

**MINUTES OF PUBLIC MEETING
BRECKSVILLE CHARTER REVIEW COMMISSION
BRECKSVILLE CITY HALL
OCTOBER 5, 2022**

The Charter Review Commission was **CALLED TO ORDER** by Chairperson Skaljac at 6:30pm.

Following the **PLEDGE OF ALLEGIANCE**, the Commission Members answered to **ROLL CALL** as follows:

Present: Bartos, Bender, Berlin, Lesh, Gawlik, Mansfield, Schirch, Skaljac, Vida-Clough

Absent: None

Others: Mayor Hruby, Law Director Matty, Council President Laura Redinger, Council Representative Beth Savage, Commission Alternate Rob Holub, Council Vice President Dominic Caruso, Council Member Daryl Kingston, Clerk Tammy Tabor.

APPROVAL OF MINUTES:

Chairman Skaljac asked for comments regarding the minutes of the September 27, 2022 meeting. Hearing none, Chairman Skaljac, moved to approve the minutes, seconded by Bender

ROLL CALL:

Ayes: Bartos, Bender, Berlin, Gawlik, Lesh, Mansfield, Schirch, Skaljac, Vida-Clough. Nays:

None

MOTION CARRIED

Chairperson Skaljac addressed the Commission members regarding information received from residents and responding to residents. As comment are received the Commission will discuss those concerns.

Chairperson Skaljac said at the previous meeting the Commission discussed the number of affirmative votes, by the Commission, shall be required to forward a proposed change to the ballot for consideration by the electorate. The members were discussing whether 5, 6, or 7 votes by the Commission would forward a proposed amendment. Chairperson Skaljac said previous Commissions forwarded items to Council with either five (5) or six (6) affirmative votes from the Charter Review Commission. Chairperson Skaljac said he believes (6) affirmative votes should be required to send an item to Council to be placed on the ballot.

Mr. Berlin thought 66% was adequate to forward for consideration of an amendment. If seven (7) affirmative votes are required, Mr. Berlin said it is slightly more difficult to make changes. Chairperson Skaljac said five (5) votes is a majority.

Mr. Bender said he felt six (6) affirmative votes from the Commission would be his recommendation.

Ms. Gawlik said The Commission will look at these issues closer than most of the electorate. Seven (7) members would represent a stronger majority to the voters.

Mr. Schirch said a 2-1 vote is a good margin for approval. If six (6) members of the Commission recommend the amendment, the electorate will decide if an amendment should be adopted.

Ms. Bartos said she believes an affirmative vote by at least seven members should be required. Ms. Bartos said many previous Charter Review Commission votes, although not required, were unanimous to move forward.

Ms. Lesh said she prefers seven (7) affirmative votes.

Ms. Mansfield said she believes six (6) or seven (7) affirmative votes would be adequate to forward to the ballot for consideration.

Ms. Vida-Clough is recommending a six member majority vote to forward an amendment.

Mr. Holub said if the consideration is for seven affirmative votes, two (2) members are keeping an issue from not being considered by the electorate.

Mr. Berlin said that makes sense to allow for six (6) affirmative votes.

Mr. Bender said he either six (6) or seven (7) affirmative votes should be considered.

Motion by Bartos, seconded by Skaljac, to require seven (7) affirmative votes, from the Charter Review Commission, to forward a proposed amendment to City Council for consideration by the electorate of the City of Brecksville.

ROLL CALL:

Ayes: Bartos, Bender, Mansfield

Nays: Berlin, Gawlik, Lesh, Schirch, Skaljac, Vida-Clough.

3-AYES, 6-NAYS

MOTION FAILED

Motion by Skaljac, seconded by Gawlik, to require six (6) affirmative votes, from the Charter Review Commission, to forward a proposed amendment to City Council for consideration by the electorate of the City of Brecksville.

ROLL CALL:

Ayes: Bender, Berlin, Gawlik, Lesh, Mansfield, Schirch, Skaljac, Vida-Clough.

Nays: Bartos

8-AYES, 1-NAYS

MOTION PASSED

ARTICLE I. BOUNDARIES Chairman Skaljac asked for any comments or concerns regarding Article I of the Charter. Hearing none, Chairman Skaljac continued to discussion on Article II.

ARTICLE II. MUNICIPAL POWERS Chairman Skaljac asked for any comments or concerns regarding Article II of the Charter. Hearing none, Chairman Skaljac continued to Article III.

ARTICLE III. THE MAYOR Chairman Skaljac asked for any comments or concerns regarding Article III of the Charter. Mayor Hruby was present to discuss the history of the Mayor's position and address any concerns regarding the Mayor's duties and responsibilities.

Mayor Hruby said the position of Mayor was created by the Charter in 1922. In 1922 Brecksville Township became Broadview Heights and Brecksville Village became the City of Brecksville. In 1956 the position of Mayor continued as a part-time position and the term was for two (2) years. Mayor Hruby said the position of the Mayor was ceremonial, the Service Director, Finance Director, and City Council had more control and daily operation of the City. The position of Mayor included management of the Fire Department, Police Department, Building Department and Public Service Department. Mayor Hruby said



the Charter permits the Mayor to introduce legislation but prefers to let the Department Directors bring forth items from the administration. Mayor Hruby said if he has items to present he will contact the Council President or the Committee Chairperson and ask that an item be brought forth.

The position of a full-time Mayor and four (4) year terms were created in 1975. The Charter provides for Council President to succeed the Mayor if Mayor is unable to perform the duties of the office. Additional provisions were made to elect a successor at the next municipal election.

In 1983 the Charter Review Commission made a recommendation that Police Chief and Fire Chief are no longer under Civil Service. The issue was defeated and Police Chief and Fire Chief are continued under Civil Service. In 1993 no Charter changes were made to the Mayor's position. In 2003 the Charter Review Commission recommended hiring & firing power to Mayor. Those items were defeated by the electorate.

Mayor Hruby said the Law Director, Finance Director and Engineer are under the direction of City Council.

SECTION 1. TERM. Mayor Hruby said the Charter specifies a four (4) year term for the Mayor and may succeed his/her term if re-elected. Mayor Hruby said he has heard that some residents believe there should be term limits for the position of Mayor and City Council. Mayor Hruby said the Mayor will not be re-elected if the residents do not feel that the Mayor is the best candidate for the job.

SECTION 2. QUALIFICATIONS. Mayor Hruby said the Charter requires the Mayor to reside in the City for a minimum for two (2) years prior to the election. Mayor Hruby said he does not believe that two years is an adequate amount of time for someone to know the community's history, and operations of the City.

SECTION 3. ABSENCE OR VACANCY. Mayor Hruby had no comments or concerns regarding filling the Mayor's position if an absence or vacancy exists in the Mayor's office.

SECTION 4. POWERS OF THE MAYOR. Mayor Hruby said the Charter does permit the Mayor to introduce legislation, although is not permitted a vote on legislation. The Mayor shall also attend Council meetings. Mayor Hruby feels that the Department Directors should bring forth items for consideration to Council. Mayor Hruby said the Mayor shall sign all Ordinances and Resolutions passed by Council. Mayor Hruby said the office of the Mayor is charged with keeping the peace, safety & welfare of the residents of the city and comply with all State & Federal laws.

Mayor Hruby said he agrees with all of the current items in Article III of the Brecksville Charter with the exception of the minimum residency requirements of the Mayor prior to an election.

Law Director Matty said the Ohio Constitution does not allow for retro-active term limits. If term limits were enacted the terms will begin in January and go forward.

Chairperson Skaljac recapped the discussion with the following items for consideration:

- a. There are no concerns with changing the term limits for the Mayor.



Law Director Matty said the Ohio Constitution and Supreme Court rulings have determined term limit changes are not retroactive.

- b. Minimum residency requirements for the position of Mayor should be considered. Chairperson Skaljac said he feels the Commission should discuss changing the residency requirements. Law Director Matty said he has is unaware of any cities that have a longer residency requirement. Law Director Matty said the job of a Mayor is 24 hours a day, 7 days a week. Said long term Mayors know how to staff the administration and knows the community and how the community works. Ms. Gawlik asked what other communities require for residency requirements. Mr. Berlin said the Office of President of the United States only has three (3) requirements for election. The President must be a natural born citizen, at least 35 years old and a resident for at least 14 years. Ms. Vida-Clough said she thought the two (2) year residency requirement was not very long. Mr. Schirch said the two (2) year minimum residency requirement was inadequate. Ms. Mansfield said she would like a Mayor to reside in Brecksville longer than two (2) years. Mr. Bender would like a longer residency requirement. Mr. Holub said a (2) year residency requirement does not allow enough time for a person to set up residency in the City and run for office without knowing the City or the history of the government of Brecksville Mr. Berlin feels two (2)years is not long enough. Ms. Bartos said she has been a resident of Brecksville for (30) years. Ms. Bartos said she lived in Brecksville most of her life and then moved away for a while and has been a Brecksville resident for the past (2) years.

Chairperson Skaljac asked about the typographic and gender neutral terms in the charter. Law Director Matty said he has done research regarding the amendments to the Charter that are non-substance items.

Mr. Berlin asked if the Charter should address maximum age limits for a Mayor. Law Director Matty said the election process would allow the electorate to choose the next Mayor.

ARTICLE IV. THE COUNCIL Chairperson Skaljac introduced Council President Redinger.

Council President Redinger said she is in her third term on Council and was elected as Council President in 2022 and filled in as President of Council in the absence of Michael Harwood in 2021. Council President Redinger said she had good role models in Greg Skaljac and Michael Harwood as the former Council Presidents. Council President Redinger said the Charter is working and does not have any significant changes to recommend

SECTION 1. NUMBER & TERMS - Council President Redinger said she feels the current system is working. Residents do not re-elect Councilmembers if they do not feel they are doing the job as they should.

SECTION 2. QUALIFICATIONS - Council President Redinger said she feels the issue of residency requirements should be discussed.

SECTION 3. PRESIDENT OF COUNCIL - Council President Redinger said Council President is elected by Councilmembers and serve for one year. If the additional members of Council wish the President to continue in the position, they are re-elected or a new President is elected.



SECTION 4. REMOVAL and SECTION 5. VACANCIES - Council President Redinger said this process was followed and successfully removed a Councilmember from service. Mr. Matty was involved in the process. Mr. Matty said the due process of law requires the hearing process. Law Director Matty said it is very common that a Board or Commission disciplines its own members for items. Law Director Matty said the City's recent process had a hearing that went until 3:00 AM, a procedure that was thorough. Law Director Matty said Brecksville City Council had to hire legal counsel to represent Council. Chairman Skaljac said a resident proposed that the electorate provide for removal of a Councilmember. Chairman Skaljac asked if that is allowed by law. Law Director Matty said he would look for information regarding the legality of that. Law Director Matty said if the Council did not remove a Councilmember according to this procedure, the electorate would have a say to put the Councilmember back on Council. Ms. Gawlik said from a practical matter, this process would remove a member faster.

Councilmember Caruso asked if the Councilmember is permitted to attend an executive session. Law Director Matty said a Councilmember is permitted to attend executive sessions. City Council may exclude or include any additional attendees in executive session.

Mr. Berlin said justifiable excuse was not defined in the Charter. Justifiable excuse was used to authorize an absence for Council meetings. Chairman Skaljac said he felt the Council would determine if an absence was justifiable. Mr. Berlin said he felt that language could be used to remove a member if he was not well liked and for medical or personal reasons was unable to attend meetings. Council President Redinger said in her tenure this was very rare that a Councilmember missed two or more meetings. Law Director Matty said he would look into the definition. Law Director Matty said if Councilmembers often miss meetings without a valid excuse, the electorate will not re-elect. Mr. Bender said he has an example that a Councilmember gets an opportunity to compete on a game or reality TV show.

Council President Redinger said the procedure to fill a vacancy worked. City Council requested resume's and held interviews and elected a Councilmember to fill the unexpired term.

SECTION 6. SALARIES Council President Redinger said Council sets the compensation of the officers, employers, members of boards, commissions, municipalities. The compensation for the Mayor of Council can be reviewed and changed not less than 120 days immediately preceding the date of the next municipal election. Council President Redinger said Council's compensation has not changed since she has been in office. The Mayor's compensation was changed four years ago, the first two years remained the same as the previous four. Council President Redinger said Council reviews wages and salaries to stay competitive.

SECTION 7. MEETINGS Council President Redinger said Council meetings are held at 8:00 PM on the first and third Tuesday of each month. Council President Redinger said executive sessions allow discussion on 6 topics and only the topics announced may be considered in executive session. Typically the executive sessions are held during a Committee of the Whole meeting, before a Council meeting. Chairman Skaljac said a resident provided comments regarding executive sessions and suggested a two hour time limit on executive sessions. Chairman Skaljac said he is opposed to setting limits on executive sessions in the event a time sensitive issue is being discussed and decisions need to be made. Law Director Matty said the executive sessions are held between the committee and council meetings and very rarely has he had executive sessions that last more than two hours.

SECTION 8. QUORUM Council President Redinger said a quorum of Councilmembers is four.

SECTION 9. RULES AND JOURNAL OF COUNCIL Council President Redinger said records are



kept and open to the public. Council Clerk keeps all of the records for City Council.

SECTION 10. FORM OF LEGISLATIVE ACTION Council President Redinger said Council takes action on resolutions and Ordinances that are presented in written form. Council reads legislation and approves by a majority vote. Legislation is to be read three times before approval unless the rule of three readings is suspended. Council President Redinger said five members must vote affirmatively to suspend the rules.

SECTION 11. EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS Law Director Matty said in Section 10 Council can suspend the rules. Law Director Matty said Council discusses Resolutions and Ordinances at the Committee level, prior to a Council meeting. If suspension of the rules happens and a vote of five members approves, the legislation takes effect upon the Mayor's signature. If there are only four votes by Council to approve, the legislation takes effect in thirty days. If there is an emergency passage of legislation, it cannot be challenged by referendum, or challenging the act that was taken. Law Director Matty said if legislation does not take effect for thirty days, an initiative petition can be filed to challenge that piece of legislation. A referendum petition will go to the voters at the next election.

SECTION 12. MANDATORY REFERRAL

Hearing no **OTHER MATTERS DEEMED APPROPRIATE**, motion by Skaljac, seconded by Bartos to close the meeting at 9:00 p.m.

ROLL CALL:

Ayes: Bartos, Bender, Berlin, Lesh, Gawlik, Mansfield, Schirch, Skaljac, Vida-Clough. Nays: None

MOTION CARRIED



**THE BRECKSVILLE CHARTER REVIEW COMMISSION
MEETING MINUTES OF OCTOBER 5, 2022**

GREGORY SKALJAC, CHAIRPERSON

DANIEL BENDER, VICE CHAIRPERSON

ERIC SCHIRCH, SECRETARY

Meeting recorded by Tammy Tabor