

MINUTES OF MEETING
2020 CHARTER REVIEW COMMISSION
APRIL 16, 2020

Members Present: John Urban, Pat Roberts, Linda Bartolozzi, Michael Coyne, Trevor McAleer, Bill Brink, Tony Bucaro, Steve Polly, John Lanning

Presence Noted: Andrew Bemer, Law Director

Administration: Mayor Pamela Bobst

Council Members Present: Jim Moran, Ward 2 Councilmember and Rocky River City Council President

Council President, Jim Moran opened the April 16, 2020 virtual video conference meeting of the 2020 Charter Review Commission at 6:30 p.m. via Cisco WebEx Meetings Application. Council President Moran thanked the members of the Commission for their attendance at this meeting and asked Mayor Bobst if she would like to make any comments to the group.

Mayor Bobst thanked the members of the Commission for their willingness to serve in this capacity and said that she is especially grateful that this technology exists so that this very important process, which takes place every 6 years, can take place during this time. There are many familiar faces on this call, as some have served on past Charter Review Commissions. Others have served in other capacities such as during the Master Plan process, as well as in other civic organizations, and she hopes that they find this work to be extremely meaningful. Mayor Bobst added that the Charter is a foundational document for our community and it serves to guide us in many ways. She wants to make it known to all of the members that she will always be available to them throughout this entire process. There are participants who have been through this process before, so there is a lot of institutional knowledge of the City in general, as well as of our Charter.

Council President Moran administered the oath of office to the Charter Review Commission members with the term commencing April 16, 2020. Each member raised their right hand and repeating the oath of office after him. He then turned the meeting over to Law Director Bemer.

Law Director Bemer asked each Commission member to introduce themselves. Mr. Urban thanked Law Director Bemer and said that he has been a resident of Rocky River for over 46 years. He has been an attorney for 44 years and is not quite retired yet. He has had 2 children go through the school system and he served on the Board of Education for 8 years. This is his third opportunity to serve as a member of the Charter Review Commission, which is a great honor because it is a great way to learn how the City operates. It provides an intimate way to get involved with the City leaders and allows the Commission members to find out how well run the City is. He is proud to be part of a process that can help the City run even better.

Ms. Pat Roberts introduced herself as resident of Ward I for over 30 years. She has 5 children, all of whom have graduated from the Rocky River school system. She is an RN with a degree from Case Western Reserve University. She has served as an Associate Professor at Kent State University and she has held positions as Director for quality and risk management at Metro Health and at University Hospitals. Ms. Roberts is currently working with the Cleveland Foundation in the Business Unit and with Ronald McDonald House on some of their initiatives. She added that she is very appreciative of being selected and she thanked City Council for that. Ms. Roberts said that she hopes she can add the value to this task. She also thanked Kate Straub for the extraordinary effort she put forth in writing the past meeting minutes, which are succinct, clear and easy to understand. Ms. Roberts added that she has taken minutes in the past and these minutes are the best she has seen.

Ms. Linda Bartolozzi introduced herself as a resident of the City of Rocky River for 35 years and both of her children have graduated from the Rocky River school system. She is currently employed by the US Attorney's Office in their Civil Division and she is getting acclimated to teleworking. Ms. Bartolozzi served as an At-Large City Council Member from the end of 2003 until December of 2007 and was very involved with the River schools while her children attended. She also served on the Charter Review Commission in 2008 and she is looking forward to getting re-acclimated to City business.

Mr. Michael Coyne introduced himself by saying he lives on Maplewood Ave. and he is newer to the community. He has lived in Rocky River for 5 years and has 2 young children in the Rocky River schools. He is the Corporate Director of a regional nursing home company so they have their hands full at the moment with the COVID-19 pandemic. He appreciates the opportunity to serve on this Commission and to learn from everybody that is part of this group.

Mr. Trevor McAleer introduced himself as a Rocky River resident for 11 years. He works for the Cuyahoga County Council and has staffed two of the County Charter Review Commissions over the last decade. He has had the privilege of working with Mayor Bobst on the Bradstreet's Landing Pier to secure some resources for that project. He is neighbors with Bill Brink who is also a member of this Charter Review Commission and he lives a couple of streets over from Council President, Moran. He has 4 young girls who go to Catholic schools and they are being patient with him at the moment as he has become a home school teacher since March 18th. He is excited to work with everyone in this process. Mayor Bobst added that Trevor McAller didn't mention that he was critical in the City's ability to secure \$1.1M from the County for the Bradstreet's Landing project.

Mr. Bill Brink introduced himself as a resident of Rocky River since 1980 and he has had 3 out of his 5 children graduate from the Rocky River school system. Prior to becoming the Property Manager at Beachcliff Market Square, he managed the Smythe Cramer or Howard Hanna office in Rocky River. During his 12 years at Beachcliff Market Square, he is finally able to say that he has found a way to solve the parking issue there. He said

that many of the members of the Commission and the community have supported Erie Island Coffee, which is still open for business, as well as Al Pita and they appreciate it. He and his wife also own Pure Enchantment which is a gift shop on Old Detroit Rd. and they are getting a lot of online orders there from residents in the City. He served on the Master Plan committee, which was a great experience and he is looking forward to serving on this Charter Review Commission.

Mr. Anthony “Tony” Bucaro introduced himself, saying that he moved his family around quite a bit in the last 25 years. He spent 15 years in public accounting and then received his PhD and made the career change to become a Professor of Accounting at Case Western Reserve University, which is why they moved to the Cleveland Area. They moved to Rocky River because of the school system in 2015. He has a senior and a freshman at Rocky River High School and he plans to remain in the City for a long while. He is humbled and honored to be part of this Commission, and he looks forward to helping out and doing some good for the City of Rocky River.

Mr. Steve Polly introduced himself and said that he started working in Rocky River in 2004 and he moved his family to Riverview Avenue in 2006. He has two daughters - a freshman and a sophomore at Rocky River High School. He is also an Attorney, with his office on Linda Street. He has served on the Board of the Rocky River Chamber of Commerce, as well as on the Rocky River Public Library Foundation and he has had the opportunity to work on bi-laws for those two organizations, as well as other organizations. He is honored to have been asked to serve on this Commission because he has never served in a capacity such as this. He is looking forward to working with everyone as they review the City Charter together.

Mr. John Lanning introduced himself and said that he is retired after being with 3M Company for 26 years in Sales and upper Management. He is presently doing some volunteer work for St. Angela parish. He is pleased to have been chosen and looks forward to working on this Commission with everyone. Mr. Lanning added that he was a teacher at Rocky River High School many years ago.

Mayor Bobst said that she has been in elected office in the City for 25 years, and for 14 of those years she has served as Mayor. She has 3 grown children who no longer live at home and she is pleased to serve this community along with individuals like those serving on this Commission, who take time out of their busy schedules to contribute in this way to our great community. Mr. McAleer said he would like to thank the Mayor because anytime he has recommended that his neighbors call her about a concern, she has always been very responsive, and his neighbors thank him for suggesting that they call. Anytime he emails the Mayor, she responds within 5 minutes and he really appreciates that also. The Mayor said that the City is all about being responsive to our residents, and it is a big part of what they do and how they do it.

Ms. Kate Straub, Recording Secretary for the Commission, introduced herself and said that she has been a resident of the City for 28 years, and she has been employed at the

City of Rocky River for 13 years. Kate has 3 grown children and is expecting her second grandchild in August. She is very pleased and honored to be appointed as the Secretary of the Charter Review Commission for the third time, and thanked Council President Moran for that. Kate is currently serving as the Planning and Zoning Coordinator in the Building Department and, as the Mayor said, she also strives to be a responsive representative of the City and works hard to guide projects through the Boards and Commissions process. Mr. Bill Brink said that he would like to thank Kate Straub for her responsiveness and attention over the years. He said that having worked with Kate in his capacity at Beachcliff Market Square with getting suites built out, etc., Kate makes the process so easy by acting as an effective liaison between the various Boards and Commissions and Beachcliff Market Square.

Law Director Bemer said that he is in his 15th year as Law Director for the City and before that he served for 12 years on the Board of Education. He has been a resident for almost 42 years and he and his wife have raised 3 children through the Rocky River Schools. He has been practicing law for over 40 years and this is his third Charter Review process. He is glad to meet everyone and he is thrilled that they have such a dynamite group serving.

Law Director Bemer said that he would like to point out a couple of the cases that were included in the packet of information sent to the Charter Review Commission members for this meeting. He mentioned some of the topics that were included in the information and added that not every community has a Charter, which is the guiding document that replaces the Ohio Revised Code. A Charter allows the City to be able to organize its governmental and administrative processes. He referred to a particular case called *Coyne v. Salvatore* and urged the Commission members to please read it if they haven't already. It is a case that concerns one of the communities in Cuyahoga County and it provides an example of a Mayor, a Law Director and a City Council who do not get along, and it demonstrates a great example of how not to run a City. The facts of the case were simple in that they had to do with who in the City had the authority to hire an attorney to handle labor negotiations. By statute the Mayor has the authority over labor negotiations and the Law Director has authority to hire assistants. However, neither of those can happen unless they are funded by the legislative body, which is City Council. The take away from that case is that everybody has to get along or nothing will be accomplished.

Mr. Bemer explained that the Charter is a constitutional process, whereby municipalities can create Home Rule Authority, which gives self-governing principles on those issues that concern local control, as well as the ability to adopt and exercise police, sanitary and similar regulations so as not to conflict with the general law. There is one particular case that covers the complexities that municipalities face when they are looking at adopting ordinances that are different from state law. He directed their attention to the *Clyde, Ohio* case who was sued by a gun rights organization called Citizens for Concealed Carry, and it had to do with whether a city has the authority to pass ordinances prohibiting the carrying of guns in their own City park. This case went to the Supreme Court and the bottom line was that there is a state statute that is deemed to be a general

law and as a result, the local ordinance was found to be unconstitutional and beyond their authority. He explained that a general law is a state statute that is intended to apply uniformly across all citizens within the state and in all communities. As the Commission looks at any of the cases in their packets, they will see that trial judges, Court of Appeal judges and Ohio Supreme Court Justices cannot always agree on what a General Law is. The Charter is the most important document that the City has, and it gives those authorities to the Legislative body, the Executive body and the different Administrative bodies, in terms of doing things under Home Rule Authority of self-government.

Law Director Bemer said that the Commission should elect officers and Ms. Bartolozzi moved to nominate John Urban as a Chairman. Mr. McAlleer seconded. Motion passed by unanimous acclamation. Mr. Urban accepted the nomination and thanked the Commission very much.

Mr. Brink said he would like to move to nominate Trevor McAleer as Vice-Chairman. Mr. Urban seconded. Motion passed by unanimous acclamation. Mr. Trevor accepted the nomination.

Mr. Bemer discussed some of the past Charter Review ballot issues and reviewed the ballot information that was enclosed in the packets of information. He said that all of the previous Charter Review Commissions have had discussions about changing the terms of office for Council at Large and the Mayor from 2 years to 4 years and it actually went to the ballot in 2002. Mayor Bobst added that when they get to that discussion, she does have some thoughts about how our local government works with the high level of accountability in 2-year terms. It has served the community well and she believes that asking people to deny themselves a voting privilege ever 2 years is something that is difficult to do. She would not be supportive of that and will explain her thoughts in more detail when the time comes for that discussion during this review. Mr. Bemer said that this is an issue that always comes up and it is definitely worth discussing.

The Commission discussed how they want to move forward with the review process. The deadline for filing ballot issues with the County Board of Elections is September 4th. There will be a 6-week review by City Council, which amounts to 3 separate reads at their legislative meetings on every other Monday, so the proposed ballot changes need to be handed to City Council sometime mid to late June. The public will have the opportunity to ask questions and present their comments during the City Council process of reading it 3 times.

Mr. Urban said that the past 2 Charter Reviews were very thorough and he thinks that this Commission may not have a lot to do. However, they will have to look at all of the Articles to see if anything needs to be changed. They have covered one or two articles per meeting in the past and he hopes to do the same this time, with multiple articles reviewed at some meetings.

Mr. Urban suggested that they look at Article II and III at the next meeting, which will be on April 23rd. The two big issues that always come up on the Charter Review are the length of terms and those will be discussed again this time. Mr. McAleer volunteered to lead the discussion of Articles II and III at the next meeting. The Mayor and all City Council members will be invited to attend the meeting at 6:00 p.m. on April 23, 2020.

The following meeting schedule was agreed upon by the Commission along with the invited guests for each meeting:

April 23, 2020: **ARTICLE II – THE MAYOR**
Discussion Leader: Trevor McAleer
Invited Guest: Mayor Bobst

ARTICLE III – THE COUNCIL
Discussion Leader: Trevor McAleer
Invited Guests: City Council Members

April 30, 2020: **ARTICLE IV – ADMINISTRATIVE DEPARTMENTS**
Discussion Leader: Tony Bucaro
Section 1. General Provisions
Section 2. Department of Law
 Invited Guest: Andy Bemer, Law Director
Section 3. Department of Finance
 Invited Guest: Mike Thomas, Director of Finance
Section 4. Department of Public Safety Service
 Invited Guests: Rich Snyder, Director of Public Safety-Service
 Andy Bemer, Law Director

ARTICLE VII – FINANCES
Discussion Leader: Tony Bucaro
Invited Guest: Mike Thomas, Director of Finance

May 7, 2020: **ARTICLE V - CIVIL SERVICE COMMISSION**
Discussion Leader: Bill Brink
Invited Guests: Civil Service Commission, All RRPD and RRFD personnel

May 14, 2020 **ARTICLE VI – BOARDS AND COMMISSIONS**
Discussion Leader – Pat Roberts
Invited Guests: Members of Boards and Commissions

ARTICLE VIII – INITIATIVE, REFERENDUM AND RECALL
Discussion Leaders: Pat Roberts

May 21, 2020 **ARTICLE IX – NOMINATIONS AND ELECTIONS**

Discussion Leader: Linda Bartolozzi

ARTICLE X – GENERAL

Discussion Leader: Steve Polly

May 28, 2020 **REVIEW OF MASTER LIST OF ITEMS FOR FURTHER
DISCUSSION AND ITEMS TO BE MOVED TO THE BALLOT
LIST**

Regarding the format of each meeting, Mr. Urban explained that the discussion leader of each Article will highlight the article and give an overview of what it contains. The invited guest will be there to clarify any questions the Commission may have relating to process, and the guest will be asked whether they would recommend any changes to those sections. During the course of the meetings the recording Secretary, Kate Straub, will be compiling a Master List of Items for Further Discussion as they move through each Article. Any Commission member can move to place any topic on the Master List of Items for Further Discussion and the Commission will vote to do that. Each item will then be discussed and the Commission will decide whether it should be removed from the Master List with no further discussion or whether it should be forwarded to the Ballot List that will go to City Council at the end of the Charter Review. He said that what is interesting is that there are different numbers of votes for each of the proposed Charter questions on the ballot, which shows that people are actually reading and giving thoughtful consideration to the issues that are placed on the ballot.

The next meeting of the Charter Review Commission will be held at 6:00 p.m. on April 23, 2020. The invited guests will be Mayor Bobst and all members of Rocky River City Council.

There being no further business, the meeting was adjourned at 7:40 p.m.

Date

John Urban, Chairman

Trevor McAleer, Vice Chairman

Kate Straub, Recording Secretary