

Copies of the 34 proposed amendments submitted to

Dennis Fiorelli

As of 1-5-15

Dennis Fiorelli

Article II. – Council

Section 2. Qualifications

No member of Council shall hold any other public office or public employment during his term except as otherwise provided in this Charter and further excepting the office of Notary Public and membership in the National Guard or Reserve Corps and the office of Precinct Committee Person, nor public employment incompatible with the office of Council. *Council shall determine whether any public employment is incompatible with the office of Council, and its decision shall be final.* The Council shall be the judge of the election and qualifications of its members.

Proposal to change italics sentence to read: *Council shall NOT allow, nor take any action to permit, any public employment that is or maybe in conflict with the best interests of the residents of South Euclid and ensuring South Euclid will receive maximum consideration in discretionary matters. All judgments shall error on the side of the residents of South Euclid.*

This change will help ensure the interests of South Euclid will be protected from conflicts. It will also help clarify what is expected and reduce judgments.

Article XI. – Amendments to Charter

The Council may, by affirmative vote of at least two-thirds of its members, submit any proposed amendment to the Charter to the electors; or, upon the receipt of a petition, signed by not less than *ten percent of the registered electors of the City*, setting forth any proposed amendment to the Charter, it shall submit such proposed amendment to the electors. The Council shall determine the manner of the submission of any proposed amendment to the electors to the extent that such submission is not governed by the Constitution and the laws of the State of Ohio. If any such proposed amendment shall be approved by a majority of the electors voting thereon, it shall become a part of this Charter, except that if two or more inconsistent proposed amendments on the same subject shall be submitted at the same election, the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of the Charter.

Proposal to change italics to read: *signed by qualified electors which equal in number at least ten percent (10%) of the total votes cast for Mayor at the last regular mayoralty election*

This change is consistent with State regulation.

Article XI-A Charter Review Commission

Not less than thirty days prior to the date of such election the Clerk of Council shall mail a copy of each proposed amendment to each elector whose name appears upon the poll or registration books of the last regular or general election held in this City.

Proposal to change 30 days to 35 days and also allow the option to mail a single notice to each household with at least one registered voters.

With the growing popularity of “vote by mail” this will allow residents to get the information sooner. It will also reduce mailing expense.



Dennis Fiorelli <dennisfiorelli@gmail.com>

**Charter**

3 messages

**Marty Gelfand** <mgelfand@seuclid.com>  
 To: Dennis Fiorelli <dennisfiorelli@gmail.com>

Thu, Jan 1, 2015 at 7:59 AM

Dennis: I missed the deadline but want to get recommendations to you later today. Is that ok?

Councilman Marty Gelfand  
 South Euclid City Council  
 1349 South Green Road  
 South Euclid, Ohio 44118  
 216-371-8827  
 mgelfand@seuclid.com

**Dennis Fiorelli** <dennisfiorelli@gmail.com>  
 To: Marty Gelfand <mgelfand@seuclid.com>

Thu, Jan 1, 2015 at 8:02 AM

Marty,  
 Happy new year.  
 Yes, today will work fine.  
 Thanks for your help.  
 Dennis

[Quoted text hidden]

**Marty Gelfand** <mgelfand@seuclid.com>  
 To: Dennis Fiorelli <dennisfiorelli@gmail.com>

Thu, Jan 1, 2015 at 8:06 PM

Dennis: here are some general recommendations I'd like to make:

1. Currently, throughout the charter, pronouns refer to the male gender, e.g., "he", "him." I want to change the language of the charter to reflect gender neutral pronouns, or where possible, to eliminate the pronoun. E.g., replace "he" with "he or she", or replace "he" with "the Mayor."

2. Board and Commission appointments:

Civil Service Commission. Currently, Mayor appoints all 3 members. I want to change this to the Mayor appointing 2 and Council appointing 1. Alternatively, the Mayor continues to appoint all 3 but add "with advice and consent of City Council."

City Planning Commission. Currently, Mayor appoints 4, Council appoints 1. I want to change this to the Mayor appointing 3 and Council appointing 2. Alternatively, Mayor appoints all 5 with advice and consent of Council.

Zoning and Building Standards Board of Appeals. Currently, Mayor appoints all 5 members. I want to change this to the Mayor appointing 3 and Council appointing 2. Alternatively, Mayor continues to appoint all 5 with advice and consent of Council.

3. Law Director: Proposal to change position of Law Director to an elected position. See attached draft of a proposal based largely on Rocky River, but with a 4 year term as opposed to Rocky River's 2 year term.

Councilman Marty Gelfand  
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[Quoted text hidden]



**150101 Draft Law Director Amendment.docx**

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## **SECTION 2. DEPARTMENT OF LAW.**

The Department of Law shall be administered by a Director of Law. The Director of Law shall be a qualified elector at the time of his election, duly admitted to practice law in the State of Ohio with at least five (5) years of general attorney experience, or at least three (3) years of prior municipal attorney experience either [1] as an assistant law director and/or law director for an Ohio municipality or [2] as an attorney representing an Ohio municipality in civil actions in state or federal court and shall have been a resident of the City for at least one (1) year immediately preceding his election or appointment and shall continue to be a resident of the City during his term of office. Said Director shall be elected at the regular municipal election in each odd-numbered year for a period of four (4) years. His term shall commence and he shall assume office on the first day of January following his election and shall serve out his term or until his successor is elected and qualified, whichever occurs last.

He shall serve the Mayor, the Council, the administrative officers and departments and the commissions and boards of the City as legal counsel, represent the City in all proceedings in Court or before any administrative body, perform all duties now or hereafter imposed on city solicitors by the general law and perform such other duties consistent with his office as the Council or Mayor may impose upon him. He shall appoint and remove all assistant Directors of Law and Prosecutors. He or his appointed assistant shall act as the prosecuting attorney for the City.

If at any time the Director of Law shall cease to possess any of the qualifications for such office or shall be convicted of a felony or other crime involving moral turpitude or shall be declared legally incompetent, he shall forthwith forfeit his office. In the event the office of Director of Law becomes vacant, the Mayor shall appoint a successor who shall have the qualifications set forth in this section and serve for the unexpired term and until a successor is elected and qualified.

### **More Transparency**

- All job openings with the City of South Euclid shall be made public & posted according to federal, state, and local laws. **Article V-Administrative Departments and Commissions Section 1. General Provisions**
- Tax increases approved by the voters shall be used for the purposes for which they're intended and originally promoted to the public for approval. **Article IX-A-Tax Limitation**
- Public officials shall be required to submit in writing to City Council any prior business relationships with individuals to be hired by the city or contracted to provide goods and/or services to the city of South Euclid. City Council shall have the responsibility to review and approve, so as to avoid impropriety or the appearance thereof. **Article XIII Ethics and Standards Section 4. Disclosure of Private Interest in Legislation**

### **More Accountability**

- The Mayor shall provide an annual State of the City Address by January 21<sup>st</sup> including details of the City's financial health. **Article III-The Mayor Section 2. Powers of the Mayor**
- The City Charter defines the powers and scope of responsibility of the Mayor, therefore the Mayor shall not be eligible to sit on the Charter Review Commission. **Article XI-A-Charter Review Commission**
- There shall be frequent communications to the public about the status of city services, ADA compliance, and all executive level departments. **Article V- Administrative Departments and Commissions Section 1. General Provisions**
- Council shall confirm or reject the incumbent Director of Finance during the month of January every two years, effective January 2016. Council's failure to act within this timeline shall result in automatic confirmation. **Article V-Administrative Departments and Commission**
- There must be full and immediate public disclosure to council when a vendor whose company is owned by or employs a City employee or the City's employee's family. **Article XIII Ethics and Standards Section 4. Disclosure of Private Interest in Legislation**

### **More Citizen Involvement**

- There will be no tax increases and no tax credits shall be repealed without a prior vote of consent of the people. **Article IX-A Tax Limitation**
- The Charter Review Commission shall be comprised of seven citizens elected by the voters and two elected officials appointed by City Council as in ex-officio capacity. **Article XI-A-Charter Review Commission**



Dennis Fiorelli &lt;dennisfiorelli@gmail.com&gt;

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**Charter Review Commission**

2 messages

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**Edward Icové** <ed@icovelegal.com>  
To: Dennis Fiorelli <dennisfiorelli@gmail.com>

Fri, Jan 2, 2015 at 4:21 PM

Dennis:

Here's my initial suggestions. I may have more later. Best regards, Ed

Article XI – A: Charter Review Commission.

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The Charter Review Commission ("CRC") shall consist of 11 commissioners. The Mayor and President of City Council are ex-officio members of the CRC, and neither can serve as chairperson. Nine additional commissioners are elected by the voters as at-large members.

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Rationale:

1. Guarantees that at least three members of the CRC will not hold some other elected public office in the City.
2. Guarantees that the people holding the two most important City political positions will be on the CRC.

Article V –Administrative Departments and Commissions.

The Finance Director shall be nominated by Mayor and confirmation shall be the same as we use for the Law Director—four affirmative votes by Council members. The reconfirmation process will be the same too.

The Service Director, Building Commissioner, Housing Manager, and Economic Development Manager are nominated by the Mayor, and take office upon confirmation by Council. There is no reconfirmation process.

Rationale:

1. Institutes a needed system of checks and balances between the executive and legislative branches of government, which almost all other municipalities in our County now have in place.
2. Promotes good government and transparency.

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**From:** Edward Icové [mailto:ed@icovelegal.com]  
**Sent:** Wednesday, December 31, 2014 6:28 PM  
**To:** Dennis Fiorelli  
**Subject:** RE: FW: Charter Review Commission

Dennis: Thanks for the information. I have a major brief due, and have a lot of work to get together this week. Is it o.k. if I get you my suggestions by January 3? Thanks for your understanding. Happy New Year to you and yours. Best regards, Ed

**From:** Dennis Fiorelli [mailto:dennisfiorelli@gmail.com]  
**Sent:** Wednesday, December 31, 2014 5:35 PM  
**To:** Edward Icové  
**Subject:** Re: FW: Charter Review Commission

Hello Ed,

I went to city hall and met with lester on venue availability. I did learn that Lee Williams had already reserved the community room for the charter review meetings. The community room's size will accommodate residents whom wish to attend and offer the members a close round table setting conducive to discussion. All meetings will be audio recorded in the community room.

Thanks for your comment. Happy New Year.

Dennis

On Mon, Dec 29, 2014 at 6:00 PM, Dennis Fiorelli <dennisfiorelli@gmail.com> wrote:

Hello Ed,

Your reply by Jan 2 will be great. Thank you.

# Charter Review Suggested Changes:

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## From Councilman Moe Romeo

### Article II – The Council

#### Section 1. Powers, Number and Term

With the reduction in population, is it time to also reduce the size of City Council. Can we reduce the size to: 2 Council at Large and 3 Ward Councilpersons?

**Rational:** The population of South Euclid has reduced in the last 10 years, do we still need seven council persons to represent approximately 23,000 people?

#### Section 2 -- Qualifications:

(Second Paragraph)

No member of Council shall hold any other public office or public employment during his term in office excepting the office of Notary Public and membership in the National Guard or Reserve Corps and the office of Precinct Committee Person. Council shall be the judge of the election and qualifications of its members.

**Rational:** A councilperson should be dedicated to serving our council on all matters and not be concerned that having public employment in another city will have any influence on any decisions that person has to make for the benefit of our residents.

### Article III – The Mayor

#### Section 1. Qualifications and Term of office.

The chief executive power shall be vested in a Mayor, who shall be an elector of the City and shall have resided in the City continuously for a period of at least **(5) five years** immediately preceding his election.

**Rational:** It is my belief that a person running for Mayor should have lived in our city long enough to go through an election cycle and not be part of that cycle.

The Mayor should be able to have the ability to have private employment and engage in private business if the Mayor's salary has reached the cap. (This suggestion requires the review and establishment of salary caps for all non-union employees. Salary caps are not in place today and would have to be set in ordinance to allow for private employment or private business if the cap has been reached).

**Rational:** If the salary cap is met, the employee should be given the opportunity to seek additional income if necessary.

## Charter Review Suggested Changes:

### **Article V – Administrative Departments and Commissions:**

#### **Section 1. General Provisions:**

Remove sentences regarding the approval of the Law Director by City Council.

Law Director and other directors serve at the pleasure of the Mayor and should not be approved by City Council. City Council can recommend removal of a director by resolution based upon inability to perform the functions of that department.

**Rational:** The department heads serve at the pleasure of the Mayor and thus the Mayor has the ability to hire and fire as necessary. Council approval is not necessary and has become a burden.

### **Article VII – Nominations and Elections:**

#### **Section 2 – Run-Off Election for Mayor and Judge**

In the event that no candidate for Mayor or Judge receives a majority of the votes cast for that office, there shall be a run-off election held on the first Tuesday in December between the two candidates receiving the highest number of votes cast for that office.

**Rational:** The offices of Mayor and Judge are responsible for the majority of the responsibilities of our city. It is my opinion that both should be elected by a majority of 51 % of the voters.

### **Article XI-A – Charter Review Commission**

(Second Paragraph at the end) – Each member of the Charter Review Commission shall be a qualified elector of the City, shall have resided continuously therein for not less than three years next preceding his election and shall continue to reside therein during his term in office.

**Rational:** Charter Review Commission members should be aware of what impact the City Charter has had on the community to help make a rational review and decision regarding the charter. Being a resident for three years would hopefully allow a member to be well informed regarding the charter.

### **Article XV – Trash Collection Tax**

Remove this Article from the Charter. It should be replaced with an ordinance that provides the ability for the Council to place a Trash Collection Tax on the ballot for residents to vote.

**Rational:** Leaving this Article on the charter will eventually cause the City to be unable to raise revenue to fund future trash collection and cause the City to eventually cut the responsibility of the city to support the collection of trash. Private haulers will have to be found and provided to the residents to collect the trash and recycle.

**Georgine Welo**

Northeast Ohio's population has been on the decline for many years, the City of South Euclid has followed the same pattern, in 1966 the City of South Euclid's population was 30,500 and today in 2014 it is 22,295 (Our last 3 census show the following, 2010- 22,295, 2000- 23,537, and 1990- 23,866).

The City of South Euclid has loss income in the following areas

- Income tax income due to loss of population and job loss
- Real-estate tax income due to the 2008 Bank and Housing Crash
- Public Utility tax income due to deregulation
- Community Activity Tax income due to the 2006 Ohio legislature
- Cut in Local Government Fund due to Gov. Kasich 2011
- Loss of Inheritance Tax due to Ohio legislature 2011
- Currently we do not know what the latest loss will be regarding HB 5 the Municipal income tax legislation, which was passed in the Lame Duck session last week at the Ohio Statehouse.

Due to continued loss of population and income:

## **Article II – The Council**

### **Section 1. Power, Number and Term**

The legislative power of the City except as limited by this Charter and such additional powers as may be expressly granted by this Charter, shall be vested in a Council of seven members. (Change to five (5) members)

Three of said council members shall be elected at large. (Change to 2 members)

In addition, one Council member shall be elected from each of the four wards to represent that ward in Council. (Change to 3 wards)

### **Section 2. Qualifications**

At the July 28, 2014 City of South Euclid Council Meeting, a councilperson abstained from voting on a Resolution in support of applying for new playground equipment for Quarry Park North (Nature Works Grant). The Councilperson stated on the record that they would be applying for the same grant as a Director for the city they are employed by. The Councilpersons employment put them in direct competition with the City of South Euclid and the people they were elected to serve and represent. A person elected to serve as a ward and or at large council person should not hold a position that is in direct conflict to their elected- representation of the City of South Euclid.

I would like to purpose the following:

No member of Council shall hold any other public office or public employment during his term except as otherwise provide in this Charter and further excepting the office of Notary public and membership in the National Guard or Reserve Corps and the office of Precinct Committer Person once affirmed by the voters in the November 3, 2015 election.

#### **Article XV – Trash Collection Tax**

Trash Collection is a Service and should be legislated not as a Charter Amendment but as an Ordinance. The service of Trash Collection as a Charter Amendment could cause harm to the City of South Euclid in the area of public health. If at anytime the City of South Euclid could not afford to pick up Residential Rubbish the service could be immediately discontinued, leaving no options as we have scene used in other communities such as those listed below thus causing a health, safety and welfare issue in our city.

- City Wide Bidding in which a city and or village place an RFP out for bid for Residential Rubbish pick up in which all home owners can share in the low price once Rubbish Collection is discontinued.
- City Wide Bidding in which a city and or village places an RFP for Multiple Choice Residential Rubbish (How many times a month a container is emptied, number of containers, etc) pick up in which all home owners can share in the low price once Rubbish Collection is discontinued.
- Fee for Rubbish Collection
- Fee for Rubbish tied to Recycling
- The practice of allowing all Residential home owners to choose their own Rubbish provider. Just like Residents choose their gas, electric, phone, internet and cable providers. But legislating the dates and times Rubbish could be placed at the curb for pick up.

We do not know what the future will hold and we have a responsibility to not tie our future city leader's hands when it comes to the health, safety and welfare of the community. Rubbish if not picked up regularly could lead to many problems. The Amendment should be repealed and a replacement Ordinance should be put in place.

#### **Article VII – Nominations and Elections**

The City of South Euclid Municipal Judge is not accountable to either the Administration and or the Legislature only to the residents they serve. Due to the power of the Municipal Judge over the City of South Euclid's General Fund Dollars the person should receive a majority of the votes cast for that office, same as the mayor. The Charter Review Commission may also want to consider an Amendment that states at what point the court will have to merge with another regional court, (population figure and or General Fund Balance/Budget number could be used).

The Lyndhurst Court which currently services the Hillcrest area except for the City of South Euclid- returns all City Fines to the municipalities it serves. – the Hillcrest

communities pay nothing to the court as it is fully operated by the court costs and special project fund fees it collects. The increasingly normal costs to do business to maintain our independent South Euclid Municipal Court will make having a stand alone court impossible in the future due to the City of South Euclid's loss of revenue and dwindling population.

Add a new Section 3.

In the event that no candidate for Judge receives a majority of the votes cast for that office, there shall be a run-off election held on the first Tuesday in December between the two candidates receiving the highest number of votes cast for that office.

Add an Article to deal with the chance we can no longer fund our own stand alone Municipal Court.