



# 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 #1  
SEPTEMBER 27, 2019  
7:30 PM  
DUNSON COMMUNITY ROOM**

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, Mr. John Betts, and Mr. J. Patrick Lang

Staff Present: Mr. John Castele, Esq. and Ms. Monica Rossiter

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

Ms. Markus opened the meeting. Ms. Rossiter explained that the meeting was being recorded, and that such recordings are available upon request. She also stated that meeting minutes will be available on the City's webpage once approved by the Commission.

Ms. Rossiter took roll call, and followed with opening remarks. Mr. Castele, Assistant Law Director, was introduced to the Commission.

Mr. Markus followed up on a previous discussion regarding correspondence between Commission members. It was asked that Ms. Rossiter be copied on all emails pertaining to the Charter Review to maintain compliance with public records requirements and ensure that such records are easily accessible to the public.

Ms. Markus asked the Commission if they had any revisions to the minutes from the meet-and-greet held on August 29, 2018. Hearing no revisions, a motion was made by Mr. Alexander to approve the minutes, which was seconded by Mr. Betts. All members voted yea and the motion passed.

Ms. Markus provided an overview of the agenda. She asked Ms. Rossiter if any written comments were received by department directors, boards and commissions, or City Council. Ms. Rossiter explained that comments were received shortly before the meeting, leaving no time for review. Ms. Rossiter said that these comments will be provided for Commission members prior to the October 9 meeting, and that staff will review to ensure applicability to the Charter. Ms. Markus stated that an overview of written comments will be included on all future agendas to ensure all written comments are taken into account.

Mr. Betts stated that, after reviewing the meeting minutes from the 2008/2009 Charter Review Commission, he saw that some Councilpersons commented on how they were not adequately included in the Charter review process. In respect to this reference, he asked if the memo requesting written comments should be sent to all Councilpersons, rather than only being sent to the Council President. Mr. Cavanagh asked if the meeting minutes will be available online. Ms. Rossiter explained that the meeting minutes, schedule, and agendas will be posted on the 2018/2019 Charter Review Commission webpage (<https://www.fairviewpark.org/boards-and-commissions/charter-review-commission/>). Mr. Alexander asked if input should be solicited from all Councilpersons, to which Ms. Rossiter replied that the item will be under review at a City Council meeting or Committee meeting.

Ms. Markus asked the Commission to identify any priority topics that were either identified at the meet-and-greet, or through review of the Charter prior to this meeting. Mr. Mandula stated he had some trouble accessing the Charter online. Ms. Rossiter stated that on the 2018/2019 Charter Review Commission webpage there is a link to the Charter. Mr. Cavanagh stated that the Charter can also be found in the City's Codified Ordinances, for which a link is included on the City's website. The Charter is archived through a third party website.

Mr. Betts followed up on a topic of discuss at the meet-and-greet, which was the requirement to post pending legislation at City Hall prior to effect. Mr. Betts asked the Commission to explore better ways to communicate this information to residents. Ms. Rossiter explained that the City Council schedule, minutes, agendas, and passed ordinances and resolutions can be found on the City Council webpage. Mr. Mandula suggested that it would be beneficial if the Charter's table of contents included page numbers for reference. Mr. Cooney stated that the Ohio Revised Code requires that public notices and advertisements be published in print form in a newspaper with general circulation, as well as the municipality's website. He continued that it is good idea to expand the ways in which information is disseminated to the public. Mr. Cavanagh stated that pending legislation is currently and consistently posted to the City's website. The Commission agreed that the Charter should include a provision to make this method of communication a requirement. The Commission suggested that City Council meeting information be included in the City's online newsletter. Ms. Markus asked that the Commission continue reviewing Article 4, and that it can be revisited at a future meeting.

Ms. Markus introduced the next agenda item, the review of Article 1, "Names and Boundaries". She stated that she did not have any questions or comments regarding this section, and the rest of the Commission agreed.

Ms. Markus introduced the next agenda item, the review of Article 2, "Municipal Powers". She stated that she did not have any questions or comments regarding this section, and the rest of the Commission agreed.

Ms. Markus introduced the next agenda item, the review of Article 3, "The Mayor". Mr. Mandula asked if there is a maximum for consecutive terms, to which Mr. Cooney responded that there is not. The Commission asked if there *should* be a maximum for consecutive terms. Ms. Sayer stated that the recently-updated charters provided in the binder do not include a maximum limit of consecutive terms for Mayor. Mr. Cavanagh asked which elected officials are subject to maximum term limits. The Commission stated that State legislators are confined to term limits. Ms. Roitblat-Bowers stated that at a State level a large amount of institutional knowledge is lost with a change in administration, but at the City level it may not have as much of an effect on City operations. Markus stated that lack of term limits may result in complacency. Ms. Roitblat-Bowers stated that term limits may result in a potential candidate's increased interest in running for Mayor or City Council if they know that there is a term limit. Mr. Cooney stated that in his experience there is a high level of institutional knowledge held by a Mayor who has served multiple terms. Mr. Betts and Ms. Markus suggested that the Commission create a list of questions for Mayor Patton, so she can provide input in relation to term limits and other related matters in Article 3.

Mr. Betts asked if the Commission could revisit Article 2, "Municipal Powers". After reading North Olmsted's Charter, he stated that there is language regarding "duties and procedural requirements" that is not included in the current Fairview Park Charter. The Commission stated that the Charter's reference to the Constitution and laws of the State of Ohio is sufficient.

Mr. Castele stated that the only City he is aware of in the County that has term limits is Independence, with a limit of two (2) four (4) year terms. Mr. Lang asked if any mayors in other cities are ever part time. The Commission stated that cities with part-time mayors typically have a very small populations, or have a City Manager.

Mr. Lang asked if this topic is pertaining to the number of consecutive terms or the number of terms overall. Ms. Roitblat-Bowers stated that she was asking as to whether or not there should be a limit to the number of terms overall. Again, the Commission stated that they would like the Mayor's opinion on this matter.

The Commission discussed gender neutrality in the Charter, as the previous Charter was amended to include a section on gender neutrality, but did not amend it to replace "he" with "he or she" throughout the Charter. Mr. Betts asked if there were multiple ordinances required to make such changes. Mr. Castele stated that only one (1) ordinance would be required to change "he" to "he or she" in the entire Charter. Ms. Roitblat-Bowers stated that she did not find it necessary to make such amendments to the Charter, as the previous Charter Review Commission addressed gender neutrality through the addition of Article XIII, Section 5, "Gender Neutral". The other Commission members stated that they are in support of making the amendment. The Commission asked that the City's Law Director provide input on this matter. Ms. Roitblat-Bowers suggested that we look into how gender neutrality is addressed by the media. Mr. Lang asked how the Commission should address typos. Ms. Markus asked that Ms. Rossiter present this question to the Law Director.

The Commission resumed their discussion of Article III. The Commission observed that Article III does not cover FMLA or maternity leave. The Commission discussed the need to better define and clarify absence and vacancy throughout Article III. The Commission questioned why Section 2 refers to a maximum absence of one (1) month, while Section 3 refers to a maximum absence of ninety (90) days. It was noted that Section 2 is referring to military and active duty, and Section 3 is referring to death, illness, or disability. The Commission asked whether or not a ninety (90) day absence is excessive, and whether or not it should be revised to lesser duration. The Commission It was suggested that language pertaining to absence of greater than one (1) month as a result of active duty be included in Section 3, "Removal", or Section 4, "Vacancy in the Office of Mayor" for consistency. The Commission asked if the maximum absence requirements pertain to consecutive days or total number of days absent.

Mr. Markus asked the Commission if they had any thoughts in respect to requiring that a candidate running for Mayor meet specific requirements and experience. Ms. Markus stated that, due to how other employers require certain qualifications, this topic should be discussed by the Commission. Mr. Cooney asked how "requirements" or "experience" would be defined. Mr. Betts and Ms. Roitblat-Bowers stated that it is the electors of the City who determine who is and is not fit for the position, and that it wouldn't be possible to define such qualifications, as they would need to be vague and would leave room for interpretation. It was stated that City Council and the electors have the ability to remove the Mayor from office if they are not able to perform. The Commission agreed that adding qualifications would not be beneficial.

Ms. Rossiter asked if the Commission plans to vote on recommendations as they occur, or wait until the final meeting to vote on all recommendations. The Commission decided to vote on all recommendations at the last meeting. Ms. Rossiter stated that she will keep track of any recommendations made by the Commission.

The Commission continued to discuss Article III. Ms. Markus suggested that maternity leave be added to Section 3, "Removal". Mr. Betts suggested that FMLA be added instead, as it is vague and covers maternity. Ms. Markus stated that FMLA does not cover maternity leave. Mr. Betts stated that it does

cover maternity leave for twelve (12) weeks, because it is considered a disability. Ms. Markus stated that FMLA only come into effect after an individual has been employed for over a year. Mr. Lang asked if any of these provisions are included in the City's policies. Ms. Rossiter stated that she would determine if it is or is not included. Ms. Markus stated that, because FMLA does not cover an individual until one (1) year of employment, there could potentially be a situation where a Mayor needs to take maternity leave within the first year, but would be unable to under FMLA. The Commission asked if FMLA requires that municipalities to offer paid maternity leave. Mr. Betts stated that FMLA does not require that an employee be compensated during maternity leave. Ms. Roitblat-Bowers stated that the Commission should evaluate whether or not ninety (90) days is excessive for maternity leave, or other circumstances currently listed. Ms. Roitblat-Bowers asked the Commission to consider making the maximum time of absence thirty (30) or forty (40) days. The Commission asked for input and clarification from the Law Director, and decided to continue reviewing this topic before making a decision on this matter.

Ms. Markus stated that Article III, Section 3 will be revisited at the October 9 meeting. She asked that Commission members submit questions for the Mayor and Law Director to Ms. Rossiter, and that a Q & A will take place at the next meeting.

Ms. Markus opened up the floor for public comment. Mr. Gregory Burger, Chairperson of the Planning & Design Commission, introduced himself. He stated that it would be helpful if materials were presented at a meeting to ensure Planning & Design Commission members are informed as to what is being evaluated.

Public comment was closed.

The meeting was adjourned at 9:34 PM.