

Pepper Pike Charter Review Commission Meeting Minutes
July 31 to December 19, 2024
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**CITY OF PEPPER PIKE
CHARTER REVIEW COMMISSION
MEETING MINUTES
Wednesday
July 31, 2024
7:00 pm**

The City of Pepper Pike Charter Review Commission held its first organizational meeting on Wednesday July 31, 2024, at 7:00 pm in the Building Department Conference Room in Pepper Pike City Hall.

ROLL CALL Members Present: Scott Bilsky, Howard Bochnek, Cindy Eickhoff, Dagmar Fellowes, Gary Hoffman, Tamara Hrynik, Stephanie Jarrett, Robert Reznick, Matthew Vazzana

Others Present: Mayor Richard Bain, Law Director Steve Byron, and Council Members Tony Gentile, Jim Lemay, Melanie Weltman, Emmy Zatroch

Public Present Manny Naff

Call to Order: The meeting was called to order at 7:09 pm by Mayor Bain. He welcomed the appointed members of the Charter Review Commission, the invited guests, and the public attending, and asked each member of the Commission to introduce themselves. He then introduced the Law Director Steve Byron and members of the Council in attendance. He explained that the Pepper Pike Charter Review Commission was established as an independent body to review the current City Charter and to recommend changes, as few or as many as they might find appropriate, to the Council for their consideration. Upon review of those recommendations by the Council and with the affirmative votes of five members of the Council, the recommendations of the Commission, with or without modification by the Council, would be put to a vote of the electors of the City of Pepper Pike. He further stated that Council members Gentile, Lemay, and Weltman were appointed by the Council as designated Council liaisons to the Commission, and that the Mayor, the Law Director, all members of the Council, are also available as liaisons to the Commission, and all of them and all Department heads would be available as resources for the Commission. Mayor Bain recommended that the Commission organize itself and elect a Chairperson and a Secretary and whatever other positions it finds necessary to do the work assigned to the Commission. He briefly described the scope and applicability of the Ohio Open Meetings Act which was further described and discussed by Mr. Byron. Members of the Commission were cautioned against meeting in groups constituting a quorum of the Commission, outside of official meetings, and to be extremely cautious and discriminating in the use of personal email accounts to discuss any business of the Commission. Mayor Bain stated that City of Pepper Pike email accounts would be established for the Commission members to exchange communication pertaining to the business of the Commission. Lastly, several documents were distributed to the members of the Commission, including the current City Charter, the Council authorization for the establishment of the Charter Review Commission, and other materials.

Election of Chairperson: Following a brief discussion of the need for officers for the Commission Matthew Vazzana was nominated by Mr. Bochnek for the position of Committee Chair. The nomination was seconded by Ms. Fellowes and Dr. Hoffman. Mr. Vazzana was elected

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unanimously by a voice vote with no objection and no abstentions. Mr. Vazzana then assumed the role of Chair of the meeting.

Election of Secretary: After a brief discussion of the role of Secretary of the Commission Howard Bochnek was nominated for the position of Secretary. The nomination was seconded by Ms. Fellowes and Dr. Hoffman. Mr. Bochnek was elected unanimously by a voice vote with no objections and no abstentions.

Election of Vice Chair: After a brief discussion of the role of Vice Chair of the Commission Ms. Jarrett nominated Cindy Eickhoff for the position of Vice Chair. The nomination was seconded by Ms. Fellowes. Ms. Eickhoff was elected unanimously by a voice vote with no objections and no abstentions.

Presentation by Council Member Gentile: Mr. Gentile discussed an approach to how the Commission could divide into subcommittees and address the various Articles in the City Charter. He distributed various materials to assist the Commission in their work and in an understanding of how other similar size and similar age municipalities in Cuyahoga County have approached the organization of their City Charters. He also distributed a list of the personal email addresses of the Commission members and key City contacts. He reiterated the Mayor's comments regarding the availability of Council members and Department heads, to advise and assist the Commission as needed.

Ms. Fellowes asked if we need to have any specific provisions included in the Charter, to which Mr. Byron explained that under law it is not necessary to have a Charter. Mr. Gentile and Mr. Vazzana discussed the organization of municipalities in the State of Ohio where there are approximately 300 Charter cities and twice that number without a Charter.

Mr. Gentile suggested that the Commission divide into three committees, each of which would concentrate on a grouping of Articles from the current Charter. He also distributed some sample questions which the Commission could use to start the review process.

Presentation by Law Director Byron: Law Director Byron handed out a "Civics 101" document to help the Commission members in understanding the workings and interrelationships of cities, city governments, boards and commissions. He summarized the forms of municipal governments in the State of Ohio and explained that local laws and charter provisions cannot supersede State law and State Constitutions. He expanded on Mayor Bain's discussion of the Open Meetings Law and explained that meeting minutes must be voted upon before being accepted, and that draft minutes are considered to be public records as are the final accepted minutes.

Ms. Fellowes asked about the issuance of City email addresses for Commission members, as Mayor Bain had stated would be done, in his opening statement. She also asked about any liability and bonding requirements for the Commission, and where Commission members could find the State

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Law for Municipalities. Mayor Bain stated that the email address would be set up as first initial and last name @pepperpike.org. Mr. Byron stated that the Commission and its membership fall under the city's insurance policy. He also stated that municipalities are described in Title 7 of the Ohio Revised Code, and that section 705 describes the various forms of government permitted in the State of Ohio.

Mr. Bochnek asked if it was permitted to record Commission meetings. Mr. Byron stated that recordings could be made for the purpose of assisting in the preparation of meeting minutes and that such transient records could be deleted.

Both Mr. Byron and Mayor Bain explained that the Mayor's assistant would be available to help the Commission with the scheduling of meetings and sending meeting notices to the members.

Mr. Bilskey asked about the timeline to have Charter revisions placed on the ballot for a vote by the electors of the City of Pepper Pike. Mr. Byron explained that the window for Council action would be between 120 days and 60 days prior to the date when such vote would be put to the electors of the city.

Mr. Bochnek asked about the budget for the Commission. Mr. Gentile and Mr. Byron responded by saying that the budget was allocated to cover the cost of printing and mailing, and other such associated expenses.

Discussion of Scheduling of Meetings: Both Mr. Byron and Mr. Vazzana stated that they will review their schedules and let the Commission know what dates are not possible for meetings. Other members of the Commission will similarly let Mr. Vazzana know when they may not be available to meet. Mr. Vazzana also suggested that the Commission should not be looking to meet more often than every other week, to give time for follow up action and planning for the next meeting.

The members then agreed to schedule the next meeting for 8 am on Monday, August 19.

Discussion of how to proceed with the Charter Review: Mr. Vazzana indicated that his preference was not to break into subcommittees at this time.

Mr. Bochnek suggested that it would be premature to form any subcommittees until there was more discussion regarding the areas of the Charter that need the most work. He further suggested that the Commission look closely at three categories or "buckets", categorized as:

- 1) What is working well in the City and needs little or no further attention or improvement.
- 2) What is working in the City but could be improved upon.
- 3) What is not working or presents challenges on one or more level and needs to be fixed.

Ms. Fellowes suggested that the Commission start with interviews of City officials, including Council members and Department Heads.

Dr. Hoffman suggested that the Commission proceed Article by Article and conduct interviews appropriate to each Article, and perhaps to have individual Commission members volunteer to work on particular issues.

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There was consensus that the Commission would try to incorporate various approaches, as appropriate, and to start the review Article by Article, to understand the structure of the current Charter and to see where there may be little work required, or where more work may be required, and to get a sense of which approach or approaches to follow in the examination of various Articles.

First Review of Preamble: There was some discussion and consensus to keep the format of the Preamble and to further examine the issue of the municipality name, and whether Village or City would be the most appropriate descriptor, at this point in time.

First Review of Article 1: Mr. Byron noted that the Article as currently worded, is in violation of the Constitution of the State of Ohio, regarding the issue of changing borders and annexation. At the recommendation of Mr. Byron there was consensus to end the first sentence after the words "authorized by the laws of Ohio".

First Review of Article 2: Mr. Vazzana asked if Article 2 should remain as it currently reads, without changes. Mr. Byron stated that it should remain as is. Ms. Fellowes suggested that other municipalities structure Article 2 differently, regarding General Powers being limited. Mr. Byron stated that he does not believe it would be helpful in this case

General Discussion of the Charter Review Process: Mr. Reznick suggested that within the first few meetings, the Commission should settle on how to deal with the most critical issues identified by the Commission.

Ms. Fellowes asked if other than Article 1, if there are any other provisions in the current charter that are in violation of the State Constitution. Mr. Byron stated that there are not.

Mr. Bilsky emphasized the need for the Commission to hear from the heads of each city department.

Ms. Jarrett endorsed the approach suggested by Ms. Fellowes and Mr. Bilsky to interview the various department heads to fill the three "buckets".

Dr. Hoffman suggested that the Commission concentrate on Article III Section 3 at its next meeting.

Mr. Vazzana stated that at each meeting he would like for the Commission to format each meeting with a Call to Order, review and approval of the minutes of the previous meeting, conduct the business of the Commission, and adjourn. The "filling of buckets" should continue as the work of the Commission proceeds and information is gathered from department heads and from other sources.

Mr. Reznick asked if private written communications are appropriate during the Charter review process. Mr. Byron stated that private written communications are not permitted and would violate the Open Meetings Act. Mr. Vazzana stated that members should take input from various sources and save any observations and comments for the public Commission meetings. Mr. Vazzana added that he would request input regarding the current Charter and suggested changes, from the Mayor,

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Law Director, department heads, and members of Council, to be received by the Friday before the next scheduled meeting of the Commission, and that follow up interviews would remain an option.

Mayor Bain offered the use of the same Doodle software system used by the City to schedule meetings and communicate acceptances of meeting notices.

Mr. Vazzana stated that he was looking forward to the Charter Review process and to working with the members of the Commission on the task that was laid before the Commission by Council.

Adjournment: Upon a motion which was duly seconded, the Commission voted to adjourn the meeting at 9:00 pm.

These minutes were adopted by the Pepper Pike Charter Review Commission at a meeting held at 8am on Monday, August 19, 2024.



Matthew Vazzana
Chair



Howard Bochnek
Secretary

**CITY OF PEPPER PIKE
CHARTER REVIEW COMMISSION
MEETING MINUTES**

**Monday
August 19, 2024
8:00 am**

The City of Pepper Pike Charter Review Commission held its second meeting on Monday August 19, 2024, at 8:00 am in the Building Department Conference Room in Pepper Pike City Hall.

ROLL CALL Members Present: Scott Bilsky, Howard Bochnek, Cindy Eickhoff, Dagmar Fellowes, Gary Hoffman, Tamara Hrynik, Stephanie Jarrett, Robert Reznick, Matthew Vazzana

Others Present: Mayor Richard Bain, Law Director Steve Byron, and Council Members Tony Gentile, Jim Lemay, Melanie Weltman, Emmy Zatroch

Public Present Richard Leskovec, Dr. Robert Zatroch

Call to Order: The meeting was called to order at 8:01am by Mr. Vazzana. Mr. Bochnek called the Roll, and all members reported present.

Approval of Minutes of the July 31 meeting: Following an opportunity to review the minutes of the prior meeting, which had been sent out to the members of the Commission shortly before this meeting, several members suggested changes and corrections, which were noted by Mr. Bochnek. Upon a motion by Mr. Bilsky and seconded by Ms. Fellowes, the minutes were adopted as corrected. Ms. Eickhoff and Mr. Bilsky provided corrections to their phone numbers previously distributed to Commission members. It was also agreed to have a sign-in sheet for the public at future meetings.

Future Meeting Dates: The members of the Commission agreed to schedule the next two meetings for September 16 and September 30 at 8am. Meetings are scheduled for an hour and a half.

Discussion of Communications Issues: Mr. Vazzana asked if the members had successfully set up their pepperpike.org email addresses and if they were able to use them. The members reported mixed experiences, with some having problems with setup and access, on various devices. All members can access their email on at least one device, except for one member. It appears that there are more challenges with MAC computers. On the advice of Mr. Byron, it was agreed that Commission communications can be sent to the members using their personal email addresses if they are also sent to their pepperpike.org email address, or members can forward their pepperpike.org email to another address to read it. Mr. Byron again cautioned the members not to use email for discussions of Commission business.

Discussion about timing of the Commission's work: The members of the Commission discussed the timing of their work and final recommendations. Possible options for presenting the results of the Commission's work to the public, would be the same time as an Orange School District and Orange Recreation ballot issue in May, or the November General Election. Mr. Byron reminded

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the members that adequate time needs to be allotted for the Council to consider the recommendations of the Commission, and to schedule any potential ballot measure in accordance with the requirements of the Cuyahoga County Board of Elections.

Requested Feedback From the Council and Department Heads, and the Issue of What is a Charter Issue and What is Not a Charter Issue:

Mr. Vazzana thanked the members of the Council for their written input and encouraged them to continue providing whatever thoughts they have on the Charter and the Charter review process. Mr. Vazzana had sent the Council feedback to the Commission members on short notice, and asked Mayor Bain and his staff to print copies of the summary of that feedback as relates to Article 3 of the Charter. Copies were made and distributed to the members.

Mr. Vazzana asked Mayor Bain if he received any comments back from Department Heads concerning the work of the Commission and possible thoughts about the Charter. Mayor Bain responded that the staff was somewhat confused about what they were being asked for and didn't know how to respond. Mayor Bain did forward a shared concern regarding the issue of lateral hiring and the provisions of the Charter that impact on their ability to adequately staff Departments. Ms. Weltman agreed that the lateral hiring reference in the Charter is an issue that has come to the attention of the Council. Mr. Byron clarified that the Civil Service provisions in the Charter are mandated by the Ohio Constitution and are implemented by Council. He added that the matters relating to Civil Service and hiring are essentially not issues that can be addressed by the Charter or this Commission, as the State Constitution takes precedence. Ms. Weltman suggested that this point be clarified to staff so that there is no impression that the Commission is not addressing a concern that they have the authority to address. There was general agreement on that point.

Mr. Vazzana emphasized that as the Commission reviews the provisions in the current Charter, we should be discussing and determining if an issue is an issue to be addressed by the Charter, or if it can more appropriately be dealt with through City Council Rules, or changes to the Administrative Code, or through another legislative remedy.

A discussion followed on how to follow up with Department Heads. Ms. Jarrett suggested that Department Heads be asked specifically regarding what is working well and where they would like to see improvement. Dr. Hoffman asked if the Commission could have a committee meet directly with Department Heads. Mr. Byron reminded the Commission that any such committee could be subject to the open meetings requirements of the laws of the State of Ohio. It was concluded that Department Heads should have an opportunity to provide specific feedback to the Commission if they wish to, and that specific scripted questions may be more appropriate than an open-ended inquiry or a committee process. It was also agreed that it is important to demonstrate that the Commission solicited such feedback, and that Department Heads have an opportunity to respond if they so desire. Mr. Byron reminded the Commission that the Charter isn't necessarily the right place to address all concerns with the administration of the City.

Public Input Into the Commission Process: Mr. Bilsky inquired as to the method of opening the work of the Commission to public input and comment. Mr. Gentile stated that there are some dates blocked off for Town Hall Meetings in November and December of this year. Ms. Jarrett suggested that the Commission solicit public input before any Town Hall meetings. Mr.

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Resnick emphasized the point of posting the Commission agenda for each meeting and for providing an opportunity for public input into the process. Mr. Bochnek suggested that the small business community within Pepper Pike be specifically solicited for comment regarding the business environment in the City, and for the Commission to be able to determine if any concerns so expressed would be appropriate for the work of the Commission, or at least to provide a means to air such concerns and suggestions for the Council or the Mayor to address. It was agreed that the Commission needs adequate time to go through the entire Charter and review each section, once as a Commission, before taking public comments at a Town Hall Meeting. The Commission would then be able to consider the totality of public input prior to making specific suggestions to the Council regarding changes to the Charter to appear on the ballot for the electors of Pepper Pike.

Process for maintaining an updated copy of the Commission's work in process: Ms. Fellowes suggested that a copy of the work in process of the Commission be maintained for continuous updating and review. She offered to maintain an annotated version of the current Charter with suggested changes as the work of the Commission continues. Mr. Vazzana thanked Ms. Fellowes for volunteering for that task, and the other members of the Commission similarly acknowledged the great value in having that available as the work of the Commission proceeds.

Discussion of how the work of the Commission may be presented to the electors of the City of Pepper Pike: Mr. Byron explained that subject to acceptance by five members of the Council, Charter Amendments can be placed on the ballot for public consideration and a vote. Amendments may be grouped together by general subject but must be voted upon as amendments to the current Charter language, rather than voting on whether to replace the Charter with a new version. He further suggested prioritizing all changes to make the ballot as simple as possible for voters to understand and be willing to address.

First Review of Article 3: The Commission began its first review of the provisions contained in Article 3, pertaining to The Council.

Dr. Hoffman noted that the years 1967 and 1969 are contained in Section 1. Composition and Term, and that the year 1967 also appears in Section 2. Organization. He suggested that the references be updated to contemporary dates. Mr. Byron noted that one reference to the 1967 and 1969 dates is needed to mark the start of the 3 four-year Council terms dating from 1967 and the 4 four-year terms starting in 1969. There was agreement with Dr. Hoffmans concern for making the Charter appear more contemporary, as well as Mr. Byron's observation that some dates need to be added to mark the start of Council members' terms of office and when to schedule elections for expiring terms. The consensus was to leave the terminology in Section 1, and to simply note that the Council shall meet in January of each year in Section 2.

Upon a recommendation by Dr. Hoffman, Mr. Byron suggested removal of the phrase "Any member of the Council present and not voting shall be deemed to have voted with the majority and his or her vote shall be so recorded, except in the case of a tie vote when the vote of any Councilman present and not voting shall be counted as a negative vote." Following a discussion of the consequences and public impression left by classifying all abstentions as affirmative votes, or negative votes in the

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case of a tie, and the need to permit Council members to abstain for cause, there was a consensus to remove that sentence.

At the suggestion of Ms. Fellowes, there was consensus to change all references to "have and use a seal" to a requirement to "authenticate", in whatever manner as may be appropriate; and for "journal of proceedings" to be changed to match the current practices of the Mayor and City Hall staff, subject to receiving further feedback from the Mayor and staff regarding such current practices.

Ms. Fellowes further suggested changing all references to "Councilman" to "Member of Council", and that an appropriate gender-neutral term be used rather than "he" or "she" when referencing a clerk or a treasurer or the Mayor, or other specified individual. There was consensus on both suggestions.

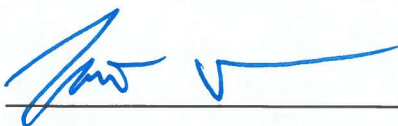
Mr. Resnick and Dr. Hoffman asked about the need to have either or both a Conflicts of Interest provision, and a prohibition against holding incompatible offices (i.e. School Board and Council), in the Charter. Mr. Byron explained that both are covered by State Law and are therefore not necessary to be included in individual municipal charters. There still appeared to be a desire on the part of the Commission to add a prohibition on Pepper Pike elected officials from holding other elective offices during their tenure in office in Pepper Pike, perhaps in Article 7.

Dr. Hoffman raised an issue regarding Article 3, Section 8, which relates to Zoning Ordinances, and suggested that the section contain a broad notice requirement to inform all residents. There was consensus that this section requires further attention and clarification as to means of communication as well as how to publicize or otherwise make known the substance of the zoning issue under review, subject to the limitations of what rightly belongs in the Charter and what can be dealt with by the Council through ordinances, from time to time.

Mr. Byron suggested a review of Article 3, Section 7, and lengthening the time between a vacancy occurring on the Council and the date of election of a successor, to more than the 120-day minimum currently required by the Charter. This would accommodate recent changes in election law which in effect shorten the actual time a resident has to qualify for the upcoming election to fill such vacancy. There was consensus to consider this matter further and change the language.

Adjournment: Upon a motion by Dr. Hoffman and seconded by Ms. Eickhoff, the Commission voted to adjourn the meeting at 10:26am.

These minutes were adopted by the Pepper Pike Charter Review Commission at a meeting held at 8am on Monday, September 16, 2024.



Matthew Vazzana

Chair



Howard Bochnek

Secretary

CITY OF PEPPER PIKE
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Monday
September 16, 2024
8:00 am

The City of Pepper Pike Charter Review Commission held its third meeting on Monday September 16, 2024, at 8:00 am in the City Council Chambers in Pepper Pike City Hall.

ROLL CALL Members Present: Scott Bilsky, Howard Bochnek, Cindy Eickhoff, Dagmar Fellowes, Gary Hoffman, Tamara Hrynik, Stephanie Jarrett, Robert Reznick, Matthew Vazzana

Others Present: Mayor Richard Bain, Law Director Steve Byron, and Council Members Tony Gentile, Jim Lemay, Melanie Weltman

Public Present Grace Barber, Manny Naft, Dr. Robert Zatroch

Call to Order: The meeting was called to order at 8:03am by Mr. Vazzana. Mr. Bochnek called the Roll, and all members reported present.

Approval of Minutes of the August 19 meeting: Following several suggested changes and corrections, which were noted by Mr. Bochnek, upon a motion by Mr. Bilsky and seconded by Ms. Fellowes, the minutes were adopted as corrected, without objection.

Role of the Law Director: Mr. Vazzana asked Mr. Byron to clarify if he intended to present the Commission with his own set of constitutional, statutory, stylistic, and other issues, or if he would prefer to continue to comment and advise as the Commission continues to sequentially address the various provisions of the Charter. Mr. Byron stated that he had no intention of presenting his own set of suggestions and was pleased to comment on and advise the Commission as the process continues and as the Commission decides to address various sections of the Charter.

Ease of Commission and Public Access to Agendas, Minutes, and work in process:

Several members of the Commission expressed concern regarding how the meeting agendas and minutes were being made available for review, as not all documents were e-mailed directly to Commission members, and documents were not easy to find on the Pepper Pike website.

Mr. Bochnek stated that draft minutes for review would be sent to all members via email, with the understanding that all comments and corrections would be discussed at the next meeting, and reaffirming Mr. Byron's cautions about not using "Reply All", or otherwise creating any issues with the Ohio Open Meetings Act.

There was a consensus, including expressions from some of the public in attendance, that the agendas, minutes, and any work in process documents that are published to the website should be done so in a manner that would be easiest to find and access. Making the information accessible via the fewest mouse clicks is highly recommended and preferred. This needs to be discussed with the Clerk of Council and the Mayors Executive Assistant to achieve these goals as soon as possible.

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Ms. Fellowes suggested that since she is maintaining an annotated draft of the suggested revised Charter, as a work in process, that document should also be shared with the public via the website as it continues to be updated by the Commission. There was a consensus to include that work in process document along with the published minutes of each meeting, and for the Commission to continually review that document as part of its ongoing work.

Public input into the work of the Commission:

Mr. Bochnek raised the issue of the public needing an opportunity to have input into the Charter Review Process. He specifically recalled various community issues of the past twenty-five years, including the Porter Property / development of Sterling Lakes / closure of Old Brainard Road, and the issues surrounding the future of the Beech Brook property, that were not handled well by the City and resulted in great public frustration and dissatisfaction with the City's deliberative and decision-making processes. In contrast he also cited the City's handling of the "Walkability" issue that garnered a great deal of community input and opinion, as well as an advisory vote to assist the Council with their final decision making. He also referenced the various categories of "public", including residents of the City, commercial businesses located in the City, medical, dental and other health related practices in the City, and the faith community including two large synagogues and at least three churches in Pepper Pike.

Mayor Bain expressed his opinion that the Commission would benefit from community input into the Charter Review process.

It was agreed that the Commission needs to reach out to all stakeholders with information regarding the current Commission process and inviting public participation and/or comment on the process.

Mr. Bilsky and Ms. Hrynik volunteered and were appointed to utilize the resources made available to the Commission by the Council, to send e-mail and USPS mail messages to all residents, advising them of the current Charter Review process. Due to the time constraints, they were asked to take care of the task and to report back on their efforts and any progress at the next meeting of the Commission.

Mr. Lemay also requested that the Commission keep the Council informed of its work, prior to sending final recommendations.

Discussion about timing of the Commission's work:

Mr. Vazzana asked the Mayor and the Council liaisons to clarify the timeline in which the Commission is expected to complete its work and forward recommendations to the Council. The Commission was advised by the Council liaisons that whatever Town Hall meetings have been tentatively scheduled for November and December are for the purpose of informing the public about the work of the Commission and whatever recommendations the Commission is planning to forward to the Council, and not for the purpose of gathering input into the Commission process or feedback from the community regarding perceived needs and/or changes they may wish to see in a revised City Charter.

As it is the intent of the Council to complete its work on the recommendations of the Commission and to schedule a vote by the electors of the City of Pepper Pike, in the Spring of 2025, the original deadline for the Commission to complete its work by December 18, 2024, remains a firm date and will not be extended by Council.

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Future Meeting Dates: In light of the deadline set by the Council, for the Commission to complete its work, Mr. Vazzana stated his opinion that the Commission needs to schedule additional meetings now and to agree to meet both in the morning, as the Commission has been doing, and to also schedule some evening meetings to allow more time to discuss agenda items and to permit more members of the public to attend.

Mr. Vazzana had to leave at 9:12 am to attend a business meeting, and Ms. Eickhoff assumed the duties of the Chair.

At the suggestion of Mr. Reznick and Mr. Bilsky, the members of the Commission agreed to the following tentative meeting dates and approximate length of each meeting:

Monday, September 30 at 8 am for approximately 90 minutes

Monday, October 7 at 8 am for approximately 90 minutes

Thursday, October 17 at 6 pm for approximately 2 hours

Monday, October 28 at 8 am for approximately 90 minutes

Thursday, November 7 at 6 pm for approximately 2 hours

Monday, November 18 at 8 am for approximately 90 minutes

Monday, December 2 at 8 am for approximately 90 minutes

Ms. Eickhoff emphasized the need for the Commission to stay focused on its work and to adhere to the timelines to the greatest extent possible, as there are members who need to attend to work and family commitments and cannot stay indefinitely as meetings go past their allotted time.

Continued Discussion of Article 3 The Council:

Discussion was resumed from the previous meeting regarding the use of the term “journal” for the collection of documents relating to the work of the Council. It was determined that current practice does not include a single book called a “Journal”. Rather documents relating to the work of the Council are printed and kept on file, but not in a “Journal” per se. Mr. Byron suggested renaming the current collection of such documents as a “Journal”. The consensus of the Commission members was to move on from the somewhat dated term “Journal” and to reference a “Record” of the proceedings of Council and related documents and leaving the exact form of such document compilation and storage to the Council to legislate from time to time as prevailing technology changes, and to include digital storage options as well as printed options.

The Commission then turned its attention back to the concerns of Dr. Hoffman regarding the possible habitual absence of Council members from meetings, whether with or without cause. Discussion included the concept of “excused” vs. “unexcused” absences, and whether to include strict language relating to the number of “unexcused” absences that would be permitted, and whether to continue the current term “compel” as a required action of the Council when habitual absence of a member is noted. Mr. Byron advised the Commission that the Council has all the authority it needs to take action when required, with several Council members discussing the discretion they have in Executive Session to deal with such matters. The Commission did not make a final recommendation on the wording relating to repeated absences of Council members and will continue to consider options, at a future meeting of the Commission.

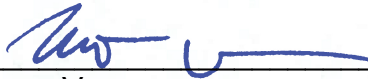
Ms. Eickhoff reminded the Commission that the body should not be drafting Charter language for a contingency that can easily be handled by an ordinance.

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For review at the next meeting: It was agreed that at the next meeting the Commission should complete its initial review of Article 3 and move on to Article 4, including a discussion of a suggestion that will be presented to the Commission for the creation of a position of Council President.

Adjournment: Upon a motion by Dr. Hoffman and seconded by Ms. Fellowes, the Commission voted to adjourn the meeting at 9:48 am.

These minutes were adopted by the Pepper Pike Charter Review Commission at a meeting held at 8am on Monday, September 30, 2024.



Matthew Vazzana
Chair



Howard Bochnek
Secretary

CITY OF PEPPER PIKE
CHARTER REVIEW COMMISSION
MEETING MINUTES
Monday
September 30, 2024
8:00 am

The City of Pepper Pike Charter Review Commission held its fourth meeting on Monday September 30, 2024, at 8:00 am in the City Council Chambers in Pepper Pike City Hall.

ROLL CALL Members Present: Scott Bilsky, Howard Bochnek, Cindy Eickhoff, Dagmar Fellowes, Gary Hoffman, Tamara Hrynik, Stephanie Jarrett, Robert Reznick, Matthew Vazzana

Others Present: Mayor Richard Bain, Law Director Steve Byron, and Council Members Tony Gentile, Jim Lemay, Melanie Weltman

Public Present Richard Leskovec, Manny Naft, Kaley Richard (for the Chagrin Valley Times), Dr. Robert Zatroch

Call to Order: The meeting was called to order at 8:04am by Mr. Vazzana. Mr. Bochnek called the Roll, and all members reported present.

Approval of Minutes of the September 16 meeting: Following several suggested changes and corrections, which were noted by Mr. Bochnek, upon a motion by Ms. Fellowes and seconded by Ms. Eickhoff, the minutes were adopted as corrected, without objection. Ms. Fellowes asked that the final minutes from each meeting be distributed prior to the next meeting. Mr. Bochnek responded that minutes were being posted to the website, but that in the future he would distribute copies of the final version of the minutes from each meeting directly to the members of the Commission.

Public Notice Regarding the Work of the Commission: In the interest of welcoming public input into the charter review process, Mr. Vazzana invited any public comment at the outset of the meeting.

With no request by any member of the public to address the Commission at this time, Mr. Vazzana asked Mr. Bilsky and Ms. Hrynik to report on efforts to publicize the work of the Commission and to solicit public input into the charter review process. Mr. Bilsky reported that a notice would appear later that day in the Pepper Pike Post, emailed to approximately three thousand recipients who are on the Pepper Pike email distribution list. The notice contains information about the work of the Commission and invites public input with a requested comment date of October 14. Ms. Hrynik discussed their intention to continue to update the public as the Charter Review process continues, with regular follow-up communication. Dr. Hoffman raised a concern about those who rely on paper mail rather than e-mail, and Mr. Bilsky added that there would be a follow-up written letter to all residents and businesses located in Pepper Pike. The content of that letter would also appear as an attachment to the notice in the Pepper Pike Post. Mr. Bilsky also noted that the website was made clearer, and it would now be easier to find information about the work of the Commission.

Mr. Lemay asked if the redline version of the charter review, being updated by Ms. Fellowes, would from time to time be revisited as the Commission addresses various aspects of the current charter. Mr. Vazzana responded that the redline version continues to be a work in process which will need to be revisited from time to time as the work of the Commission continues, with the Commission needing to triage the changes before submitting recommendations to Council, in the process of deciding how to present the recommended changes to the public for a vote of the electors.

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Discussion of the Creation of a Position of City Council President: Mr. Vazzana stated that the issue of creating a position of City Council President has been raised by several people. He invited members of the Commission, the Council liaisons, and the Mayor to discuss their thoughts on the issue.

Ms. Hrynik distributed a comparison she had prepared of the municipalities mostly in Cuyahoga County, showing which have a Council President, which have a Vice Mayor, and comparing the roles of each in the various communities.

Mr. Bochnek asked where the issue of creating a City Council President position came from.

Ms. Fellowes responded that the issue appears to have been raised by several current Council members as well as some members of the public.

Mr. Vazzana specifically asked anyone to define the problem that would be remedied by the creation of such a position.

Ms. Eickhoff stated her observation that communication between the Council and the Mayor could be improved and that a City Council President could provide for better intergovernmental communication and overall better government.

Ms. Fellowes asked how municipalities with various governmental models function and where the role of Vice Mayor fits into the discussion.

Ms. Eickhoff observed that while she is receptive to having a Council President for Pepper Pike, such position varies in terms of function and practice across the municipalities which have a Council President. She added that the matter doesn't have to be overly complicated and if the creation of such a position will aid in communication between branches of government, it should be seriously considered, otherwise it may not be helpful.

Dr. Hoffman asked if the role of Council President is different across various communities, what would be the role for that position in Pepper Pike, how would it improve government, and how might it impair the Mayor in fulfilling his role.

Ms. Eickhoff responded that we should be keeping current personalities out of the discussion and only go forward with the idea of a Council President if it would improve the functioning of government. She pointed out that in some communities the Council President position is seen as being very helpful to communication and the workings of government.

Ms. Jarrett expressed the opinion that this issue needs to be considered very carefully and that such new position only be created for the right reasons.

Mr. Reznick spoke from a business perspective to the issues of needing a general design for our government, the need for good communication, and the need for clear definitions and keeping it simple.

Mayor Bain spoke to the fact that Pepper Pike has always had a "strong Mayor" form of government, where the Mayor is the CEO of the municipality, and that has served the city well over many years. He emphasized that nearly all legislation is generated from the Mayors' office rather than from the Council, and that the Mayor sets the agenda for Council meetings based on the needs of the various departments. The agenda is circulated among the department heads, to bring issues before the Council. He stated that most legislation comes from the Administration rather than the Council, but the Council can add agenda items at any time. He added that the agenda is dynamic and can change up until the time of the meeting, which he said is a good thing. He stated that the city government is not a school board and questioned the need for any change, and just because other

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municipalities may do things differently that is no reason for a change in Pepper Pike. He agreed that some things could have been done better in the past, but that isn't sufficient reason to make any significant changes in the structure of government. He also referenced a time, some fifteen years ago, when the city had severe financial problems, and came out of those hard times with a strong Mayor model still in place.

Mr. Lemay differed in his opinion regarding the success of the strong Mayor model and believes that strong Mayor model failed the city during that financial crisis.

Dr. Hoffman questioned whether the role of the current Vice Mayor could be altered to fulfill the objectives of those advocating for the creation of a Council President position.

Mr. Gentile pointed to the fact that there is no provision in the current charter for the Council to propose legislation. He further stated that the position of Vice Mayor was currently defined in the Charter and could be redefined along with the creation of a Council President position.

Mr. Lemay spoke about tradition and customs being the base for any consideration of changes to the Charter. When that day comes having a Council President could be helpful. He said that the city should prepare for the day when there may be a Mayor who is uncooperative with the Council. He expressed his viewpoint that the primary task of the Vice Mayor is filling in as acting Mayor during any short or prolonged absence of the elected Mayor and succeeding to the office of Mayor in case of a vacancy. He believes that a Council President should be a separate position and someone who receives input from the members of the Council, coordinates the work of the Council, and prepares the agenda for Council meetings. He does not necessarily believe that the Council President should be the presiding officer for the Council and that the Mayor could continue in that role.

Dr. Hoffman asked if we could just restructure the Vice Mayor position. Mr. Lemay responded that the Council President would collaborate with the Mayor and that the role of the Vice Mayor could be redefined.

Ms. Eickhoff stated that everything comes back to communication and working together, and that it is time to update from a city government structure that was established in the 1960's.

Ms. Fellowes expressed the need for the city government to be able to meet the expectations of the community, particularly regarding communication.

Mr. Vazzana said that it would not be out of the ordinary for a Council President be defined as a position which accedes to the position of Mayor in the case of a vacancy, and it would not be unusual to have a provision whereby the members of Council or a Council President could call a meeting of the Council without the consent of the Mayor, if needed. He added that it is also possible to include a provision whereby a Council President collaborates with the Mayor on the preparation of a Council agenda. Also, a Council President does not have to be the presiding officer of the Council, and the Mayor could preside.

Mr. Byron then discussed the differences, in the State of Ohio, between municipalities of less than 5,000 residents and those with more than 5,000. The smaller entities, the Statutory Villages, have six council members and the Mayor serves as Council President under State Law, and the Mayor only votes in the case of a tie vote. In Statutory Cities over 5,000 residents the standard is to have both a Mayor and a Council President. There the Mayor is no longer the sole authority over both the Council and the Administration. Pepper Pike and another municipality that Mr. Byron is familiar with adopted a seventh council position, although the two municipalities differ in several other aspects of how the Council and the Mayor relate to each other. The other municipality has a Council President with limited powers. He added that one member of Council should not be able to propose legislation, and that having a position such as a Council President who has been elected with a majority of the votes

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of Council, that person represents a majority of the Council and can place proposed legislation on the agenda as well as the Mayor on behalf of the Administrative Departments, or by a vote of a majority of the members of Council. The benefit of having a Council President is to have a buffer between the Legislative body and the Administrative body. He added that there are examples of municipalities where there is a long history of deference and cooperation between the Administration and the Legislature, as well as recent examples, including in an adjacent municipality where a disruptive member of Council created a very difficult situation for the governance of that municipality, which was only resolved by the voters after a prolonged period of the government not being able to function properly.

Mr. Bilsky commented on his experience serving as a Council member in an adjacent community which has a Council President, and his thoughts arising from his tenure in that position, and his belief that having a Council President was important and played very useful role in the functioning of government.

Based on comments by both the Mayor and Council liaisons, there appears to be a noticeable degree of tension over the issue of preparation of the Council agenda and the conduct of the meetings, and that some personality differences appear to characterize the relationship between the Mayor and the Council more so than in the past decade or so.

There was general agreement between the Mayor and Council liaisons that the City of Pepper Pike government functions well, but not perfectly. From time to time there are some tensions and personality conflicts that inhibit the ability of the Mayors' office and the Council to work together as well and as efficiently as possible. Both the Mayor and the Council liaisons agreed that for the most part there is a cordial and respectful relationship between the Mayors' office and the Council, but that in the future, perhaps with a different Mayor and different Council members, there could be personality conflicts and priority differences that challenge the ability of city government to function properly, as has been evidenced in some neighboring communities.

The question at hand is whether, and how, having a Council President would improve the preparation and implementation of the Council agenda and the functioning of the Council overall, as well as contributing to the efficacy and efficiency of the municipal government of Pepper Pike as a whole.

Remaining Timeline for the Work of the Commission:

Mr. Byron questioned the short timeline for the work of the Commission and stated his opinion that if the Commission needs more time, they could request that the Council extend the date for presenting recommendations for changes to the Charter. Several members of the Commission expressed their concerns with the timeline as well, while other members of the Commission cited the deadline as necessary for the Commission to proceed with a sense of urgency and to keep pace with the task of reviewing the Charter for needed updates and possible changes in government structure and functionality. It was the consensus of the Commission that with three meetings scheduled for the month of October, by the end of that month the Commission would have a better idea if more time might be needed to complete their review and recommendations to Council.

Dr. Hoffman expressed concern over the scheduling of meetings and meeting date conflicts that he has. Mr. Vazzana invited him to put in writing his thoughts on issues to be discussed at any meeting he would be unable to attend, to be included as part of the discussion at those meetings.

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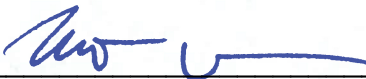
For review at the next meeting:

At the suggestion of Mr. Reznick, it was agreed that the members of the Commission would consider all the issues raised and discussed pertaining to the possible creation of a position of Council President and be prepared to conclude that discussion at the October 7 meeting, with a recommendation, if possible. The remaining time can be devoted to continuing discussion of other provisions of Article 3.

Adjournment:

Upon a motion by Ms. Fellowes and seconded by Ms. Hrynik, the Commission voted to adjourn the meeting at 9:46 am.

These minutes were adopted by the Pepper Pike Charter Review Commission at a meeting held at 8am on Monday, October 7, 2024.



Matthew Vazzana
Chair



Howard Bochnek
Secretary

CITY OF PEPPER PIKE
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October 7, 2024
8:00 am

The City of Pepper Pike Charter Review Commission held its fifth meeting on Monday October 7, 2024, at 8:00 am in the City Council Chambers in Pepper Pike City Hall.

ROLL CALL Members Present: Scott Bilsky, Howard Bochner, Cindy Eickhoff, Dagmar Fellowes, Tamara Hrynik, Stephanie Jarrett, Robert Reznick. Mr. Vazzana and Dr. Hoffman were unable to attend.

Others Present: Mayor Richard Bain, Law Director Steve Byron, and Council Members Tony Gentile, Jim Lemay, Melanie Weltman

Public Present Grace Barber, Arlyne Bochner, Richard Leskovec, Manny Naft, Kaley Richard (for the Chagrin Valley Times), Fred Wentz

Call to Order: The meeting was called to order at 8:04am by Ms. Eickhoff. Mr. Bochner called the Roll, and a quorum was present.

Approval of Minutes of the September 30 meeting: Following one suggested correction, which was noted by Mr. Bochner prior to the start of the meeting, upon a motion by Ms. Jarrett and seconded by Ms. Hrynik, the minutes were adopted as corrected, without objection.

Public Notice Regarding the Work of the Commission: In the interest of welcoming public input into the charter review process, Ms. Eickhoff invited any public comment at the outset of the meeting.

Richard Leskovec thanked the Commission for the work that is being done to review the Charter. He then pointed out that recently a piece of legislation that had been introduced by a member of Council was adopted by the Council. He went on to agree with the Mayor's characterization of Council meeting agendas and how the agendas are prepared. He concluded by observing that when the city had severe financial problems more than a decade ago, the situation had nothing to do with the form of government in place at the time.

Manny Naft asked that the commission look at evidence of a lack of collaboration between the current Council and the current city Administration of Pepper Pike and listed several examples of the inefficiencies that have resulted from that lack of collaboration. He stated his opinion that the Council needs a Council President, and his belief that language in the charter should compel cooperation between the branches of government.

Councilman Tony Gentile asked that the Law Director provide clarification regarding the ability of a Mayor to veto Council recommendations for Charter revisions to be put to a vote of the city electors. Mr. Byron stated that while the State Constitution is moot on this point, there is an Ohio State Supreme Court decision which holds that a Mayor does not have the authority to veto such a vote by the Council. Ms. Fellowes asked that Mr. Byron clarify the source of the information provided, which he did. Ms. Eickhoff requested that Mr. Byron put this information in writing to be part of the record of this meeting and the proceedings of the Charter Review Commission. Mr. Byron stated that he would do so.

Councilman Jim Lemay distributed a one-page summary of suggested Charter language for the creation of a position of City Council President.

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Continued Discussion of the Creation of a Position of City Council President:

Ms. Eickhoff reported that since Dr. Hoffman could not attend this meeting in person, he submitted a written opinion on the issue before the Commission, as had been suggested by Mr. Vazzana at the previous meeting. His written statement was distributed to all the members of the commission. She then asked that Mr. Reznick pick up the discussion where we left off at the conclusion of the previous meeting.

Mr. Reznick reminded the Commission that he had asked each member to consider the creation of a Council President position and to be prepared to discuss their thoughts and recommendation in this regard. He then stated his position that based on his research he is in favor of creating a Council President position as there is more to gain than lose by doing so. He further stated that he believes that using the model of Chagrin Falls would be the best place to start consideration of creating such a position and the crafting of suitable language for the Pepper Pike Charter.

Ms. Hrynik agreed with Mr. Reznick regarding the creation of such a position and the use of the Chagrin Falls Charter as a model to work from. She stated that she much prefers the title of City Council President to any reworking of the current Vice Mayor position, and likes the recommended wording contained in the document distributed by Mr. Lemay. She then asked Mr. Byron to comment on meeting dates being included as Charter language.

Mr. Byron commented that the Charter should not be specific as to meeting dates and the Commission needs to be mindful of what language belongs in a Charter and what language should be reserved for ordinances passed by Council. He added that the Commission could make recommendations to Council that are outside of the scope of Charter amendments, where the Commission believes those recommendations would be helpful to the running of the government of Pepper Pike.

Mr. Bilsky asked Mr. Byron about the process to determine what Charter issues will be grouped together and worded for presentation to the electors for a public vote, as well as whatever additional recommendations the Commission may make to Council.

Mr. Byron replied that the Commission should be focusing their recommendations on whatever changes to the Charter they think are necessary, while allowing the members of Council, three of whom are attending Commission meetings, along with the Mayor, to listen to the discussion of additional concerns and take whatever actions they determine to be appropriate.

Ms. Eickhoff cautioned about another community which brought an issue to the electors of that community, which could have more appropriately been dealt with by legislation, and the unwanted complications that can arise from such an error.

Ms. Fellowes cited the Moreland Hills Charter which contains explicit language calling for the adoption of legislation to set out meeting dates and other matters of Council organization, and asked Mr. Byron for his opinion.

Mr. Byron stated that every public body needs to have a regular meeting schedule, as well as providing for additional meetings when necessary.

Ms. Hrynik wants to see the process of organizing the Council and scheduling their meetings clarified in the Charter.

Mr. Byron concluded that all relevant parties are paying attention to the work of this Commission and that the Commission should understand that their discussion as well as their explicit recommendations are being heard by the community at large.

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Mr. Lemay noted that the Council currently has the power to prepare a schedule in advance and to do other things that it may not necessarily have taken advantage of previously. He added that Council is looking into those issues and intends to address some of them going forward during the current session.

Ms. Eickhoff then returned the discussion to the issue at hand regarding the creation of a City Council President position.

Ms. Jarrett stated her agreement with the need for such a position and using Chagrin Falls as a model to start from, and that the position of Council President should be one that encourages all parties to work in a collaborative manner. She also raised the question of who supervised the Clerk of the Council.

Mr. Bochnek stated his overriding interest in the Commission, recommending necessary changes to the Charter that can guide the City of Pepper Pike on a course of adherence to the best practices appropriate for a municipality of its size and population and doing it in a manner that is most easily sellable to the electors of the City. He agrees that the Council agenda should be prepared by someone other than the Mayor with the input of both the Mayor and the members of Council but cautioned about creating a new position that might be confusing to the electors at the time of a public vote on changes to the Charter. He stated his preference for reworking the current position of Vice Mayor rather than trying to get electors to accept the creation of a new position in the Charter. He further expressed his concern over having one person create an agenda for the Council and another person preside over the meeting, as that makes no sense to him.

Ms. Fellowes stated that she is in favor of the creation of a role that is equivalent to a Council President position particularly for their role in the preparation of the Council agenda. She likes the system employed by Gates Mills which represents more of a minimalist model. She asked Mr. Byron for clarification regarding the preparation of a Council agenda.

Mr. Byron responded that a Council agenda is mostly fixed by circumstances, including the need of Departments for various Council actions, or financial requirements of the city. He believes that the Mayor needs some flexibility and the ability to add to or otherwise adjust the agenda based on the needs of the city at the time of a Council meeting.

A conversation ensued comparing provisions of the Gates Mills Charter and the Chagrin Falls Charter and the subject of who is involved in making the Council agenda and who presides over the meetings.

Ms. Fellowes clarified that she is in favor of the creation of a position of Council President if that position is also a member of Council and has a clearly defined role. She also believes that the task of agenda setting is very important and also needs to be set out in the Charter.

Mr. Byron added that the agenda is a tool for the presiding officer to run a meeting and keep order.

Mr. Bilsky stated his position in favor of a Council President position to work collaboratively with the Mayor and to have a deadline for the preparation of Council agendas. He likes the models of Chagrin Falls, Orange Village, and Moreland Hills, where the monthly work of the Council is split into meetings of a Committee of the Whole and the Council, with the Council President and the Mayor each chairing one of the meetings.

Ms. Eickhoff then handed out the prepared comments of Dr. Hoffman who could not attend the meeting. She then stated her preference for creating a position of Council President while separately maintaining the position of Vice Mayor, as well as the potential for the Mayor presiding over one meeting per month and the Council President presiding over a different meeting, such as

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a meeting of a Committee of the Whole, as discussed by Mr. Bilsky. She believes that if properly presented to the electors, the creation of a new position of Council President could be sold to the public, particularly if it is a good idea and has merit that can be explained in advance of a vote. She then read the handout from Dr. Hoffman.

Ms. Fellowes asked where salaries are set for City personnel, including the Council.

Mr. Byron and Ms. Eickhoff responded the salaries are set by ordinance in accordance with Article 6 of the Charter.

Ms. Eickhoff stated that Mr. Vazzana would like to discuss his thoughts on the creation of a Council President position at the next meeting of the Commission. She then stated that she believes there does exist a consensus on the Commission for the creation of a new role.

Ms. Fellowes asked the group what roles might be included in the definition of a Council President and possibly separated from those that currently exist for the Mayor.

Mr. Reznick suggested we include scope of the role of Council President, term of office for Council President, preparation of meeting agendas, and Ms. Fellowes added the role of who presides over meetings.

Mr. Bilsky raised the issue of scheduling meetings and if that is already covered by Article 3 Section 5.

Mr. Byron explained that the issues of how regular and special meetings are scheduled, who can determine the presence of a quorum, and the agenda of special meetings, are all legitimate matters that can be addressed in a Charter.

Mr. LeMay expressed his preference for both a Council President and a "strong Mayor" model of government. He explained the language suggestions contained in the document that he distributed at the outset of the meeting. He added that the Mayor should preside at Council meetings, but to take that requirement out of the Charter.

Mr. Gentile questioned what is meant by the term "strong Mayor".

Mr. Byron explained that in a statutory Village the Mayor is a voting member of Council, does not have a veto, and all appointments are made by the Council. In a statutory City the Mayor is not a member of Council, has a veto, and makes all appointments.

Mr. Reznick asked that the written handouts from Mr. Lemay and Dr. Hoffman be circulated to all members of the Commission, and that other members of the Council, and the Mayor be asked for their thoughts on the matter of a Council President, and that we aim to have responses back before taking a vote on recommendations for specific wording changes in the Charter relating to the creation of a Council President position.

Mr. Gentile asked for a written definition of the "strong Mayor" model of government.

Ms. Eickhoff asked Mr. Byron to prepare the requested definition.

Mayor Bain cautioned the Commission to step carefully and be sure that any recommended change to the Charter will be an improvement. He added that whatever the structure of government, there will always be some tensions between the Mayor and the Council.

Ms. Eickhoff stated that everyone on the Commission takes their role very seriously and wants to preserve the aspects of Pepper Pike that are special, and to make sure that whatever model we choose for our governance is the best model for the future.

Mr. Bilsky reaffirmed the need to address various issues including making of an agenda, committee assignments, presiding officer, scheduling and canceling of meetings, term of office, and appointment of the Clerk of Council, as part of the definition of the role of a Council President.

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Ms. Eickhoff expressed her view that a term of 2 years for a Council President makes more sense than 1 year, to coincide with the makeup of the Council between election cycles.

Mayor Bain expressed his concern that Mr. Lemay's concept for a Council President would have the Council agenda finalized by the Council President, which would impair the Mayor's ability to add necessary items to the agenda that arise between the time the agenda is finalized and the time of the Council meeting. He cited the City of Beachwood as an example of what can happen when a Council President decides to ignore the expressed needs and concerns of the Mayor, leading to chaos in city government.

Ms. Eickhoff stated her preference for a model whereby both the Mayor and members of Council could contribute to a meeting agenda, and that the preparation of the agenda be coordinated by a Council President.

Ms. Fellowes returned the discussion to the question of how the role of a Council President would be defined.

Mr. Reznick cited options including a redefinition of the role of the current Vice Mayor, to something along the lines of the Chagrin Falls minimalist Council President role, or possibly going beyond that to define a stronger model.

Ms. Fellowes noted that as with many other definitions of this nature "the devil is in the details".

Ms. Hrynik advocated for narrowing the scope of the discussion and to select a model to go forward with and to draft Charter language to fit that chosen model.

Ms. Eickhoff noted that there seems to be broad preference for a new position of Council President rather than redefining the Vice Mayor position.

Mr. Lemay expressed his desire for both a Council President and a Vice Mayor.

Mr. Bochnek once again expressed his concern about how the final recommendation would be sold to the electors, and the need to keep the wording as simple as possible.

Ms. Eickhoff again expressed her belief that any change to the Charter that the Commission and the Council believe is necessary could be explained appropriately to the electors when the issue is put to a vote.

Mr. Bilsky suggested that just as the Commission designated two individuals to prepare communications to the public regarding the work of the Commission, several members be designated to draft Council President language for the Commission to consider.

Ms. Fellowes added that such language could include various options.

Mr. Byron expressed his belief that a Council President who does not preside at Council meetings would present a problem and that would not be an optimal way to proceed and to define a Council President role. He added that the function of a Council President should be to preside over the meetings of the Council with the agenda that was created by the Council President in consultation with the Council and the Mayor. To do otherwise would create a cognitive dissonance which would be problematic going forward. He repeated that if there were to be a Council President, that is the appropriate person to preside over meetings of the Council, as that is the function of a Council President.

Mr. Lemay disagreed with Mr. Byron.

Mr. Byron stated that if the Commission did not want to recommend the creation of a Council President position where that person would chair Council meetings, it might be better to instead have the existing Vice Mayor prepare the agenda and for the Mayor to preside over the Council meetings.

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Ms. Weltman expressed her view that it doesn't matter who presides over the Council agenda if all members of Council get to express their opinion on an issue. She added that since there are only three members of Council present at the meetings of the Commission, the other four members of Council should be asked for their input regarding the issue of a Council President and the role for that position if it were to be created.

Mr. Gentile agreed that since only the three Council liaisons were present, the Chair of the Commission could ask the other four members of the Council for their opinion as well. He also stated his preference for a Council President title for the person who prepares the agenda for the Council, as opposed to a Vice Mayor who has the responsibility to succeed to the office of Mayor in the event of a mayoral vacancy. He added that once the Council prepares its recommendations to be taken to the electors, the Council is up to the task of explaining and advocating for its recommendations.

Ms. Eickhoff then stated there appears to be a consensus for adding a Council President role to the charter, under some title and description.

Mr. Reznick volunteered to draft wording for consideration by the Commission. Ms. Fellowes and Ms. Jarrett volunteered to work on that as well.

Ms. Eickhoff appointed Mr. Reznick, Ms. Fellowes, and Ms. Jarrett to report back to the next meeting of the Commission with recommended wording for the addition of a Council President or Council President like role, to the Charter.

Ms. Eickhoff noted that the scheduled meeting of October 17 had become a problem date for too many Commission members and the Commission would not be able to assemble a quorum for that date. She suggested October 19 or October 24 instead. The mornings of October 14, 16 or 17 were also suggested.

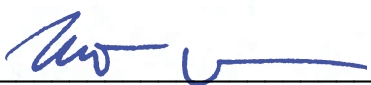
Mr. Bilsky volunteered to poll the membership, report back to everyone with the date that most members could be in attendance, and coordinate the scheduling of that date with Mr. Vazzana.

Mr. Reznick asked Mr. Byron to recommend other municipalities to look to as examples for defining a Council President or Council President type role.

Mr. Byron pointed to Willoughby Hills, Parma, and Warren as possible examples. Mr. Byron added that personality conflicts arise outside of the scope of a Charter or any government structure, and that changing the structure of government may not solve particular problems if the individuals in the various positions do not cooperate with each other.

Adjournment: Upon a motion by Ms. Fellowes and seconded by Ms. Jarrett, the commission voted to adjourn the meeting at 9:37 am.

These minutes were adopted by the Pepper Pike Charter Review Commission at a meeting held at 8am on Saturday, October 19, 2024.



Matthew Vazzana
Chair



Howard Bochnek
Secretary

CITY OF PEPPER PIKE
CHARTER REVIEW COMMISSION
MEETING MINUTES
Saturday
October 19, 2024
8:00 am

The City of Pepper Pike Charter Review Commission held its sixth meeting on Saturday October 19, 2024, at 8:00 am in the City Council Chambers in Pepper Pike City Hall.

ROLL CALL Members Present: Scott Bilsky, Cindy Eickhoff, Dagmar Fellowes, Gary Hoffman, Tamara Hrynik, Stephanie Jarrett, Robert Reznick, Matthew Vazzana. Mr. Bochnek was unable to attend.

Others Present: Mayor Richard Bain, and Council Members Tony Gentile, Jim Lemay, Emmy Zatroch

Public Present Barb Graham, Don Graham, Richard Leskovec, Manny Naft, Kaley Richard (for the Chagrin Valley Times), Dr. Robert Zatroch

Call to Order: The meeting was called to order at 8:03 am by Mr. Vazzana, who then called the roll, and a quorum was present.

Appointment of Secretary pro tem: Mr. Vazzana asked for nomination of a Secretary pro tem to take notes of the meeting in the absence of Mr. Bochnek. Mr. Bilsky nominated Ms. Jarrett and Ms. Eickhoff seconded the nomination. The motion passed without objection. Mr. Bilsky noted that, in Mr. Bochnek's absence, he was recording the meeting for use in preparing the minutes.

Approval of Minutes of the October 9 meeting: Upon a motion by Ms. Eickhoff and seconded by Ms. Hrynik, the minutes of the October 9 meeting were adopted, without objection.

Public Comments: Mr. Vazzana thanked the public for the numerous comments he received. He noted that he consolidated the comments he received from the public and sent them to Commission Members prior to the meeting. In the interest of welcoming public input into the charter review process, Mr. Vazzana invited any public comment at the outset of the meeting.

Richard Leskovec said that he values what the Commission is doing. He said he has received questions from one person and will respond to those separately. He expressed his opinion that, if the goal of the Commission is to set up a system for Council members to be assured they could place things on the agenda for Council Meetings, there already is a methodology.

New Business:

A Request from the Pepper Pike Civic League to Consider Rescheduling the Commission Meeting of October 24: Mr. Vazzana shared that the Commission had received a request from the Pepper Pike Civic League ("PPCL") to reschedule the Commission's October 24 meeting to avoid a conflict with the PPCL Candidates & Issues Night.

Ms. Fellowes noted that she had just received her notice of that meeting a few days ago and that the conflict was unfortunate due to the value of the Candidates & Issues Nights.

Ms. Eickhoff and Ms. Hrynik both stated that, while the conflict was unfortunate, they were not in favor of changing the date, as the Commission needs to keep moving on our work.

Mr. Bilsky also noted that October 24 was a date on which all Commission members are available.

Mr. Vazzana stated that he would pass along our apologies to the PPCL that the Commission feels we cannot reschedule.

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**Continued Discussion of the Creation of a Position of
City Council President and a Report on Draft Language:**

Mr. Vazzana reported that, since Mr. Bochnek could not attend this meeting in person, he submitted a written opinion on the issue before the Commission. His written statement was distributed to all members of the Commission, and Mr. Vazzana read it to those in attendance.

Mr. Vazzana apologized for missing the October 9th meeting due to having a cold. He noted that, upon reviewing the Minutes from that meeting, there seems to be consensus among Commission members around the creation of the position of City Council President. Mr. Vazzana then shared his views on the issue: First, he noted that changes we propose should be directed towards solving a problem, and we need to ensure that the changes address that problem. He said he is confused about the role of the position of Vice Mayor if the Council President position is created. He said that, regardless of which direction we go, collaboration is important, extending to setting the Council meeting agendas. He noted that, in his experience, Council Presidents generally are appointed by council members at a January organizational meeting. He stated that he generally has seen one-year terms, and he favors one-year terms, in that he thinks they are cleaner, but does not believe there should be a limitation on the Council President serving consecutive terms. He said the item he has given the most thought to is that, in his personal experience advising municipalities, the Mayor, as the CEO of a city, occasionally does need to request last-minute changes to the Council agenda, so should have the ability to add things to the agenda. But, he noted, at the end of the day, the Council's meeting is their meeting, and they can refuse to take up a last-minute addition. He noted that, while Pepper Pike has great elected officials and staff, there sometimes simply may not be much advance notice of items that need to be placed on the agenda.

Dr. Hoffman stated that the Commission has already supported the role creation, and the question we now face is how to define that role. He stated that we now have an effective Mayor, and the issues revolve around communication. He stated his view is that the Council President would be communicating directly with the Mayor and the other Council members and would be working with the Mayor to establish the agenda, but that we still would have a strong Mayor, and he did not favor empowering the Council President to take on day-to-day responsibilities or diminish the role of the Mayor in running the operations of the City.

Mr. Bilsky stated that the sense at the last meeting was that the Council President's role would be agenda and meeting management.

Ms. Eickhoff added that there was no sense at the last meeting that the Council President would take over the Mayor's city management role.

Mr. Reznik added that who would preside over Council meetings had not been decided at our last meeting; it was one of the list of open items we had identified to be addressed in drafting the proposed language creating the position.

Ms. Hrynik expressed the opinion that the timing of Council meetings on the third and fourth weeks of the month does not give Council sufficient time to consider items that are on the agenda of the third week meeting. She noted that, at the last Council meeting, Council discussed moving the dates, but the issue was Law Director Steve Byron's schedule.

Mr. Vazzana and Ms. Eickhoff both expressed the opinion that the meeting schedule should not be set in the charter.

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Ms. Hrynik said she was not proposing adding it to the charter, as she does not want the charter to handcuff the Council in terms of setting their meeting schedule.

Mr. Reznick said that it might be helpful to go through the points in Mr. Bochnek's letter, noting that he does not share the view expressed in the last paragraph of the letter and is reading that as satire.

Ms. Eickhoff agreed. She expressed her view that it is possible to overreact to the noise, and that it is possible to get out the information about the proposed changes the right way to explain it to the public.

Mr. Vazzana noted that the Commission has worked hard to get the word out regarding the Commission's work, and he has been thrilled with the public response to our mail and emails. Mr. Vazzana raised the issue of what happens to the role of Vice Mayor when the role of Council President is created.

Mr. Reznick said the sense was that we would retain the role of Vice Mayor.

Ms. Fellowes said that role currently is only a succession plan.

Mr. Vazzana noted that it is unusual to have both a Vice Mayor and a Council President, and that usually the Council President serves the role of successor to the Mayor, should the need arise.

Dr. Hoffman asked Ms. Hrynik to clarify regarding the meeting schedule, asking whether two meetings per month are needed.

Ms. Hrynik stated that the issue is that there is not enough time between meetings when they are scheduled for the third and fourth weeks, versus the first and third or second and fourth.

Mr. Vazzana noted that topic is outside of charter territory, and that Ordinance 220.01 sets forth the rules for when meetings are held, and special meetings can be called by the Mayor or three members of Council.

Mr. Bilsky added that the schedule was being considered at the last Council meeting.

Ms. Fellowes raised the issue of potential ambiguity if we have both the Vice Mayor and the Council President roles.

Mr. Vazzana responded that local governments have wide latitude to create roles, but in his experience, it would be unusual to have both roles. He said it would be easy to convert the responsibilities of the Vice Mayor to the Council President.

Ms. Eickhoff expressed the opinion that Mr. Bochnek's point in his letter relates to "selling" the charter changes to the public. She said this goes back to the question of what is the best versus the easiest way to do this. She noted that it is unusual in our area to not have a Council President.

Ms. Fellowes said she sees that there are two roles where succession to the Mayor is needed:

1) situations where the Mayor is out for a day, and the Vice Mayor or Council President would fill in to run meetings, and

2) a situation where the Mayor is out for an extended period of time, and the Vice Mayor would need to run the day-to-day operations of the City.

Ms. Eickhoff noted that, if the Vice Mayor needed to step in to run the City, more knowledge of the day-to-day operations would be helpful.

Mr. Vazzana noted audience members had their hands raised. Indicating that we want to maximize the time the Commission has together, he asked whether Commission members were amenable to him inviting comments from the audience. Having received Commission members' assent, Mr. Vazzana recognized Mr. Gentile.

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Mr. Gentile stated that:

- 1) no one wants to change our current “Strong Mayor” position, and
- 2) he would like to keep the lines between the legislative and executive functions clean and would prefer to have the Council President assume the role of Vice Mayor.

Mr. Vazzana recognized Mr. Lemay.

Mr. Lemay stated he envisions that Council will pass an ordinance regarding the rules and conduct of their meetings, and that ordinance would allow either the Mayor or Council members to change the agenda for Council meetings. In the future, they could adjust as needed by amending the ordinance. Mr. Lemay also expressed the concern that, if the Vice Mayor and the President of Council roles were combined, and there was a period of six months during which the person holding that position would have to take over for the Mayor, there would not be a President of Council during that time. He stated that the President of Council would serve a leadership role with respect to the Council and would be the face of the Council to the public, but not the face of the City. He said that we need a leader of Council as a body, not unlike our national legislature, where the Speaker of the House leads the House of Representatives but does not speak for the Nation.

Dr. Hoffman expressed concern with two voices speaking on behalf of the City to which Mr. Lemay replied that you cannot censor Council members, and we need someone to organize Council. Mr. Lemay still wants the Mayor to preside over and set agendas for Council meetings; he believes we need a modest separation of powers to make Council more efficient.

Mr. Reznick asked: Among Commission members, what is the sense of the Commission? What do we do next? Since this group still is directionally in favor of creating the role, can we transition to looking at the language for creating the position?

Mayor Bain asked to be recognized. He said that, though the words “Strong Mayor” keep being used, the description of what is being considered would in reality create a weaker Mayor. He has a concern about the Council President vetoing the Mayor’s attempt to place something on the Council agenda. He noted that the agenda for special Council meetings must be published, but that it is not required with respect to regular Council meetings. He reiterated that it is important that the Mayor be able to put things on the Agenda, and it is debatable whether it is beneficial to operate the City like our dysfunctional federal government. He said that, regarding the agenda-setting issue, mechanisms already exist to get things on the agenda, and never has there been a situation where that is a problem. To structure things to make them more complicated and more formal sets us up for more conflict. He views that this is a solution in search of a problem.

Mr. Vazzana said that he does not support a Council President having a final say on the agenda. He said that the Mayor has a right to introduce legislation, so he would not want Council to pass a rule that would block that, and he would not support a role that would do that.

Ms. Eickhoff said that no one has suggested that, and to do that would be bad for Pepper Pike. She said there has been an imbalance, and she is not sure the community understands the role of Council.

Mr. Reznick suggested that we tee up the draft language that he, Ms. Fellowes and Ms. Jarrett proposed. He said that looking at the language would be helpful to determine, step one, how to create the role and, step two, how to delineate it. He noted the three of them drafted language with an eye to address the items the Commission identified at the last meeting: presiding officer of meetings, power to cancel meetings, term, setting the agenda, committee appointments,

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method for removal, and clerk of council relationship. He also thanked Ms. Fellowes for her work in drafting the recommendation.

Ms. Fellowes turned the Commission's attention to the draft language that had been distributed prior to the meeting. The first decision is the term of the Council President. The draft provided for three alternatives:

- 1) for the balance of the year in which elected, or
- 2) at the pleasure of Council, with no term length identified (the language from Mr. Lemay's proposal), or
- 3) or for a term of X number of years, this last alternative addressing the view expressed by some Commission members at the last meeting that the Council President term should be for more than one year, perhaps two years.

Ms. Eickhoff stated that she had proposed a two-year term at the last meeting to allow for consecutive terms.

Ms. Fellowes said that the language as proposed would allow consecutive appointments. Regarding the proposed language regarding the role of the Clerk of Council, the drafters provided two alternatives:

- 1) retaining the current charter language that "The Council shall also appoint a Clerk of Council who shall serve at the pleasure of Council" or
- 2) retaining that language with the addition of the phrase "and shall report to Council."

Ms. Jarrett noted that they added that second option because "clerk of council" was identified at our last meeting as one of the items we needed to address, based on input the Commission had received from Council members that they do not feel they have access to the Clerk's services. However, she noted that the drafting team did not feel the additional language was necessary. Ms. Eickhoff said she was comfortable with retaining the "serves at the pleasure of Council" language without additional language, so long as the role operates that way. Ms. Jarrett expressed the opinion that the current charter language makes clear that the Clerk serves at the pleasure of Council, so any dysfunction or frustration in the current practice should be resolvable outside of the charter.

Ms. Eickhoff asked what the current Clerk's job description includes beyond Clerk of Council. Mayor Bain said she also serves as the City's payroll clerk, clerk to the Planning Commission, and the liaison to the employees on insurance matters. She also organizes and puts together the agendas for Committee meetings. Ms. Eickhoff said the question is whether she is really functioning as the Council's clerk.

Ms. Fellowes addressed the drafted options presented regarding the role of the President of Council, which were added to address the Commission's points regarding who would set the agendas for and who would preside over Council meetings. Ms. Jarrett explained that three options were proposed:

- 1) adding language providing that the [choose one: Mayor or President of Council] shall preside at all meetings and shall collaborate with the other on an agenda and meeting schedule as established by ordinance, or
- 2) adding language providing that the Council meeting schedule and the agenda will be established by ordinance, or
- 3) being silent on these points and leaving them to be addressed by ordinance. Ms. Fellowes pointed out the current rule that three members of Council could combine to request that an item be placed on the agenda.

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Mr. Vazzana stated that the rule that three members, i.e. a minority, can add something to the agenda should not change. Mr. Gentile observed that more than three Council members combining might subject them to the public meeting requirements.

Ms. Jarrett asked whether the sense of the Commission still is to retain the Vice Mayor position along with the new President Council position. Mr. Vazzana said that, first, he would like to confirm that the Commission has consensus for the concept that the President of Council term would be “for the balance of the year.” He said he wants to focus on getting consensus versus crafting language. Having determined that there was consensus for the one-year “balance of the year” term, with no restriction on serving consecutive terms, Mr. Vazzana asked what Commission members thought about retaining the Vice Mayor role, apart from the Council President role.

Ms. Jarrett said she was open to the concept that the President of Council could fulfill the role of Vice Mayor, as Mr. Vazzana has said it is the more common structure, and because Council could choose a President of Council pro tem should the President of Council have to fill the Mayor’s role.

Mr. Reznick said he is focused on the fact that the problem is communication. He said that we can call the position whatever we want, but we are trying to address improving communication.

Ms. Fellowes said she worries about hard coding too much change into the charter at once. She said, since she supports building in a cadence for regular charter reviews in the future, this issue could be revisited in 5-7 years. Ms. Eickhoff agreed.

Mr. Vazzana moved on to the questions raised by the drafted President of Council language, providing three options for addressing the President of Council’s role, including who shall preside over and set the agenda for meetings and making Committee appointments. He pointed out that, if “Option 3” of not adding language addressing these issues were adopted, Council would need to revise current section 220.01 of the Pepper Pike ordinances. Mr. Vazzana stated that, regarding committee appointments, Section 220.05 provides that “The presiding office of Council shall appoint a Finance and Planning Committee, a Road and Safety Committee and such other standing or temporary committees as he or she deems proper.”

Ms. Jarrett pointed out that the version of Section 220.05 that was included in the materials provided to the Commission is not the most current version of that section. She said that, as part of the process of working on the drafting project, she asked Mr. Lemay to clarify how committee appointments work, and he provided her with a version of 220.05 which had been adopted either in late 2023 or early 2024 which established Committees of Council and detailed rules regarding their form and function.

Mr. Vazzana asked Ms. Jarrett to share her copy of the revised ordinance and expressed concern that the City’s Codified Ordinances had not been updated for this revision. He suggested to the Mayor that this be addressed with the Law Director and that the City consider contracting for more frequent updating of their ordinances.

Ms. Fellowes stated that while the existing charter and periodically enacted ordinances provide for the appointment of members to various committees, it is important that there is consistency in how these appointments are made.

Ms. Eickhoff stated that the Planning Commission, the Architectural Board of Review, and the Civil Service Commission function under old ordinances and make legislative types of decisions.

Ms. Fellowes expressed a concern about what appears to be inconsistencies in the process described by Ms. Eickhoff.

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Mr. Vazzana stated that it is not inconsistent, though, to have different types of Committees.

Ms. Eickhoff stated that the Architectural Board of Review is established by ordinance, not by charter.

Ms. Fellowes asked Mr. Vazzana how he would prefer her to handle the numbering for the proposed new "President of Council" section when she adds them to the running draft she is maintaining of our recommended changes to the charter. Mr. Vazzana replied that, for now, he would prefer it be inserted as III-2(A), as a placeholder. He said he would prefer it to be set up in a way that will draw the public's attention as a new section.

Review of Open Items From Prior Meetings:

Ms. Fellowes pointed out that we still had an item left open from our earlier meetings regarding how to handle excused absences. Ms. Eickhoff said she would not want us to add a provision to make things too tough on Council members. Mr. Vazzana said that, if someone's absence is of such a character that they are derelict in their duty as a Council member, there is a process to expel that member.

Mr. Vazzana then asked Ms. Jarrett to share copies of documents she had sent him earlier in the week regarding Residency Qualifications and Removal provisions.

Ms. Jarrett passed out two documents consolidating information on charter provisions addressing

1) residency requirements for elected officials, and

2) provisions allowing Council to remove the Mayor or a fellow Council member.

She said that she had been looking at other provisions in Article III and noted that all the other more recently updated charters with which we have been benchmarking, with the exception of Moreland Hills, have a residency qualification for their mayor and council members, ranging from 2 to 5 years. She noted that our charter does not specifically address a residency requirement; instead, the one-year residency requirement of the Ohio Revised Code applies, and our charter provides in its Vacancies in Elected Office section (Article VII-2) that the Mayor or a Council member can be removed from office if they had not been a resident for one year prior to election. Ms. Jarrett put together a chart of residency requirements in our neighboring communities' charters for the Commission's consideration of whether a residency requirement beyond the statutory one-year should be added to our charter. Ms. Jarrett said her review of how the residency issue was handled in our charter led her to look at the Removal provisions in Article VII-2, which is very weak in comparison to our neighboring communities. All the other charters contain a provision allowing Council to remove their mayor or a fellow council member in a number of instances such as malfeasance, conviction of certain crimes, violation of the oath of office, gross misfeasance, etc. The one exception is that Moreland Hills has such a provision with respect to Council members, but not the Mayor. Ms. Jarrett compiled a chart of those provisions for the Commission's consideration and said she feels strongly that we should add such a provision so that there is a mechanism other than recall for removing an elected official who commits certain acts and refuses to resign.

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Mr. Vazzana thanked Ms. Jarrett for pulling together this information and said that such Qualification and Removal provisions are very common, and he would consult with the City's Law Director and would take the lead in drafting something for the Commission's consideration.

Mr. Lemay added that he feels this is a critical section to add for the protection of the City, especially in the case of the Mayor, since the Mayor has control of the City's safety forces.

Ms. Fellowes said that she would remove the unexcused absences provision in the working draft and would insert a placeholder for a Removal section.

Mr. Vazzana asked the Commission members what they felt about imposing a residency requirement of more than one year for the Mayor and Council members.

Ms. Hrynik said she thought two years for both.

Ms. Fellowes said two, or possibly only one for Council if the candidate has lived in a contiguous community prior to moving to Pepper Pike, and perhaps longer for the Mayor.

Ms. Eickhoff said, even at two years for Council, you have to rely on the goodwill of individuals running; she said she supported three years for Council, and more for Mayor.

Mr. Bilsky pointed out that you had to be a resident for three years to apply to serve on the Charter Review Commission. He suggested four years for Mayor, and two for Council.

Mr. Reznick said he did not feel strongly; he feels voters can consider candidates' length of residency when evaluating candidates.

Mr. Vazzana said he felt two to three years addresses the need for familiarity with the community.

Ms. Fellowes asked whether there was anyone in favor of keeping it to just one year.

Ms. Eickhoff and Ms. Hrynik both said they did not think that was enough.

Mr. Vazzana suggested an incremental approach of increasing it to two years for both in this version of the charter, suggesting that future charter reviews might decide that a longer requirement should be added. He noted that the ballot box is the final arbiter.

Ms. Eickhoff said two years for both seems reasonable.

Ms. Fellowes asked how the two-year period is measured, pointing out that the other charters simply say, "prior to election," asking whether that is the election date in November or the date you take office.

Mr. Vazzana said we could improve upon the other charters by clearly tying the period to two years prior to the date you take office.

Mr. Lemay stated that Election Day is a harder date than the date when you are sworn in and take office.

Mayor Bain said that there is a date certain as to when your term begins.

Mr. Vazzana said we should tie it to the commencement of the term.

Continuing the polling on the two-year residency requirement, Mr. Reznick reiterated that he did not have strong feelings about this but was comfortable with two years prior to the commencement of the term. Ms. Jarrett agreed. Ms. Fellowes said she agreed with two for the Mayor, but she would be comfortable with one for Council. Ms. Eickhoff, Ms. Hrynik, Dr. Hoffman, Mr. Vazzana, and Mr. Bilsky all agreed with two years for each.

Ms. Fellowes asked where we should place the new Qualifications and Removals sections. The other charters include them in both the Council and the Mayor articles.

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Mr. Vazzana suggested that Qualifications for Elective Offices be added as Section VII-3, and Removal be added as Section VIII-3.

Ms. Jarrett noted that, at some point, we will need to make changes to VII-2, Vacancies, for consistency with the new Removal provision.

Ms. Fellowes said, relating to the drafting, she wanted to acknowledge one of the comments from the public regarding the use of pronouns in the text of the charter. Ms. Fellowes noted that, in the drafting changes, she has been referring to individuals by their role rather than using pronouns. She asked whether the Commission wanted her to continue that practice. It was unanimously agreed that we refer to individuals by their roles, rather than pronouns.

Returning to the subject of drafting the Council agendas and presiding over Council meetings, Mr. Reznick said he would like to keep open Mr. Bochnek's point on branding regarding the Council President position and wonders whether it is worth calling the position something else to avoid a trigger reaction to the new position.

Mr. Lemay said that Ms. Hrynik's research has confirmed that hundreds of cities have a Council President.

Ms. Eickhoff said that we have gone from being a village to being a city with no charter review. We can explain that what we are doing is not something novel.

Mr. Bilsky pointed out that Council has the ultimate decision on what they choose to present to the voters, so they can call the position whatever they would like.

Ms. Fellowes suggested that we consider at some point what our report to Council might look like, e.g. do we present a consensus, or do we present concurrences and dissents like the Supreme Court? Ms. Fellowes also said that she wanted to be sure we build in a periodic charter review process.

Mr. Vazzana said that he agreed and that he would bring in language for that provision as well.

Ms. Fellowes asked where in our working draft she should insert the placeholder for that provision. Mr. Vazzana replied it could be a new Article, or we could keep it in Article XI as XI(A).

Mr. Bilsky said we would need to consider the optimum time between the reviews. He suggested that, if it were six years, beginning in year "x", it could be timed so that it would not overlap elections. Ms. Eickhoff said that community members she has talked to have been shocked that our charter has not been reviewed for nearly sixty years.

Set Agenda for Next Meeting:

Mr. Bilsky said that, based on the public comments we have received, we are going to need to address the issue of term limits in the future.

Mr. Vazzana suggested that, for our future meetings, the agendas should be based on topics, rather than line-by-line review of the charter.

Commission members identified the following as future topics:

- Term limits
- Built-in recurring charter review
- Removal provision(s) for elected officials

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- Mayor article
- Vice Mayor role
- Residency requirements/qualification for office.

Ms. Fellowes suggested putting the Qualification provision used by the other charters in our working draft as a placeholder. She further suggested the Commission choose the key issues from the stakeholder comments to be sure we are addressing them all.

Mr. Vazzana asked whether someone would be willing to consolidate the stakeholder comments by topic.

Ms. Hrynik volunteered and asked anyone willing to help to let her know.

Mr. Vazzana said that he tried to reply via the city email to every resident who emailed him with comments, thanking them for their input, but he got return messages that they were “delayed” or had not gone through. Mayor Bain said that the City system had been undergoing some security updates. He asked Mr. Vazzana to send him the messages he had received, so he could check with the vendor to get the issue resolved.

Mr. Bilsky suggested that, because our next meeting is only five days away, he and Ms. Hrynik would hold off sending out and posting an update from this meeting and could consolidate the two. Mr. Bilsky added that they wanted to compliment the Mayor’s Executive Assistant, Becki Kovach, on the excellent job she has done setting up our information on the website and helping with our public communications.

Adjournment: Upon a motion by Ms. Hrynik and seconded by Mr. Reznick, the commission voted to adjourn the meeting at 10:52 am.

These minutes were adopted by the Pepper Pike Charter Review Commission at a meeting held at 6:30 pm on Thursday, October 24, 2024.



Matthew Vazzana
Chair



Howard Bochnek
Secretary

CITY OF PEPPER PIKE
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Thursday
October 24, 2024
6:30 pm

The City of Pepper Pike Charter Review Commission held its seventh meeting on Thursday October 24, 2024, at 6:30 pm in the City Council Chambers in Pepper Pike City Hall.

ROLL CALL Members Present: Scott Bilsky, Howard Bochnek, Cindy Eickhoff, Dagmar Fellowes, Gary Hoffman, Tamara Hrynik, Stephanie Jarrett, Robert Reznick, Matthew Vazzana

Others Present: Mayor Richard Bain, and Council Members Tony Gentile, Jim Lemay, Emmy Zatroch

Public Present Grace Barber, Arlyne Bochnek, Barb Graham, Richard Leskovec, Manny Naft, Dr. Robert Zatroch

Call to Order: The meeting was called to order at 6:39 pm by Mr. Vazzana. Mr. Bochnek then called the roll, and a quorum was present.

Approval of Minutes of the October 19 meeting: Upon a motion by Dr. Hoffman and seconded by Ms. Fellowes, the minutes of the October 19 meeting were adopted, without objection.

Public Comments: Mr. Vazzana asked if any members of the public had any comments to share with the Commission.

Manny Naft addressed the Commission about how bids and contracts are handled in Pepper Pike particularly regarding scope statements that accompany bid requests. He expressed the opinion that there is currently a lack of meaningful Council input into the process, and that the Charter should be amended to address the “need to adjust powers” in that regard.

Mr. Vazzana recognized Mr. Byron, who explained that ordinances have addressed the issue, and the Council has the authority to provide whatever input they deem necessary into the process. He concluded by asserting that this matter is a legislative issue and not a Charter issue.

Old Business:

Mr. Vazzana asked Ms. Hrynik to address the subject of stakeholder input into the current Charter Review process.

Ms. Hrynik distributed a summary she had prepared breaking down the stakeholder input that the Commission has received to date, by Charter section and specific concern being addressed.

Ms. Eickhoff expressed her concern that the input received so far represents a very limited scope of the stakeholders in the City of Pepper Pike, to which Mr. Vazzana expressed the need to continue soliciting public comment and participation.

Mr. Bilsky stated that after the October 28th meeting of the Commission, he and Ms. Hrynik would prepare the next Commission update for the public to be sent by email. Mr. Gentile asked that the informational effort be coordinated through the Mayor’s Executive Assistant, to include the members of the Council.

Ms. Fellowes suggested that the number of comments on each of the subjects in the summary be included. Ms. Hrynik stated that the sample size is small, and she would review the numbers before the next meeting and report back on that subject.

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Thursday
October 24, 2024
6:30 pm

New Business:

Mr. Vazzana distributed drafts of options for Charter language on the first three of the topics that the Commission agreed to address next:

- Permanent Charter Review Commission
- Qualifications for Elected Officials
- Removal Provisions for Elected Officials

Mr. Vazzana then addressed the first topic, provisions for a permanent Charter Review Commission to be a new Article XI, which would provide for a Charter Review Commission of nine members to be seated every five years starting in 2030. He distributed draft language for consideration.

Mr. Byron addressed the number of days necessary to have Charter Amendments put on the ballot for the electors of the City to consider. There then followed a colloquy between Mr. Byron, Mr. Vazzana, Ms. Fellowes, Mr. Bilsky, and Dr. Hoffman, regarding the number of months necessary for a Commission to submit recommendations to the Council for ballot consideration.

Mr. Bochnek then asked why the present Commission was limiting the scope of its discussion and time for thoughtful consideration of the issues, by imposing an artificial deadline of submitting Charter Amendments to the electors in May of 2025.

Mr. Byron responded that the reason is because the legislation creating the current Charter Review Commission was written that way.

The discussion resumed on the subject of how much time future Charter Review Commissions will have to do their work, the residence requirement for sitting on a Charter Review Commission, and whether to compel the Council to put Commission recommendations to the electors or if the Council would be able to amend or reject the work of a future Commission as the current Council has the authority to do with the work of the present Commission. Mr. Bilsky, Mr. Vazzana, Ms. Eickhoff, Ms. Fellowes, Mr. Lemay, and Mr. Gentile participated in that discussion.

Mr. Reznick raised the issue of how future Commission members are to be selected. The discussion centered around the role of the Mayor and the Council members in appointing various numbers of residents to a nine-member Commission, including praise for the process that was used to select the current Commission members. The discussion was expanded to include qualifications for serving on a future Commission and returned to the issue of whether to compel the Council to accept the recommendations of a future Commission and give them no option to not submit the recommendations to the electors at an upcoming scheduled Election or General Election. That discussion included Mr. Reznick, Ms. Eickhoff, Mr. Byron, Mr. Lemay, Mr. Gentile, Mr. Bilsky, Mr. Hrynik, Dr. Hoffman, Mr. Bochnek, and Ms. Jarrett.

There appeared to be a consensus on there being a Charter Review Commission seated every six years, with a three-year residence requirement for serving, providing for other qualifications as may be determined by Council, and an exclusion of service on the Commission by any public official in the Municipality of Pepper Pike, beginning in 2029. 2029 was chosen to give the Commission until the following year to complete its work in order to have any recommended changes put to the

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electors at the November 2030 General Election, at which time no Pepper Pike Council seats are up for election, and it is not a Mayoral Election year. Mr. Vazzana will be drafting the next version for review at a future meeting of the present Commission.

Mr. Vazzana then addressed the second topic, Qualifications for Elective Offices to be a new Section 3 in Article VII. He distributed draft language for consideration.

There was broad agreement that there should be a residency requirement, determined by the date of a candidate's registration to vote at an address within Pepper Pike, and that the residency requirement for the Mayor should be longer than the residency requirement for serving on Council. All members of the Commission participated in that discussion, with a consensus that there should be a minimum residency requirement of two years for Council candidates, and three or four years for Mayoral candidates. Language is to be further refined and addressed again at a future meeting.

The discussion then turned to the subject of who should be excluded from running for or holding elective office in Pepper Pike. That discussion centered around the issue of holding elective or appointive office in any other jurisdiction, or employment in Pepper Pike or any other government entity. Ms. Jarrett, Ms. Fellowes, Mr. Byron, Mr. Gentile, Dr. Hoffman, and Mayor Bain participated in that discussion, with the Mayor pointing out that Pepper Pike currently employs individuals who hold office in other municipalities.

Mr. Vazzana will draft a new version of this section for further consideration by the Commission.

Mr. Vazzana then addressed the third topic, Removal Provisions for Elected Officials, to be a new Section 9 in Article III, and a new Section 8 in Article IV.

There was broad consensus on most of his recommended language for these two new sections.

Mr. Reznick added that a 90-day absence provision should be added as a reason for the removal of Council members. Ms. Fellowes also questioned if we were to provide for remote meetings of Council, how absence and attendance would be determined.

There was also unanimous consensus on requiring all aspects of due process, including the right to confront accusers, in any proceeding to remove anyone from elective office.

Discussion ensued about how many Council votes would be required to remove a member of Council or the Mayor from office, as well as how to treat abstentions. There appeared to be a consensus of requiring either 5 votes or $\frac{3}{4}$ of the votes cast, and Mr. Vazzana will draft the next version for consideration at a future meeting.

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Mr. Bochnek raised a concern regarding how the recommendations of this Charter Review Commission would be presented to the members of the City Council and to the electors of Pepper Pike. He strongly advocated for a detailed explanation of how each recommendation of the Commission would address a defined problem or deficiency, and how that recommendation would be the best solution for that problem or deficiency. Ms. Fellowes expressed her agreement with that recommendation.

Mr. Bilsky expressed a concern regarding the timetable for the Commission to complete its work and advocated for additional meetings to have our recommendations ready to present to the Council by the mandated deadline of December 18.

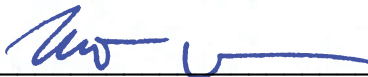
The members of the Commission will consider additional Monday morning, Saturday morning, or Thursday evening dates, to be discussed at our next meeting.

Set Agenda for Next Meeting:

Mr. Vazzana stated that the Commission will continue its discussions of the identified topics of Mayor, Vice Mayor, and Term Limits, at the next Commission meeting scheduled for Monday, October 28 at 8 am.

Adjournment: Upon a motion by Ms. Eickhoff and seconded by Ms. Hrynik, the commission voted to adjourn the meeting at 8:47 pm.

These minutes were adopted by the Pepper Pike Charter Review Commission at a meeting held at 8:00 am on Monday October 28, 2024.



Matthew Vazzana
Chair



Howard Bochnek
Secretary

CITY OF PEPPER PIKE
CHARTER REVIEW COMMISSION
MEETING MINUTES
Monday
October 28, 2024
8:00 am

The City of Pepper Pike Charter Review Commission held its eighth meeting on Monday October 28, 2024, at 8:00 am in the City Council Chambers in Pepper Pike City Hall.

ROLL CALL Members Present: Scott Bilsky, Howard Bochnek, Cindy Eickhoff, Dagmar Fellowes, Gary Hoffman, Tamara Hrynik, Stephanie Jarrett, Robert Reznick, Matthew Vazzana

Others Present: Mayor Richard Bain, Law Director Steve Byron, and Council Members Tony Gentile, Jim Lemay

Public Present Grace Barber, Rob Demsker, Manny Naft, Kaley Richard (for the Chagrin Valley Times), Dr. Robert Zatroch

Call to Order: The meeting was called to order at 8:01 am by Mr. Vazzana. Mr. Bochnek then called the roll, and a quorum was present.

Approval of Minutes of the October 24 meeting: Upon a motion by Mr. Bilsky and seconded by Ms. Fellowes, the minutes of the October 24 meeting were adopted, without objection.

Public Comments: Mr. Vazzana asked if any members of the public had any comments to share with the Commission.

Manny Naft addressed the Commission regarding what he describes as a breakdown in communication between the Mayor and the Council. He highlighted the length of time it has taken to fill a vacancy on the ABR.

Old Business:

Mr. Vazzana reminded the members of the Commission that there was agreement to try and add additional meeting dates to the previously agreed meeting schedule. He asked the Commission members for their thoughts and suggestions on that subject.

Ms. Fellowes suggested that the Commission add additional meetings in December to complete a detailed draft of the Charter with all recommended changes, and to craft a final report to present to the Council. She added that the Commission needs to state a rationale for all recommendations, rather than solutions to problems.

Ms. Eickhoff endorsed the recommendations made by Ms. Fellowes.

Mr. Bilsky suggested two dates, Saturday November 16 at 8:30 am for two hours, and Saturday December 7 at 9:30 am for two hours. There was consensus to add those two dates. Mr. Bochnek asked that the previously scheduled Monday November 18 meeting be considered to be a continuation of the Saturday November 16 meeting, to facilitate the preparation and distribution of meeting minutes. There was consensus on that as well.

Mr. Vazzana thanked the members of the Commission for providing for additional meetings to be able to complete the Commission's work on time.

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Mr. Vazzana then distributed the latest drafts of wording for a recurring Charter Review Commission, Qualifications for Elected Officials, and Removal Provisions for Elected Officials. The members of the Commission reached consensus on:

- Creating a recurring nine member Charter Revision Commission to be seated in October 2029 and at least every six years thereafter, with a three-year residency requirement to serve on the Commission.
- A two-year residency requirement to run for Pepper Pike City Council, and a four-year residency requirement to run for the office of Mayor of Pepper Pike.
- Comprehensive provisions for the removal of Council Members and the Mayor from office, for a variety of reasons.

Most of the Commission members and Mr. Lemay participated in the discussion on all three issues, with a variety of legal questions being raised and commented upon by Mr. Byron.

Mr. Byron noted that the Council is the judge of the election qualifications of the Council and the office of Mayor, and that the qualifications for election are not the same as the grounds for removal from office.

Mr. Vazzana will prepare a final draft of the language on all three issues and will coordinate with Ms. Fellowes to have that language included in the running redline version of the Charter revisions being recommended by the Commission. He will also review the final language with Mr. Byron and will utilize references from the Charters of other municipalities in the area.

Mr. Vazzana turned the discussion back to the summary of stakeholder input being compiled by Ms. Hrynik who distributed an updated version of the document first discussed at the previous meeting of the Commission.

Ms. Eickhoff repeated her concern that the number of public comments remains low, and any compilation of those comments cannot be taken as broad public sentiment in any direction.

New Business:

Mr. Vazzana turned the discussion to the subject of Term Limits.

Mr. Bochnek expressed a strong opinion, opposed to the concept of Term Limits for any elective office.

Ms. Jarrett expressed the same opinion and added that adding Term Limits to the Charter would be a hard sell to the voters.

Ms. Eickhoff stated that Term Limits are both a blessing and curse, and that she is conflicted on the subject. She believes that they do more harm than good but sees the other side of the argument.

Ms. Hrynik expressed her opposition to Term Limits.

Mr. Vazzana then asked if anyone is in favor of Term Limits.

Mr. Bilsky expressed his opposition to Term Limits.

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Mr. Reznick stated that he tends to be opposed to Term Limits but sees both sides of the issue. He also offered the perspective that public servants tend to get the votes of the electors based on their history.

Ms. Hrynik observed that rather than take on this issue now, it might be better to wait and see what develops. If the need for Term Limits arises in the future it can be taken up by a future Charter Review Commission but does not appear to be a priority for action at this time.

Ms. Eickhoff offered the observation that a nearby community that had adopted Term Limits has subsequently removed them in favor of longer serving individuals.

Mr. Vazzana observed that the electorate should be paying attention to government and the work of their public officials, and that the Charter should not take electoral decisions out of the hands of voters.

Ms. Eickhoff reminded the group that there had been agreement to keep a list of additional items to forward to the Council, perhaps for consideration on their own, or by a future Charter Review Commission, and maybe this item should go on that list.

Ms. Fellowes raised the question of whether Term Limits could be dealt with by legislation rather than being put into the Charter, to which Mr. Byron affirmed that such a restriction would constitute a qualification for office and therefore must be in the Charter.

Dr. Hoffman asked if the decision not to consider Term Limits at this time applies to both the Council and the office of Mayor, to which Mr. Vazzana responded affirmatively, and the group agreed.

Mr. Vazzana then turned the discussion to the subject of the Vice Mayor and asked for comments.

Mr. Bochnek questioned how the Commission could address the Vice Mayor position until there was resolution on whether to create a position of Council President.

Ms. Fellowes offered that the Commission had agreed on language to create a Council President position, a subject that Mr. Bochnek asked that the Commission re-visit and discuss further.

Mr. Bochnek then expressed his concern regarding Mr. Lemay's prior statements that he would not object to there being a Council President and for the Mayor to continue to preside over Council meetings. Mr. Bochnek asked for further clarification as to how that would work.

Mr. Lemay stated that he sees the Council President position being important to help the Council organize itself and put together its agenda, to be combined with whatever the Mayor needs to have on the agenda for each meeting of Council. He further sees the position as a way to be assured that the priorities of the Council members are considered equally with the priorities of the Mayor, that the members of Council are heard, and that Council meetings cannot be cancelled or postponed without the consent of the Council. He does not believe that it is necessary for the Charter to specify who is to be the presiding officer at Council meetings, which he proposes can be a matter of ordinance; an opinion with which Mr. Byron strongly disagrees.

Mr. Byron asserted that the Charter must designate the person who will serve as the presiding officer of the Council.

Mr. Lemay added that the role of the Vice Mayor should remain as currently stated in the Charter, a person to be next in line for succession to the office of Mayor, should the Mayor be temporarily unable to perform the duties of Mayor, or permanently in the case of a vacancy occurring in the position of Mayor.

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Mr. Gentile expressed a different perspective and believes that the positions of Vice Mayor and President of Council are redundant, with there being no need for a Vice Mayor if there is to be a President of Council. Mr. Gentile further discussed a somewhat recent determination on the part of some members of Council to become more active in the role of introducing legislation and guiding the path of City affairs rather than just following the lead of the Mayor.

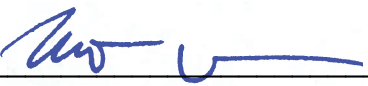
Mr. Bilsky noted that a Vice Mayor does not belong in the Charter as a Council position, as the title suggests that to be a role more appropriately suited for the Administrative branch of municipal government rather than the Legislative branch. He added that the only municipality like Pepper Pike that has a Vice Mayor describes the role as essentially being the President of Council. Mr. Bilsky suggested what he believes to be a more logical approach of having a President of Council, and a President of Council pro tem to serve as President of Council should a vacancy occur in that position.

Set Agenda for Next Meeting:


Mr. Vazzana stated that the Commission will continue its discussions of the identified topics of Vice Mayor, and the proposed creation of a City Council President position, at the next Commission meeting scheduled for Thursday, November 7 at 6 pm. *He added that the balance of Article IV would also be up for discussion and asked the Commission to think about other priorities for consideration at upcoming meetings.*

Adjournment: Upon a motion by Ms. Jarrett and seconded by Ms. Hrynik, the commission voted to adjourn the meeting at 9:46 am.

These minutes were adopted by the Pepper Pike Charter Review Commission at a meeting held at 6:00 pm on Thursday November 7, 2024.



Matthew Vazzana
Chair



Howard Bochnek
Secretary

CITY OF PEPPER PIKE
CHARTER REVIEW COMMISSION
MEETING MINUTES
Monday
November 7, 2024
6:00 pm

The City of Pepper Pike Charter Review Commission held its ninth meeting on Thursday November 7, 2024, at 6:00 pm in the City Council Chambers in Pepper Pike City Hall.

ROLL CALL Members Present: Scott Bilsky, Howard Bochnek, Cindy Eickhoff, Dagmar Fellowes, Tamara Hrynik, Stephanie Jarrett, Robert Reznick, Matthew Vazzana. Dr. Hoffman was not in attendance.

Others Present: Mayor Richard Bain, and Council Members Tony Gentile, Jim Lemay, and Melanie Weltman

Public Present Grace Barber, Manny Naft, Kaley Richard (for the Chagrin Valley Times)

Call to Order: The meeting was called to order at 6:04 pm by Mr. Vazzana. Mr. Bochnek then called the roll, and a quorum was present.

Approval of Minutes of the October 24 meeting: Upon a motion by Ms. Jarrett and seconded by Ms. Eickhoff, the minutes of the October 28 meeting were adopted, without objection. At the request of Mr. Bochnek, the minutes of October 24 were amended to add the name of Law Director Steve Byron who attended that meeting. There were no objections to the request.

Public Comments: Mr. Vazzana asked if any members of the public had any comments to share with the Commission.

There were no public requests to address the Commission at that time.

Old Business:

Mr. Vazzana stated that since the Commission had left off amid reviewing the possible creation of a City Council President position, and what to do about the current Vice Mayor position, the Commission would resume the discussion there.

A letter from Dr. Gary Hoffman, who could not be in attendance, was read aloud. The letter describes the Vice Mayor title as misleading and advocates for the creation of a City Council President position and for a City Council President Pro Tem to serve as the backup for the Council President in case of their absence or ascension to the position of Mayor, either temporarily or permanently.

Ms. Jarrett, Mr. Bilsky, Ms. Hrynik, Ms. Fellowes, Mr. Vazzana, Mr. Bochnek, Ms. Eickhoff, Mayor Bain, and Council members Lemay and Gentile, engaged in a colloquy on the subjects of a President of Council and President of Council Pro Tem, how a vacancy in an office would be declared, permanent vs. temporary vacancies in the office of Mayor or Council President, length of service in a permanent or acting role, and how other local municipalities handle these issues in their respective Charters.

The discussion turned to how wording would appear in the running redline version that Ms. Fellowes is maintaining, at which point Mr. Vazzana thanked Ms. Fellowes again for her work on that document and all agreed that it has been essential to the Charter review and updating process.

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6:00 pm

Mr. Bochnek expressed his support for establishing the positions of Council President and Council President Pro Tem and abolishing the office of Vice Mayor. He also advocated for the ability of any member of Council to introduce legislation by channeling that request through the Council President and requiring the agreement of the Council President to have the legislation drafted. That led to a question from Mr. Lemay as to whether the authority to have legislation drafted should be in the Charter or a subject to be addressed by ordinance. Mr. Vazzana expressed his opinion that the subject could best be dealt with through ordinance, and the discussion moved on to qualifications for the office of Council Member or Mayor, which had begun in a prior meeting.

The issue of qualifications for office centered around the subject of holding other elected or appointed office in Pepper Pike or another governmental entity, including regional agencies. All Commission members in attendance, Mayor Bain, and all three Council liaisons participated in that discussion. There appeared to be a consensus for allowing Members of Council to be employed by other communities, but not by Pepper Pike (other than holding the paid position of Council Member); for the Mayor to not be otherwise employed by Pepper Pike or any other community, except as provided by ordinance; and for all elected officials in Pepper Pike to not hold any other elected office or be appointed to serve in place of an elected official, other than the elected office they hold in Pepper Pike.

The discussion then turned to the previously discussed issue of who would preside over meetings of the Council and who would prepare the agenda for those meetings. Ms. Eickhoff reminded the Commission that there has been no consensus yet on the issue of who presides over Council meetings.

Mr. Bilsky restated the opinion shared previously by Mr. Byron that a Council President is the presiding officer at meetings of the Council, to which Ms. Eickhoff stated again that Council meetings are meetings of the Council and that is why the Council would elect a President of the Council, to preside at Council meetings.

Ms. Hrynik expressed her agreement and further stated that the Council President would be expected to work with the Mayor to coordinate the items to be included on any agenda for a Council meeting.

Mr. Vazzana suggested that a presiding officer is just that, someone who presides over the meeting, and that we may not want to go any further in Charter language and leave the details of meeting agendas to the ordinance process.

Mayor Bain urged the Commission to focus on problems that need to be addressed rather than attempting to re-write the entire City Charter, to which Ms. Eickhoff responded that the Commission has the responsibility to go beyond just problem solving.

Mr. Gentile observed that the Council is already taking action where it has the authority to do so, by changing the practice of having a monthly Council work session and a Council business meeting, and moving to two business meetings each month, to get more work done.

Mayor Bain agreed with Mr. Gentile and spoke about the changes that were implemented since he became Mayor, with the monthly Road and Safety Committee meeting becoming a Special Council meeting, expressly for the purpose of getting more work done.

Mr. Reznick emphasized the point that having a City Council President who is chosen by a majority of the Council, working with the Mayor to determine the business to be brought before the Council, intuitively fosters the type of collaboration that we believe is needed going forward. He does not see how two individuals alternately presiding over different iterations of the same body

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does anything to foster collaboration and efficiency, as he gravitates to whatever structure promotes more efficiency and getting business accomplished. The only possible exception would be if both the Mayor and the Council President became uncooperative and obstructive rather than collaborative.

Mr. Vazzana noted that since the Mayor is running the city on a day-to-day basis, the Mayor is in the best position to know the most urgent issues that need attention.

Mr. Bilsky noted that regardless of who is running the Council meetings the presence of the Mayor and various department heads are necessary to report to Council and to provide background and context for decisions made by the Administration and informing decisions made by the Council.

Mr. Vazzana then asked for more input from the Commission members.

Mr. Bochnek stated his opinion that the presiding officer makes the agenda for meetings.

Ms. Fellowes asked if the process of drafting an agenda for Council meetings could be left to the ordinance process.

Mr. Vazzana stated his belief that the process should best be left to ordinance.

Ms. Jarrett expressed the opinion that a Council President should preside at Council meetings, and the role of the Mayor in those meetings does not otherwise change from what it is at the present.

Mr. Vazzana wants to facilitate communication at Council meetings but does not see the need to change who presides, which is currently the Mayor.

Ms. Eickhoff stated her agreement with Ms. Jarrett's position.

Mr. Vazzana then suggested that the language in the Charter be simply changed to note that the Mayor "attends" rather than "presides" over meetings of the Council.

Mr. Bilsky noted that in some jurisdictions the Mayor reports first, before any other business of the Council.

Mr. Vazzana asked if there is consensus that the Mayor preside over Council meetings, to which Ms. Fellowes replied that there does not appear to be such consensus.

Mr. Bilsky stated his belief that the preparation of Council agendas should be a collaborative process involving both the Council President and the Mayor.

Mr. Reznick observed that it is intuitive that the President of the Council is the presiding officer of Council meetings.

Mayor Bain spoke to the point that he will be Mayor for a fixed period and not forever, and that he sees the issue in a broader context than the individuals in place as Mayor and those serving on Council at the present time. He stated that establishing an office of Council President will be a major change for Pepper Pike. The Mayor would not necessarily attend Council meetings and that the change for the city would be dramatic, as well as eroding the current "strong mayor" form of government currently in place.

Mr. Vazzana recognized Mr. Manny Naft for a public comment. Mr. Naft stated that he believes there is currently a problem of lack of cooperation between the office of the Mayor and the members of the Council. He pointed to several examples from a written document that he had previously circulated to members of the Commission, in support of his position.

Mr. Reznick agreed with Mayor Bain that the suggested amendment to the Charter would be a big change. The Council President as presiding officer would be in a position where that person would have to collaborate with the Mayor on the agenda and the overall business of the Council.

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Mr. Vazzana then observed that if the intent is to increase collaboration between the Mayor and the Council, it would be appropriate to retain the role of the Mayor as a participant in Council meetings.

Ms. Eickhoff offered that having a Council President presiding over meetings of the Council doesn't take away from the role or importance in having the Mayor participate in those meetings. She further observed that there are expectations that the Commission will tackle big issues but doesn't see the matter of who presides at Council meetings as such a big issue.

Mr. Vazzana repeated his opinion that the Mayor should be in attendance at Council meetings.

Mayor Bain stated his fundamental disagreement with the previous comments of Mr. Naft and his implication that the "strong Mayor" form of government is problematic. He further stated that personality problems cannot be resolved by a restructuring of government, particularly in a City such as Pepper Pike which has run well under its current Charter for a very long time.

Ms. Weltman spoke to the issue of the presiding officer being a facilitator of discussion and the need for collaboration between all who are in attendance at Council meetings.

Mr. Lemay agreed that building an opportunity for collaboration into the process would be very helpful. He spoke of a discussion he had with a former Mayor of Moreland Hills, who described her experience working with a Council President as a positive one, which fostered collaboration between the Mayor and the Council and resulted in her being a better and more effective Mayor, and the city having better government as a result. His conclusion is that building a structure to foster collaboration, into the Charter, would be a positive step forward for Pepper Pike, and that structure should include the agenda being prepared by the Council President with items requested by the Mayor.

Ms. Eickhoff noted that the issue is about there being no surprises for Council members, and for them to be informed as City policy is being developed and to have an opportunity to be part of the that process. She further noted that there are simple ways to foster necessary communication between the members of Council and the office of the Mayor.

Ms. Fellowes noted that the matter of who presides over meetings of the Council is not specified in the Moreland Hills Charter and asked if it is addressed by ordinance there.

Mr. Bilsky noted that here in Pepper Pike, six members of Council have identified in writing , that communication between the Council and the office of the Mayor is a problem at present, that the Charter is the place to address this issue, and that all elected officials will be expected to abide by the provisions of the Charter, which will result in better communication between the legislative and executive branches of the city government.

Ms. Eickhoff repeated her concern that there are too many surprises now, and that the matter of communication must be addressed by the Commission.

Ms. Weltman noted that day to day issues relating to the operation of city government should have some input from Council and that being able to add items to the Council agenda would be helpful in that regard.

Mr. Vazzana noted the late hour and asked the members of the Commission if they want to move forward on a decision regarding an Office of City Council President or conclude that discussion at the next meeting.

Mr. Bochnek offered that this matter has now been the subject of several meetings of the Commission and that there has been enough discussion to bring the matter to a conclusion.

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Mr. Vazzana then observed that there is a consensus to establish an Office of City Council President and asked Ms. Fellowes to include appropriate language in the running redline version of the revised Charter that she has been preparing.

Ms. Fellowes stated that she would add such language and will include language to provide for the Council President to preside over the meetings of the Council. There were no objections to that statement.

New Business:

Mr. Lemay asked the Commission to review several wording changes he had previously suggested for the Charter. Those recommendations were reviewed with much of the suggested language being the subject of consensus for inclusion in the revised Charter and others to be reworked somewhat.

Set Agenda for Next Meeting:

Mr. Vazzana asked that the Commission members be prepared at the next meeting to review the current redline version of the Charter as being maintained by Ms. Fellowes, to be prepared to discuss the balance of Article 4, and to proceed into discussion of Article 5, parts of which have already been partially addressed.

Mr. Bilsky noted that since the next meeting will be held over a two-day period, with one day between sessions, it will be possible to accomplish a great deal of work.

Ms. Jarrett observed that some Charters are very detailed while some are worded without so much detail. To which Mr. Vazzana concurred and stated that he has seen problems with Charters that are too specific. Mr. Lemay agreed and offered that the more that is left to ordinance the better.

Mr. Vazzana thanked Mr. Bilsky and Ms. Hrynik for their ongoing efforts to keep the public informed of the work of the Commission through email updates. Mr. Bilsky stated that the next update will be sent after the November 18 meeting. Ms. Fellowes stated that she would not publicly release a new update of the redline version of the Charter until then, to coincide with the public update, but would update the version being reviewed by Commission members.

Adjournment: Upon a motion by Ms. Hrynik and seconded by Ms. Fellowes, the commission voted to adjourn the meeting at 8:25 pm.

These minutes were adopted by the Pepper Pike Charter Review Commission at a meeting held at 8:30 am on Saturday November 16, 2024.



Matthew Vazzana
Chair



Howard Bochnek
Secretary

CITY OF PEPPER PIKE
CHARTER REVIEW COMMISSION
MEETING MINUTES
Saturday and Monday
November 16, 2024 at 8:30 am
and November 18, 2024 at 8:00 am

The City of Pepper Pike Charter Review Commission held its tenth meeting over the two days Saturday November 16, 2024, at 8:30 am and Monday November 18, 2024, at 8:34 am in the City Council Chambers in Pepper Pike City Hall.

ROLL CALL 1 on November 16 Members Present: Scott Bilsky, Howard Bochnek, Cindy Eickhoff, Dagmar Fellowes, Gary Hoffman, Tamara Hrynik, Stephanie Jarrett, Matthew Vazzana. Mr. Reznick was not in attendance.

Others Present: Mayor Richard Bain, Law Director Steve Byron, and Council Members Tony Gentile, Emmy Zatroch

Public Present Grace Barber, Richard Leskovec, Manny Naft, Kaley Richard (for the Chagrin Valley Times), Dr. Robert Zatroch

Call to Order: The meeting was called to order at 8:34 am by Mr. Vazzana. Mr. Bochnek then called the roll, and a quorum was present.

Approval of Minutes of the November 7 meeting: Upon a motion by Ms. Eickhoff and seconded by Ms. Jarrett, the minutes of the November 7 meeting were adopted, without objection.

Public Comments: Mr. Vazzana asked if any members of the public had any comments to share with the Commission.

There were no public requests to address the Commission at that time.

Old Business:

Mr. Vazzana reminded the Commission that the discussion would continue with Article III, and then proceed to Article IV, subject to the availability of time.

Ms. Fellowes reported that the version of the ongoing Charter revision that had been sent prior to the meeting did not show all the redline notations and that a new version would be sent before the scheduled meeting continuation on November 18. Mr. Vazzana repeated the gratitude of the Commission to Ms. Fellowes for her work updating the redline version of the Charter and keeping the members up to date regarding the changes that were being proposed to the Council.

Dr. Hoffman distributed agendas from most of the 2024 Pepper Pike City Council meetings, to show the roles of the Mayor and the Council in all those meetings. He suggested that these agendas demonstrate that these are meetings at which both the Mayor and the Council have business to be transacted, that they should be regarded as meetings both of the Council and the Mayor, and therefore having either the Mayor or a representative of Council chair the meetings would be appropriate. To which Mr. Vazzana asked Dr. Hoffman if he thought that based on the information presented, that the Mayor or a Council President would be an appropriate chair for the meetings, to which Dr. Hoffman opined that it could go either way.

Mr. Gentile offered that at Council meetings, the reports from the Mayor lead to or should lead to some action on the part of the Council.

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Ms. Eickhoff observed that at a Council meeting chaired by a City Council President, the Mayor would have a significant role to report to and inform the members of Council.

Ms. Fellowes noted that the role of the Mayor should be included in the redline version of the Charter including the required attendance of the Mayor at Council meetings, to which Ms. Eickhoff agreed and added that the Mayor would be expected to participate in the discussions of the Council.

Ms. Fellowes raised the question of how much needs to be included in the Charter and how much can be left to ordinance.

Mr. Byron, to provide historical background, noted that the agenda for each meeting of the Council should be filed with the Clerk of Council, who posts the agenda to which the members of Council would have access. Where the Mayor directs the Law Director to prepare legislation, that draft legislation is also filed with the Clerk of Council. In municipalities that have a Council President, that individual sees everything that is filed with the Clerk and is therefore aware of what legislation has been drafted and what items the Mayor has placed on a Council meeting agenda. He further stated that agendas for regular meetings of the Council have little significance, and that only the agenda for a Special Meeting of Council called for a specified purpose has any legal meaning. He reminded the Commission that a meeting agenda is only a tool for keeping order, that any Council member can raise any issue at any time, and that in his experience the Mayor has never barred any member of Council from adding an issue to an agenda or denying any member the opportunity to be heard.

Dr. Hoffman asked if a Council President does or should be encouraged to meet with Council members between Council meetings and should be required to meet in-person or virtually with the Mayor, at least once between meetings of the Council, so each could update the other about priorities, concerns and agenda items.

Mr. Byron offered that such meeting may present an Open Meetings Act issue, and he urged that any communication between Council meetings be made via e-mail, where there is a record of the discussion.

Mr. Vazzana asked Mr. Byron to clarify whether the Mayor or any member of the Council can propose legislation. Mr. Byron responded affirmatively.

Mr. Vazzana and Ms. Fellowes offered suggestions for how to include the ability to propose legislation in the Charter. This matter needs further discussion and language to be drafted.

Mr. Byron requested that the Commission include a mandate that the municipality abide by labor agreements negotiated by the Mayor.

Ms. Fellowes returned the Commission to a prior discussion regarding the establishment of a recurring Charter Review Commission and the exact provisions that need to be included.

Mr. Bilsky restated the prior conclusion that the provision should be worded so that there is no more than six years between the work of one Charter Review Commission being concluded and the next review being started.

Mr. Vazzana suggested that members of a Charter Review Commission should hold no other appointed office in the government of Pepper Pike, upon which there was consensus and agreement to include appropriate language to that effect.

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Ms. Fellowes asked for clarification as to the requested wording for Article III sections 1 and 2.

There was agreement with the current wording of the proposed section 1A relating to qualifications for the office of a Council member.

Discussion ensued regarding section 2, with Mr. Byron recommending that a Council President who is temporarily acting as Mayor, continue to be regarded as Council President and a member of Council, a status which would then change if that individual were to become Mayor upon a vacancy in that office.

Mr. Byron, Mr. Vazzana, Mr. Bilsky, Ms. Fellowes, Ms. Jarrett, Dr. Hoffman, Mr. Bochner, Ms. Hrynik, Ms. Eickhoff, and Mr. Gentile entered a colloquy on whether to include a provision for a Vice President or President Pro Tem of Council. There was consensus that an office of Vice President of Council should be created, with the Vice President of Council fulfilling the duties of Council President in the absence of that individual or the temporary accession of the Council President to the position of Acting Mayor, and permanently filling the position of Council President in the event of the Council President acceding to the office of Mayor upon a vacancy in that office. There was also consensus to include specific language in the Charter describing the manner of accession and/or election to the offices of President of Council and Vice President of Council, to provide for an expiration of those terms of office, and the need to fill any resulting vacancy on the Council that may result. A Council member who accedes to the office of Mayor would have an option to run for Mayor or their prior seat on Council at the time of the election held to fill those positions.

Mr. Byron described the process of filling vacancies in elected offices, including the time it takes to schedule an election, and raised the issue of whether an individual who has acceded to another office should fill that position until the next regularly scheduled election or if a special election should be required to fill the positions of Mayor and member of Council. He also raised the issue of a new member of Council possibly not having sufficient time to establish a record before facing election or re-election to Council.

Mayor Bain expressed the opinion that Council vacancies should be filled as soon as possible, and a special election should be called to fill an unexpired term of Mayoral office. He rejected the idea of anyone appointed or elected to fill an unexpired term of office deserving of time to establish a track record. He specifically pointed to the fact that candidates for Council usually are elected with “hundreds of votes” whereas the Mayor is elected with “thousands of votes”, and the electors deserve the right to fill a Mayoral vacancy at the earliest possible opportunity to do so.

Mr. Byron responded that this is a matter that can rightfully be addressed in the Charter and that the members of the Commission can craft whatever language and provision they believe to be appropriate.

Mr. Vazzana asked Ms. Fellowes to include language in the next redline version of the Charter, to be discussed by the Commission at a future meeting.

Ms. Jarrett related back to an earlier meeting of the Commission, when vacancies in public office were being discussed. Mr. Byron had made an observation about how the term “general election” is defined in the Ohio Revised Code (ORC). She asked whether the Commission needs to include a charter provision to the effect that certain terms such as “general election” and “crimes of moral

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turpitude,” should be interpreted as defined in the ORC or whether that can be assumed. Mr. Byron replied that it could be assumed that terms used in the charter would be interpreted as defined by the ORC and interpreted by the courts.

New Business:

Mr. Vazzana noted that while the Commission had discussed issues that must be addressed in Article IV The Mayor, the Commission would now turn its full attention to Article IV, noting the ability to return to Article III as appropriate in upcoming meetings.

Ms. Fellowes noted the language that has been included for Article IV section 1a in the redline version of the Charter. There was no objection to continuing with that language.

Ms. Fellowes then asked the Commission to address Article IV section 3 Legislative Powers, in the redline version of the Charter.

Mr. Byron urged the Commission to keep separate the Administrative, Legislative, and limited Judicial powers of the Mayor. He emphasized the need for the Office of the Mayor to introduce legislation. He also questioned the suggestion by some to include the term “collaboration” or to try to mandate any collaboration between the Mayor and the Council or President of the Council, as collaboration cannot be mandated. He repeated his earlier comments regarding any substantive business discussions between the Mayor and Council members, including the President of Council, should be in writing, in email, to avoid any issues arising from the Ohio Open Meetings Act.

Mr. Vazzana observed that there exists consensus to not include any reference to or mandate for collaboration between the Office of the Mayor and the President of Council or the Council, as collaboration cannot be mandated.

Ms. Fellowes asked the Commission to address the Mayoral veto provisions in the Charter.

Following a brief discussion, Mr. Vazzana observed a consensus to keep the current language regarding the power of the Mayor to veto legislation, and for the Council to override a Mayoral veto.

Ms. Fellowes asked if all the current Charter language contained in Article IV section 5, on the removal from office or termination of employment was necessary to be retained.

Mr. Byron replied that it is necessary to retain all the current language, particularly regarding employment “at the will of the Mayor” or where there is an issue of “civil service or union contract”. He added that while the language is necessary, it could be simplified.

Mr. Vazzana asked Mr. Byron to draft a simplified version of such language, to be included in the redline version of the Charter, for review by the members of the Commission, to which Mr. Byron agreed.

Ms. Eickhoff expressed the need to retain the provision in the Charter for the Mayor to report to Council, to which Ms. Fellowes replied that such provision is contained elsewhere in the Charter.

Mr. Byron emphasized that the Mayor cannot be compelled to advance an issue for action by the Council until that issue is ready to be acted upon.

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Mr. Eickhoff clarified that she was referencing the need for the Mayor to have an opportunity to advise Council on projects and agreed that items requiring Council action can only be advanced for such action when appropriate.

Mr. Vazzana therefore recommended that the current language be retained.

Ms. Fellowes and Mr. Vazzana reviewed which sections regarding the Office of Mayor and Office of Vice Mayor need to be retained and which need to be struck from the redline. They also reviewed the method of lettering used in subcategories of various sections under Article IV.

Ms. Jarrett asked if there is a need to include a provision in the Charter for remote meetings.

Mr. Byron restated his earlier assertion that remote meetings could be the subject of an ordinance adopted by the Council.

It was the consensus of the Commission that in accordance with Mr. Byron's assertion, there is no need to further address this issue in the Charter.

Set Agenda for Continuation of Meeting:

Mr. Vazzana stated that the Commission upon reconvening in two days on November 18 would resume discussion of Article IV and move on to Article V if time permits.

Recess to a Date Certain: Upon a motion by Mr. Bilsky and seconded by Ms. Hrynik, the commission voted to recess the meeting at 10:11 am, to be resumed on Monday November 18 at 8:00 am.

ROLL CALL 2 on November 18 Members Present: Scott Bilsky, Howard Bochnek, Cindy Eickhoff, Dagmar Fellowes, Gary Hoffman, Tamara Hrynik, Stephanie Jarrett, Robert Reznick, Matthew Vazzana.

Others Present: Mayor Richard Bain, Law Director Steve Byron, and Council Members Tony Gentile, Jim Lemay, Melanie Weltman

Public Present: Grace Barber, Vera Bartasavich, Richard Leskovec, Manny Naft, Kaley Richard (for the Chagrin Valley Times)

Call to Order: The meeting was reconvened at 8:03 am by Mr. Vazzana. Mr. Bochnek then called the roll, and a quorum was present.

Old Business: Mr. Vazzana observed that the Commission had left off at Article V of the Charter, and that is where the discussion would resume.

Ms. Hrynik requested that the body address the remaining timeline for the work of the Commission, including the number of meetings that have been scheduled and the amount of work remaining.

Mr. Vazzana agreed with the importance of having that discussion and turned the attention of the Commission to the issue raised by Ms. Hrynik.

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Ms. Eickhoff agreed that the remaining timeline for the work of the Commission is problematic, particularly the gap until the next meeting scheduled for December 2. She further suggested that members of the Commission work on wording of the remaining Articles for consideration by the entire body.

Ms. Fellowes expressed her concern about the remaining time, as well.

Mr. Vazzana observed that the final report of the Commission is most important and that an adequate amount of time is needed to meet the Commission's deadline of December 18 to complete their work and prepare a presentation for the Council. He added that the report of the Commission will be essential in the process of presenting the work of the Commission to the Council, and to support any ballot measure placed before the electors of Pepper Pike by the Council.

Mr. Gentile observed that once the Commission gets a bit farther into the Charter, he believes that there will be far less work required on the remaining Articles than has been required by the review to date.

Mr. Bilsky agreed with Ms. Eickhoff and recommended that a team be assembled to begin work on a draft Commission report, taking into account the work that has been completed to date.

Ms. Eickhoff observed that as long as the Commission does not get bogged down in repeating work already completed, there could be adequate time to complete all the necessary work without requesting an extension, although that outcome is not certain.

Mr. Vazzana observed that with the limited amount of time remaining, it would be helpful to rank order the remaining work.

There was a brief discussion among several members of the Commission, Mr. Byron, and the Council liaisons regarding the timeline for Council action that would be required if the members of the Council were persistent in presenting Charter Amendments to voters in May of 2025.

Mr. Gentile offered that the Council might consider some extension of time for the Commission to complete its work, but that he could not speak on behalf of the other Council members.

Ms. Weltman suggested that the Council review the work of the Commission could continue up until the end of the year, with the Council having the first reading of legislation to put Charter amendments before the electors, as early as December 30.

Mr. Bochnek expressed concern about having enough time to address issues developed through public comments, as well as the need to adequately address the issue of conflicts of interest for appointed officials of the municipality.

Ms. Fellowes agreed with those expressed concerns, and the need to complete work on the remaining Articles.

Ms. Eickhoff and Ms. Hrynik summarized the issue as to whether the body believes there is enough time to complete the work of the Commission, if there is a commitment to do so, and how that timeline and the Commission meeting schedule can be adjusted to complete the review process and the preparation of a report to the Council.

The Commission members reviewed the current Commission meeting schedule and agreed to add two additional meetings, on Saturday November 30 at 8:30 am and Monday December 9 at 8:00 am.

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Mr. Reznick volunteered to assist in the work of any small group effort to move the process forward between meetings of the Commission. Ms. Hrynik, Ms. Jarrett, and Mr. Bilsky also volunteered. There was consensus that those four Commission members would review and include progress to date and begin the preparation of a draft Commission report, as work proceeds on the remaining Articles and sections.

Dr. Hoffman offered a view of the final report of the Commission starting with a rationale for the creation of the Commission and would include what the Commission was intended to accomplish, some discussion of what has been recommended for change and how the language would be altered, as well as what is not being recommended for change at this time. He further stated that it is his understanding that the primary purpose of the report would be for presentation to the Council and for it to be available to the public as well. Mr. Vazzana concurred in those observations.

Mr. Bilsky added that the report would also include some review of the issues that have been discussed but not recommended for addition to the language of the Charter such as term limits. Mr. Bilsky further expressed his assumption that that an Executive Summary would also be included as part of the report.

Mr. Vazzana expressed his agreement with Dr. Hoffman's and Mr. Bilsky's comments and asked if the Commission should also be ranking the recommended changes by priority.

Mr. Reznick observed that the group working on a draft report could consider a listing of priorities as part of the suggested format, to which Mr. Vazzana replied with a strong recommendation that priority ranking definitely be included as part of the report.

Ms. Jarrett suggested that items that were determined to be more appropriate for ordinance than Charter inclusion be enumerated, to show that the Commission considered and discussed those subjects.

Mr. Gentile noted that the Commission meeting minutes will also serve as an important source of information for the public to show the detailed level of consideration of various issues by the Commission.

Several members of the Commission commented regarding the thoroughness and usefulness of the meeting minutes and thanked Mr. Bochnek for his work in preparing those documents.

Dr. Hoffman urged that the final report be constructed as a document that can easily be read and understood by the public, notwithstanding the fact that much of the suggested revised Charter will not be as easy to read and understand.

Mr. Bilsky and Ms. Fellowes noted the work that has been done to craft new wording in the most understandable way possible, with Ms. Fellowes also noting that sections that the Commission is choosing not to change may still have some difficult to navigate language.

Mr. Gentile observed that just as the Commission has chosen not to consider some suggestions for inclusion in the current draft of the Charter, a future Charter Review Commission could address remaining language simplification along with whatever substantive changes they may recommend.

At the request of Ms. Fellowes Mr. Byron briefly reviewed his intention to redraft Article IV section 5 per the suggestion of the Commission (prior session on November 16).

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As the Commission was reviewing the redline version of the Charter, Mr. Vazzana suggested that during the time remaining for the current meeting that the Commission continue to look at language in other Articles that may be easily addressed. He also asked the Commission when the membership believes that parts of a draft report might be ready for review and consideration.

Mr. Bilsky suggested that with the time between the current meeting and the next meeting scheduled for Saturday November 30 the final report workgroup would have enough time to make some significant progress.

Mr. Gentile repeated his belief that the remaining sections should be able to be reviewed expeditiously and be considered while a draft report is being prepared.

The members of the Commission agreed with that observation and appeared confident that the remaining work, including the preparation of a final report, could be completed for presentation to the Council close to the original target date of December 18.

The Commission then reviewed several of the wording changes that Ms. Fellowes had included in the redline version of the Charter, which updated language will appear in the next update of the redline document.

Discussion then proceeded with several latter sections of the Charter which Ms. Fellowes had highlighted for consideration particularly about the terms Bond vs. Insurance, with the conclusion that Mr. Byron would address those specifically for continued discussion at an upcoming meeting.

Dr. Hoffman again stated his desire for Mr. Byron to consider the need for specificity and clarity wherever and however possible, to aid readers of the Charter who do not have a legal background.

Mr. Byron explained that a balance of specificity and non-specificity needs to be maintained to not tie the hands of the Council or future Administrations.

Mr. Lemay and Mr. Gentile concurred with Mr. Byron and discussed the need to not impede the Council from acting appropriately and expeditiously where and when necessary.

Dr. Hoffman asked for clarification regarding the provisions of Article V section 5 The City Planning Commission. Mr. Byron replied and discussed administrative enforcement of the Zoning code vs. changes to the Zoning code, which are provided for in Article XIII, where there is a very limited requirement under law for a vote of the electors to approve zoning changes.

Mr. Reznick asked about the City's reimbursement policy and asked if this is something that needs to be in the Charter. There was a general discussion on the subject including the Mayor describing the current policy, and Mr. Byron adding that some municipalities do include some Charter provision for such issues. Mr. Vazzana asked if there was an Employee Handbook and an ordinance that covered such issues. At the suggestion of Ms. Fellowes there was a consensus to include this issue in comments to be addressed by Council and/or a future Commission.

Ms. Eickhoff and Ms. Fellowes discussed ongoing and sporadic issues they have both been having with their pepperpik.org email accounts, as well as issues that are or may arise in relation to required Internet training necessary to maintain the service.

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Mr. Vazzana asked the Commission members to review the remaining sections of the Charter and be prepared to discuss any issues they have with the provisions of those sections at the Saturday November 30 meeting of the Commission.

Ms. Jarrett raised the issue of the Law Director and the Finance Director being the only appointed positions included in the Charter, providing for a term of office, but not providing for removal, and that such provisions are included in some other municipal Charters.

Mr. Byron discussed how provisions are built into such engagement agreements to accommodate removal from the position at any time.

Mr. Bochnek then repeated his concern over individuals having conflicts of interest by serving in positions where they recommend actions that may impact on their own compensation, including the Law Director, the Finance Director, and the City Engineer, among others.

Mr. Byron replied that there are extensive provisions in State Law which address such concerns.

Mr. Reznick raised an issue of how to communicate on suggested ideas relating to the remaining Articles and sections of the Charter, in advance of the November 30 meeting.

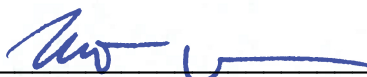
It was concluded by Mr. Byron and Mr. Vazzana that any such comments could be transmitted to the Mayor's Assistant or the Clerk of Council, for dissemination to all the members of the Commission.

Ms. Eckhoff observed that if all the members of the Commission did their homework and come prepared for the November 30 meeting, there should be no issue of concern, and the remaining work of the Commission should hopefully proceed smoothly.

Mr. Vazzana asked that all the members of the Commission be prepared for discussion of the remaining parts of the Charter at the next meeting.

Adjournment: Upon a motion by Mr. Bilsky and seconded by Ms. Fellowes, the commission voted to Adjourn the meeting at 9:21 am.

These minutes were adopted by the Pepper Pike Charter Review Commission at a meeting held at 8:30 am on Saturday November 30, 2024.



Matthew Vazzana
Chair



Howard Bochnek
Secretary

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The City of Pepper Pike Charter Review Commission held its eleventh meeting over the two days Saturday November 30, 2024, at 8:30 am and Monday December 2, 2024, at 8:00 am in the City Council Chambers in Pepper Pike City Hall.

ROLL CALL 1 on November 30 Members Present: Scott Bilsky, Howard Bochner, Cindy Eickhoff, Gary Hoffman, Stephanie Jarrett, Robert Reznick, Matthew Vazzana. Tamara Hrynik and Dagmar Fellowes joined the session after the meeting was called to order.

Others Present: Law Director Steve Byron, and Council Members Tony Gentile, Jim Lemay, Melanie Weltman, Emmy Zatroch

Public Present Grace Barber, Richard Ferguson, Richard Leskovec, Manny Naft

Call to Order: The meeting was called to order at 8:39 am by Mr. Vazzana. Mr. Bochner then called the roll, and a quorum was present.

Approval of Minutes of the November 16 and 18 meeting: Upon a motion by Dr. Hoffman and seconded by Ms. Jarrett, the minutes of the November 16 and 18 meeting were adopted without objection.

Public Comments: Mr. Vazzana asked if any members of the public had any comments to share with the Commission.

Mr. Gentile responded to a comment made by Mayor Bain at a previous meeting regarding the number of votes usually cast by electors for members of City Council and the office of Mayor. He noted that both positions received numbers of votes numbering the low thousands and that the total vote for Mayor was not much greater than the total vote for the highest ranking member of City Council, contrary to the earlier assertion by Mayor Bain.

Ms. Weltman expanded on a prior discussion regarding City Council agendas and noted that they change, often up until just prior to a Council meeting.

Manny Naft discussed his thoughts on requiring communication between the Mayor and the Council, and that requirement being included in the Charter.

Old Business:

Mr. Vazzana noted that the discussion would continue with addressing the provisions of Article V and then move on to a review of sections in the redline document that require review and clarification.

Mr. Lemay reviewed the details of written comments he submitted to the Commission regarding many of the sections contained in Article V, most of which are technical and stylistic changes relating to the change of Pepper Pike from a Village to a City at the time when the current charter was written.

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Mr. Bochnek noted that the Law Department is mentioned in the Charter, but the City Engineer is not and asked if the Engineer falls under the Council's authority to create departments in addition to those specified in the Charter.

Mr. Byron stated that the Law Department consists of his services as well as those provided by his firm, and the City Prosecutor. He further stated that the City Engineer and his firm operate under the authority granted to the Council to create additional departments and positions.

Mr. Lemay added that these positions will always be needed, and both could therefore be enshrined in the Charter if the Commission wished to provide for them. It was also noted that putting these positions in the Charter could include the appointment process and vest that authority in either the Mayor or the Council, or a combination.

Mr. Gentile clarified that the Law Director is both an employee and an outside contractor, the same applies to the City Engineer, but the Treasurer which is provided for in the Charter is only an employee.

Mr. Bochnek asked if therefore the Council can regulate those positions by ordinance where there are no provisions in the Charter. Mr. Gentile responded affirmatively.

Mr. Vazzana questioned Mr. Lemay's striking out both the Law Director and the Treasurer from his notes on the Charter.

Mr. Lemay responded with his thoughts about removing "human resources" issues from the Charter and leaving the creation of all departments to ordinance. A colloquy followed, including Mr. Lemay, Mr. Vazzana, and Mr. Byron, about which positions should be included in the Charter, if any, and which could be left to creation by ordinance.

There was no Commission support for removing those positions from the Charter.

Mr. Vazzana expressed the opinion that the Charter should define the basic qualifications for the Law Director and the manner of appointment.

Ms. Jarrett expressed an interest in including a removal provision in the Charter, and perhaps the ability of the Council to remove either the Law Director or the Treasurer by a super majority without the concurrence of the Mayor.

Ms. Eickhoff asked who the HR Director for the City is, to which Mr. Lemay responded that the Mayor is the HR Director.

Mr. Bochnek expressed his agreement with Mr. Vazzana and Ms. Jarrett's position, and his interest in possibly including the super majority removal provision as suggested. Similar statements were made by Dr. Hoffman, Mr. Bilsky, and Mr. Reznick.

Mr. Vazzana noted that the Treasurer position is now referred to as Finance Director and recommended that, based on the comments of several Commission members, that:

1. The Finance Director and the Law Director are appointed by the Mayor with the approval of Council.
2. The Mayor can remove either official with the approval of Council.
3. Council can remove either official without the agreement of the Mayor by a super majority vote.

There appeared to be Consensus on Mr. Vazzana's recommendation.

Mr. Byron noted that Beachwood Village retained the Council appointment of Finance Director and Law Director when it became the City of Beachwood, and in Orange Village the Council appoints both positions.

Mr. Bilsky noted that from his experience in Orange Village, that system works well there.

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Ms. Weltman suggested that since the Mayor is the Human Resources Director, it may be advisable for the Law Director to have additional qualifications to be able to advise the Mayor on those matters.

Both Mr. Byron and Mr. Vazzana agreed that the Council can approve or disapprove of a candidate for either position for any reason, beyond any minimum requirements that appear in the Charter, and controls the salary and budget for both departments.

Mr. Lemay expressed the opinion that the term of office for both the Finance Director and the Law Director should be one year rather than two years.

Mr. Lemay reaffirmed an earlier comment by Mr. Gentile, expressing the opinion that the Law Director should be providing legal advice to individual members of the Council related to their Council duties, in addition to advising the Council as a body.

Mr. Byron agreed with the general principle that individual Council members could seek an opinion from the Law Director, but the Law Director's client is the municipality.

There followed a lengthy discussion regarding the preparation of draft legislation on behalf of an individual member of the Council and issues relating to when the draft might be ready for presentation to the Council and if the subject and extent of the draft legislation could be protected from being shared with other Council members, and if a request to draft legislation should go through the Council President. It was agreed that while interesting, this discussion does not relate to any provisions that would be included in the Charter.

Ms. Eickhoff asked if the Law Director serves all Boards and Commissions as well as the Mayor and the Council. Mr. Byron replied affirmatively.

Mr. Reznick suggested that the paragraph describing the office of Treasurer could be edited and made more concise.

Ms. Jarrett questioned whether the term of office for the two Charter specified positions be for one or two years, or whether no term should be specified.

Mr. Byron noted that the currently specified two-year term was put into the Charter to coincide with the term of the Council session.

Mr. Vazzana noted that the issue of a one- or two-year term could be the subject of an ordinance.

Mr. Vazzana turned the attention of the Commission to the provisions of Article V section 4 relating to the Civil Service Commission.

Mr. Lemay, Mr. Byron, and Mr. Vazzana engaged in a discussion about the history and the workings of the Civil Service Commission, for the benefit of informing the Commission.

Ms. Jarrett then asked if there were any issues with the operation and actions of the Civil Service Commission that would warrant any changes to be made to the current provisions in the Charter.

Mr. Byron indicated that there weren't, and both he and Mr. Vazzana recommended that no changes be made and that the Commission move on to the next section.

Mr. Bilsky noted that a six year term appears to be longer than necessary or appropriate for the Civil Service Commission members.

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Mr. Byron responded that there is a great deal of technical knowledge that is required by a member of that Commission and that accordingly, a six year term is not excessive.

There followed a discussion of the merits of a six year term vs. a shorter term with an ability to be reappointed, and it was concluded that the only change that would be recommended would be the ability of the Mayor to remove a member of the Civil Service Commission with the consent of the Council.

Mr. Vazzana then moved the discussion to Article V section 5, The City Planning Commission.

Ms. Jarrett distributed a chart of how other jurisdictions deal with this issue, including the number of members, whether the Mayor is or is not a member of the Commission, term of office, the manner of appointment to the Commission, and how a chair is selected.

Mr. Vazzana noted that the current provision in the Pepper Pike Charter is for a City Planning Commission consisting of five members, including the Mayor, one member of Council, and three electors appointed by the Mayor subject to Council approval serving for a term of six years. There is no provision for choosing a chair for the Commission.

Ms. Eickhoff asked for comments from members of Council regarding their experience and observations, particularly from Ms. Weltman who currently serves as the Council representative to the Planning Commission.

Ms. Weltman expressed her view that the Planning Commission should adhere to fidelity to the ordinances of the City. She further noted that the Commission hears variance requests which must be considered in the light of both the ordinance that is the subject of the variance request as well as the intent and wording of the variance ordinance. Her view is that the issuance of variances is not always done in a manner that is faithful to the ordinances and that over time erodes the plan for the City and the planning process. She specifically recommended

- A second Council member added to the Planning Commission to provide additional Council representation to support the upholding of the ordinances, as well as to possibly replace the Mayor as a member of the Commission.
- Electors appointed to the Commission should serve terms shorter than six years.
- Nomination of electors to serve on the Commission should come from both the Mayor and the Council, and the Mayor to possibly not be part of the nomination process if the Mayor were to remain a member of the Commission.
- That all submissions to the Planning Commission and all supporting documentation be submitted in a timely manner.
- All actions taken by the Planning Commission should be included in a written report to the Council, and that report should detail the reasons for granting or denying a variance request, and these reports be available for public review.

Ms. Weltman further expressed the concern that variances that are granted serve as precedent for other variance requests which further erode the ordinances and the plan for the City.

Ms. Weltman also defined and briefly discussed the principle of "practical difficulty" and how interpretation of that principle is often misapplied and misused to the detriment of the City.

Mr. Gentile asked if the requirement for a written report of the proceedings would include both granted and denied variances, to which Ms. Welman replied that at least for the ones that are granted and preferably for both.

Mr. Bochnek expressed incredulity that the proceedings of the Planning Commission do not currently contain the details of the meeting, including what variances were applied for, which were

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approved, and which were denied, and the reasons for both the approvals and the denials. He noted that failing to include that information in the public record constitutes incompetence and a dereliction of responsibility to the electors of the City.

Ms. Eickhoff expressed her concern, from personal experience, that much of the time the Architectural Board of Review (ABR), formerly known as the Architectural Review Board (ARB), does not have access to any of the work product of the Planning Commission.

Mr. Byron expressed the legal opinion that the “purpose of a variance is to grant relief when the application of the ordinance would be unconstitutional”. He added that “to be constitutional a variance must advance the health, safety, and welfare of the community”. He explained that the variance ordinance was crafted to be consistent with Ohio law and judicial interpretation, to provide for a “rational variance process”. The role of the Planning Commission is to determine whether “the application of this ordinance, in this circumstance, is advancing the purpose of the ordinance”, and “allowing people to make a reasonable use of their property in a way that doesn’t harm others”.

Mr. Byron further expressed the opinion that since the Council has taken it upon itself to hear appeals from the planning process, no member of Council should serve on the Planning Commission. Additionally, he expressed his concern with appeals being heard by elected public officials whose actions are subject to the number of people who attend a public meeting and how vocal they may be at times.

Ms. Eickhoff suggested that adding a second Council member to the Planning Commission would add an additional voice for adherence to ordinances and provide for at least one member of the Council to be at each meeting.

Based on the entirety of the discussion Mr. Vazzana suggested that there appears to be no reason to change the powers and duties provisions of the Article V Section 5, but that the Charter Review Commission should be looking at the composition, manner of appointment, and term of office of the members of the Planning Commission.

Mr. Lemay expressed the opinion that the Planning Commission sits as a policy making body and also possesses a quasi-judicial function, with the first option to make recommendations for new development in the City, as well as changes to the zoning code. He would have such a policy-making body separate from the City Administration and therefore recommends a restructuring of the Planning Commission. He specifically cited the instance where the Building Commissioner, acting as part of the City Administration, issues a citation to a property owner, that citation can be appealed to the Planning Commission where the Mayor and three mayoral appointees sit to hear an appeal of a citation issued by the Administration. He pointed out the obvious conflict in that process.

Based on the examples of several neighboring communities, Mr. Lemay suggested alternatives for the composition and selection of members to a Planning Commission.

Mr. Byron recommended taking the appeals process out of the political realm with the creation of an independent Board of Zoning Appeals, which is also a practice of some nearby communities.

Ms. Eickhoff repeated her expressed concerns regarding the problems with communication, or lack of communication, between the ABR and the Planning Commission, as well as the lack of a written process and forms for current appeals, which could possibly be addressed by a Board of Zoning Appeals, although that is not a certainty.

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Mr. Byron again expressed his preference for appeals to be heard by an independent Board of Zoning Appeals, rather than the Planning Commission and the Council.

Mr. Vazzana expressed his agreement with the suggestion of Mr. Byron.

Ms. Weltman questioned whether the creation of a Board of Zoning Appeals would solve any problem or just create another step in the process, without necessarily resolving any political conflicts.

Both Mr. Bilsky and Mr. Bochnek discussed recent additions made to their homes and how they each followed the guidelines set forth by the Architectural Board of Review, did not press the issue of variances that would be contrary to the established criteria for how homes should look from the street in Pepper Pike, and how both accepted the restrictions and limitations on architectural design prevailing in the City, without seeking to overturn those established criteria.

Mr. Bochnek also asked if in this municipality of seven thousand residents has enough qualified individuals to serve on a Planning Commission, a Board of Architectural Review, and a Board of Zoning Appeals. The response from Mr. Byron and Ms. Weltman was a clear "yes", although Ms. Weltman continues to question the need for a Board of Zoning Appeals.

Ms. Hrynik asked about the number of appeals that are normally filed, and Ms. Weltman replied that there are relatively few.

Mr. Vazzana clarified that a Board of Zoning Appeals would hear appeals of variance denials as well as ABR architectural appeals.

Ms. Fellowes asked if providing for a Board of Zoning Appeals would be a Charter issue or a matter for ordinance.

Mr. Byron responded that he strongly believes that it should be an issue to be addressed in the Charter.

Ms. Eickhoff expressed the opinion that, based on discussion she has had with people in neighboring communities, it would be best to leave the details of creating a Board of Zoning Appeals to ordinance, as is the case with the current ABR provisions.

Ms. Fellowes then asked Mr. Byron which boards and commissions he would see included in the Charter.

Mr. Byron responded that he would include the Civil Service Commission, Board of Zoning Appeals, Planning Commission and Architectural Board of Review.

Ms. Fellowes suggested that the decision to create a Board of Zoning Appeals is a threshold issue that needs to be determined before addressing the composition and manner of appointment of the Planning Commission.

Mr. Reznick was leaning in favor of having a Board of Zoning Appeals and agreed with the position taken by Ms. Fellowes.

Ms. Hrynik expressed a note of caution and made some reservation regarding the creation of a Board of Zoning Appeals at this time.

Dr. Hoffman expressed his endorsement of a Board of Zoning Appeals with the Chair of the ABR sitting as an ex-officio member.

Ms. Fellowes offered that the Chair of the Planning Commission could also serve as an ex-officio member.

Mr. Bilsky expressed his endorsement of a Board of Zoning Appeals as well as adding a second Council member to the Planning Commission.

Mr. Bochnek also endorsed a politically independent Board of Zoning Appeals and would not object to the addition of a second Council member being added to the Planning Commission.

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Ms. Eickhoff prefers not to add a Board of Zoning Appeals to the Charter at this time and is concerned about the number and priority of changes that the Charter Review Commission will be recommending.

Ms. Jarrett would prefer to take the process of hearing appeals out of the realm of politics if that could be achieved. She and Ms. Fellowes, and Ms. Eickhoff questioned if that is indeed at all possible.

There was consensus that Mr. Vazzana, Ms. Fellowes, and Mr. Byron would work on some language options that could include provision for a Board of Zoning Appeals.

Mr. Vazzana then turned the discussion to the subject of the composition of the Planning Commission.

Mr. Bilsky recommended two Council members and three electors, with the Mayor not serving.

Dr. Hoffman would prefer to keep the composition as it is at present.

Ms. Jarrett agreed with Mr. Bilsky's approach.

Mr. Bochniek would have no problem with a second Council member if there was a separate Board of Zoning Appeals, but the Mayor, as the one who appoints three members of the Commission, should not serve as a member.

Ms. Hrynik agreed with two Council members and three electors.

Mr. Reznick agreed to the same composition of two Council members and three electors, appointed by the Mayor with the consent of the Council.

The discussion then turned to the subject of term of office on the Planning Commission and whether six years was too long of a term. Various opinions were heard including the perspective of Mr. Byron that with the creation of a Board of Zoning Appeals, the number of times that a Planning Commission would need to meet would be significantly reduced. The Consensus was a term of three years would be most appropriate with the members choosing their own Chairperson and provide for a Secretary who may be either a member of the Commission or not.

Mr. Bochniek raised the issue of the current Charter provision for the Clerk of the Council to also be the Clerk of the Civil Service Commission and the Clerk of the City Planning Commission. He suggested that this provision needs to be reviewed, particularly considering the current recommendation for the Planning Commission to choose its own Secretary. He questioned the propriety of one person serving as a Council appointee as Secretary to the Council, and also serve as Secretary to other Boards or Commissions.

Mr. Byron noted that this issue falls under the category of a Human Resources issue and perhaps should be left to the Council to determine.

After further discussion Mr. Lemay agreed that this is a concern that should be addressed.

Mr. Bilsky asked that the Commission re-consider the prior discussion regarding the amount of time to be allotted for the Council to consider an override to a Mayoral veto.

After some review of the current Charter language and several suggestions of time limits, it was agreed that thirty days would provide an appropriate window for the Council to take action on a Mayoral Veto.

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New Business

Mr. Vazzana discussed the first draft of the report of the Commission to the Council, which remains a work in progress. He commended the workgroup consisting of Mr. Bilsky, Ms. Hrynik, Ms. Jarrett, and Mr. Reznick, for their excellent work. He particularly noted the excellent format and the ease of reading the draft report and being able to follow the process and conclusions of the Commission on each issue addressed.

The draft format, which will be the final report format, is:

- Intro including a discussion of the outreach to the community and meeting time devoted to the process
- Charter Section
- Redline version of current Charter showing changes
- Reasons for the recommended changes

Mr. Bilsky singled out Ms. Jarrett for praise for all the effort she has put into the draft document to put it into writing and working out the format of the report.

Ms. Jarrett thanked the other members of the workgroup for their teamwork.

Mr. Vazzana noted that the remaining work of the Commission will pick up from Article VI and continue through the end of the document.

Ms. Fellowes noted that the Insurance provisions in Article VI were updated and highlighted in yellow for the Commission to review.

Mr. Vazzana stated that the Commission will therefore start with the highlighted sections when the Commission reconvenes on Monday, December 2, which would be a continuation of the present meeting.

Mr. Vazzana then recognized a member of the public, Mr. Richard Ferguson, who introduced himself. Mr. Ferguson briefly discussed the importance of the planning role for the City, particularly regarding developments at Ursuline College in recent years and the emergence of some high density housing in Pepper Pike. He then went on to ask about earlier Commission decisions regarding Charter language pertaining to detaching property from the City and language relating to non-taxable land. Mr. Byron explained that the latter issues were matters that are in conflict with State law and have to be changed accordingly.

Set Agenda for Continuation of Meeting:

Mr. Vazzana repeated that the Commission upon reconvening in two days on December 2 would begin by taking up issues that require clarification in the redline document and then continuing with Article VI and as much of the remaining document as there is time for.

Adjourn to a Date Certain: Upon a motion by Mr. Bilsky and seconded by Ms. Hrynik, the commission voted to adjourn the meeting at 11:46 am, to be resumed on Monday December 2 at 8:00 am.

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ROLL CALL 2 on December 2 Members Present: Scott Bilsky, Howard Bochner, Cindy Eickhoff, Dagmar Fellowes, Gary Hoffman, Tamara Hrynik, Stephanie Jarrett, Robert Reznick. Mr. Vazzana was not able to attend.

Others Present: Law Director Steve Byron, and Council Members Tony Gentile, Jim Lemay, Melanie Weltman

Public Present Grace Barber, Richard Leskovec, Manny Naft, Kaley Richard (for the Chagrin Valley Times)

Call to Order: The meeting was reconvened at 8:09 am by Ms. Eickhoff. Mr. Bochner then called the roll, and a quorum was present.

Public Comments: Ms. Eickhoff asked if any members of the public had any comments to share with the Commission.

Richard Leskovec stated that for many years he represented the Council on the Planning Commission. He noted that economic development has not been a priority in Pepper Pike, and he does not anticipate any new site plan submissions in the future. He added that some variance decisions made in the past have been mistakes and advocated for two Council members to serve on the Planning Commission. He also called attention to the fact that when the Council hears appeals from the Planning Commission, the Council representatives to the Planning Commission are hearing their own appeals. He also noted that the development of Townhouses in Pepper Pike was handled in a manner inconsistent with how other development is traditionally reviewed.

Ms. Weltman noted that in reference to the discussion about variances, from the previous meeting, appeals are only available to property owners in immediate proximity to the property, which is the subject of a variance. She added that the variance ordinance has not been evenly applied over time.

Old Business: Ms. Eickhoff noted that Mr. Byron was drafting language to establish a Board of Zoning Appeals, for consideration by the Commission.

New Business: Ms. Eickhoff asked the Commission to proceed with consideration of the sections of Ms. Fellowes redline version of the ongoing changes to the Charter, which were not fully addressed and require additional work.

Ms. Fellowes asked for comments regarding the draft of Article III Section 2A which is a new section relating to the powers and duties of the President of Council.

Mr. Lemay suggested consolidating some of the wording, to which the Commission had no objection.

Dr. Hoffman reminded that one of the reasons for creating a position of President of Council is because of concerns regarding the lack of appropriate communication between the Administration

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and the Council. He urged that the Commission adopt wording requiring communication between the Administration and the Council.

Mr. Byron expressed the concern that the requirement of communication cannot be compelled, and therefore any such provision would be unenforceable.

All the members of the Commission entered a colloquy about whether and how wording could be crafted that could encourage communication between the Administration and the Council. Mr. Lemay, Mr. Gentile, Ms. Weltman, and Mr. Byron also participated in that discussion.

Mr. Bilsky suggested that this issue might be best left to the Council and addressed by an ordinance and the final report of the Commission.

Dr. Hoffman recommended that whatever language be adopted regarding the mandating of communication on the part of the Council, also be applied to the office of the Mayor.

Ms. Eickhoff noted that the office of President of Council requires more definition as well.

Mr. Lemay suggested that after all the discussion about communication at the Commission meetings, the Council needs some time to work on that issue as well.

Mr. Bochnek expressed the opinion that this issue might be left to the next Charter Review Commission to address further, after the Council has had some time to consider options.

Mr. Bilsky suggested that this issue of communication between the Council and the Mayor could be addressed in the report of the Commission and to not go farther at this time.

There appeared to be a consensus to agree with Mr. Bilsky and perhaps address the issue again at a later meeting of the Commission.

Mr. Lemay recommended that the President of Council should be empowered by Charter with the responsibility for making appointments of Council members to Boards and Commissions where Council representation is called for.

Ms. Fellowes responded with the need for more language to be added to the section outlining the position of President of Council and adding more appointment authority to that position.

Mr. Lemay suggested where Council forms committees that consist of members of Council and members of the public that such citizen appointments to those committees should be left to the Council members of the committee. There was discussion on that suggestion and consensus in favor of Mr. Lemay's recommendation.

Ms. Eickhoff, reverting to the discussion from the previous session, questioned the necessity of creating a Board of Zoning Appeals.

Mr. Byron repeated his earlier call to take zoning, and variance appeals out of the realm of politics and elected officials.

There was agreement to postpone additional discussion on that subject until Mr. Vazzana could be present to discuss the matter, since he had previously expressed interest in the creation of a Board of Zoning Appeals.

Ms. Jarrett recommended that the language relating to the Clerk of Council be modified so that the Clerk of Council also be designated as the Clerk of the Civil Service Commission, but that the Planning Commission and other Boards and Commissions choose their own Secretary. She asked if that is legal and able to be done.

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Mr. Byron responded that it certainly is proper and would permit the Council to better manage the workload of the Clerk of Council, since they are in the best position to make that determination. Taking the other Secretary responsibilities out of the Charter would give the Council the HR flexibility that it should have.

Mr. Lemay expressed his agreement as well as recommending language elsewhere in the Charter that would permit all Boards and Commissions, including the Civil Service Commission to appoint their own Secretary and provide for the Council to allocate funding for such positions, or the Council to directly take responsibility for appointing the Secretaries of those Boards and Commissions.

Mr. Byron suggested that the issue of a Secretary of all Boards and Commissions be addressed in the Civil Service provisions of the Charter and Mr. Lemay concurred with that recommendation.

Ms. Weltman also expressed support for that concept.

Mr. Bochnek requested clarification to show that the Clerk of Council will still be appointed by the Council and may serve additional Boards and Commission but not necessarily.

Both Mr. Lemay and Mr. Byron agreed with that construct.

Mr. Reznick expressed his support as well, noting that over time the concept and role of Secretary may be evolving as we move farther down the path to a digital society, which would favor the most flexibility possible in hiring and determining the scope of secretarial roles and responsibilities.

Mr. Byron generally agreed with Mr. Reznick but noted that for legal purposes there will always be the need for someone to be in the position of Secretary to certify meeting proceedings and to testify, when necessary, as to what took place at a meeting.

Ms. Fellowes asked the Commission to review the removal from office provisions in Article III relating to the Council. There was consensus to keep those changes as drafted.

Ms. Fellowes asked the Commission to review the veto provisions and the agreement to provide a 30-day window for Council action. There was consensus to keep those changes as drafted.

Mr. Lemay asked to review the language in Article IV Section 3 to require the Mayor to “attend and provide oral and written reports at, all meetings of the Council, but shall have no vote therein.” There was consensus on that previously but was not reflected in the redline due to an issue of needing to accept changes. Ms. Fellowes clarified that the change would be incorporated into the next version of the redline.

Ms. Fellowes asked the Commission to review the language in Article IV Section 5 pertaining to the executive powers of the Mayor relating to finances and human resources.

Mr. Gentile and Mr. Byron clarified that following the fiscal crisis several years ago, language was added to the Charter in Article IX Section 3 to address this issue.

At Ms. Fellowes suggestion it was agreed to add appropriate language to Article IV for the Mayor to keep the Council “fully advised” regarding financial matters.

Mr. Lemay and Mr. Byron discussed the issue of including hiring powers in the Charter, which Mr. Lemay would prefer to see left to ordinance. The result of that discussion was that Ms. Eickhoff and Ms. Fellowes requested Mr. Byron to rework the language to keep the City in line with

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the State Constitution and State Law and present a draft back to the Commission for further consideration.

Mr. Byron requested that the word “acting” be removed from the redline draft at Article IV Section 7 which was agreed to.

Mr. Fellowes asked if there was a consensus in Article V Section 2 to include wording that would grant the members of the Council “individual” access to the services of the Law Director. Such consensus was apparent.

Ms. Fellowes asked if removal language in that section should be retained in the current form or otherwise worded. There was consensus to allow the Law Director to be removed either by the Mayor with confirmation of the Council, or by a vote of five members of the Council without the consent of the Mayor.

Ms. Fellowes asked if the term of the Law Director should be for one or two years. The consensus was for one year.

Ms. Fellowes asked if the same provision that was included for the Council to remove the Law Director without the consent of the Mayor should be extended to the Planning Commission and all other Boards and Commissions. The consensus was to repeat the same language for the other similar sections and to keep the provisions consistent throughout the Charter.

Ms. Fellowes asked about funding for secretarial services for other standing and ad hoc groups of residents or Council representatives and residents. There was a consensus to provide appropriate wording to authorize the Council to make such financial arrangements where deemed necessary.

Ms. Eickhoff noted the short amount of time remaining for the Commission to complete its work.

On the recommendation of Mr. Bilsky, the date of December 14 was set aside for an additional Commission meeting to begin at 8:30am.

Mr. Bochnek asked Mr. Byron if the minutes of the final meeting of the Charter Review Commission could be sent to the members by email for a vote to approve those minutes by return email.

Mr. Byron responded that if that is the desire of the Commission, and to not have a final meeting in person to only approve minutes, that would be permissible.

Mr. Bochnek explained that he has to travel during the next week on both business and a personal family matter, and that minutes of the November 30 and December 2 meetings would be delayed but sent out as soon as possible.

Mr. Gentile distributed a handout for consideration by the Commission members.

Ms. Eickhoff reviewed the next Commission meeting dates.

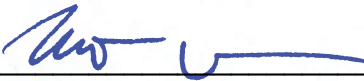
Ms. Eickhoff then recognized Mr. Manny Naff as a member of the public attending the meeting.

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Mr. Naft repeated an earlier call for the Commission to include wording in the Charter to require "communication" between the branches of City government, in recognition of past and current issues which he had previously detailed verbally and in writing.

Adjournment: Upon a motion by Mr. Bilsky and seconded by Ms. Hrynik, the commission voted to Adjourn the meeting at 9:34 am.

These minutes were adopted by the Pepper Pike Charter Review Commission at a meeting held at 8:00 am on Monday December 16, 2024.



Matthew Vazzana
Chair



Howard Bochnek
Secretary

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The City of Pepper Pike Charter Review Commission held its twelfth meeting over the two days Saturday December 7, 2024, at 9:30 am and Monday December 9, 2024, at 8:00 am in the Building Department Conference Room and City Council Chambers in Pepper Pike City Hall.

ROLL CALL 1 on December 7 Members Present: Scott Bilsky, Howard Bochnek, Cindy Eickhoff, Dagmar Fellowes, Gary Hoffman, Stephanie Jarrett, Matthew Vazzana. Tamara Hrynik and Robert Reznick were unable to attend.

Others Present: Law Director Steve Byron

Public Present Grace Barber, Richard Leskovec, Manny Naft, Bob Rice, Kaley Richard (representing the Chagrin Valley Times)

Call to Order: The meeting was called to order at 9:36 am by Mr. Vazzana. Mr. Bochnek then called the roll, and a quorum was present.

Minutes of the November 30 and December 2 meeting: Mr. Bochnek explained that due to his business travel and family obligations he was not able to complete a draft of the minutes for review in time for the meeting and stated that they will be forthcoming as soon as possible.

Public Comments: Mr. Vazzana asked if any members of the public had any comments to share with the Commission.

Bob Rice stated that he had been a resident of the neighboring community of Lyndhurst prior to a career of service in the U. S. Marine Corps, which took him to many places and gave him exposure to government operations in various locations, including serving as a City Manager in Utah. He retired from the Marine Corps, returned to the area, and has settled in Pepper Pike. He has reviewed the work of the Commission to date and finds no need for a President of Council and believes it to be no more than a person available to serve as Mayor in the case of a vacancy, and no more significant than the current Vice Mayor position. He also objects to the proposed two-year residency requirement before a resident can run for a position on the City Council. He further stated that he intends to run for a Council position and will not be a resident for two years by the time of the 2025 Council election and understands that his position in this matter is self-serving. Upon completing his statement, he left the building. Many members of the Commission thanked him for his service as he left.

Richard Leskovec discussed his experiences as a long time Council member on the City Planning Commission and discussed the issue of variances in detail, as to how and why variances can be granted and how the system has been somewhat abused over the years.

Ms. Eickhoff urged all members of the public to be brief in their statements and to please prepare written remarks if they have much information to share with the Commission

Mr. Bilsky noted that in Orange Village, public speakers are limited to three minutes at meetings.

Mr. Vazzana expressed his agreement with Ms. Eickhoff's suggestion.

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New Business

Mr. Vazzana noted that the latter Articles in the Charter should not require extensive discussion and that the Commission would now turn their attention to Article VI Salaries and Bonds.

Ms. Fellowes discussed new language received from Mr. Byron for Article VI, upon which there was a consensus to adopt and use in place of the current language.

Mr. Vazzana then moved the discussion to Article VII Nominations and Elections.

Following a brief discussion about petitions, Article VII signature requirements, and write in candidates, there was consensus to accept the draft language for Sections 1 and 2.

Mr. Vazzana then moved the discussion to Article VIII Initiative, Referendum and Recall.

There was consensus to make no significant changes to the Article but to change formatting to be consistent with other changes throughout the Charter. Mr. Byron explained that where there are any digits followed by or following the written word version of a number, the written version is controlling in the event of an inconsistency.

There followed a lengthy discussion about where to place various provisions in the Charter and the need for consistency, and logical flow from one Article to the next and from one Section to the next. Ms. Fellowes was asked to continue her practice of maintaining such organization and consistency in the redline draft of the Charter.

The question of whether to provide for a permanent renewing fire levy in the Charter. It was agreed that Mr. Byron would draft language for the Commission to include in its report to Council, suggesting that the issue be taken up for consideration by the Council.

There followed a discussion regarding public comments that have been received during the Charter review process and the necessity to address all suggestions from the public. Both Ms. Jarrett and Mr. Bochnek stated that they had reviewed that correspondence and were each trying to make sure that suggestions received from the public were being addressed.

Ms. Jarrett then followed up with public questions regarding millage and the City of Pepper Pike fiscal year.

Mr. Byron explained that the City fiscal year is the same as a calendar year.

At the prompting of Dr. Hoffman, the Commission engaged in a discussion of millage and why it is consistently an issue that the public has difficulty understanding and measuring regarding their own properties.

Mr. Bochnek suggested that the issue be touched upon in the Commission report rather than in the Charter. Mr. Vazzana concurred in that suggestion. There appeared to be consensus from the other Commission members as well.

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Ms. Jarrett called the Commission's attention to a comment from Mr. Gentile recommending that the Council Infrastructure Committee provide input into the Capital Improvement section of the annual City budget.

Upon explanation and recommendation of Mr. Byron and Mr. Vazzana it was agreed that such action could be initiated by the Council and addressed through the ordinance process.

Ms. Fellowes reviewed the current Charter language in Article X Franchises.

Mr. Byron recommended that no changes be made to that Article and there was consensus to agree with his recommendation.

Ms. Fellowes then addressed the newly revised Article XI Amendments to Charter.

There was consensus to keep the format and numbering consistent with other Articles and Sections of the Charter.

Ms. Fellowes asked Mr. Byron if any part of Article XII Miscellaneous could be removed.

Mr. Byron replied that Section 3 Effect on Existing Laws and Rights could be written more generally and less date specific. He will provide appropriate language.

Mr. Bochnek raised the issue of when the new Charter provisions would take effect. He suggested that January 1, 2026, would be the most appropriate date, except for a few provisions relating to correcting conflicts with State Law or the State Constitution and gender-neutral language, which could become effective immediately upon passage by the electors. He specifically referenced changes to how Boards and Commissions select a Clerk or Secretary, and the establishment of the offices of President of Council and Vice President of Council, which would be most appropriately handled by the incoming Council elected in November of 2025.

Mr. Byron stated that since there would be several issues placed on the ballot, relating to Charter amendments, each issue would have its own effective date. He agreed that some could be effective immediately upon passage and others could be effective on January 1, 2026.

Mr. Vazzana stated that we should assume that the effective date for most changes would be January 1, 2026.

Mr. Byron stated that there would be a need for some grandfathering and evergreen provisions and agreed to work on appropriate language.

Ms. Eickhoff questioned the language in Article XII Effective Date of the Charter, referencing the Village Clerk.

Mr. Byron noted that this provision is not just historical and had a specific reason to be included at the outset of the Village becoming a City. He suggested that much of that section be removed as not relevant today.

He also suggested that the provision for petitions relating to initiative, referendum, should be filed with the Clerk of Council, which receives recall petitions, rather than with the Treasurer.

Dr. Hoffman suggested removing the year 1967 as well.

There was consensus on both recommendations.

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Mr. Vazzana asked if we should include a section relating to the Oath of Office to be taken by all elected and appointed individuals.

Mr. Byron recommended that since that issue is provided for in State Law, it would not be necessary to address it in the Charter.

Mr. Bilsky then suggested that a statement to that effect go into the final report of the Commission, upon which there was agreement by consensus.

Ms. Fellowes moved the discussion onto Article XIII Zoning.

Ms. Jarrett raised the question of a wording suggestion submitted by Mr. Gentile.

Mr. Byron stated a preference to keep the current wording.

Mr. Vazzana raised the issue of establishing a Board of Zoning Appeals, which was discussed at a previous meeting without conclusion. He read notes from Ms. Hrynik and Mr. Reznick, both recommending that the Commission do not take up this issue as part of the current Charter Review.

Following a discussion during which some members expressed an opinion like that of Ms. Hrynik and Mr. Reznick, and Dr. Hoffman being in favor of establishing a Board of Zoning Appeals, and other members not having a strong opinion one way or another, there was consensus not to include such provision at this time, but to include a discussion of the option in the final report of the Commission.

Ms. Eickhoff expressed the opinion that the Architectural Board of Review should be a body described by ordinance rather than being included in the Charter.

Mr. Byron urged including it in the Charter.

The consensus was to leave it to ordinance and discuss in the report of the Commission.

Mr. Vazzana then turned the attention of the Commission to sections of the redline document which still require clarification or additional work.

Ms. Fellowes called out Article V Section 5 City Planning Commission.

There was consensus to keep the current wording, but the group engaged in a discussion about how nominations are proposed, how they are approved, and who serves on the Planning Commission.

Ms. Eickhoff raised the issue of the composition of the Commission, which was discussed at a previous meeting, particularly relating to the number of Council members on the Commission and the number of electors.

Mr. Bochnek asked for clarification as to who votes at present.

Ms. Eickhoff stated that the Mayor, the Council representative, and the three current electors all vote under the current structure of the Commission.

Mr. Bochnek suggested that the Mayor and Council representative could be ex officio members and only the three electors vote.

Mr. Vazzana stated that he has seen as many as five electors serving on a Planning Commission to which Mr. Bochnek suggested the possibility of two ex officio members and five voting electors.

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Ms. Weltman added that the Planning Commission should act like a jury and not be political in their Planning Commission but would require at least one with another Council member named as backup.

Mr. Bilsky noted that at a prior meeting it was decided that the President of Council would make all Council member assignments to Committees, Boards, and Commissions, which would include the Planning Commission.

Ms. Fellowes stated that she would be sure to reference that in the redline draft.

At the request of Mr. Bochnek, the Commission changed the date of the December 14th meeting to December 19 at 5:00 pm.

Set Agenda for Continuation of Meeting:

Mr. Vazzana stated that the Commission upon reconvening in two days on December 9 will continue reviewing issues requiring further clarification in the redline document.

Adjourn to a Date Certain: Upon a motion by Mr. Bilsky and seconded by Ms. Eickhoff, the commission voted to adjourn the meeting at 12:40 pm, to be resumed on Monday December 9 at 8:00 am.

ROLL CALL 2 on December 9 Members Present: Scott Bilsky, Howard Bochnek, Cindy Eickhoff, Dagmar Fellowes, Gary Hoffman, Tamara Hrynik, Stephanie Jarrett, Robert Reznick, Mathew Vazzana.

Others Present: Council Members Tony Gentile, Jim Lemay, Melanie Weltman

Public Present: Grace Barber, Richard Leskovec, Manny Naft, Kaley Richard (for the Chagrin Valley Times)

Call to Order: The meeting was reconvened at 8:05 am by Mr. Vazzana. Mr. Bochnek then called the roll, and a quorum was present.

Old Business: Mr. Vazzana asked Ms. Fellowes to resume the review of the redline draft document.

Ms. Fellowes stated that wherever there was an option to use either the term “city” or “municipality” in reference to Pepper Pike, she has opted to use “city”. That was confirmed by consensus.

Ms. Fellowes asked if it was necessary to continue to show the dates when the Charter was amended.

Mr. Vazzana stated that it is the regular practice to show those dates, particularly for publication purposes.

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Ms. Fellowes asked to confirm the number of Council members to serve on the Planning Commission for inclusion in Article III Section 2.

It was confirmed that there would be 1 member of Council, and 1 alternate member of Council selected.

Dr. Hoffman asked that Article III Section 2A be written to require communication between the Mayor and the President of Council.

A discussion followed which included the option to leave the issue to ordinance, the impossibility of compelling communication between individuals, and the options to use terms such as “advise” or “confer”.

Ms. Eickhoff, Mr. Bilsky, Ms. Fellowes, and Ms. Hrynik agreed that some terminology should be found and used to encourage communication in that section.

Mr. Gentile suggested that “confer” would be a general term that is strong enough for the intended purposes.

A colloquy ensued involving several members of the Commission about “legal” vs. “non-legal” language in the Charter, and what would the parties be conferring about and if it was necessary to specify the Council meeting Agenda as the subject of the parties conferring.

Mr. Bochnek suggested that keeping it simple should be the preferred option and recommended that using the term “confer” was going far enough.

Mr. Resnick agreed with the use of the term “confer” and suggested that there be some text and explanation in the final report of the Commission, to put the term in context and explain the intent of the Commission.

There was consensus to use the term “confer” and follow Mr. Reznick’s recommendation.

Ms. Fellowes reviewed the draft language for Mayoral Succession and the appointment of a Clerk of Council, both of which the Commission concurred with by consensus.

Ms. Fellowes asked if Article III Section 8 on Zoning Ordinances should be retained in its present form.

Mr. Vazzana expressed the opinion that since it was added in 2012, it was for a valid reason, and that it should be left intact.

Mr. Lemay asked that the language regarding publication requirements reflect the demise of most printed newspapers and the current use of the Internet.

There was consensus to simplify and update the language, which Ms. Fellowes will do for the next redline draft.

Ms. Fellowes noted that the Article III Section 9 “removal from office” language needed to be made more concise. After discussion regarding various options, it was agreed that she would tighten up the language for the next draft.

Ms. Fellowes asked the Commission to review the redline draft of Article IV Section 5 Executive Powers. After discussion regarding various options, it was agreed that some additional changes would be made to the language, including the necessity to Authenticate documents, in the manner required by the office or agency where the document is to be filed.

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Ms. Fellowes then reviewed the updated language for Article IV Section 6 relating to requirements for an interim successor to the office of Mayor, in the case of vacancy, and agreed to make the appropriate changes.

Mr. Gentile asked if the Commission believes it is necessary to get all the wording placements done before making recommendations to the Council. He added that the Council could address additional considerations after the Commission completes its work.

Mr. Vazzana concurred with Mr. Gentile's assessment.

Ms. Fellowes moved on to Article IV Section 8 Removal from Office.

There was consensus to accept the version as presented.

Ms. Fellowes discussed Article V Section 1 General Provisions and Article V Section 2 Director of Law.

There was consensus to accept the changes made by Ms. Fellowes.

Mr. Vazzana suggested that no reasons need to be stated for removal of either the Treasurer or the Law Director, upon which there was consensus by the Commission.

Mr. Vazzana returned the discussion to the subject of the composition of the Planning Commission.

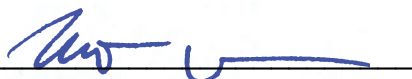
Following a discussion involving all the Commission members it was recommended that the Planning Commission should consist of four electors and one City Council representative with an alternate. There was consensus that the electors would be chosen by the combined members of the Council and the Mayor using a system of voting to be determined by the Council.


Set Agenda for Next Meeting:

Mr. Vazzana stated that at the next Commission meeting on December 16 the Commission should conclude the redline review and prepare to wrap up the work of the Commission.

Adjournment: Upon a motion by Ms. Eickhoff and seconded by Mr. Bilsky, the commission voted to Adjourn the meeting at 10:02 am.

These minutes were adopted by the Pepper Pike Charter Review Commission at a meeting held at 5:00 pm on Thursday December 19, 2024.


Matthew Vazzana
Chair


Howard Bochnek
Secretary

CITY OF PEPPER PIKE
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Monday
December 16, 2024, at 8:00 am

The City of Pepper Pike Charter Review Commission held its thirteenth meeting on Monday December 16, 2024, at 8:00 am in the City Council Chambers in Pepper Pike City Hall.

ROLL CALL: Members Present: Scott Bilsky, Howard Bochner, Cindy Eickhoff, Dagmar Fellowes, Gary Hoffman, Stephanie Jarrett, Robert Reznick, Matthew Vazzana. Tamara Hrynik was unable to attend.

Others Present: Law Director Steve Byron, and Council Members Tony Gentile, Jim Lemay

Public Present Grace Barber, Richard Leskovec, Manny Naft

Call to Order: The meeting was called to order at 8:05 am by Mr. Vazzana. Mr. Bochner then called the roll, and a quorum was present.

Approval of Minutes of the November 30 and December 2 meeting: After Ms. Eickhoff noted needed corrections, and upon a motion by Ms. Jarrett and seconded by Ms. Eickhoff, the minutes of the November 30 and December 2 meeting were adopted without objection.

Public Comments: Mr. Vazzana asked if any members of the public had any comments to share with the Commission.

Manny Naft again discussed his thoughts on requiring communication between the Mayor and the Council, and that requirement being included in the Charter. He repeated some examples to support his request.

Prior to the start of business, Mr. Bilsky thanked Ms. Fellowes and Mr. Bochner for their work in keeping the Commission current with the updated redline version of the Charter and the meeting minutes.

Old Business:

Mr. Vazzana recognized Ms. Fellowes to discuss the relationship between the draft Commission report and the redline version of the Charter. She suggested that the report could be made more concise by grouping all the technical (i.e. numbering and formatting) changes together and emphasizing the substantive changes.

Ms. Jarrett stated that the format and content of the report could be altered in accordance with Ms. Fellowes' suggestion, if that is what would best serve the needs of the Commission and the Council which would receive the report.

Ms. Eickhoff and Mr. Reznick agreed that there are some advantages to making the report somewhat shorter and easier to read.

Mr. Bilsky reflected on the fact that while four members of the Council have been regularly attending meetings of the Commission there are three Council members who have not directly participated in the discussion and should receive as much information as possible, including details

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of what the Commission is recommending in each Article and Section, along with the explanation of why each change is being recommended.

Mr. Bochnek discussed how the report has two purposes, to present the end product of the Commission to the Council, and to be used to help advance the cause of Charter amendments placed on the ballot for the electors to vote upon. He suggested that if a fully detailed version were presented to the Council and a somewhat more concise version were prepared for dissemination to the electors in support of whatever ballot measures advanced by the Council, the full version would still be available on the Pepper Pike website and available to anyone who would want to read it.

Ms. Jarrett agreed that the report could be in any format that the Commission wants it to be and spoke to her consultations with some of the Council liaisons regarding the information that the Council would need to see presented by the Commission.

Mr. Lemay expressed the opinion that such a change to the report format would not make it much shorter.

There was consensus that regardless of how much of the redline draft was to be included in the report, the entire redline version of the Charter would need to be presented to the Council and available to the public.

Mr. Vazzana suggested that the workgroup consider the comments, take into account whatever suggestions they believe would improve the final version, and proceed with taking the next steps towards presenting a final version for action by the members of the Commission.

Mr. Bilsky reminded the Commission that we had agreed to providing both a final report and an Executive Summary, and that some of the suggestions being made could form the basis of the Executive Summary.

Mr. Vazzana returned the attention of the Commission to the redline draft and the need to continue reviewing areas where Ms. Fellowes had requested further clarification from the members.

Ms. Fellowes asked who creates the Table of Contents.

Mr. Byron stated that the Table of Contents has no legal significance and is usually created by the publisher of the document.

Based on that information Ms. Fellowes said that she would not include a Table of Contents with the redline draft.

Ms. Fellowes asked the group to address the draft of Article III Section 2 relating to the Planning Commission and its makeup, specifically regarding the appointment of two council members, one as a Planning Commission member and one as an Alternate.

There was consensus to use the term "alternate representative of Council" for the second member of Council.

Ms. Fellowes asked the group to address the wording in Article III Section 2A relating to the President of Council, specifically the requirement that the President of Council "shall confer with other members of Council and the Mayor".

There was consensus to use that language as well mirror language in Article IV Section 3, as one of the responsibilities of the Mayor.

There was consensus on that mirror language as well.

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Ms. Fellowes then reviewed several sections where specific language was used and asked Mr. Byron about the use of such specific language and if there were particular requirements relating to legal words of art.

On the basis of Mr. Byron's responses there was consensus to keep specific language in the Charter to be consistent with legal convention in the use of such language.

Ms. Fellowes asked the Commission to decide on whether to include the prior Charter language requiring certain notices to be placed in newspapers.

There followed a spirited discussion on the subject of what is public notice, who reads newspapers and which ones, who looks at the City's website for updated information, who reads and relies on email and who doesn't, and who requires paper mail to be notified of significant developments in City government.

There was consensus to require paper mail and website posting, to allow for other additional sources of communication, and to remove the requirement for newspaper publication.

Ms. Fellowes asked the Commission to review the language in Article III Section 9 relating to "grounds for removal" of a member of the Council.

There was consensus to leave the language as drafted.

Ms. Fellowes asked the Commission to review Article IV Section 3 relating to the Legislative Powers of the Mayor and Article IV Section 5 relating to the Executive Powers of the Mayor.

Several wording changes were discussed and noted, with some discussion and clarification required by Mr. Byron.

Ms. Eickhoff asked if the Mayor's role as Human Resources Director for the City conflicts with the Mayor's role as Chief Executive Officer in any way.

Mr. Byron stated that any such issue would most appropriately be handled by ordinance and not speculated upon in the Charter.

A discussion on the "hiring" and "appointment" powers of the Mayor followed, including the matter of whether to modernize and expand that part of the Charter, or whether to keep it as concise as possible.

Mr. Bocek noted that the time was getting late and there was still much work to be done and recommended that the draft language should be retained, and the Council could add more before submitting the Charter changes to the electors, if they thought it would improve the provisions of that Section.

Ms. Fellowes asked the Commission to review the changes made in Article IV Section 6 Succession, and Article IV Section 8 Removal.

The changes were reviewed and accepted by consensus.

Ms. Fellowes asked the Commission to review the wording in Article V Section 1 General Provisions, and Article V Section 2 Director of Law.

There was consensus to keep the wording changes and to apply the same provisions to the Office of Treasurer as were applied to the Law Director, with respect to removal.

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Ms. Jarrett asked the Commission to review the wording for removal of the Law Director or the Treasurer by action of a super majority of the Council.

The wording was reviewed and found to be in agreement with the intentions of the Commission.

Ms. Fellowes asked the Commission to look at Article V Section 4 relating to the Civil Service Commission. She asked if the correct terminology for citizen members of the Commission should be “electors” or “qualified electors”.

Mr. Byron advised that “electors” is sufficient.

Ms. Fellowes asked if the removal by Council provision in the same section should contain the wording “at least five (5) members of Council”.

Mr. Byron agreed with that wording.

Ms. Fellowes asked if the Commission had any comments regarding the wording in Article V Section 5 for The City Planning Commission.

Mr. Lemay questioned language which included the wording “subject to removal”, which was then changed to read more clearly.

Ms. Fellowes raised the issue of using the term “Due Process Procedure” as a defined term with equal meaning throughout the document.

Mr. Byron asked that the wording be adjusted to indicate where the term is defined, at each instance where it is used.

Ms. Fellowes acknowledged the need for the additional changes, and Mr. Vazzana noted that Mr. Byron had made an important point in that regard, from a legal standpoint.

A lengthy discussion ensued on the subject of appointing a Secretary for the Planning Commission and a Secretary for the Civil Service Commission. It was concluded that the Planning Commission should appoint its own Secretary, with the Council and the Mayor providing the means and the funding to do so. It was also concluded that the Clerk of Council will also serve as the Secretary of the Civil Service Commission. Finally, it was concluded that since other Boards and Commissions are created by ordinance, it will be up to the ordinance process to define the means of other secretarial appointments. There was consensus among the Commission members in attendance on all those conclusions.

The Commission then took up the issue of Article VII pertaining to Nominations and Elections, and reviewed the redline draft language. There was consensus to change “registered electors” to “electors”.

Mr. Lemay noted that in Section 2 pertaining to Vacancies in Elective Office, it would now be necessary to add additional language relating to the filling of vacancies in the case of removal from office, since the removal provisions in Article III Section 9 and Article IV Section 8 were now being altered.

Mr. Lemay further noted that Section 2 c should be clarified by using the term “elected public office”, as a defined term of art.

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There was consensus among the Commission members in attendance that these additional changes be made.

Mr. Lemay then suggested that the language in Article VII Section 2 e, be modified to read “undisclosed material financial interest” rather than “material financial interest”.

Mr. Byron and Mr. Vazzana pointed to the fact that there are certain material financial interests which require an individual not to participate in the proceedings, regardless of whether that interest is disclosed or not. Mr. Lemay then withdrew his recommendation.

Mr. Vazzana and Mr. Byron agreed that changing the provision to “any unlawful financial interest” would provide more clarity and would constitute better terminology.

There was consensus among the Commission members in attendance that this change be made.

Mr. Vazzana then moved the discussion to Article VIII. The Commission reviewed the redline draft language and had no comments or suggestions.

Mr. Bochnek noted that the next highlighted section of the Charter needing review is in Article XI relating to Amendments to the Charter and suggested that the term “registered electors” could just be “electors” per previous discussion on the meaning of the term “electors”.

There was consensus among the Commission members in attendance that this change be made.

Ms. Jarrett noted that in Article XI-A relating to the Charter Review Commission, “qualified electors” should be changed to “electors” and that “at least” be retained as a qualifier for the thee (3) year residency requirement to serve on that Commission.

There was consensus among the Commission members in attendance that this change be made.

The Commission then reviewed the previously adopted language contained in the redline draft at Article XII Section 3 relating to Effect on Existing Laws and Rights, where there was agreement to add the phrase:

“Except as a contrary intent appears herein, all acts of the Council of the City shall continue in effect until lawfully amended or repealed by action of the Council and the Council shall complete alignment of any conflicting ordinances to the Charter as soon as practicable but no later than nine (9) months following adoption of the amendments to this Charter.”

An issue raised by Ms. Fellowes was whether this wording would be better suited in Article XI relating to Amendments to the Charter.

At this point Mr. Lemay asked if there needs to be an effective date for any changes to be made to the Charter based on the Commission recommendations, potential Council action to place amendments on the ballot, and eventual adoption by the electors.

Mr. Byron repeated that any such effective dates would be contained in the legislation passed by the Council to put Amendments on the ballot, as he had stated at the December 7 meeting of the Commission.

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Mr. Bochnek raised an issue that he had previously discussed at the December 7 meeting of the Commission when members of the Council were not in attendance due to a conflict with a Council budget meeting. Mr. Bochnek now asked if it was appropriate for the Commission to make recommendations to the Council regarding possible effective dates for each of the categories of Amendments that were being proposed. He again pointed to the awkwardness of passing Amendments to the Charter in the first part of 2025, including changes to the operation of the Council and the role of the Mayor; and having all enacting and supporting ordinances in place, to have any of the substantive Amendments take effect prior to the end of the year.

Mr. Lemay cautioned against the Commission making such recommendations, and to leave that matter to the Council to decide. He pointed to the amount of work that would be required by the Council to organize all the ordinances necessary to propose Amendments to the electors and noted that the Council would be in the best position to determine when the various proposed Amendments could become effective after being adopted by the electors.

Mr. Bochnek then noted that in his opinion, since there is essentially a two year session of each elected Council, to introduce a significant change in governance with the introduction of a President of Council to preside at meetings of the Council, in the last six months of a two year session of Council, would be disruptive to the City, and that the most appropriate effective date for that and several other recommended Amendments, would be January 1, 2026.

Mr. Gentile stated that in his opinion it would be appropriate for the Commission to make any recommendations it wishes to make about the effective dates of any adopted Amendments, understanding that the Council will make whatever decisions it determines to be most appropriate.

Ms. Eickhoff noted that it may be difficult, if not impossible, for all the members of the Commission and the members of the Council to be aligned on the effective date of each recommended change to the Charter.

Dr. Hoffman expressed the opinion that it is best left to the Council to make any decisions regarding effective dates for each Amendment.

Mr. Byron stated that his recommendation would be for the effective date of most of the Amendments to be January 1, 2026, mainly because of all the work and ordinances that will be necessary to implement the changes after they have been adopted by the electors.

Ms. Eickhoff brought the discussion back to Article IX Section 3 relating to Operating Budget, Capital Improvements, Financial Forecast, at the request of Mr. Gentile and Mr. Lemay who both have concerns about the current Charter language and suggestions on how to streamline that language.

Mr. Byron spoke of how businesses prepare and approve budgets in advance of each business year, and how governments try to budget and appropriate as early as possible but do not end up operating on the same timelines and with the same efficiency as businesses do.

Mr. Gentile spoke of the fundamental differences between the budgeting process and the appropriations process, which differences are often lost while developing and enacting legislation, at the expense of maintaining proper control over the finances of government.

There was consensus among the Commission members in attendance to accept the draft language put forward by Mr. Gentile and Mr. Lemay and submit it to Ms. Fellowes for inclusion in the redline draft, for further consideration by the Commission.

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Ms. Jarrett reviewed the items that were being retained in the final report draft which included items that the Commission decided not to address. She specifically raised the issue of conflicts of interest, which had been discussed several times, but is not being addressed by any particular language or Commission recommendation.

Mr. Byron reminded the Commission that if there is anything put into the Charter it implies that there is action required to be taken by the City. Since the subject of conflicts of interest is more than adequately covered by State Law there is no need to address it in the Charter.

There was consensus among the Commission members in attendance that the subject of conflicts of interest would be included in the final report, with the explanation that the Commission took no action to recommend language be placed in the Charter addressing that subject, because of the reasons stated by Mr. Byron.

Ms. Jarrett asked Mr. Byron for clarification regarding the reason the Commission amended Article XIII to remove language relating to "15% of the total land area".

Mr. Byron explained that State Law governs the taxability of property, and the Charter cannot change tax law.

Ms. Jarrett asked again about the format of the final report of the Commission and what is needed by the Council.

Mr. Byron stated that there are two audiences for the report, the Council and the public who will be voting on any Amendments put forth by the Council. But, the first priority is the report to the Council, in a format that will be most helpful for them to understand the work of the Commission and their recommendations.

Mr. Lemay expressed the opinion that the draft report as currently being drafted, and containing the entire redline draft, broken into sections for explaining the reasons for any recommended changes, would be the most appropriate document for the member of the Council to read and digest. He continued by saying that another document for the public may also be appropriate, to support the work of the Commission and whatever Amendments the Council decides to put before the electors.

Mr. Bochniek noted that the Commission does not know for sure what will need to be presented to the public until after the Council completes its work and decides what to place on the ballot. He added that if another document or format is best suited for the public, they will always have the option of going to the City website and reading the entire report that is being submitted to the Council.

Mr. Lemay suggested that the Council could prepare any document needed by the public at an appropriate time.

Mr. Bilsky and Ms. Jarrett added that the report that is presented to the Council could easily be edited to be shorter and only express the more significant changes being recommended, and grouping together the technical, grammatical, and legally necessary changes elsewhere in a summary format.


Ms. Eickhoff noted that it is always difficult to anticipate what the public will require in order to feel that they are sufficiently informed on an issue, and that we cannot resolve that issue at the current time. She emphasized that that as long as the Commission and the Council maintain correct and consistent information, regardless of format, credibility of the process and the product will be maintained.

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Ms. Eickhoff set the agenda for the next meeting as being the final consideration of remaining redline draft issues and the final report to the Council.

Adjournment: Upon a motion by Dr. Hoffman and seconded by Mr. Bilsky, the commission voted to Adjourn the meeting at 10:25 am.

These minutes were adopted by the Pepper Pike Charter Review Commission at a meeting held at 5:00 pm on Thursday December 19, 2024.



Matthew Vazzana
Chair



Howard Bochnek
Secretary

CITY OF PEPPER PIKE
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MEETING MINUTES
Thursday
December 19, 2024, at 5:00 pm

The City of Pepper Pike Charter Review Commission held its fourteenth meeting on Thursday December 19, 2024, at 5:00 pm in the City Council Chambers in Pepper Pike City Hall.

ROLL CALL: Members Present: Scott Bilsky, Howard Bochnek, Cindy Eickhoff, Gary Hoffman, Tamara Hrynik, Stephanie Jarrett, Robert Reznick, Matthew Vazzana. Dagmar Fellowes was completing and transmitting the most recent version of the redline draft of the Charter and joined the meeting in person shortly after the roll call.

Others Present: Law Director Steve Byron, and Council Members Tony Gentile, Jim Lemay

Public Present Grace Barber, Arlyne Bochnek, Manny Naft, Michael Press, Bob Rice, Kaley Richard (for the Chagrin Valley Times)

Call to Order: The meeting was called to order at 5:10 pm by Mr. Vazzana. Mr. Bochnek then called the roll, and a quorum was present.

Approval of Minutes of the December 7 and December 9 meeting: Upon a motion by Ms. Jarrett and seconded by Ms. Hrynik, the minutes of the December 7 and December 9 meeting were adopted without objection.

Approval of Minutes of the December 16 meeting: Upon a motion by Dr. Hoffman and seconded by Mr. Bilsky, the minutes of the December 16 meeting were adopted without objection.

Public Comments: Mr. Vazzana asked if any members of the public had any comments to share with the Commission and to please keep all comments concise and to the point.

Manny Naft thanked the members of the Commission for their work in reviewing the current Charter and drafting comprehensive changes that can improve the operation of the city.

Bob Rice noted that the Commission had not reconsidered residency requirements since he last addressed a Commission meeting, particularly regarding the two-year residency requirement to compete for a position on the City Council. He noted again that the State of Ohio minimum residency requirement for City Council positions is one year, and that a two-year residency requirement is insulting. He concluded by noting that many businesses bring in talent from outside their immediate geographic area.

New Business:

Mr. Vazzana turned the attention of the Commission to the latest draft of the final report submitted by the report workgroup, with the stated intent of approving a report including a completed redline version of the Charter for transmission to the Clerk of the Council. There was consensus to proceed as recommended by Mr. Vazzana.

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Mr. Vazzana called upon Ms. Jarrett as the primary drafter of the report. Ms. Jarrett asked Mr. Bilsky to walk the Commission members through the details of the draft report.

Mr. Bilsky reviewed page one of the report which discusses the establishment of the Charter Review Commission. There were no comments.

Mr. Bilsky reviewed page two of the report which discusses the overall general modernization revisions to the original Charter, recommended by the Commission. There were no comments.

Mr. Bilsky began the section by section review of the Charter included in the report, beginning on page 2.

Article I Name and Boundaries

Upon the recommendation of the Law Director, language inconsistent with the Constitution of the State of Ohio, regarding the annexation of territory, is removed.

Article II Powers

No substantive changes are warranted.

Article III The Council

A Qualifications section is added, imposing a two year residency requirement to stand for election to the Council.

The position of Vice Mayor has been changed to President of Council, and responsibility for presiding at Council meetings has been assigned to the President of Council, who "shall confer with other members of Council and the Mayor" in addition to having such other duties as are usually assigned to the President of Council in similar neighboring communities.

The position of Vice President of Council is also created, to serve as President Pro Tem of the Council, when required to do so.

An alternate to the Council representative to the Planning Commission is now mandated.

There are no additions, deletions, or other changes to the powers of the Council recommended.

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Abstentions or “present” votes by members of the Council will no longer be counted as affirmative votes in the case of legislation that is approved, or as a negative vote in cases of a tie.

The Clerk of Council is no longer automatically the Secretary of the City Planning Commission, who now can hire its own Secretary. The role of the Clerk of Council serving as Secretary of the Civil Service Commission has been retained.

The amount of time between a vacancy occurring on Council and the date of election of a successor has been increased from 120 days to 180 days, to accommodate a relatively recent change in the Federal election laws, which was adopted by the State of Ohio.

The requirement of notice of any proposed zoning change has been modernized and changed from “newspapers of general circulation” to “posting on the City’s website and by ordinary mail”.

A paragraph from Article VIII Section 1 of the current Charter has been moved to this section at the suggestion of the Law Director.

A removal from office provision has been added, for which language has been included for the Council, the Mayor, and various Commissions, whereas removal can now only be achieved by the Recall process. Removal from office can only be for cause and must be conducted in accordance with appropriate Due Process procedures.

Article IV The Mayor

A four year residency requirement for the position of Mayor has been added to the Charter.

There are no changes to the Judicial Powers of the Mayor.

While the Council is now required to choose its own presiding officer, the requirement of the Mayor to be in attendance at all meetings of the Council has been retained, in recognition of the role of the Mayor to provide written and oral reports as appropriate.

The timeline for the Council to override a Mayor veto of legislation has been adjusted to allow for sufficient time to properly consider the Mayor’s veto message.

There are no recommended changes to the Executive Powers of the Mayor. With the cooperation of the Law Director, the Executive Powers of the Mayor have been redrafted in bullet form, for clarity, and hiring and firing authority have been reworded to conform to the requirements of Civil Service Laws and Union Contracts.

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At the suggestion of Mr. Vazzana, and without objection, language was added to the redline and the report to provide for an orderly succession process in the event of a vacancy in the Office of Mayor, and to account for those serving as President of Council or Vice President of Council who may not want to accede to the Office of Mayor.

A removal from office provision has been added, for which language has been included for the Mayor, the Council, and various Commissions, whereas removal can now only be achieved by the Recall process. Removal from office can only be for cause must be conducted in accordance with appropriate Due Process procedures.

Article V Administrative Departments and Commissions

The general language has been cleaned up to make the provision more understandable, and not only allow the Council to establish additional departments but to also provide for their respective organization and duties.

The Law Director and Treasurer will now have a term of no more than one year, which can be renewed. At the suggestion of Mr. Vazzana, either or both can be removed at any time without a hearing and no grounds for removal are required.

The Law Director shall serve the individual members of Council, as well as the Mayor and the Council, and Council members may individually request the City Law Director's services to draft ordinances.

Members of the Civil Service Commission and the City Planning Commission can now be removed in the same updated manner as the Mayor and members of Council.

The current City Planning Commission consists of one member of Council, the Mayor who serves as chair, and three Mayoral appointees who shall be electors of the City. That is being changed to one member of Council who shall serve as chair, an alternate member of Council to serve when the primary appointee is unable to attend, and four electors jointly appointed by Council and the Mayor, in a manner to be determined by ordinance.

The term of service on the City Planning Commission has been shortened from six years to four years, to widen the potential applicant pool.

The role, duties, and scope of authority of the City Planning Commission shall continue to be determined by ordinance.

Though not a recommended change to the Charter, in response to the input received, the Commission recommends that Council adopt legislation establishing procedures for applying for and considering zoning variances. The Commission also recommends that Council establish by ordinance a standard application process to identify interested residents to serve on commissions and committees, in the hopes of developing a pool of interested residents and increasing community member involvement.

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Article VI Salaries and Bonds

The current Charter language has been updated to reflect that Council's authority to fix compensation is subject to collective bargaining agreements, and that Council may require insurance coverage rather than bonds to cover employees for the performance of their duties.

Article VII Nominations and Elections

Language was updated for clarity and to conform to changes made in other Articles and Sections, notably Article III The Council and Article IV The Mayor.

Article VIII Initiative, Referendum and Recall

At the recommendation of the City Law Director, a sentence was added providing that initiative, referendum, and recall petitions may be filed with the Clerk of Council.

Also, at the recommendation of the City Law Director, relocation of the second paragraph of this section to section III-8, Zoning Ordinances.

Article IX Finances

Other than updating and clarifying language, the only recommended changes are to the current financial reporting requirements, made at the request of Council members, to provide the information needed for oversight of the City's operation.

Article X Franchises

The only changes are updating language and number formatting.

Article XI Amendments to Charter

A provision has been added to the Charter requiring a periodic review of the Charter during a six year window allowing for a Commission to be seated, make recommendations, and for the Council to have an opportunity to present a ballot issue for the City electors.

Article XII Miscellaneous

Section 1 Effective Date of Charter was changed to permit the Council to insert an appropriate date based on the timing of a vote of the electors, for any amendments to the Charter.

It must also be noted that if the Council decides to set the effective date of any changes adopted by the electors of the City in 2025, to be a date other than January 1, 2026, Article III Section 2 would need to be changed accordingly.

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Language has been included to provide a timeframe in which Council must complete the alignment of existing ordinances which may conflict with any new Charter provisions.

Article XIII Zoning

On the recommendation of the Law Director, the last paragraph regarding a limitation on the percentage of land in the Municipality that can be used for purposes which are exempt from taxation, has been deleted because it is inconsistent with state law, which governs the taxability of property.

Mr. Bilsky then enumerated a series of additional changes that have been considered by the Commission, but which are not included in the recommendations, as follows:

- Creation of Board of Zoning Appeals
- Inclusion of the Architectural Board of Review in the Charter
- Term Limits
- Conflict of Interest
- Standard Application Process for Commissions and Committees

Finally, Mr. Bilsky enumerated the items that the Commission determined to be more appropriate to be dealt with by ordinance than the Charter, including:

- Change of Council Meeting Schedule
- Timing of Agenda Setting for Council Meetings
- Timing of Allowing Resident Input at Council Meetings
- Allowing for Remote Participation in Council Meetings
- Time Management of Council Meetings
- Rules for Signs In Yards
- Prohibiting Chickens or Roosters on Residents' Property

Mr. Vazzana recessed the meeting at 6:00 pm for a break and reconvened the meeting at 6:19 pm.

Mr. Vazzana called upon Ms. Fellowes to review the entire redline version of the revised Charter, which will be included Section by Section as part of the final report of the Commission to Council, as well as an attachment to the final report.

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Ms. Fellowes then reviewed the redline document, Section by Section. The Commission was able to confirm that each change was in accordance with the determinations made by the Commission over the previous five month Charter Review process.

Notations were made and additional consideration given in very few places in the document, as follows:

Article IV Section 6 needed further updating to include the full provisions for succession to the Office of Mayor in the event of a vacancy in that office.

Article IX Section 3 Operating Budget, Capital Improvements, Financial Forecast, as proposed for Amendment by the Commission, includes provisions for specific financial documents to be submitted

“to the Council for its approval, not less than forty-five (45) days prior to the end of each fiscal year, a current year-end estimate, a one (1) year fixed operating and capital budget, and a four (4) year projection, each of which will include the following:

- a. Revenues for each fund shown by revenue source;
- b. Operating expenditures for each fund shown by department and category;
- c. Capital expenditures for each fund shown by department and category;
- d. Ending expected fund balances;
- e. Year-end outstanding debt; and
- f. A written message summarizing the financial performance and position of the City which includes the following: revenue source by amount and percent and trends; operating expense amounts and trends by major department or category; capital spending amounts and trends; major capital projects completed during the year and projected during the forecast period; and city debt and reserve levels and trends.

The form and content of such financial documents shall conform to any ordinances that may be adopted by the Council.”

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Mr. Vazzana requested that the final sentence “The form and content of such financial documents shall conform to any ordinances that may be adopted by the Council” be struck from the draft and called for a roll call vote of the Commission members to determine whether to include that sentence or to remove it.

The role was called by Mr. Bochnek. The result of the vote was that eight members of the Commission voted to keep the sentence in the draft, with Mr. Vazzana voting in the negative. Therefore, the sentence was kept in the draft.

Mr. Reznick noted that no other municipality whose Charter the Commission had consulted for reference, includes a deadline to approve a budget for the following year.

Mr. Byron responded that under State Law each municipality can create its own rules for budgeting and therefore Pepper Pike is permitted to adopt such rules if it chooses to do so.

Article XII Section 3 had a line added to give the Council nine months to complete alignment of any conflicting ordinances with the revised Charter. After additional discussion it was decided by consensus to change that time frame to six months.

Mr. Byron requested that he be provided with an MS Word version of whatever recommendations were being made by the Commission, to enable him to prepare any legislation required by Council to place one or more Charter Amendments before the electors.

Several members discussed their thoughts regarding the process the Commission had adopted for its work. It was agreed by all that the final recommendations resulted from a combination of compromise and collaboration, understanding that nine citizens came to the task of reviewing the Charter, each from different personal and professional perspectives.

Mr. Vazzana noted that all decisions throughout the five month process were reached by consensus, without separate votes on each Article and Section, and that model will be available to future Charter Review Commissions to follow or to deviate from, as they so choose.

Mr. Vazzana asked the Commission members if there were any objections to proceeding to vote on the questions of adopting the Final Report of the Pepper Pike Charter Review Commission and the redline draft of the final revised Charter. There were no objections.

Mr. Vazzana then asked Ms. Jarrett as the lead drafter of the final report, and Ms. Fellowes as the drafter of the redline revised Charter, if they were each comfortable with proceeding to a vote on both documents as amended, making the appropriate changes to the documents, and then circulating them for final inspection, prior to Mr. Bochnek as Secretary of the Commission transmitting them to the Clerk of Council.

Both Ms. Jarrett and Ms. Fellowes agreed to the suggested process.

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Mr. Gentile thanked the members of the Commission for their work and expressed the opinion that the work of the Commission, the process that was followed, and the resulting documents exceeded his expectations. He then asked if it was the intention of the Commission to make any formal presentation to the Council regarding their work and recommendations.

Following a brief discussion and unanimous agreement among the Commission members it was determined that the written work of the Commission, including the Final Report, the redline final draft of the revised Charter, and the compilation of minutes from the seventeen sessions at which the members met to consider all aspects of the Charter, would stand as the final work product of the Commission, with no further presentation or discussion by the individual members or the group being necessary or warranted.

It was further agreed that while individual Commission members, as citizens and electors of the City of Pepper Pike, are free and able to attend meetings of the Council and Town Hall meetings or other public sessions regarding the Charter, no individual member of the Commission would or should act as a spokesperson for the Commission and its recommendations.

Finally, it was agreed that the public would be notified that the Commission had completed its work and how to find those results on the Pepper Pike website. The manner in which the public would receive any further information regarding the process of revising the current Charter of the City of Pepper Pike would remain within the purview of Council.

Mr. Vazzana asked if there was a motion to adopt the Final Report of the Pepper Pike Charter Review Commission with the attached redline draft of the proposed revised Charter. A motion to adopt the Final Report of the Pepper Pike Charter Review Commission with the attached redline draft of the proposed revised Charter was made by Dr. Hoffman and seconded by Ms. Eickhoff. Mr. Bochnek called the roll, and all members voted in the affirmative to adopt the report and proposed revised Charter.


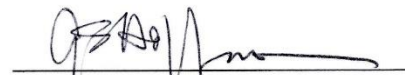
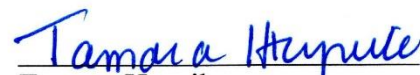
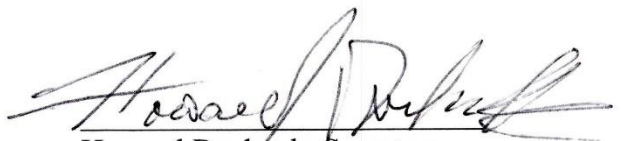

Mr. Vazzana asked if there was a motion to call upon Mr. Bochnek to present the completed findings of the Commission, including both the Final Report of the Pepper Pike Charter Review Commission with the attached redline draft of the proposed revised Charter, to the Clerk of Council. A motion to call upon Mr. Bochnek to present the completed findings of the Commission, including both the Final Report of the Pepper Pike Charter Review Commission with the attached redline draft of the proposed revised Charter, to the Clerk of Council was made by Ms. Hrynik and seconded by Ms. Jarrett. Mr. Bochnek called the roll, and all members voted in the affirmative to call upon Mr. Bochnek to transmit the final work of the Commission to the Clerk of Council.

Each member of the Commission briefly reflected upon the charter review process, including their personal thoughts on having participated in the collaborative, respectful, and very collegial environment in which the Commission went about its work. Each member spoke of their gratitude for being able to be part of that process and thanked the Council and the Mayor for being asked to serve the City of Pepper Pike in this manner, with particular gratitude for the active participation and support of the Council liaisons and Law Director Steve Byron.

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Adjournment: Upon a motion by Mr. Bilsky and seconded by Ms. Hrynik, the commission voted to Adjourn the meeting at 8:25 pm.

Each individual Member of the 2024 Pepper Pike Charter Review Commission has reviewed the above minutes and by their signature below represents that the minutes herein are an accurate representation of the final meeting of the 2024 Pepper Pike charter review Commission held on December 19, 2024.


Matthew Vazzana, Chairperson
Gary Hoffman
Cindy Eickhoff, Vice-Chairperson
Tamara Hrynik
Howard Bochnek, Secretary
Stephanie Jarrett
Scott Bilsky
Robert Reznick
Dagmar Fellowes