



# 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 #3**  
**OCTOBER 23, 2018**  
**6:30 PM**  
**FAIRVIEW PARK CITY HALL**  
**DUNSON COMMUNITY ROOM**

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

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

The Charter Review Commission meeting began at 6:32 PM.

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

Ms. Markus took roll call. Mr. Patrick Cooney was excused from the meeting. Councilman Brian McDonough and Councilman Angelo Russo were present in the audience.

Ms. Markus asked the Commission if they had any revisions to the minutes from Meeting #2 held on October 9, 2018. Hearing no revisions, the Commission approved the minutes.

Mr. Betts asked the Commission to explore a topic contained within Article 3, "The Mayor". He asked the Commission for their thoughts regarding the Mayor's current ability to veto line-items only in ordinances proposing the appropriation of funds, versus the ability to veto line-items in all legislation. The Commission agreed that the current language is appropriate.

Ms. Markus opened up discussion for Article 4, "The Council". Mr. Lang asked how ward boundaries are determined. Ms. Rossiter explained that ward configurations are based on population data collected through the U.S. Census. Mr. Lang asked why certain wards contain "bump-outs". Councilman McDonough explained that certain precincts may have been consolidated, or that developments may have resulted in the irregular shape of some wards. Mr. Lang asked if it is anticipated that wards will change with the upcoming Census due to the River South and Thomas Lane developments. Councilman McDonough stated that he does not anticipate any changes.

Ms. Sayer asked the Commission for their thoughts regarding staggered City Council terms. She explained that the previous Commission explored staggered terms, but did not recommend that any such changes be implemented. Ms. Sayer further referenced the Charters of North Olmsted and South Euclid as they pertain to staggered terms. She explained that North Olmsted's Charter stipulates that staggered terms be implemented starting with the 1979 General Election and that elections are to occur every two (2) years after with specific positions up for reelection during each cycle. Mr. Betts stated that, theoretically, the entire City Council and the Mayor could be replaced during a given election, which may result in a great loss of institutional knowledge. The Commission discussed options for implementing staggered terms in the City, including the possible effects of potential changes. Ms. Markus asked the

Commission to confirm whether or not they desire to recommend staggered terms, and if yes, determine the manner in which they be implemented. The Commission agreed that they are in favor of staggered terms. Ms. Roitblat Bowers stated that if staggered terms were to be implemented they wouldn't be in place until 2023, as Charter changes won't come into effect until the General Election on November 5, 2019. Councilman McDonough suggested that in 2023, 2- and 4-year terms be implemented to initiate staggered terms. Councilman McDonough stated that this is the way in which Cuyahoga County Council implemented staggered terms. The Commission suggested one (1) election cycle include the Mayor and three (3) wards, while the other election cycle include Council President, At-Large, and the two (2) remaining wards. Commission members proposed other ways in which elected positions could be divided for each election cycle. It was further explained that, under any of these circumstance, certain City Council members would have shorter terms. Mr. Cavanagh stated that it should be up to the voters as to the length of time a City Council member is in office if term lengths were to change due to the implementation of staggered terms. Mr. Mandula asked if there would be any costs associated the staggering terms. Mr. Castele said there would be no cost, as elections are held through by the Board of Elections every year. Councilman McDonough stated that the only reason additional cost may be incurred is because the City does not follow the standard election schedule instituted by the Board of Elections, and primaries are held in September rather than in May. Councilman Russo suggested that the Commission take into consideration that City Council members who are on same election cycle as the Mayor may be at a disadvantage if they wish to run for mayor, as their seat will not be protected. The Commission stated that staggered terms will actually reduce the risk of some candidates being unseated, as currently all City Council members are up for reelection at the same time as the Mayor. The Commission stated that all City Council members subject to shorter terms have the opportunity to run for reelection. Ms. Markus asked the Commission to further review this topic, and that it will be revisited at a future meeting.

Ms. Markus opened up the discussion of Section 1b, "The Boundaries of Wards". Mr. Betts noted that issues related to the revision of ward boundaries have been brought to light in other communities. Ms. Roitblat-Bowers asked what the process is for reconfiguring ward boundaries. Councilman McDonough explained that the Board of Elections makes recommendations for any changes that are necessary due to changes in population, and that all of such proposed changes are based on data and analysis. It was explained that the Board of Elections presents their recommendations and that approval of such changes are under the purview of City Council. Mr. Betts questioned whether any thought has been given to the possibility of a Councilperson being unseated due to ward boundary changes. Mr. Lang and Ms. Roitblat-Bowers agreed that it should be explored. Ms. Markus asked the Commission whether or not they desired to keep the existing language, and all were in favor of doing so.

Ms. Markus opened the floor for discussion on Section 2, "Qualifications". Hearing no discussion, the Commission moved to Section 3, "President of Council". Ms. Roitblat-Bowers asked why the Council President is elected by the voters versus being appointed by fellow Councilpersons. Mr. Lang asked for clarification regarding the appointment of the Council President if the seat becomes vacant. It was explained that, in this circumstance, City Council appoints a member of Council to serve in this role. It was also clarified that if a City Council becomes vacant then City Council members are to appoint a qualified elector of the City. The Commission agreed that all existing language contained within this section is appropriate, and that no changes are necessary.

Ms. Markus opened up the discussion on Section 6, "Salaries and Bonds". Ms. Markus asked who is responsible for setting the salary of City Council members. Mr. Betts stated that compensation is determined by City Council for the next election cycle. It was further explained that if staggered terms are implemented then City Council will still vote on compensation for the next election cycle, and that no one will be voting on the compensation for their current term. The Commission asked whether or not other board and commission members are compensated, to which it was explained that the Board of Zoning

Appeals and the Planning & Design Commission positions are voluntary, but that those involved on other commissions, including some clerks and secretaries, may be paid per meeting. Councilman McDonough stated that City Council compensation was raised to the threshold that allows members to receive service credit through OPERS, and that such compensation and benefits will help attract the most qualified candidates. The Commission had no further discussion of this section, and agreed that all of the existing language is appropriate.

During discuss of Section 7, “Meetings”, Councilman Russo and Councilman McDonough were asked by the Commission if they are satisfied with the current language, to which they replied that they are. The Commission agreed that the existing language for this section should be maintained.

The Commission had no comments regarding Section 8, “Quorum”.

The Commission moved on to Section 9, “Rules and Journal of Council. Ms. Markus asked what the journal entails and what information is recorded. Councilman McDonough stated that the Commission should direct this question to Ms. Liz Westbrooks, Clerk of Council. Ms. Roitblat-Bowers asked if any Council meetings are taped. It was stated that only audio recordings are available. She asked if the Commission should consider adding language to the Charter to account for technology as it relates to the archiving of meetings. It was agreed by the Commission that modifying the Charter to include such requirements may not be appropriate. Mr. Cavanagh asked if minutes are kept in the journal, to which is was stated that the journal is used for a tally of votes.

The Commission had no comments regarding Section 10, “Clerk of Council and Employees of Council”.

Ms. Markus opened up the discussion of Section 11, “Form of Legislative Action”. Mr. Betts stated that there are no requirements regarding the distribution of proposed legislation prior to each City Council meeting. He further stated that there is language in the Charter requiring that passed legislation be posted at City Hall for at least fifteen (15) days before it takes effect. He explained that other charters specify additional requirements for posting information pertaining to pending legislation and meetings. He suggested that the Commission consider requiring that meeting information be posted at the schools and/or the Gemini Center for more visibility. Mr. Betts asked how the City can communicate meeting information to the public in the most effective way possible and integrate best practices for disseminating such information to residents for recently passed legislation. Ms. Markus stated that she does not necessarily believe that posting at the Gemini Center or other community locations is the best solution. She suggested that posting on the City’s website will engage a larger audience. It was stated that pending legislation is posted on the City’s website prior to every meeting, and that in addition, agendas can be requested through the Clerk of Council. The Commission agreed that the City’s website is being utilized appropriately, but that a requirement should be included in the Charter to ensure that this practice continues. Ms. Rossiter stated that this may be redundant as the Council rules are referenced in the Charter, and are therefore included in the Charter as if rewritten. Ms. Markus asked about the Charter versus the rules of City Council. Councilman McDonough stated that all of City Council rules are adopted by Ordinance. Mr. Lang stated that it is worth considering a requirement for posting meeting information to the website, as the method of communication is specifically written in the Charter. Councilman McDonough stated that every Friday before a Regular Council Meeting, the agenda is posted on the City’s website. He further explained that legislation is subject to three (3) readings at a Regular Council Meeting, and at three (3) Committee meeting, for a total of at least six (6) weeks of pending status. He further explained that certain legislation, including those related to zoning, require mailings to residents within a specified area of the proposed change. Ms. Markus asked where the City Council rules can be accessed. Councilman McDonough stated that they can be requested through Ms. Liz Westbrooks. Ms. Rossiter explained that they can also be found on the City’s website. Ms. Markus asked the Commission to review this topic and discuss at a future meeting.

The Commission had no comments regarding Section 12, “Effective Date of Ordinances and Resolutions”.

The Commission had no comments regarding Section 13, “Assessments, Advertising of Contracts and Sale of Municipal Property”.

Ms. Markus opened the discussion for Section 14, “Enactment of Zoning Ordinances and Regulations, Notice”. Mr. Alexander asked if Mr. Shawn Leininger, Director of Public Service & Development, can attend the next meeting to provide some input on this section. The Commission agreed that they would create a list of questions to present to Mr. Leininger at the next meeting. Ms. Rossiter said she would request Mr. Leininger’s attendance at the next meeting on Wednesday, November 7. Ms. Roitblat-Bowers asked if all zoning changes are subject to approval by voters at a general election. It was stated that any changes in zoning districts, or changes to zoning language as it pertains to zoning districts, land uses, variances, and other regulations, are subject to approval by the voters. The Commission discussed language in the Charter as it relates to the adoption of a Master Plan, and determined that such requirements are aligned with referendum voting for any proposed zoning changes. Ms. Markus ended the discussion and stated that this item would be discussed on the agenda for the next meeting on Wednesday, November 7.

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

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

The meeting was adjourned at 8:22 PM.