



# CITY OF FAIRVIEW PARK

20777 Lorain Road  
Fairview Park, Ohio 44126-2018  
- Established in 1910 -

Eileen Ann Patton, Mayor

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**CHARTER REVIEW COMMISSION MINUTES**  
**MEETING #2**  
**OCTOBER 9, 2018**  
**7:30 PM**  
**FAIRVIEW PARK SENIOR CENTER**

Members Present: Mr. Matthew J. Cavanagh, Esq., Ms. Erika Roitblat-Bowers, Mr. Nicholas Alexander, Ms. Michelle Sayer, Mr. Patrick J. Cooney, Esq., Mr. John Mandula, Ms. Lauren Markus, and Mr. John Betts

Staff Present: Mr. William McGinty, Esq. and Ms. Monica Rossiter

The Charter Review Commission meeting began at 7:30 PM.

Ms. Rossiter explained that the meeting was being recorded, and that such recordings are available upon request.

Ms. Markus took roll call. Mr. J. Patrick Lang was excused from the meeting. Two (2) members of the audience, Mayor Eileen Ann Patton and Councilman Brian McDonough, introduced themselves to the Commission.

Ms. Markus asked the Commission if they had any revisions to the minutes from Meeting #1 held on September 27, 2018. Hearing no revisions, the Commission approved the minutes.

Ms. Markus provided an overview of the meeting agenda.

Ms. Markus asked that the Commission review comments submitted by the Board of Zoning Appeals Chairperson, Maryann Vanschoor, at a later meeting, as the comments made by Chairperson Vanschoor will be applicable to future articles to be reviewed by the Commission.

Mayor Patton was called upon by the Commission to provide input and answer questions pertaining to Article 3 of the Charter. Ms. Markus asked about the positives and negatives of mayoral term limits. Mayor Patton explained that the City's residents are intelligent and engaged, and that she would like to see that the citizens of this community continue to have the ability to select who their perceive as the most qualified candidate. She continued by stating that she does not believe term limits are necessary for this community, and said that term limits restrict a mayor's ability to accomplish all that she or he intends to do so for the betterment of the community. She provided some examples of ways in which the lack of term limits have resulted in significant accomplishments that otherwise may not have not been brought to fruition. She stated that she would like to see the next mayor continue to stay in office as long as the voters want him or her in office.

Ms. Markus asked that if term limits were to take effect, what number of such terms would become disruptive to the productivity of the mayor in office. Mr. Cavanagh followed by asking whether or not entire administrations and city departments are replaced when a new mayor is elected into office. Mayor Patton explained that she retained the majority of the administration when she took office due to the value

of their institutional knowledge. She explained that she believes the limitations of term limits will impact each mayor differently. Ms. Markus asked how mayors make sure there is a seamless transition when a new mayor takes office. Mayor Patton stated that this depends on the candidate, but explained that her intention is to invite the next mayor elected into office to learn about City operations, and that she and the administration will assist in any way possible.

Mr. Cavanagh asked if Mayor Patton ever had opposition during any of her elections. She stated that she ran against another candidate during one General Election.

Mr. Betts asked for Mayor Patton's input on shorter terms. She stated that two (2) year terms result in a mayor continually running for office, and that two (2) years is not enough time to make a significant impact or accomplish all that he or she intends to accomplish.

Ms. Markus asked whether or not term limits would dissuade people from running. Mayor Patton stated that this depends on the individual person, and that matters such as a potentially limited retirement plan may dissuade some individuals from running in an election.

Mr. Mandula asked if Mayor Patton anticipates competition for the next mayoral election. She stated that the filing deadline is June 12, 2019, and that there is ample time for citizens to make the decision to run for office.

Mr. Alexander stated that term limits may restrict corruption, and asked if there are any other measures in place to ensure that corruption does not occur. Mayor Patton explained the checks and balances within the City, including public bidding, the requirement that City Council approve any expense over \$15,000, and the requirement that all expenses exceeding \$50,000 be subject to public bidding. Ms. Rossiter further explained that the City is audited annually by various agencies. Mr. McGinty stated that the City's budgeting process involves a high level of transparency and includes budget hearings open to the public.

Ms. Markus asked if term limits will prevent complacency. Mayor Patton explained that it is the responsibility of the mayor to continue being productive for the duration of his or her term, and that it is the duty of the mayor to continue performing to the best of his or her abilities for the betterment of the community, as well as the administration. Councilman McDonough elaborated by stating that term limits remove insufficient mayors from office, but prevent well-performing mayors from staying in office. He concluded by explaining that term limits impede the voter's choice of who enters or stays in office.

Ms. Roitblat-Bowers asked Mayor Patton for input regarding removal of the mayor. She asked if the 90-day maximum period of absence is excessive. Mr. Betts asked for some clarification regarding the 30-day period of absence referenced in Section 2 and 90-day period of absence referenced in Section 3. The Commission clarified that the 30-day period of absence applies to active military duty, and that the 90-day period applies to illness, physical or mental disability, or absence from the City. Ms. Markus asked if the Commission has the ability to request that certain sections of the Charter be rewritten for clarification. It was stated that any recommendations made to City Council must be significant and articulated well to the voters. Ms. Rossiter explained that the recommendations made by the Commission should focus on "bigger picture" items, and suggested that Commission review the recommendations made by the previous Commission. Mr. Betts asked for clarification regarding the terms "absence" and "vacancy". It was clarified that "absence" refers to a mayor who is inaccessible, while "vacancy" applies if the seat of the mayor is unoccupied. It was stated that removal of the mayor due to absences is within the purview of City Council.

Ms. Markus asked if the 90-day period of absence covers maternity leave. It was stated that other elected officials in nearby communities have been able to perform during and after pregnancy. It was reiterated

that City Council is the entity who determines whether or not a mayor is subject to removal, as a 90-day absence only applies to those who are unable to perform in the role of mayor. Ms. Rossiter stated that a 90-day absence due to certain circumstances, such as an extended vacation, would not come into play, as mayors are restricted to a set allowance of vacation days.

The Commission agreed that a 90-day period of absence due to extenuating or reasonable circumstances is not excessive, and that if a mayor is not performing due to any given circumstance then City Council will act accordingly.

Ms. Rossiter asked the Commission if it would be beneficial to make preliminary recommendations for each topic in order to avoid readdressing each issue in great depth and limit redundancy later on in the review process. Ms. Markus stated that at the last meeting the Commission decided to have list of critical issues, and that the Commission would reflect on those items throughout the Charter review. Ms. Rossiter stated that it would be helpful to have preliminary recommendations made so that only pertinent topics undergo additional review by the Commission. Ms. Markus asked that the Commission provide Ms. Rossiter with preliminary recommendations and items to continue discussing. Ms. Rossiter asked that the Commission determine preliminary recommendations as a group to establish a consensus, avoid miscommunication or redundancy, and to maintain an organized list of preliminary recommendations. Ms. Rossiter explained that the Commission will still have the ability revisit any topic as they see fit throughout the review, even if is not on the list of preliminary recommendations.

Mr. Mandula suggested that the Commission make a preliminary recommendation regarding mayoral term limits. All members decided to retain the current Charter language that pertains to mayoral term limits.

Mr. Betts asked the Commission to revisit Article 3, Section 4, and questioned whether or not it would be advantageous for City Council to appoint a Mayor from the general public in the case of a vacancy, as members of City Council, who are considered part time, may not be able to take this role due to a variety of circumstances. Councilman McDonough stated that if the Council President does not accept the position then a vote will be taken amongst City Council to appoint another member of City Council. If no City Council members accept the position then other provisions would come into effect for the appointment of the mayor.

Ms. Roitblat-Bowers asked whether or not City Council terms are staggered. Mr. McGinty stated that members of City Council are up for election every four (4) years. It was stated that there are pros and cons of holding elections every four (4) years, rather than every two (2) years. One of the disadvantages is that terms are not staggered.

Ms. Markus moved to Article 3, Section 5, "Duties and Powers of the Mayor". Mr. Mandula asked if the Mayor is the authority who executes contracts, to which Mr. McGinty replied that he or she is. No further comments or concerns were voiced on Section 5. A preliminary recommendation was made to retain all existing language in Section 5.

The Commission concluded their review of Article 3, and determined that no preliminary recommendations were necessary at this time.

The Commission began their discussion of Article 4. Ms. Roitblat-Bowers asked Councilman McDonough why citizens vote on the seat of Council President, rather than this position being rotated or determined by City Council members. He explained that there is a pro tempore Council President if the Council President is not present. Mr. McGinty stated that the Council President serves as the face of City

Council, and that he or she does not hold a significant amount of power relative to the other City Council members.

The Commission decided to end their discussion of Article 4 and revisit it during the next meeting on October 23. Ms. Markus asked if the Commission had any additional questions for Councilman McDonough. Mr. Mandula asked what is the purposed of having seven (7) City Council members, to which Councilman McDonough stated that this ensures sufficient representation across the community, and that it provides for more perspective and balance.

Mr. Betts asked Councilman McDonough for input regarding term limits for City Council. Councilman McDonough stated that there is a great level of instructional knowledge associated with City Council. He stated that if City Council term limits were to take effect, then two (2) four (4) -year terms would be sufficient. Again, it was stated that if any elected official is not performing to an acceptable standard, then citizens of the community have the right to vote for the best candidate.

Ms. Markus asked whether or not the structure of City Council can be improved as it relates to the provisions of the Charter. Councilman McDonough stated that the structure of the City's wards is conducive to great representation of every area of the City. He suggested that the Commission consider addressing whether or not City Council should have the power to vote on zoning changes, and whether or not this would be beneficial to the community. He stated that referendum zoning may put limitations on redevelopment of the City, and that if such zoning approvals are under the purview of City Council then residents still have the opportunity to voice concerns or support during each of City Council's three (3) readings of the legislation.

Hearing no additional questions, the discussion was closed.

Public comment was opening and closed, with no member of the public speaking on matters of the Charter.

Ms. Markus stated that the next meeting will focus on Articles 4 and 5, as well as any written comments provided by department directors, boards and commission chairpersons, or members of City Council.

The meeting was adjourned at 9:36 PM.