

2015 City of South Euclid Charter Review Commission

**January 5, 2015 Meeting Minutes
South Euclid City Hall Community Room
349 South Green Road
South Euclid, Ohio 44121**

Call to Order

The meeting was called to order by Dennis Fiorelli, Chairperson and the Pledge of Allegiance to the Flag was recited.

Attendance

In attendance: Dennis Fiorelli, Ruth Gray, Marty Gelfand (came in shortly after attendance was taken), Ed Icové, David Miller, Modestino Romeo, Michael Shaughnessy, Denise Turner, and Georgine Weló. Community members present were Bob Schoenewald, Eboni Daniels and Robert Frye (came in later). Absences: None

Confirmation of Oath of Office

Chairman Fiorelli asked about confirmation for oath of office for Ed and Mike. Ed Icové stated that both he and Shaughnessy had taken the oath.

Secretary Needed

Chairman Fiorelli stated that he had sent out an email requesting a volunteer to serve as secretary. The finance director has recommended a person and he could follow-up with that person, if needed. Ruth Gray stated that there was no need to pay any money and would be glad to serve as secretary for the Commission. Fiorelli stated that the meetings would also be recorded.

Review of Proposed Amendments

Chairman Fiorelli distributed the agenda, copies of all the Charter Amendments submitted by commissioners, and a compilation of the 34 proposals in chart format. Fiorelli stated that he received proposed changes to the Charter and was able to organize the recommendation into a chart format. Fiorelli stated that he wanted to focus on each commissioner providing clarity on the proposals submitted to ensure that everyone understood the proposals. He asked each commissioner to report on their proposed amendments. He asked that commissioners listen to each proposal. He was open to any changes or corrections that needed to be made. He indicated that there were some proposals that were similar and consideration should be given to consolidate some of them. He asked that commissioners refrain from debating as individuals present their proposals. Tonight, we are not going to debate or defend, instead

listen; just listen to the recommendations for better understanding. He explained the matrix of the chart.

Chairman Fiorelli's Proposals

#1 Article II- Council Qualification - 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. Ed Icové asked if he had done any research as to what other cities have done in this regard. Ed Icové recommended that we look at what we are currently doing, what other cities are doing and why are we looking to change. Icové indicated that more time was needed to review and research before a determination could be made on each proposal. Marty Gelfand stated that he agreed with Icové. Gelfand stated that had the Charter not changed, he would have not been able to sit on Council, nor would have Gray. Gelfand believes that a lot of thought went into this change, looking forward to giving people who are working other government jobs the opportunity to serve on Council. The Chair reminded everyone that we are not here to debate, but he did recognize that Icové wants more information.

#2 Article XI-This amendment would impact Article II of the Charter. Fiorelli recalled what happened regarding the Traffic Camera Amendment, where the Charter required 10% of registered voters, but 10% of the registered voters was not cast, instead 10% of those who voted in the Mayoral election was used. The law director stated that we had to go along with that. He thinks our Charter needs to be changed to what we need to go by. The process needs to be clear.

#3 Article XI- Fiorelli stated that more consideration should be given to sending voting information to each household instead of to each registered voters. This will cut cost of production and mailing.

Gelfand's proposals

#4 Charter Throughout- Gelfand stated that the Charter should be updated to be gender neutral. It does not reflect the state of our culture where many legal documents have moved away from gender specifics. Icové indicated that legislation was passed to clarify that the Charter was gender neutral. Gelfand wants the Charter rewritten.

#5, #6, and #7 Commission Appointments- Gelfand indicated that council does not get enough say as to who is on the commissions. His proposals would open it up to get more members appointed by the council than what is currently done. The Civil Service Commission, the Planning Commission and Zoning and Building Commission are listed in the Charter, while other commissions have been added legislatively; they can also be changed legislatively which would

allow for more appointments by council than what exist now and would provide for more checks and balances.

#8 Article 5 Section 2 Law Director -Gelfand stated that a lot of cities have elections of the law director. In his years of experience working with communities, when cities have elected a law director it has worked. Gelfand wanted to have a discussion concerning this option as part of the Charter Review process. It is a good time to determine if this is what the community wants.

Gray's proposals

#9 Article V- Administrative Departments and Commissions Section 1. General Provisions- Gray stated that this was a Federal Law. It should be in the City's Charter and it should be a Code by which we work. We need to ensure that we are adhering locally to Federal laws.

#10 Article IX-A-Tax Limitation- Gray stated it was proposed for more transparency.

#11 Article XIII- Ethics and Standards Section 4. Disclosing of Private Interest in Legislation- Gray stated that when the Charter was originally written, it was written by elected officials. Today, it is the responsibility of elected officials to be more accountable and transparent. It is not inconsistent with what other cities do.

#12 Article III- The Mayor Section 2. Powers of the Mayor- Gray stated this would show more accountability for the leader of our city. We have not done so since I have been on council. Welo stated that it used to be done.

#13 Article XI-A-Charter Review Commissions- Gray stated that in other cities, neither the council nor the mayor can sit on Charter Review. It is driven by the public. We need to look at laws that archaic and move us toward better transparency.

#14 Article V- Administrative Departments and Commissions Section I. General Provisions- Gray recited proposal and stated more accountability.

#15 Article V- Administrative Departments and Commissions- Gray stated that the two most important positions that the city has is the law director and the finance director. City Council has a responsibility in the confirmation process. We currently do it with the law director and it should be done for the finance director. Fiorelli stated that #15 and #20 were similar.

#16 Article XIII- Ethics and Standards Section 4. Disclosure of Private Interest in Legislation- Gray stated that it is an act of council to conduct business, do it correctly, and avoid impropriety. Everything should be transparent and accountable. The more information is known up front, prior to council making a decision, should be the standard.

#17 Article IX-A Tax Limitation- Gray stated that it is good for citizens to be involved. Our primary tax base is from our residents. We should make the case to them when an increase is needed and there should be a vote of the people.

#18 Article XI-A-Charter Review Commission- Gray stated that Charter Review is a very important process and should consist of more non-elected officials.

Icove's proposals

#19 Article XI-A Charter Review Commission- Icove stated that this deals with the makeup of Charter Review. It is an idea for discussion.

#20 Article V-Administrative Departments and Commissions- Icove stated that this is similar to what Gray proposed, but provides more details.

#21 Article V- Administrative Departments and Commissions- Icove stated that this is a similar process for other directors, but would be a one-time confirmation process.

Romeo's proposals

#22 The Council Section I. Powers, Number and Term- Romeo restated proposal and stated no public employee should serve on council.

#23 Article II The Council Section 2. Qualifications- Romeo stated that currently there is a three year residency requirement for someone running for mayor. Anyone running for mayor should go through the election cycle to know what it is like to be elected. What are the requirements? Someone should have more understanding of what is required to be mayor.

#24 Article III-The Mayor Section 1. Qualifications and Term of office- Romeo recited the proposal and stated that this will take more study.

#25 Article III-The Mayor Section 1. Qualifications and Term of office- Romeo recited the proposal.

#26 Article V-Administrative Departments and Commissions Section1. General Provisions- Romeo recited the proposal.

#27 Article VII-Nominations and Elections- Romeo recited the proposal.

#28 Article XI-A- Charter Review Commission- Romeo recited the proposal.

#29 Article XV-Trash Collection Tax- Romeo recited the proposal. Gelfand asked for clarification. Romeo stated he recommends 50% plus 1 vote.

Welo's proposals

#30 Article II-The Council - Section 1. Power and Term- Welo state that the Northeast Ohio population has been declining for many years. The same pattern is true in South Euclid. In 1956, there were 30,500, in 2010, there were 22,295 and today there are 20,295. I do not see why we need seven councilpersons. A company can be hired to determine what wards to combine and which remain independent.

#31 Article II-The Council-Section 2. Qualifications- Welo stated that on 7/28/14 a councilperson abstained from voting on legislation applying to purchase new playground equipment for Quarry Park. The councilperson stated on the record that they would be applying for the same grant with the city they are employed at. This put them in direct competition with the City of South Euclid, in the city they were elected to serve and represent. We have seen this at the county and a number of people are passionate about it.

#32 Article XV-Trash Collection Tax- Welo recited proposal and stated that we need to look at what other cities are doing. We do not know what the future holds and we have a responsibility to not tie the leader's hands when it comes to the health, safety and well-being of the community. If rubbish is not picked-up regularly, it could lead to many problems. This would protect the residents.

Welo distributed copies of two newspaper articles: The NewsHerald-Another Viewpoint *"Full-time judicial position would strain South Euclid resources"* and Sun Messenger-*"South Euclid court to go full-time possibly by 2000"*.

#33 Article VI-Nominations and Elections- Welo stated that the City of South Euclid Municipal Court is not accountable to either the administration or the legislator; only to the residents they serve. Due to the power of the municipal judge and the South Euclid fund balance, the person should receive the majority of the votes cast for that office

#34 New article- Welo stated that the Charter Review Commission may also want to consider an amendment that would state at what point the court would have to merge with another court. Either by a population figure or a general fund balance to be used. I think the city cannot afford a full time court. We have to look at this and be prepared for when we can no longer afford it. What are we going to do?

Discuss Strategy

Chairman Fiorelli stated that he wanted to narrow the list down to 27-28. He asks the commissioners to be willing to consolidate. He suggested that the commission identify what other cities have done as it relates to the proposed amendments. He advised the group to bring their additional information to the next meeting. At the next meeting we will further

review the proposals, other research collected, and narrow down the list. Miller stated that cosmetically the group could address the gender language issue in the Charter. More information is needed. The Mayor will check with the law director regarding the gender language issue.

A consensus was reached regarding the schedule. See scheduled meeting dates as agreed by Charter Review Commissioners.

Questions, Comments, Suggestions

Resident suggested more clarification for #23 regarding allowing additional job of the Mayor as being a passive position.

Resident asked if the proposals will be put on the ballot. How will this be presented to the public? How are we going to get there?

How much input will be allowed from the public? Post all documentation on the website.

The meeting adjourned at 8:26pm

Next Meeting