

MINUTES OF THE CHARTER REVIEW COMMISSION
MAYFIELD VILLAGE, OHIO

Tuesday, February 25, 2025 – 7:00 p.m.

Mayfield Village Civic Hall - Mayfield Village Civic Center

Present: Mr. Gerald Kasunic, Chairman
Mrs. Lorry Nadeau, Chair Pro-Tem
Mr. Raul Garcia
Mr. Robert Gessner
Mr. Derek McDowell
Mr. Doug Balzano

Absent: Mr. Fred Freer
Mr. Tom Malone

Also Present: Ms. Katie Weber
Mr. Al Meyers
Ms. Debbie Garbo

• **Approval of Minutes of the Organizational Meeting of Tuesday, February 18, 2025.**

Mr. Gessner, seconded by Mrs. Nadeau, moved to approve the Minutes of the Organizational Meeting of Tuesday, February 18, 2025 as written.

Roll Call:	AYES: All	Motion Carried
	NAYS: None	Minutes of February 18, 2025
		Approved as Written

Chairman Kasunic stated, I would like to get through the first three Articles today.

• **ARTICLE I – THE MUNICIPALITY**

- Section 1. Name and Change of Name. The Municipality now existing in the County of Cuyahoga, State of Ohio, and known as the Village of Mayfield shall continue to be a municipal corporation known as Mayfield Village, Ohio. If and when the Municipality of Mayfield Village shall, under the Constitution and general laws of the State of Ohio, become a city, then it shall be known as the City of Mayfield Village, and the provisions of this Charter shall apply whether this Municipality is a village or a city.

Chairman Kasunic asked, any comments?

There were none.

- Section 2. Boundaries. The Municipality of Mayfield Village shall have the same boundaries as now exist, but with power and authority to change its boundaries in the manner authorized by the general laws of the State of Ohio and/or this Charter

when not in conflict therewith, except that no territory shall be detached from the Municipality nor shall the Municipality be annexed or merged with any other body politic, nor shall the corporate existence of the Municipality be terminated, without the consent of the Council of the Municipality, and of two-thirds of the electors voting on such question at a general or special election.

Chairman Kasunic asked, any problems or concerns?

There were none.

• **ARTICLE II - FORM OF GOVERNMENT AND POWERS**

- Section 1 – Form. The municipal government provided by this Charter shall be known as the "Mayor-Council" form of government.

Chairman Kasunic asked, are there any issues with the form of government?

There were none.

- Section 2 – Powers. The Municipality shall have all of the powers, general or special, governmental or proprietary, expressed or implied, that may now or hereafter lawfully be possessed or exercised by municipal corporations under the Constitution and laws of the State of Ohio.

Chairman Kasunic asked, are there any issues?

There were none.

- Section 3 – Manner of Exercise. The powers of this Municipality shall be exercised in the manner prescribed in this Charter, or if not prescribed herein, then in such manner as the Council may determine. When not prescribed in this Charter or determined by Council, such powers shall be exercised, except as a contrary intent appears in this Charter or in the enactments of Council, in such manner as may now or hereafter be provided by the general laws of the State of Ohio.

Chairman Kasunic asked, any issues?

There were none.

- Section 4 – Interpretation. The powers of the Municipality under this Charter shall be interpreted liberally in favor of the Municipality, and the specific mention of particular powers in this Charter shall not be interpreted as exclusive or as limiting in any way the general powers stated in this Article II.

Chairman Kasunic asked, any comments?

There were none.

. **ARTICLE III - THE COUNCIL**

- **Section 1 – Composition and Term** The legislative powers of the Municipality, except as otherwise provided by the Charter and by the Constitution of the State of Ohio, shall be vested in a Council of seven (7) members, three (3) of whom shall be elected by the people-at-large and four (4) of whom shall be elected from wards, one (1) from each of the four (4) wards. The members of Council representing Wards One (1) and Three (3) and one (1) At-Large Council member shall be elected at the regular Municipal election in 1987 and every fourth year thereafter for a term of four (4) years commencing on the first day of January next after such election or until their successors are elected and qualified. Two (2) of the At-Large Council members shall be elected at the regular Municipal election in 1987 for a term of two (2) years commencing on the first day of January next after such election, or until their successors are elected and qualified, with such members of Council again being elected at the regular Municipal election in 1989 and every fourth year thereafter for a term of four (4) years commencing on the first day of January next after such election, or until their successors are elected and qualified. The members of Council representing Wards Two (2) and Four (4) shall be elected at the regular Municipal election in 1989 and every fourth year thereafter for a term of four (4) years commencing on the first day of January next after such election or until their successors are elected and qualified. (Amended 11-2-04.)

Chairman Kasunic asked, are there any issues with Section 1?

There were none.

- **Section 2 – Election.** Candidates shall declare whether they are running for seats as members of Council from a ward, which is limited to the ward in which the candidate resides, or whether the candidate is running for membership in Council at large. A candidate from each ward polling the greatest number of votes shall be elected as a Council member from that ward. In years where two at large candidates are to be elected, the two candidates polling the greatest number of votes shall be elected. (Amended 11-7-00)

Chairman Kasunic asked, are there any questions on Section 2?

There were none.

- **Section 3 – Qualifications.** Each member of Council shall have physically resided and been a qualified elector of the Municipality for at least two (2) continuous years

immediately prior to the member's election or appointment, and shall continue to physically reside and be a qualified elector throughout the member's term of office. A member of Council shall not hold any other elected public office or other employment with Mayfield Village. Any member of Council who shall cease to possess any of the qualifications enumerated herein shall forfeit the member's office, but failure to maintain such qualifications shall not render void or ineffective any action of the Council in which such member has participated. In addition to the foregoing qualifications, no person shall be eligible to serve as a member of Council from a ward unless such person has, for at least one (1) continuous year immediately prior to either the member's election or appointment, physically resided in the ward to be represented and during such term of office shall continue to physically reside in that same ward. (Amended 11-7-00.)

Chairman Kasunic asked, are there any concerns with this Section?

There were none.

- Section 4 – Organization. In January of each year, the Council shall meet in the Council Chambers of the Civic Center to organize. (Amended 11-3-15.)

Chairman Kasunic asked, are there any edits, problems, concerns?

There were none.

- Section 5 – Clerk of Council. The Clerk of Council shall be appointed by and serve at the pleasure of Council. The Clerk shall give notice of the Council meetings, keep the journal of its proceedings, authenticated by the Clerk's signature and recorded in full, in a book kept for the purpose, all ordinances and resolutions of Council and perform such other duties as shall be required by this Charter or by ordinance or resolution of the Council. (Amended 11-8-05.)

Chairman Kasunic asked, any issues?

There were none.

- Section 6 – Salaries, Bonds and Compensation.
 - (a) The Council shall have the power to fix all compensation paid by the Municipality and the salary of its own members except as otherwise provided in this Charter. Any person may be required by the Council, from time-to-time, to furnish a bond for the faithful performance of that person's duties and the Council shall provide that the premium for such bond be paid by the Municipality. The Council shall not increase the compensation for itself or the Mayor unless such increase in compensation has been enacted by ordinance and submitted to the electorate for approval by a majority vote thereof. Such compensation, when so

fixed, shall become effective on the first day of January of the following year and shall remain in effect unless and until increased in accordance with this section. Council may decrease compensation for itself and the Mayor at its sole discretion. Each member of Council shall be compensated equally, both newly elected members and those serving the balance of a term, except the President of Council who shall receive 10% more. (Amended 11-3-20.)

Chairman Kasunic stated, Mr. Freer has made a suggestion to add some verbiage here at the end of that statement that says “who shall receive 10% premium on the base compensation.” I had a question about that when I read it too. Any other concerns?

Mr. McDowell stated, it makes sense. It clarifies that 10% more is on the base compensation.

Ms. Weber stated, just a comment from the Law Department. We want to make sure this is as clear as possible. To add language that says premium on the base compensation, there's nowhere in here that we define base compensation. We don't want to add another term that we then have to define. We need to make sure that if you want to add something, that those words are also defined.

Mr. McDowell stated, so it could say that the President of Council will receive a premium of 10% additional?

Ms. Weber replied, he receives 10% more than the other members of Council. What's confusing about the more?

Mr. McDowell replied, I was assuming it would be 10% of Council, or is it 10% of the Mayor. Are we doing a combination of everyone?

Ms. Weber replied, 10% more of the compensation that a member of Council receives.

Mrs. Nadeau stated, this section is only about the Council.

Ms. Weber stated, you make a good point Lorry, it only talks about Council's salary.

Mr. McDowell asked, maybe replace “more” with “additional”?

Mrs. Nadeau stated, if we should decide to make that change to be presented to Council, the voters would have to vote on changing that one word, when “more” and “additional” are pretty synonymous.

Mr. McDowell asked, is there ambiguity in it from a legal perspective?

Ms. Weber stated, the purpose of a Charter is to make it easily read and understood for every citizen of the Village. When you read that, is there a different meaning? I was here when we added that provision. It's intended to mean 10% more than the other members of Council. If

you think it can be read to have multiple meanings, then you would seek for some language in order to clarify it.

The Commission discussed the language further. Following discussion, the Commission agreed it was clear enough in that it talks about The Council and not worth having a referendum on just one word.

- (b) The Council shall, in accordance with this section, fix the salaries of all elected and appointed officials. The Council, or the Mayor with the concurrence of the Finance Director, may authorize the payment of reimbursement of expenses incurred by any official, employee or member of any board or commission of the Municipality for travel or otherwise in the interest of the Municipality, provided that any such expense approved by the Mayor with the concurrence of the Finance Director shall not exceed the Mayor's general spending limit. Any of the expenses set forth herein incurred by the Mayor shall be approved by Council. (Amended 11-8-05.)

Chairman Kasunic asked, are there any questions? Fred suggested deleting the word "of" when it comes to "The Council or the Mayor with the concurrence of the Finance Director, may authorize the payment 'of'". Mr. Freer suggests it should be changed to "for". I was fine with the word "of".

The Commission agreed that keeping the same language is okay.

- Section 7 – Council Meetings.

- (a) The Council shall hold at least one regular meeting in each calendar month. A majority of the members of the Council shall constitute a quorum for the transaction of business at any meeting of the Council, but a lesser number may adjourn the meeting from time to time. At any meeting at which a quorum is present, any ordinance or resolution may be passed or adopted, or any other action may be taken, by the affirmative vote of a majority of members of the Council unless a larger number be required by the provisions of this Charter. The Clerk of Council shall keep a record of its proceedings in a journal in which the yea or nay vote of each Council member voting on every ordinance or resolution, and the action of Council on other measures, shall be recorded. The Council's journal shall be available for public inspection at all reasonable times. All meetings of the Council shall be open to the public unless an executive session is called pursuant to the Ohio Revised Code. (Amended 11-7-89.)
- (b) The Mayor, the President of Council, or any three members of Council may call special meetings of the Council upon at least twelve hours' notice to each member, served personally or left at the member's usual place of residence.

There were no issues with Section 7(a) or 7(b).

Before going on to Section 8, Ms. Weber stated that there was a recommendation from the Law Department to potentially consider adding the ability of Council to hold virtual meetings. This is something the Law Department is working to draft. Back during the pandemic, there was an emergency order put out by the Governor that allowed municipalities to be able to hold meetings virtually. That was only permissible under Ohio law through that emergency action. Recently, during the last session of the Ohio legislature, the Ohio Revised Code was updated to allow municipalities to be able to provide provisions in their Charter and Ordinances in order to allow Council to hold meetings virtually. It has been presented with the suggestion to add a new subsection to Section 7, subsection (c), that would permit Council to hold virtual meetings in emergency situations. We are working through what those emergency situations would be. Obviously one would be a pandemic if there was a stay at home order in place. A weather emergency. Potentially a time-sensitive item if a special meeting would need to be called for a time sensitive item and a quorum couldn't be reached.

Mr. McDowell stated, I would have an issue with the time-sensitive issue. Not that I am saying they would, but Council could use that for nefarious purposes. If it's time-sensitive, they could call a virtual meeting and the public is not aware of it.

The Commission agreed.

Mr. Balzano asked, what if a Councilmember does not have access to a laptop or computer?

Ms. Weber replied, that's a very good point. Do you guys all get I-pads?

Mr. Meyers replied, not everyone does. It was their choice whether they wanted one or not.

Mr. Gessner stated, you would have to define what a "virtual meeting" is. On camera, by phone, etc.

Mrs. Nadeau stated, if it were a state-wide emergency, the Governor would call that. Council would be able to hold a virtual meeting.

Ms. Weber stated, the purpose of putting it in a provision would be so we didn't have to scramble. Last time we still had to pass legislation in order to allow Council to be able to hold a meeting virtually. This is getting ahead of that and putting a procedure in place in the event they would want to take advantage of it. Again, my role here is not policy. You guys and Council are in the driver's seat on what changes want to be made. The Law Department as well as all the other departments in the Village have put forth recommendations that they have of things to potentially talk about. That's why they'll come to this Commission for you guys to talk about it and consider whether or not you think it would be something good for the Village or not.

Chairman Kasunic asked, what deems an emergency meeting?

Ms. Weber stated, under the Charter, you can have a regular Meeting and a special meeting. Council holds two meetings a month, one is a voting meeting and one is a caucus meeting. Sometimes we will call a special meeting that will be on that caucus evening because there is not voting or actions taken during caucus. The special meeting would allow voting to happen. It's normally held for time-sensitive items such as contracts. You could call a special meeting at any time during the month. You just have to follow the notice procedure.

Mr. Garcia stated, like Derrick said, citizens have to be notified in some capacity.

Mr. Balzano asked, do we have a Reverse 911?

Ms. Weber referenced Section 7(b). That's the procedure for calling a special meeting. The meeting can be called with 12 hours' notice. There is a section in the Charter that talks about what constitutes notice. Typically, it is on the website.

Mrs. Nadeau asked Al, you were here during the pandemic. Was it labor intensive?

Mr. Meyers replied, they got rid of the Reverse 911. They have a notification system now that sends out a text or email for example if there's a tree down on Wilson Mills. Personally, I don't think it has anything to do with emergency situations. It's just a notification.

Mrs. Nadeau asked, when Katie said that the State of Ohio declared an emergency and because we don't have any stipulation for it, Council had to make some decisions on how to handle it. How difficult was it to put together a virtual meeting during the pandemic?

Mr. Meyers replied, it was scheduled the same way. I don't think there was one emergency meeting during the whole pandemic. The schedule of virtual meetings were on the website. Residents were provided with a link to click on if you wanted to watch.

Mr. McDowell stated, I am not opposed to it. I just think there should be ample notification to the residents.

Chairman Kasunic asked, with regard to the virtual meetings held during the pandemic, when you clicked on a link, you were watching. Were you able to interact?

Mr. Meyers replied, no, it was a Zoom meeting.

Chairman Kasunic stated, you have to have that interaction. If I have a question, how would I be able to interact with Council?

Mr. Meyers stated, to my knowledge, I don't remember one meeting like that.

Chairman Kasunic asked, would someone like me be able to come in with a question? With all the technology today, I would assume under 7(b) calling a special meeting would give you the option of holding it virtual as well as in person.

Ms. Weber stated, that's what I'm saying. It doesn't. Per Ohio law that was passed, if the municipality wants the option to be able to hold virtual hearings, they have to put something in their Charter. We can flush it out with additional regulations and ordinances. To Al's point, we didn't have it set up for public comment during the pandemic; however, now that there are a lot of options available, I don't think trying to do something hybrid where Council would be here and people would be able to attend virtually is on the table. There are no requirements to hold public comments. It's the municipality's option whether or not they want to allow it. Typically, the Village allows it. That's up to Council. These are things that would be flushed out.

Mr. Meyers stated, if a resident has the capability of logging in and interacting, that's fine, but most people don't have that option.

Mr. Balzano stated, take for example a measles outbreak. The possibility of something happening again where there would be a shutdown, we need something in place. We have the billboard out front, we have enough to get the public notification out. My concern is every Council person should have a way to get into a virtual meeting. If it's not in place when we need it, then what happens?

Mr. McDowell stated, make every meeting virtual and then people would have the option to attend in person or hybrid. This would give the residents who are housebound an opportunity.

Ms. Weber stated, we can draft something. It wasn't contemplated to hold hybrid meetings. That would involve a lot more technology and infrastructure. This would just provide Council with the option to call a virtual meeting. So it sounds like notice requirement is important, making sure there are stipulations, making sure that Council members have access to the right technology.

Mrs. Nadeau stated, the citizens have to vote on this anyway. One thing I recall is during COVID, if you had a comment, you were supposed to send it to Mary Betsa, the Clerk of Council, and she would read it in the public comments section.

Mr. Gessner stated, I like the idea of giving citizens notice of any special meetings. If you look at 7(b), there's no provision in there for notification to citizens. In Section XII, there are provisions about certain ordinances that seem to be more impactable that have some requirements on timing and notification.

Chairman Kasunic asked, would everyone agree that language should be explored for the next meeting?

Ms. Weber replied, absolutely. I have taken down everyone's input and we will draft something up.

Chairman Kasunic asked, any more comments on Section 7(b) or proposed 7(c)?

There were none.

- Section 8 – Vacancies in Council- Whenever the office of a member of Council shall become vacant, the vacancy shall be filled for the remainder of the terms by a majority vote of all of the remaining members of the Council; and if the vacancy shall not be so filled by Council within thirty (30) days, the Mayor shall fill it by appointment. In filling any vacancy, the Council and Mayor shall consider the candidates for the vacated seat at the preceding election for same, but are not obligated to appoint any such candidate to the vacant seat. (Amended 11-2-10.)

Chairman Kasunic stated, Fred suggested revising “terms” to “term”. I have no qualms with either. Any questions or comments?

Mr. McDowell stated, when Councilman Williams’ position became vacant, Council accepted applications.

- Section 9 – Powers and Duties. All the legislative powers of the Municipality and all other powers as may be granted by this Charter, except as otherwise provided by the Constitution of the State of Ohio, together with all such powers as are now or may hereafter be granted by the Laws of Ohio to boards of control, municipal taxing commissions, boards of health, or any other municipal commission, board or body now or hereafter created, shall be vested in the Council, except as otherwise provided in this Charter.

The Council shall by ordinance make provision for:

- A. The time and place of regular meetings of the Council;
- B. The method of giving public notice of the enactment of its ordinances and resolutions and of any other of its acts or proceedings which it deems proper to publish;

The Council may by ordinance make provision for:

- A. The form and method of enactment of its ordinances and resolutions, provided that no ordinance or resolution shall contain more than one subject which shall be clearly expressed in its title, and provided further that no ordinance or resolution of a general or permanent nature granting a franchise, creating a right, involving the expenditure of money or the levying of a tax (other than a resolution providing for an election on the question of issuing bonds or levying a tax) or for the purchase, lease, sale or transfer of property shall be passed unless it has been read in full or by title on three different days, unless the requirement for such three readings be dispensed with by the affirmative vote of two-thirds of the members of Council in accordance with Section 10 hereof; (Amended 5-8-84.)
- B. The procedure for making public improvements and levying assessments, including the procedure for combining two or more public improvements

and the levying of assessments therefore in one proceeding, if the Council finds that it will be economical and practicable to undertake such improvements jointly;

- C. The procedure for the awarding of contracts, including contracts for the purchase, lease, improvement, repair, sale or transfer of real or personal property; and
- D. Such other general regulations as the Council may deem necessary.

Chairman Kasunic asked, are there any issues with Section 9?

There were none.

- Section 10 – Effective Date of Ordinances and Resolutions - Each ordinance or resolution providing for (a) the appropriation of money, (b) an annual tax levy, (c) improvements petitioned for by the owners of a majority of the foot frontage of the property benefited and to be specially assessed therefore, and (d) any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health or safety, shall take effect, unless a later time be specified therein, upon its signature by the Mayor approving the same, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after it has been vetoed by the Mayor, as the case may be. Except as otherwise provided in this Charter, all other ordinances and resolutions shall take effect and be operative in the manner provided by the general laws of the State of Ohio.

Each emergency measure shall contain a statement of the necessity for such emergency action, and shall require the affirmative vote of two-thirds of the members of Council for its enactment. No ordinance or resolution (a) relating to any change in the boundaries of the Municipality, (b) providing for the surrender or joint exercise of any of its powers, (c) enacting, amending or repealing any zoning ordinance or other matter described in Sections 11 and 12 of this Article III, (d) granting any franchise, (e) contracting for the supply to the Municipality or its inhabitants of the product or service of any utility, whether municipally owned or not, or (f) granting a “Use” variance in any non-residential zoning district pursuant to Article V, 12(A), shall be enacted as an emergency measure. (Amended 11-3-15)

Chairman Kasunic asked, any issues with this section?

There were none.

- Section 11 – Mandatory Referral of Ordinances and Resolutions. No public building, street, boulevard, parkway, path, playground, bridge, tunnel, publicly or privately owned utility or part thereof shall be constructed or authorized to be constructed in the Municipality, nor shall any street, avenue, parkway, boulevard

or alley be opened for any purpose whatsoever, nor shall any street, avenue, parkway, boulevard or alley be widened, narrowed, relocated, vacated, or its use changed, nor shall any ordinance referring to zoning or other regulations controlling the use or development of land of changing the existing zoning or use of land, be adopted unless and until it shall have been submitted to the Planning and Zoning Commission for report and recommendation. Any matter so referred to the Planning and Zoning Commission shall be acted upon by it within ninety (90) days from the date of referral unless a different period of time is mutually agreed upon between Council and the Commission. If the Planning and Zoning Commission shall fail to act within the time allotted, it shall be deemed to have adopted such matter. Any resolution, ordinance or order disapproved by formal action of the Planning and Zoning Commission shall require a vote of two-thirds of the members of the Council to be authorized or adopted. (Amended 11-8-05.)

Chairman Kasunic asked, any issues with this section?

Mr. McDowell stated, I have a question about Planning and Zoning in general. Willoughby Hills combined Planning and Zoning and Architectural Review Board meetings. My recommendation is to look at combining them for expedience. It's something to think about.

Ms. Weber stated, Article V is all about Boards and Commissions. I will make a distinction to clarify what Section 11 is talking about. What it is talking about is what ordinances Council has to refer to Planning and Zoning Commission for their review and comment before they can pass it. Once we get to Article V, we can discuss the suggestion of combining meetings.

Mr. McDowell asked, does Article V involve the various departments, like Fire Prevention and are things spelled out like for example square footage?

Ms. Weber replied, the Charter doesn't have all the nitty-gritty stuff in it. It provides general outlines of policies. The ordinances have more of the specific information. This is giving Council all of their powers of what Council can do. It then says Council can make an ordinance in order to make a provision for x, y and z. We also adopt the Ohio Building Code.

Chairman Kasunic asked, so are we comfortable with Section 11?

The Commission agreed.

- Section 12 – Public Notice and Hearing on Certain Ordinances. Before any ordinance or resolution may be enacted by the Council amending or repealing any: (a) platting ordinance, (b) the zoning map of the Municipality, (c) zoning or use classification or district, (d) restrictions on height of buildings and other structures, (e) the size of parcels in any zoning or use classification, or (f) the percentage of lot occupancy of buildings and other structures; the Council shall (i) refer such ordinance or resolution to the Planning and Zoning Commission for report and recommendation as required by Section 11 of this Article III; (ii) read

the same in full or by title at two successive Council meetings, (iii) thereafter hold a public hearing thereon (which public hearing shall be held at least thirty days after the second reading and prior to the third reading thereof), and (iv) shall give thirty days' notice of the time and place of such public hearing in a newspaper of general circulation in the Municipality. No such ordinance or resolution shall be enacted or adopted unless passed or approved after the third reading thereof by not less than a majority of the members of Council, and, if such ordinance or resolution has been disapproved by the Planning and Zoning Commission, by not less than two-thirds of the members of Council. Thereafter, any such ordinance which has been approved by the Council shall be submitted to a vote of the electors of the Municipality, and shall become effective only upon approval thereof by such electors in accordance with the provisions of Section 13 of this Article III. However, the approval of a "Use" variance pursuant to Article V, Section 12(A) will not require approval of the Electors. (Amended 11-3-15).

Chairman Kasunic asked, are there any comments?

Mr. McDowell stated, with regard to notice in a newspaper of general circulation in the municipality, I don't think anyone gets the newspaper anymore.

Mr. Meyers stated, *The Sun Messenger* is still delivered.

Mr. McDowell stated, something of that caliber needs to be pushed to the residents. Maybe through text messaging or the *Voice of the Village*. Maybe a mailer.

Mr. Nadeau asked, is there some way we can find out what other municipalities do?

Ms. Weber stated, we can do some research to find out what other municipalities are doing.

Chairman Kasunic asked, does the City have its own Facebook page?

Mr. Meyers replied, yes.

Chairman Kasunic asked, any other comments on Section 12?

Mr. Gessner asked about the sentence about approving by not less than two-thirds of the members of Council. Is that two-thirds of the 7 or two-thirds present at the specific meeting?

Ms. Weber replied, it's two-thirds of the members of Council, not who is present.

Mr. Meyers stated, if two-thirds are not present, the Mayor can vote, right?

Ms. Weber stated, I will check into that. I do not want to misquote because each municipality does it differently. This also is a section that if there is a request to change zoning, it would have to go to a vote of the electorate. With regard to use variances, the Administration and staff

would like to propose removing the ability of doing a use variances. They will be attending a future meeting.

Chairman Kasunic asked, any more questions or comments?

There were none.

- Section 13 – Submission to Electorate of Zoning and Land Use Changes. Upon approval by the Council and the Mayor, or upon the approval of the Council after a veto of the Mayor, of any ordinance or resolution amending or repealing any ordinance, resolution or map described in Section 12 of this Article III, the Council shall thereupon certify such ordinance or resolution to the Board of Elections to be submitted to the electors at the next general or regularly scheduled primary or special election to be held in the Municipality more than sixty (60) days after the approval of such ordinance or resolution by Council. No such ordinance or resolution shall become effective until approved at such an election by a majority vote of the qualified electors of the Municipality voting in such election, and the results of such election have been certified by the Board of Elections. Such election shall be provided for by ordinance of Council, which ordinance shall prescribe the manner in which the submission shall be made. All ordinances, resolutions, motions and orders, or portions thereof, inconsistent with the provisions of Sections 10, 11, 12 and 13 of this Article III are hereby repealed. The provisions of Sections 10, 11, 12 and 13 of this Article III shall be severable and, if any section, subsection, sentence, part, word or phrase, or the application thereof, is held invalid, illegal or unconstitutional for any reason, such holding shall not invalidate or affect the force and effect of any other section, subsection, sentence, part, word or phrase, or the application thereof. It is hereby declared to be the intention of the electors that Sections 10, 11, 12 and 13 of Article III of this Charter would have been adopted had such invalid, illegal or unconstitutional section, subsection, sentence, part, word or phrase, or the application thereof, not been included herein.

Chairman Kasunic asked, any questions or concerns?

There were none.

- Section 14 – President of Council and President Pro Tem. In January of each year the Council shall, at its organizational meeting, choose one of its members as President of Council who shall serve for a term of one year. The President of Council shall have all the powers, duties, functions, obligations and rights of any other member of Council, including the right to vote; shall preside at all meetings of Council; and shall appoint the various committees of Council, co-coordinating the work of the various committees appointed by the President. At the same meeting each year, the Council shall choose one of its members as President Pro Tem, who shall preside at meetings of Council in the absence of the President of

Council. In the event of a vacancy in the office of President of Council, the President Pro Tem shall automatically succeed to the office of President of Council and Council shall, as early as practicable thereafter, elect a new President Pro Tem. (Amended 11-3-81.)

Chairman Kasunic stated, this is pretty straightforward. Does anyone have any questions?

There were none.

- Section 15 – Employees of Council. The Council may employ such persons as it deems necessary for the proper discharge of its legislative duties, which persons shall serve at the pleasure of Council, except as hereinafter set forth.

Chairman Kasunic stated, this is pretty straightforward. Does anyone have any questions?

There were none,

- Section 16 – Removal. The Council shall be the judge of the election and qualification of its own members. It may remove any member for gross misconduct, or malfeasance in or disqualification for office, or for the conviction while in office of a crime involving moral turpitude, or if adjudicated legally incompetent, or for a violation of the member's oath of office, or persistent failure to abide by the rules of the Council; provided, however, that such removal shall not take place without the affirmative vote of all other members of Council nor until the accused shall have been notified in writing of the charge against the accused at least fifteen days in advance of a public hearing upon such charge, and the accused or the accused's counsel has been given an opportunity at such hearing to be heard, present evidence and examine any witness appearing in support of the charge. The accused shall not vote on the question of the accused's removal.

Chairman Kasunic stated, I do have a question for legal. Can we use another phrase instead of "moral turpitude"?

Ms. Weber replied, it's a pretty common term to use. It is commonly interpreted.

Chairman Kasunic stated, it's so open.

Ms. Weber replied, I think it is written to give the flexibility to remove a member of Council, but if you think this is too much flexibility-

Mrs. Nadeau stated, it is one of those words that Diane talked about. Keeping things in a general way. It probably says what it needs to say.

Mr. Balzano stated, I see what you are saying. People's definitions of it are going to vary, but if

someone tries to do something and a majority of Council agrees that it was taken way too far, that's where the checks and balances are going to be.

Mr. McDowell stated, as a precursor to that, you have to be convicted of a crime.

- Section 17 – Wages, Terms and Conditions of Employment. In providing for wages, terms and conditions of employment for all employees in the Fire and Police Departments within the Village having full time employees, Council shall adhere to provisions set forth in Chapter 4117 of the Ohio Revised Code regarding collective bargaining. This amendment shall become effective January 1, 2001, and any ordinances in effect at that time, relating to wages, terms and conditions of employment, shall be amended or repealed as determined by the results of the ORC 4117 process. (Amended 11-7-00.)

Chairman Kasunic stated, this is pretty straightforward. Any questions?

There were none.

. **Future Meetings**

For the time being, meetings will be held every other Tuesday at 7:00 p.m. The next meeting is scheduled for Tuesday, March 11th.

. **Next Meeting**

The Commission will review Article IV and possibly Article V at the next meeting.

The Commission agreed that it would be nice to get any proposed revisions up front, for example from Police, Fire or Civil Service.

. **Adjournment**

Mr. McDowell, seconded by Mr. Gessner, made a motion to adjourn the meeting.

The meeting concluded at 8:05 p.m.

Respectfully submitted,

Recorded by: Deborah Garbo

Transcribed by: Mary E. Betsa, MMC

Secretary - Charter Review Commission