consider whether there is a problem, and whether, on a net basis, a charter change would likely make the situation better); the Commission's composition, its process and activities in conducting the review, and its projected timing for delivering to Council recommendations for a

revised charter and an accompanying report. The presentation continued with a summary explanation of key recommendations concerning the name of the charter; structure and language adjustments; the form of government (Council-Manager) and related items regarding the City Manager and Council; administrative items, including departments/ directors, open government, and equal opportunity in City employment; elections for office, and also for initiative referendum, and recall; finances; ethics; the Planning Commission and Civil Service Commission; timing requirements regarding charter review commissions; and the proposed effective date of the charter.

#### 4. Public Comments

The public was invited to comment. Some commented on the Commission's public service and effort, and those who did, including those who disagreed with certain of its conclusions, were complimentary of that service and effort. Fran Mentch had three suggestions: the charter should explicitly provide that emergency legislation is subject to referendum; the 25% pay differential for the President of Council has not been justified and could have adverse effects; the practice of having the City pay for meals of Council members on meeting nights is not proper and should be forbidden by charter. Len Friedsen expressed regret that the Commission did not recommend the strong mayor form of government. Michael Bennett expressed unhappiness that the Commission's draft charter did not have a strong mayor form of government, and went on to express the belief that the Commission had not had a satisfactory discussion of the public opinion put before it on the topic of a strong mayor. He urged the Commission to revisit the issue. He also suggested using grammatical structure devices to avoid the necessity for using singular personal pronouns when referring to persons. Tony Cuda, who said he regarded the establishment of the Commission as being the result of the work of other citizens, said he saw a lack of leadership in the City, noted the modest attendance at the meeting which he attributed to a perception that citizen views were not given attention, and opined that while there were numerous desirable changes reflected in the proposed charter, it did not go far enough in addressing issues such as leadership. Loretta Feller said she would prefer a strong mayor form of government, and obtained confirmation from City staff that the PowerPoint used in the evening's presentation would be available on the Commission's webpage. Michael Ungar, member of Council, while pointedly avoiding reference to the substance of the Commission's recommendations (since the matter would soon come before Council), commented favorably on the Commission's commitment, its success in working together under leadership, and its ability to rise "above the fray," and offered his belief that the size of attendance was a reflection of community confidence in the work of the Commission. Sue Dyke, who described herself as an activist, noted that she had attended meetings of the Commission, that she felt

her voice had not been heard, that there was a failure of leadership in the City, and that the City Manager was not accountable to the citizens. Further, she secured clarification from the Chair that under the proposed charter, signatures on petitions for initiative and referendum could be counted even though the person signing had not actually voted in the preceding election according to which the number of signatures necessary for a valid petition would be calculated. Deborah Van Kleef expressed the view that the Commission had not listened to the people of Cleveland Heights on the strong mayor issue, and that the Commission had should have supported the notion of bringing the question of a strong mayor up for a vote.

The Chair noted that comments could be submitted online to Larry Keller through midnight.

There was a short recess and, as previously noted, the Commission reassembled in a nearby conference room for a continuation of the session, to which the public remained invited. The earlier portion of the meeting was recorded on video. The continuation was recorded on audio only.

#### 5. Acceptance of Decisions and Rationales from 13 December

The Decisions and Rationales from the meeting of 13 December were accepted by acclamation.

#### 6. Setting the Date of Future Meetings and related Preparatory Work

The next meeting will occur on 7 February in Council Chambers. It was suggested that each member consider the comments from the public portion of the meeting as well as well as written comments that have been or will be submitted, develop reactions, and be prepared to discuss them at the February 7 meeting or better yet submit those reactions in writing to the Facilitator enough in advance to form a basis for preparation and circulation of new draft materials in advance of the meeting. For example, one item that would receive further editorial attention is possible elimination of use of gender indicative singular personal pronouns. The extent of other potential changes would depend on how the members evaluated the comments and the need (or not) for reconsideration or adjustment.

Following discussion, it was agreed that, unless a determination were made that major reconsideration is warranted, the goal would be for the Commission, acting as Committee of the Whole, to complete its substantive work on the revised charter by the end of the February 7 meeting, and come as close as possible to finalizing the drafting as well, with the report following immediately behind, and at most only minor, additional clean-up work

remaining. Most likely, one additional meeting would still be required. Once the charter and the report are presented to it in final condition, the Committee of the Whole would give its approval to them and send them to the Commission, which would formally consider them and vote on sending them to Council. This would end the Commission's work.

7. New Business

There was no new business.

8. Adjournment

The Committee agreed by consent to adjourn.