

CITY OF CHARDON CHARTER REVIEW COMMITTEE MEETING

Meeting Minutes

April 30, 2018

Charter Review Committee Members present:

Debbie Chuha, Councilman
Chris Dussing
Heather Huff
Nancy McArthur, Chairman
Victoria Nicholas
Tom Nolfi

Ramona Saikaly
Hannah Sekas, Vice Chairman
Mary Jo Stark
Karen Sweet

Members Absent:

Bob Landies
Todd Lester

Also Present:

Jim Gillette, Law Director
Dave Lelko, Councilman
Mike McArthur

Rebecca Repasky, Secretary
Jeff Smock, Mayor

Mrs. McArthur called the meeting to order at 6:30 p.m. The Pledge of Allegiance was said. Roll was called.

Mrs. Chuha made a motion to accept the April 17, 2018 minutes. It was seconded by Mrs. Nicholas. The vote carried 10-0.

OLD BUSINESS

Mrs. McArthur requested all final language for any changes be ready for final review for the May 14th meeting.

REVIEW OF ARTICLES VIII-XII

Section 8.01 – no changes.

Section 8.02 – no changes.

Section 8.03 – no changes.

Section 8.04 – no changes.

Section 9.01

Mrs. McArthur asked for clarification regarding the word “or” (does it mean one or the other). Mr. Gillette explained it is the lower of the two (2).

Mrs. Saikaly asked how many signatures are needed for elections. Mr. Smock said it is well over 100. Mrs. McArthur agreed. Mr. Lelko explained the number of signatures needed is 2% of the population; unless the 2% would be below twenty-five (25) that is when twenty-five (25) signatures are needed. Mr. Dussing commented that language could suggest either one. Mrs. McArthur said she would get clarification from the Board of Elections. Mr. Gillette said 2% is what is required based on the Ohio Revised Code.

Section 9.02

The Committee reviewed the City of Hudson’s and the City of Mentor’s resident requirements for running for Council.

The Committee agreed to add in the first sentence: "Each elective officer of the Municipality shall be a qualified elector of the Municipality and shall have reside in the Municipality or in territory annexed thereto for a period of at least two (2) continuous years immediately preceding the date of election."

Section 9.03 – no changes.

Mr. Lelko asked what the legal address of a man or women enlisted in the service is. Mr. Gillette said it is where one resides. Mrs. McArthur explained that is the same for a college student.

Section 9.04 – no changes.

Section 9.05

Mr. Dussing asked if spouses should be included in this because that could enrich the household. Mrs. McArthur commented that currently, the Charter does not specify family or friends of Councilpersons. Mr. Gillette explained the Ohio Ethics laws are more stringent and it addresses issues such as the spouse of a Councilperson. Mr. Gillette said this section can be left alone because anyone can report a situation to the Ohio Ethics Commission and that department will do the investigation and prosecution, if needed. Mrs. McArthur explained regular reports must be filed with the State for anyone holding an office.

Section 9.06 – no changes. Mrs. McArthur said the typographical errors will need to be corrected.

Section 10.01 – no changes.

Section 10.02 – no changes.

Section 11.01 – no changes.

Section 12.01 – no changes.

Section 12.02 – no changes.

Section 12.03 – no changes.

Mr. Gillette explained this section is in place to protect pre-existing rights that were in place prior to the adoption of the Charter in 1979.

ANY OTHER BUSINESS

Action from the March 26th meeting – no action needed.

Action from the April 3rd meeting.

Mrs. McArthur suggested a super-majority could be used for voting for the Mayor. She said if a super-majority is not reached, then the highest number of votes received in the election can be used to determine the Mayor.

Mrs. Nicholas said she would like to remove the position of Mayor, and keep the position of President of Council because residents are confused and think that person is actually running the City. Mrs. McArthur cautioned the Committee on doing that. Mrs. Sweet agreed to remove the position of Mayor. Mrs. Saikaly said she does not have an opinion either way.

Mr. Dussing asked if there is any legal ramifications if the position of Mayor is removed. Mr. Gillette said no, because the position of Mayor is ceremonial. Mrs. McArthur said that position does have additional responsibilities. Mr. Gillette said for the City's operations, nothing would change. Mr. McArthur asked why the Mayor is paid additional compensation. Mr. Gillette said because that person deals with the public more and has responsibilities outside the Municipality.

Mr. Nolfi commented he believes the position of Mayor is in the Charter for a reason and should remain in.

Mrs. Sweet said the Mayor is voted in by persons on Council – not the actual residents. She said she wants a qualified person to make decisions in an emergency. She said it is the job of the City Manager to make those decisions and he is informed every day to make the right decisions.

Mr. Dussing said he believes the position of Mayor is confusing and in an emergency, Mr. Sharpe would have more knowledge and resources to make a decision. Mr. Smock said the Police Chief, City Manager, Fire Chief would be included in all emergency decisions.

Mr. Lelko asked if Ohio law says it is the Mayor to make any decision in an emergency. Mr. Gillette said he is unsure if it is Ohio's law, but it is in Chardon's Charter.

Mr. Smock explained the position of Mayor is needed because so many outside groups request that person to attend functions. Mrs. McArthur said she does not think those groups would stop asking that person to come to events if it was the President of Council.

Mr. Dussing said the position of Mayor creates a perception of power, which is not true. Mrs. Sweet agreed and said the residents cannot elect the Mayor to represent them at various functions.

Mr. Nolfi explained the Manager is equivalent to a chief operator official and the Mayor would be equivalent to the board of directors. He said Council sets the strategy, and the Manager makes it run. He said if the position of Mayor is taken out, it de-evolves the power of Council.

Mrs. Sweet said it is the duty of the Committee to look at the Charter to see if obsolete language needs to be removed. She said the Charter should be transparent and clear.

Mrs. Stark asked if the Mayor and President of Council is the same person. Mrs. McArthur said yes. Mrs. Stark said she thinks there is confusion between the position of Mayor and President of Council.

Mr. Dussing said if residents are asked who has more power, most will say the Mayor, and not the City Manager.

Mrs. Sekas commented that the voting of Mayor is done by who is on Council, and it takes away the power of the people. She explained her issue is that she would like to vote for the Mayor.

Mrs. Chuha said she is fine with the position of Mayor and suggested using the newsletter to inform residents of the type of government Chardon is. Mrs. Sweet asked what if residents do not read the newsletter. She said people tend to vote for the names they recognize. Mr. Nolfi acknowledged that the Council-Manager form of government is not widely understood.

Mrs. Huff requested the arguments be narrowed down and nailed down because of the amount of arguments made. She said she prefers to leave the position of Mayor.

Mr. Dussing suggested modifying the title of Mayor.

Mrs. McArthur commented one (1) member of the City of Mentor's Council regrets removing the position of Mayor, because when the President of Council travels to Europe, it creates issues because they view the title of Mayor as important. Mrs. Sekas asked if that is the only issue for Mentor – on an international level. Mrs. McArthur said for that one (1) person, it appears to be and will need further discussion on that.

Mrs. Sekas asked for a preliminary poll.

Five (5) Charter Review Committee members voted to eliminate the title of Mayor.

Four (4) Charter Review Committee members voted to keep the title of Mayor.

One (1) Charter Review Committee member abstained.

Mr. Smock said he thinks it is important to keep the position of Mayor because it sets the right tone to the public when that person attends functions.

Mrs. Sekas said if the position of Mayor is kept, residents should be allowed to vote for the person. Mr. Smock said that would create an issue because not all Council members are voted for within the same two (2) years.

Mrs. Nicholas suggested replacing the Mayor with an Ambassador for the City to attend functions.

Mrs. Sweet suggested the City Manager could attend ceremonial functions. Mrs. McArthur said some City Managers do not want to attend functions.

Mrs. Sweet said the position of Mayor is a false position for responsibilities.

Mrs. McArthur said a super-majority on Council could make the decision of Mayor. Mr. Smock said that could allow for a brand new person to be elected as Mayor.

Mrs. Sweet pointed out that nothing has changed for the residents with the change of Mayor at the past re-organizational meeting.

The Committee agreed, in Section 3.11, the \$1,200 salary should be taken out; and no amount be listed. The Committee said the salary will be dictated by the Civil Service Commission and appear in the Codified Ordinance. Mrs. Sekas will provide Mr. Gillette with language.

The Committee agreed Part G of Section 3.06 "*to regulate the subdivision and platting of land outside of the boundaries of the Municipality as provided by general law;*" will be removed.

The Committee agreed, in Section 6.08, the word 'Volunteer' be removed when referring to the Chardon Fire Department. Mr. Gillette said it will now be referred to as Chardon Fire Department, Inc.

Regarding regulating Council attendance, Mr. Gillette said that cannot be done because Council members are elected officials. He said sitting Council members can decide if un-excused missed meetings without a reasonable excuse could allow Council to take action on a case by case situation.

Mrs. McArthur said Council allows committee to regulate themselves; but can intervene if the Chairmen asks. Mr. Gillette said if the Chairman notifies Council for assistance, the Mayor can talk to the committee member in question and ask that person to resign if necessary.

Mrs. McArthur asked the typographical errors throughout the Charter be corrected.

Mrs. McArthur said she will follow-up regarding Section 9.01 for clarification from the Board of Elections on needing twenty-five (25) signatures or 2% of the population.

ADJOURN

Mrs. McArthur asked for adjournment at 8:21 P.M.

Respectfully Submitted:

NANCY MCARTHUR, CHAIRMAN

Rebecca Repasky, Secretary