



**WESTLAKE CHARTER REVIEW COMMITTEE  
MEETING MINUTES  
JANUARY 15, 2020**

The meeting convened at 7:02 p.m. at Westlake City Hall Council Caucus room.

Present: Committee members Brook Bright (arrived at 7:06), Russell Ezolt, Amy Havelka, William Leonard, Michelle Mindell, Alan Olson, Richard Petrulis, Paul Schlosser, Larry Yankow.

Also present: Law Director Michael Maloney; Mayor Dennis Clough; Councilmembers Lynda Appel and Ken Brady; Clerk Denise L. Rosenbaum.

**I. Presentation and approval of minutes.**

Ms. Mindell moved, seconded by Mr. Ezolt, to approve the minutes of the December 18, 2019, meeting as presented.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

**II. Address remaining scorecard issues.**

Mr. Maloney began by addressing the few items that had been discussed at previous meetings but not voted on.

Issue #77, the recommendation by Planning Director Bedell regarding use variances and unnecessary hardships in Article IV, Section 10(b): Mr. Maloney had recently spoken again with Mr. Bedell who stated that this was not important enough for the committee's consideration as a Charter amendment.

Mr. Leonard moved, seconded by Ms. Mindell, to recommend no change to Article IV, Section 10(b) as to use variances and unnecessary hardships.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

Issues #49, 15 and 18 relating to Article IV, Section 8(a) and Article V, Section 5, as to state pricing, bid contracts and purchasing programs are all addressed by ordinance and the Ohio Revised Code. Mayor Clough in the audience stated that every year, an ordinance is passed to allow the purchasing department to participate in various purchasing programs. Mr. Maloney confirmed that these topics do not require addressing in the Charter.

Mr. Olson moved, seconded by Mr. Ezolt, to recommend no change to Article IV, Section 8(a) and Article V, Section 5.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

Issue #17, adding language to Article IV, Section 9(c), to make the planning commission also the architectural review board, had been briefly discussed when the committee considered requiring an architect on the planning commission. The consensus then was that it would be difficult to attract an architect to volunteer on a commission. If the planning commission were also to be the architectural review board, it would necessitate having one of the members be an architect. Therefore, the committee agreed that the planning commission should not be an architectural review board.

Mr. Olson moved, seconded by Mr. Yankow, to recommend no change to Article IV, Section 9(c).

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

For Issue #57, correcting a typo, Court of Common "Peas" in Article XI, Section 10(f), Mr. Maloney strongly recommended that this not be considered as a Charter amendment simply to change one letter. He assured the committee that the spelling would be corrected.

Ms. Havelka moved, seconded by Mr. Bright, to recommend no Charter amendment to correct the typo in Article XI, Section 10(f).

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

Issue #51, a request to replace the \$5,000 threshold with the current State of Ohio statutory limit in Chapter 145.03, is actually already addressed in the Charter. Mayor Clough explained that the Charter states (in Article V, Section 5(a)) that public bidding is governed by "...the current statutory limit prescribed by the statues of the State of Ohio *or* an amount annually established by Council by ordinance,..." So there is no need to make this change.

Mr. Leonard moved, seconded by Mr. Schlosser, to recommend no change regarding the threshold in Chapter 145.03.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

Mr. Maloney explained the background of the request in Issue #29 regarding double dipping and elected positions in the Charter. He stated that this is already addressed in the codified ordinances where it is prohibited with exceptions for certain positions. Mayor Clough questioned if those ordinances, intended to prevent double dipping in Westlake, could even be upheld because the State allows it. If it were in the Charter, it most certainly would be challenged.

Mr. Ezolt moved, seconded by Mr. Petruilis, to take no action on the matter.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

Issue #5, relating to the mention of Director of Public Safety in Article II, Section 2, had been discussed at previous meetings, and it was agreed that the mayor is the Safety Director because he oversees the police and fire departments. Mr. Maloney had surveyed other cities in order to enhance the definition of such a role, but stated it could be addressed by ordinance and not in the Charter.

Mr. Ezolt moved, seconded by Mr. Leonard, to recommend no change to Article II, Section 2, regarding the title of Director of Public Safety.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

Having addressed all the outstanding items on the scorecard, Mr. Maloney then discussed the final report of the Charter Review Committee that will be compiled for submittal to Council at their February 6, 2020, meeting. A draft letter from the Chairman, to be included, had been circulated amongst the members for input. A letter from Mr. Maloney, the color scorecard, all of the meeting minutes, and the current Charter will also be included in a format similar to that done in 2010. Copies will be provided for all committee members, Councilmembers, the mayor and directors. Mr. Brady in the audience explained how Council will proceed after receiving the report. Committee members discussed how they would handle any inquiries from the public or media and were assured that the report would be on the city's website for public access. They also discussed options for a summary of the report to be in the mayor's newsletter or an article in the West Life newspaper. Mr. Maloney will use the Chairman's letter to draft a summary for those uses.

### **III. Review draft language for recommended amendments.**

Mr. Maloney distributed to each of the committee members a folder of proposed amendments that had either been acted on and reflected the requested changes or were yet to be acted on:

Article II, Section 2: Powers of the Mayor. This had been voted on at the December 18, 2019, meeting, but there was a question as to the phrase "except the Department of Law" that had been proposed to be added to the end of the last sentence of the first paragraph. The committee recalled that they wanted that phrase not to be included, thus it should be removed.

Mr. Olson moved, seconded by Ms. Mindell, to remove the phrase "except the Department of Law" from the end of the last sentence of the first paragraph of Article II, Section 2.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

Ms. Mindell expressed concern that these (and other) requested changes will be made since this is the last meeting. Mr. Petruilis suggested that all proposed amendments in their final form as

well as the minutes from this meeting be circulated to the committee members to make sure they are accurate. This will be done.

Article II, Section 6: Vacancy in office of mayor. Mr. Maloney reviewed the changes that had been requested and made to this section – changing the word “act” to “serve”; gender neutral language; defining the salary of the acting mayor; and reducing the number of signatures for a nominating petition from 500 to 250. These had already been voted on, so no further action was needed.

Article III, Section 1: Staggering the terms of Councilmembers. Mr. Maloney explained that this was the implementation option the committee requested, with the Council President instead of the mayor having a one-time 2-year term and the remaining ward councilmembers staggered based on the number of votes at the 2021 election. Mr. Schlosser noted that the word “Councilmen” at the end of the first paragraph should be gender neutral, either Council persons or Council members.

Mr. Olson moved, seconded by Mr. Bright, to approve the recommended proposed amendments to Article III, Section 1, as presented.

**VOICE VOTE:**

Yeas: All except Mr. Ezolt who had left the room momentarily.

Nays: None; motion carried.

Article III, Section 8: This allows the start time of Council meetings to be determined at the discretion of Council. This had already been voted on, so no further action was needed.

Article IV, Section 1: Mr. Maloney stated that these proposed amendments simply add the departments that either were already in the Charter and not mentioned in this section, or were requested to be added by the committee. These had already been voted on, so no further action was needed.

Article IV, Section 2: Mr. Maloney explained that the proposed amendments address combining the Board of Zoning Appeals and the Board of Building Appeals as well as the terms of members of boards and commissions, the latter worded such that the current member remains until replaced. Mayor Clough in the audience was opposed to a member continuing until Council approves someone else. He believes a term is a term, that it should be like when there is a vacancy in the office of mayor, the term ends at the end of the term; or when a new mayor comes on and appoints new directors. Mr. Maloney recapped what had happened when the planning commission went without a member for 1½ years. It is very important to have a functioning board and a quorum and to avoid having vacancies on the planning commission. Mr. Petrusis mentioned that the committee had already had extensive discussions on the matter and had already voted regarding this. Mr. Olson stated that the Charter can't be used to regulate political differences.

Mr. Petrusis moved, seconded by Mr. Olson, to approve the recommended proposed amendments to Article IV, Section 2, as presented.

**VOICE VOTE:**

Yeas: Bright, Havelka, Leonard, Mindell, Olson, Petrusis, Schlosser, Yankow.

Nays: Ezolt; motion carried.

Article IV, Section 4: Mr. Maloney reviewed the changes that had been requested and made to this section – clarifying “next preceding”; gender neutral language; adding language defining the salary of an acting law director and the process to address a vacancy in office; and reducing the number of signatures for a nominating petition from 500 to 250. These had already been voted on, so no further action was needed.

Article IV, Sections 10 and 11: Mr. Maloney explained that these address the combining of the Board of Zoning Appeals and Board of Building Appeals, thus repealing Article IV, Section 11, formerly for the Board of Building Appeals.

Mr. Ezolt moved, seconded by Mr. Bright, to approve the recommended proposed amendments to Article IV, Sections 10 and 11, as presented.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

Article IV, Sections 14 and 15: These add the departments of Recreation as well as Community Services and had already been voted on, so no further action was needed.

Article VII, Section 3: Mr. Maloney explained that this reduces the number of signatures required for nominating petitions from 500 to 250 which was inadvertently not voted on when the same was addressed and voted on in Article II, Section 6.

Mr. Petrusis moved, seconded by Ms. Mindell, to approve the recommended proposed amendments to Article VII, Section 3, as presented.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

Article X, Section 1: The committee had requested that the Charter Review Committee be changed to the Charter Review Commission which is reflected in the proposed amendments.

Mr. Olson moved, seconded by Ms. Havelka, to approve the recommended proposed amendments to Article X, Section 1, as presented.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

Article III, Section 13: Mr. Maloney explained the proposed changes to this section to include current methods of publication notice such as on the website and various electronic methods. The language was general enough to allow for technology changes of the future. Some committee members expressed concern that there still needs to be a physical format for those without technology or access to newspapers, suggesting it still include posting at city hall, the library and other locations as determined by Council. Mr. Schlosser asked the high school students in the audience if the wording of the electronic technology formats made sense, and they agreed. After much discussion, the committee recessed at 8:29 p.m. to allow Mr. Maloney to draft the best way to word all that the committee requested. At 8:45 p.m., the committee reconvened and reviewed and further refined Mr. Maloney’s draft amendments.

Mr. Leonard moved, seconded by Ms. Mindell, to approve the recommended proposed amendments to Article III, Section 13, as revised on the floor.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

As the committee concluded their 11-month assignment and diligent work, the members thanked the clerk for her excellent work for the Charter Review committee as well as for Council, and Mr. Maloney for his expert advice and guidance throughout the process. Mr. Petrusis encouraged as many of the committee members who can to attend the February 6, 2020, Council meeting for the presentation of their final report to Council.

**IV. Review summary report.**

Discussed earlier under Item II.

**V. Adjournment.**

Mr. Olson moved, seconded by Mr. Ezolt, to adjourn the meeting at 8:56 p.m.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

unapproved

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Denise L. Rosenbaum, CMC, Clerk

unapproved

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Richard Petrusis, Chairman