

CITY OF UNIVERSITY HEIGHTS
MINUTES OF CHARTER REVIEW COMMISSION MEETING
APRIL 14, 2009

Chairman Harvey Morrison called the meeting to order at 7:30 p.m.

A. ROLL CALL

Present: Mr. Harvey S. Morrison
Mr. F. Michael Boyle
Mr. Simon A. Carroll
Mr. Jason Patrick Ferrante
Mr. Robert McClintock
Mr. Luke McConville
Mr. Paul M. Miller
Mrs. Susan Pardee

Absent: Mr. Mark N. Wiseman
Dr. Roderick H. Adams, Jr.
Mr. Joseph M. Shafran

MOTION BY MR. MORRISON, SECONDED BY MR. CARROLL to excuse the absence of Mr. Wiseman and Mr. Shafran. On voice vote, all voted “aye”.

B. REVIEW OF AVAILABLE MEETING MINUTES

Minutes were unavailable.

Mr. Morrison suspended the regular order of business to consider Items D and E first. There were no objections.

E. DISCUSSION REGARDING TOWN MEETING

Mr. Morrison announced that the Charter Review Commission will hold the public hearing required under Section 8 of Ordinance No. 2009-45 on Tuesday, May 19, 2009 from 7PM to 9PM at Wiley Middle School. At the public hearing, the commission will present its recommendations and answer questions.

D. CONTINUED DISCUSSION OF INFORMATIONAL MAILING

MOTION BY MR. McCONVILLE, SECONDED BY MR. FERRANTE to call the scheduled mandated public hearing to be held on May 19, 2009 at Wiley Middle School from 7:00 PM – 9:00 PM a “Public Hearing” for the purposes of the informational mailing. On voice vote, all voted “aye.”

The commission reverted to the regular order of business.

C. CONTINUED DISCUSSION OF ARTICLE 5 AND 5A

Discussion of Article 5. The Mayor

Mr. Morrison stated that the commission will continue its deliberation by designating the duties of the Mayor and City Administrator. He noted that Mr. Wiseman’s written comments indicated that he

would prefer for the Mayor to have significant powers, but not eternal powers. He added that some members feel that the City administrator should do everything.

Mr. McConville suggested that the underlying issue of whether the Mayor's position will be full-time or part-time should be determined prior to assigning duties. Mr. Ferrante noted that absent holding the position of Safety Director, the Mayor's position has traditionally been part-time even though there is no mention of it in the Charter. He added that the issue may be out of the commission's purview and in that of the Council and new Mayor with respect to ancillary duties for the Mayor if the Charter amendments pass. Mr. Ferrante also mentioned that establishing the position of Mayor as part-time may create the need for a City Administrator by default.

Mr. McConville stated that his thoughts in establishing a City Administrator was that he wanted to add a professional because he was particularly concerned about economic development, but he also but wanted to add human capital so that the staff and/or Mayor is not stretched too thin and so that the loss of one person will not affect the productivity of the City. He also pointed out that if the Charter stipulates that the City Administrator would be the Safety Director as stated in the proposed draft then the Mayor's salary would be cut in half and there will be a perception that the commission is creating a part-time Mayor.

Mr. Morrison stated that the Mayor's position has always been part-time with a separate position of Safety Director. He added that the administrator could hold a directorship such as Safety Director.

Mr. Miller stated that the duties which are assigned to the Mayor would determine if the Mayor is full-time or part-time. Mr. McConville questioned if the job will be too big for one person, and if so, how are the duties going to be divided when you take into account future economic development, regionalism, etc.

Mr. Boyle mentioned that Article 6 of the Charter established the Department of Public Safety so there has to be a Safety Director. There was a consensus that Mayor Rothschild has been a part-time Mayor and part-time Safety Director working full-time for the City. Mr. Ferrante stated that after the election, Council will have to review the current set-up for Mayor and Safety Director. Mr. McClintock added that the City Administrator should definitely be full-time. It was left up to the Council to determine what type of position the candidates for Mayor will be running for and who will be the Safety Director. Therefore, Mr. Morrison stated that in its deliberations the commission will consider the Mayor's position separately from the Safety Director, and define the duties of the Mayor and the City Administrator.

Mr. Boyle stated that at the last meeting several members wanted the Mayor to have the ability to hire and fire all the employees. He noted that under his proposed draft the Mayor would still have power and believes that if the Mayor is given the authority to hire and fire it would undermine the City Administrator's ability to perform his job. Therefore, he offered suggestions for compromise. The Mayor would appoint the City Administrator with the approval of Council so that the City Administrator becomes a bridge between the Mayor and Council. Another alternative would be for the Mayor and City Administrator to present the directors to Council for approval to hire and fire. He stated this would provide checks and balances. Mr. Boyle stated that as the commission reviews Mrs. Pardee's changes to the draft Charter, he believes they can find a common ground for the distribution of power. Mr. Miller stated that if a person does not have the power to hire and fire then they do not have any power.

Mr. Ferrante stated that hiring and firing may be one of the main issues, but there is lot more issues facing the commission. He was confident they could reach a compromise.

Mrs. Pardee stated that in her draft, she retained the elective power of the Mayor by allowing the Mayor the authority to hire and fire the employees as recommended by the City Administrator. However, she brought forth a compromise that the administrator would recommend, the Mayor would agree, and the Council would appoint. It was noted that is the logical progression. Mr. Carroll stated that if that was the case Council would have the ultimate power.

Mr. Morrison stated that he does not have a problem with the Mayor hiring the department heads, but he did not believe the Mayor should hire the general employees. It was noted that the current Charter give the department heads the ability to hire their staff. Mr. Morrison reviewed portions of the City of Oregon's Charter as it relates to the appointment and duties of the City Administrator, who is appointed by the Mayor with confirmation by a majority vote of Council. He noted that the power structure and duties are clearly defined and the commission should seriously consider Oregon's Charter in its deliberations. He noted that it also addresses matters of dispute.

With regard to the hiring of department heads, it was mentioned that currently the Mayor has sole authority to hire. There was extensive discussion as to various possible alternatives. Mr. McConville suggested a two step process where the administrator recommends the appointment and the Mayor hires. He did not want the process to be too cumbersome so that the executive branch is empowered to act quickly in matters of firing. Mr. Carroll stated that he envisions the administrator recommending and the Mayor approving the appointments and if there is a disagreement, the administrator would recommend another candidate. Mr. Ferrante agreed and stated that there would have to be a further step to Council in matters of disagreement. Mr. McClintock agreed.

The revised draft as presented by Mrs. Pardee was reviewed.

Article 5. The Mayor

It was agreed that Article 5, Section 1 shall read, "The Mayor shall have executive and administrative powers to the extent provided for by this Charter or by ordinance." and to delete "and the preponderance of such powers shall be vested in the City Administrator."

Article 5, Sections 2, 3, and 4(A) were accepted as written.

Article 5, Section 4(B) was accepted as written including the wording "City Administrator" as in Boyle's draft (2/24/09 draft) and corrects the grammatical mistake in the 2/24/09 draft replacing the word "or" in the last sentence with "nor" which is currently written in the Charter.

Article 5, Section 4(C) was agreed to be accepted as written.

Article 5, Sections 4(D) and (D)(1) were agreed to be accepted as written.

It was agreed that Article 5, Section 4(D)(2) shall read, "The Mayor shall be responsible for matters related to communications and public relations expressly to provide and encourage cooperation and collaboration with other governments, elected officials, agencies, and authorities, which aim is intended to advance the interest of the city and its citizens. The Mayor shall be empowered to respond to and work to resolve matters of inquiry and complaint from citizens and the public at-large."

It was agreed that Article 5, Section 4(D)(3) shall read, "The Mayor shall recommend the appointment and/or removal of the City Administrator to Council for its consent and approval in the manner provided in this Charter."

Article 5, Sections D(4) and D(5) were agreed to be accepted as written.

Article 5, Section D(6) as written in the 2/24/2009 draft was agreed to be deleted because the section was similar to Section D(2).

Mr. Morrison suggested adding a clause in Article 5, Section D(7) or to Article 7, Section 1 of the Charter to read, "No person shall be appointed to any commission or board of the City who is related by blood or marriage to the Mayor or any member of Council. There was preliminary discussion, but the matter was held in abeyance under discussion of Article 7.

Article 5, Sections D(7) and D(8) were agreed to be accepted as written except the numbers will be changed to D(6) and D(7) respectively.

It was agreed the Article 5, Sections D(9) be renumbered to D(8) and shall read, "The Mayor shall have such other powers and responsibilities including such emergency powers as provided by ordinance not in conflict with this Charter or the laws of the State of Ohio."

Article 5.1 The City Administrator

It was agreed that Article 5.1, Section 1, shall read, "The Mayor shall recommend, and the Council shall, by a majority vote, appoint and fix the salary of the City Administrator. The City Administrator shall be chosen on the basis of executive and administrative qualifications measured by educational background and training, and successful prior experience in public administration, city management, or other relevant and related fields. Neither the Mayor nor any member of Council shall be eligible for appointment as City Administrator during the term for which they have been elected or for one (1) year after leaving office."

The second paragraph regarding residency was deleted from the draft.

It was agreed that the third paragraph shall read, "The Mayor and Council shall make periodic reviews and evaluations of the City Administrator's performance, not less than annually."

It was agreed that Article 5.1, Section 2, shall read, "Duties of the City Administrator. The City Administrator shall oversee and/or perform all such duties that are central to the overall management, administration, and functioning of the City, and shall exercise control over all departments and divisions except those reserved to Council or other employees by this Charter. The City Administrator shall be responsible to Council through the Mayor for the proper administration of all affairs of the City."

The paragraph regarding reserving the title and position of the Director of Public Safety to the City Administrator was moved to Article 6.

Article 5, Section 3.1 was deleted from the draft.

Article 5.1, Sections 3.2, 3.3, 3.4 were renumbered 2(A), 2(B), 2(C), respectively, and it was agreed to be accepted as written.

Article 5.1, Section 3.5 was renumbered 2(D) and it was agreed to read, “ The City Administrator may serve on committees and task forces, and represent the city at meetings, other such functions and agencies, commissions, and official bodies, take such action deemed necessary to effectively promote the city’s interest.”

Article 5.1, Section 3.6 was renumber 2(E). It was agreed that this section would be discussed and reviewed at the April 28, 2009 meeting.

Mr. McConville requested that Mrs. Pardee prepare a new draft of Articles 5 and 5.1 though Section 2(D) with the recommend changes for the commission to vote on at the next meeting.

MOTION BY MR. FERRANTE, SECONDED BY MR. McCONVILLE to start the meeting to be held on April 28, 2009 at 7:00PM. On voice vote, all voted “aye.”

F. ADDRESS QUESTIONS/COMMENTS FROM ATTENDING CITIZENS

Rick Adante, 2247 Fenwick Road, noted the concern of residents who have attended the Concerned Citizens for University Heights community dialogues as to why the commission is rushing to complete its review with limited input from the residents. He posed the following questions in hope that they would be answered prior to and/or at the May 19th public hearing: “Why the rush to completion? Why is it necessary to have the vote for a government restructuring this year? Why are we changing the Charter? What are the specific problems facing the City that pushed the Commission to propose a restructured government? How will the new structure fix these problems, specifically?”

Mr. Adante also indicated that he will be presenting these same questions to City Council at its April 20, 2009 meeting with a recommendation to expand the time frame of the review. Mr. Adante pointed out that Mayoral and Council candidates should know the function of the office they are running for in November. He proposed that the potential change in government be considered for a 2013 implementation.

Mr. Morrison explained that the Charter Review Committee has been meeting since October 16, 2008 and the time frame was mandated by City Council. He added that the work of the Charter Review Commission is on a volunteer basis and that they are working for citizens.

Thelma Smith, Bushnell Rd., asked what is wrong with the current Charter and what will the new Charter fix. Mr. McConville suggested that Ms. Smith review the CRC’s minutes for details of the commission’s discussions. Ms. Smith also inquired if a finished product will be presented at the May 19, 2009 public hearing. Mr. Morrison replied that the report will be finished and it will be explained to the public.

G. ADJOURNMENT

MOTION BY MR. McCONVILLE, SECONDED BY MRS. PARDEE to adjourn the meeting. On voice vote, all voted “aye.”

The meeting adjourned at 11:34 p.m.

Harvey S. Morrison, Chairman

Jason Patrick Ferrante, Secretary