



**MINUTES OF PUBLIC MEETING
BRECKSVILLE CHARTER REVIEW COMMISSION
BRECKSVILLE CITY HALL
NOVEMBER 29, 2022**

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

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

Present: Bartos, Berlin, Lesh, Gawlik, Mansfield, Schirch, Skaljac, Vida-Clough
Absent: Bender, Commission Alternate Holub
Others: Mayor Hruby, Law Director Matty, Council President Laura Redinger, Council Representative Beth Savage, Council Vice President Dominic Caruso, Council Member Daryl Kingston, Board of Zoning Chairperson Dennis Rose, Purchasing Director Rebecca Riser.

APPROVAL OF MINUTES:

Chairman Skaljac asked for comments or corrections regarding the minutes of November 2, 2022 meeting.

Hearing none, Chairman Skaljac moved to approve the minutes of November 2, 2022 as presented, seconded by Bartos

ROLL CALL:

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

Nays: None

Abstain: Schirch

MOTION CARRIED

ARTICLE V; SECTION 7 -INTERVIEW WITH CHAIR OF BOARD OF ZONING APPEALS:

Chairperson Skaljac welcomed and introduced Dennis Rose, Chairperson of the Board of Zoning Appeals.

Chairperson Rose began with thanking the Commission for the work they are doing and delaying his interview to give him time to discuss with the other Board members their thoughts regarding the Board of Zoning Appeals as it relates to the Charter. He said everyone that is currently serving has no comments or suggested changes at this time.

Chairperson Rose explained to the Commission how the Board of Zoning Appeals functions and operates. He said there are four points in the Charter that deal with the BZA. The first is the composition of the Board. There is five citizen members and two elected members, the Mayor and a Council Representative. Chairperson Rose said he believes this serves the Board well because the elected officials can bring the discussions with them to City Council, as well as they are both voting members that must answer to the voting public. He said the second point is terms. Currently members are appointed for a five year term, except the Council member, they are appointed a two year term. Chairperson Rose stated he believes this is an appropriate amount of time for the members to learn and be brought up to speed. He said he has served on the Board in



some capacity for twenty-two years which bring with it experiences and knowledge of precedent and zoning laws. Therefore, he believes the term length is beneficial. He said there is also enough turn over on the Board that it functions well. The third topic is how the Board is appointed. City Council accepts applications, interviews, and appoints. Chairperson Rose said this is appropriate because Council is selecting who will be representing City Council as City Council is selected to represent everyone.

The last Charter topic is how the Board functions. They are the body that hears appeals and decide appeals for exceptions to and variances in the application of zoning ordinances and regulations, and recommend to City Council approval of such variances. Votes require four affirmative votes, whether that be out of all seven members or if only five are in attendance. If the Board votes no, that is where the variance request ends, it is not heard by City Council. This is why this Board is quasi-adjudicative, because if the Board decides to vote yes, it is recommended to City Council to be heard and voted on. If the Board votes no, it stops as far as the City is concerned, if the resident does not like it they would need to sue the City. Chairperson Rose stated during the hearing anyone who shows up can speak to the request, appellant, neighbor, or concerned resident.

Chairperson Rose again stated that all current Board of Zoning Appeal members do not have any recommendations at this time and believes it functions well. He asked the Commission if they have any questions or comments at his time. Mrs. Bartos asked Chairperson Rose how the BZA would feel about adding another alternate to the Board and if it would be beneficial. Chairperson Rose said he had not thought about that. There is times when they do not have all seven members present. The current practice is to offer the appellant to table their variance if there is going to be less than six members, since they would need a vote of four to pass, and a quorum to meet is five members. He believes the only thing that adding an alternate would address is to vote in an absences, but also believes the current practices suffice. Generally all seven members are present, come holidays and such is when you might see a member absent.

Chairperson Skaljic stated the Charter Review Commission has brought this up to other Boards and Commissions during this review phase. The recommendation has been not only as a matter of filling in for voting but also for training purposes. For example, they come in for an alternate term of two years and then replace a member leaving the Board. Chairperson Rose stated he thinks it is a good idea if there are people willing to serve, and would be a wonderful way to train for the position if they have the necessary skill types. He said City Council has done a wonderful job finding the residents that poses the necessary skills to be on the Board, engineers, architects, builders, and people with aesthetic and design backgrounds. He said he has not polled the rest of his group, however, he would not oppose an alternate. He said it would also depend on rules and how the alternate would participate.

Chairperson Rose stated the last question the Commission asked was how the Board of Zoning interacts with other Departments and Boards. He said the Department they work the most with is the Building Department. A resident says they have a plan for something, the Building Department says that requires a variance, and sets them up for a meeting. The Building Department also serves as a reference for the Board, regarding history of the property and so forth. The Building Department also enforces the zoning code. He said they also work with the Planning Commission. Someone will be working with the Planning Commission, the Planning Commission will approve something based on an appellant receiving a variance. He said they certainly do not rubber stamp anything that comes from Planning Commission, and that part of their Board hearing



the request is that concerned residents, neighbors, or anyone else that shows up has the right and ability to speak to the variance request.

Chairperson Skaljac asked Chairperson Rose to walk the Commission through a typical variance appeal process such as a six foot fence request as opposed to the permitted four foot fence. Chairperson Rose stated a common example would be a resident purchases a dog, the standard fence size in Brecksville is four feet. This dog can jump a four foot fence. They put together a plan for a six foot fence and go to the Building Department. The Building Department says a six foot fence is not permitted and the resident would need a variance. The resident fills out all required paperwork, goes in front of the Board as the appellant. They are required to show a hardship to the Board. A hardship is generally out of their doing, such as their property butts up to Route 21 which is dangerous for the dog, or their terrain. The Board listens to their case, asks questions, allows anyone else in attendance to speak to the request and then makes a decision. He said that notices are put out and letters mailed to all residents within a certain radius to notify people of the request and when to attend. A sign is posted in the yard where the request is being made. He said members of the Board visit the site prior to the meeting as well. BZA has two parts to their meeting, during the Public Hearing portion people talk and sometimes neighbors come in that just don't like each other. He said it has happened and the Board deals with it in a very civil way. Immediately after the Public Hearing portion of a meeting is the Regular Session where the Board makes their decision. He said they have put in a practice to randomize their vote so you do not know who will vote first, however, the Chairperson always votes last. If the variance is recommended to Council, the Board informs the appellant when their variance will be voted on by Council and that it is not another hearing, it is only Council voting. If Council approves, the appellant is given six months to complete their project, if it is not completed, the variance will lapse. If the Board says no, or if they recommend it to Council but Council says no, the variance is denied and the process ends, or they have the option to sue the City.

Mr. Schirch asked for a definition of hardship. Chairperson Rose responded it generally means out of the individuals doing, for example a resident comes forward and says the lot they purchased is too small for the size house they now want to build, that is not considered a hardship. He said all properties are unique which is why there is a necessity for the Board of Zoning Appeals, there are terrain issues, changes to code, etcetera. Mr. Schirch asked specifically about sidewalks stating an applicant will complain that their neighbors do not have sidewalks, and asked if that is considered a hardship. Chairperson Rose stated that is a common variance, however, it is a conditional variance that the appellant will be required to install sidewalks if and when the City determines sidewalks must be installed. He said it is the sidewalk to nowhere and the Board will take that into consideration. He said that is the hardship. Mr. Schirch asked how that is a hardship, the code says the hardship has to be on the appellants own property, their neighbor not having sidewalks is not on the appellants property, and asked again, how it that the hardship. Chairperson Rose responded that that code has been given a variance to all others on the street then it becomes a hardship to make that one person put in a sidewalk. Mr. Schirch asked if there is a reason why the code has not been changed. Chairperson Rose said he would need to talk to Council to discuss that, their Board follows the code that is in place. He said new developments have all put sidewalks in, some of these other places are difficult to put sidewalks in, however, again, if the City requires some of these places that had variances to put their sidewalks in, they would have to put their sidewalks in at the cost of the homeowner. Mr. Schirch said he was specifically talking about Dewey Road. The first three houses are granted variances then the next two are granted variances



because there are no sidewalks, so part of the reason there is no sidewalks is because of these variances continue to be granted. Council Vice President Caruso stated, as the Council Member on Board of Zoning Appeals, he knows there has only been one development in the past thirty-five years that received a sidewalk variance.

Chairperson Skaljac asked in regards to 2013, 2003 and 1993 Charter Review, the topic of the process of BZA and how it is set up was brought up. He said the BZA is an outlier for how all the other Boards and Commissions are set up. All other Boards and Commissions are recommending bodies only. When BZA recommends to Council, that recommendation is not active, it still needs to pass City Council, however, if BZA denies a variance City Council never hears the request. He said the issue that he has is decisions where residents are effected, they cannot come to Council as their elected officials for a final say. All other Commissions or Boards, whether they say yes or no, it still has to be presented to City Council. BZA is the only Board were this does not happen. He said structurally it does not make sense, and he believes that a person's elected body, whether it be the Mayor or Council, should always have the final say on any matter that is coming before the City to protect the City. He said that it is not to say Council would not agree with BZA's recommendation for or against, it is purely structural, and all should be reviewed by Council, not reheard, but reviewed. He said the BZA should either have full authority to make those decisions or everything should come to Council. He clarified, this is not about decisions in the past, he has served on the BZA and they always make well educated decisions, for him it is strictly structural. He recommended all Commission members read the June 1, 1993 Charter Review minutes, and reminded them in 2003 that this issue went to the public for vote and failed, and in 2013 he brought it up again as an issue but it did not go to vote. He again explained that Council, an elected official, should have the option to review and the authority to confirm a yes or no vote, not just the yeses. He said as a resident, if the BZA says no, he has nowhere else to go other than to sue the City, he cannot go to his elected officials. He said it has turned into people suggesting that would be too much work for Council, or it would turn into a second hearing. That is not how he envisions this, he believes all or nothing should go before Council for review and final vote. He asked Chairperson Rose for his thoughts. Chairperson Rose said obviously this is an issue, the voters had an opportunity to pass it in the past and they did not. He said he believes Planning Commission does a lot before it ever comes to City Council by way of telling builders to redo their plan and come back or change certain things and come back. Decisions are made before it ever comes to Council. Chairperson Skaljac agreed, but said the option is there for the person to come to Council, yeahs or nays.

Mrs. Mansfield asked for clarification. She was under the impression from the last meeting with the Planning Commission that when they vote no it is a no and dies there. Chairperson Skaljac said all votes come to Council. Law Director Matty interjected that a no vote will come to Council, a yes vote from Planning only requires four yes votes from Council, a no vote from Planning requires five yes votes from Council. He also wanted to let the Commission know he has lived in a community where the BZA had the authority to make a decision, much like Brecksville's BZA, for a no vote. They changed the Charter to give Council the final say and the next five years were a disaster. Every BZA no vote from a qualified board turned to a political climate that new nothing about the history of issues. He recommended the Commission take a look at the code in 1197.10 and 1197.11. He said they deal with definition of hardship, standards and factors that need to be met to prove a hardship. To Chairperson Skaljac's point, that cannot just go to Council to review, you would need to provide a whole new hearing to that applicant, and a brand new due process



presentation. When the BZA deals with setbacks, side yards, rear yards, etcetera, that is a little different standard and falls under practical difficulty. If you say Council has to hear that, Council better be qualified on the code. He said the beauty of the BZA is they are qualified people who know and understand the laws and codes and have a history on which to base their decisions. He said either way is proper, it just adds a burden to Council. He has seen Councils having to hold special meetings just to hear the applicants. He said going to court does not mean that it cannot be settled, it can be settled between the applicant and the City in a court setting. Chairperson Rose stated you will not avoid litigation, and to be clear, there are not very many no votes. He said his opinion is this function, this style, is not broken so do not fix it. He said the political point is an issue, applicants cannot politically influence the five citizen members. Chairperson Skaljic said his underlying point is he does not understand why anything would need to go to Council, yes vote or no vote, he would recommend then making the Board all elected officials and give them authority to put their vote into effect, or make all votes come before Council. Chairperson Rose said if the Board says no, they are only telling the applicant they must comply with a code or rule that is already in place and everyone else must follow. If they say yes, the Board is saying we will give you this acceptance, as long as the elected officials agree. Mr. Berlin said this is a good discussion and asked if he makes an appeal to the BZA and the answer is no, what are his options to come back in front of the Board. Chairperson Skaljic said there must be a change in the plan. Chairperson Rose stated during the hearings they talk to the applicant and suggest alternatives, or give the applicant the option to table their appeal to go back and work with the Building Department to come to an agreement. He offered the Commission the BZA's annual report that outlines the variances approved and denied, he said they will see very few nos.

Chairperson Skaljic asked Law Director Matty why there would need to be another hearing for Council to review a no vote from the BZA if they do not do it for yes votes. Law Director Matty said if the applicant or a resident requests a hearing, Council must give them the opportunity for a hearing in accordance with due process. He cannot remember that happening, however, if it is requested by the applicant or a neighbor or resident, Council must give them a hearing. He said you cannot just have a review when it comes to property rights whether it be from Planning Commission or BZA. Law Director Matty pointed out, Council makes the laws, if somebody is turned down on a BZA issue, BZA is enforcing the laws that Council has on the books and that particular applicant is not meeting the burden of hardship or practical difficulty. In theory, that issue has already been to Council to say that thing should not happen, BZA is saying we think our rules should apply to this particular property and here is why, thus giving Council the opportunity to agree or disagree to vary from their own rules. He said it is this Commission's decision to say whether or not all boards and commissions should be the same, but to also think out the burdens that such decisions can cause.

Mr. Berlin asked if all recommendations from Planning Commission that come to Council are yes votes. Law Director Matty said sometimes Planning Commission turns down a project, and if they turn down the project, the applicant has the opportunity to appeal to Council. He said this has happened before. If it comes to Council as a no, it is because they first have tried very hard to resolve any issues but can't. Mr. Berlin said to clarify, at this point, a no from Planning Commission can come to City Council, a no from BZA cannot. Law Director Matty responded correct, under the current code. Mr. Berlin pointed out that if they wanted to make both boards the same process, they could change things under the Planning Commission as well. He said Chairperson Rose and Law Director Matty did a good job explaining that the BZA applies the



rules that are already in place, they are not making new rules. Chairperson Rose stated Planning Commission is different, applicants can go in front of Planning numerous times, and they are making decisions before anything goes to Council. BZA comes once and asks if they will get it. Mrs. Bartos asked if in 2003 when this issue was voted on if it failed overwhelmingly or if it was close. Chairperson Skaljac said if it is not in the Commissions books we will get it for them. He said there was an active campaign against this issue in 2003 led by a former Chairperson on BZA. Chairperson Rose said he was on the Board in 2003 but was not the chair.

Chairperson Skaljac said he wanted to bring this topic to this Commission again and they can vote later on it, after some discussion, whether or not it should be amended. He is of the opinion that all final votes should be made by City Council, or if not than no final vote from these boards should come before Council. Mr. Berlin asked Chairperson Skaljac if he was saying that if the BZA approved something then that should be the final decision. Chairperson Skaljac said yes. He thanked Chairperson Rose for attending and talking to the Commission. Chairperson Rose said he believes the two most important Boards that protect the City are the Board of Zoning Appeals and the Planning Commission. He said this is why the City is the way it is and why we all love it so much. He thanked the Commission for listening.

Law Director Matty asked before Chairperson Rose leaves, he would like to follow up on Mrs. Bartos' alternate question. He said a real life example of how an alternate inserted into the Charter assists beyond the training is, there is a major dispute currently that went to the BZA of another community. It is a BZA of five. This issue has been unresolvable in this community. At the time of the meeting, only four of the five members were available. With the insertion of an alternate in that community, that appellant was assured a full board decision, and they needed three votes to pass. This allowed the decision to be made and did not require a second hearing or a tabling of the issue to allow for due process. Law Director Matty said if this was decided, clarification would need to be made that the same board members heard an issue if it was tabled to another date. Mrs. Bartos asked Chairperson Rose how many times a second time to hear an issue has been needed. Chairperson Rose said never, if they hear an issue and they vote. He said he thinks alternates is a good idea. Mrs. Bartos asked if he thought one alternate or two alternates would be better. She said community feedback is more people want a chance to be involved. Law Director Matty said that an alternate, or two alternates, could not participate if a full board was in attendance. They could sit and learn, but not vote. Mr. Berlin asked if an alternate could be used in a conflict of interest. He said for example, an HOA president was on the Board and need to abstain from a vote their neighbor brought forward, could an alternate be used for that vote. Law Director Matty said a conflict of interest can be identified in advance and if known ahead of time, the Chair can authorize the alternate to be available to participate. Mr. Berlin said so if there was not an alternate, than the vote will always be out of six, not seven. Chairperson Rose said it has happened before, he is on his HOA Board and had to abstain from an issue brought forth in his neighborhood, and the vice-chair ran the meeting.

Mr. Schirch asked what if BZA says yes to an appellant, but the neighbors are unhappy, do they have an opportunity to come and speak before Council. Chairperson Skaljac said yes. Mr. Schirch asked if they need to request a hearing or if they just show up. Law Director Matty said they only need to show up and request to be heard.

Chairperson Skaljac again thanked Chairperson Rose for coming.

ARTICLE V – INTERVIEW WITH DIRECTOR OF PURCHASING



Chairperson Skaljac welcomed Purchasing Director Rebecca Riser. Director Riser introduced herself to the Commission. She is in her fifteenth year at the City, fourteenth year as Director of Purchasing. She said she provided a few documents in advance for the Commission's reference that provide a good amount of detail on the roles and responsibilities of the Purchasing Department. She provided them the Purchasing Policies & Procedures, the 2021 Annual Report for the department, the job descriptions for the Purchasing staff. Director Riser passed out an updated version of the summary of research on other Cities' approval limits on purchases to the Commission members.

Director Riser explained her position of the Director of Purchasing as it relates to the City Charter, under Article VI, Section 8. Ord. 3328 was passed in January of 1994 on the recommendation of the 1993 Charter Review Commission to establish this position. She stated that was 30 years ago and as a side note, her late father, Frank Burlingham, was a member of that 1993 commission that created the position she would be fortunate to find herself in fifteen years later. Chairperson Skaljac said Mr. Burlingham was a great man.

Director Riser stated her primary roles as Director of Purchasing includes managing the processes for procuring the best value in goods & services necessary to the performance of operations by our City departments. This includes managing requisition and the Purchase Order processes, ensuring encumbrances are entered against proper expenditure accounts. Year to date, in 2022, her department has processed 1,433 purchase orders totaling just under \$12 million in encumbrances. Hard copies of Purchase Orders are printed daily, reviewed and signed off on by the Director of Finance and Director of Purchasing, then forwarded to vendors as requested by originating departments. She stated the Purchasing Department also manages and processes the majority of the City's Accounts Payable, and again, year to date in 2022, accounts payable for the City has totaled over \$3.4 million.

Director Riser stated another portion of her position is to administer all competitive bidding processes as required by the City Charter. From preparing the bid specifications, to preparing the City Council recommendation and contracts for execution through the contract administration process through the project. She stated she also serves as the City's Prevailing Wage Coordinator for projects where that applies.

Director Riser said with all these processes they are interacting with all City Departments on a daily basis. She said they also interact with all other departments through other functions her department handles, which include administration for requests for quotes or requests for proposals processes for products and services under the public bidding threshold, grant development and administration of grants, which now they share some of those duties with the new Director of Planning and Community Development, Monica Bartkiewicz. She stated she is the administrator for three Municipal Purchasing Consortia: supplying road salt, which has twelve member cities, gasoline & diesel fuel, which has five member cities, and asphalt and materials that also has five member cities. For those groups she prepares the bid specifications, facilitates discussions and approval process with members, administers the bid process, communicates results and next steps and acts as liaison for the management of the contract during its term. She said the most active group is the salt consortium. That group of twelve Service Directors in Cuyahoga County meet annually in preparation of either the renewal or for the public bid. The Purchasing Department manages all registrations for the City's vehicle and equipment fleet, as well as maintaining and renewing the Property and Liability Insurance Policies for the City.



The Purchasing Department currently operates with a staff of two. Director Riser said Jessica Still is the City's Purchasing Clerk, and her strong right hand. Before becoming a full-time employee with the City in 2020, Jessica was an intern in Purchasing for 5 years. Her primary focus is on the administrative and support functions of processing and managing the encumbrances and accounts payable, as well as daily order placements for all City departments. When schedules permit, Jessica assists and shadows Director Riser on various projects for ongoing cross training.

The primary items the Purchasing Department prepares for consideration by City Council at their bi-monthly Council Meetings includes all purchasing related requests on behalf of all City departments such as requests for approval on Purchase Requisitions that are over the current Council approval purchase limit of \$3,000, authorization to advertise for public bids, accepting lowest and best bids obtained through Public Bidding, authorization to purchase on State Contracts and Cooperative Purchasing Agreements, authorization to accept a proposal for Professional Services such as engineering or professional design, and authorization to apply for grant funding. Director Riser stated she also presents reports on negotiated agreements and contract renewals such as the Property and Liability Insurance policies, agreements for supply management of natural gas and electricity for the City's accounts, and 2nd or 3rd year renewals on contracts such as road salt, rubbish disposal and recycling agreements.

Director Riser stated in her October 7th letter to the Commission, she presented five recommendations for consideration by the Commission. Two of those were simply updating language to align with the current day to day practices, and they pertained to first Section 6, Sale of Municipal Property. She said this is now being conducted via online auction, and is managed and administered by both the Director of Purchasing and the Service Director. She said that just needed further language clarification

Director Riser stated under Section 8, Purchasing, she specifically reference the line that states that the Director of Purchasing's responsibility for "any contract to which the Municipality is a party", she wanted to note in her recommendations, there are contracts and agreements that the Director of Finance reviews and administers.

She said the Purchasing Department is very conscious of its responsibility and accountability in the expenditure of public funds. Therefore, they do maintain a competitive bidding process in accordance with State laws and regulations, as well as the City Ordinances. She shared her letter to the Commission that, regarding Section 5, Advertisement for Bids, where it states "Competitive bidding shall be had and carried on as required by the laws of the State of Ohio", her recommendation was no changes to the Charter, and clarified that current Ohio law states that public bidding is required for expenditures that exceed \$50,000. In 2012, that threshold was increased in the Ohio Revised Code for municipalities from \$25,000 to \$50,000, but the City of Brecksville, at that time, decided to remain at \$25,000.

Purchasing Director Riser provided the Commission an updated letter since her October letter. She said they did in fact, present to City Council at their November 15th meeting to increase the City of Brecksville threshold for public bidding to \$50,000, and they unanimously voted to approve. This will be effective January 1, 2023.

She continued saying since 2019, there have only been two public bids with an expenditure amount between \$25,000 and \$50,000, and over the past ten years, a total of only thirteen public bids in that range. She clarified that a Request for Proposal (RFP) will still be administered for



these projects, but the timeframe will be greatly reduced for starting the project. And the recommendation to award these contracts would still be approved by Council.

Director Riser said the two primary items of recommendation in her initial letter were regarding the procedural limits on purchase approvals, and creation of the position of Director of Human Resources. She began with discussing the approval limits. Chairperson Skaljic asked if this was referring to Section 4. Director Riser said yes, and continued to say the last time the City Council approval limit was changed was twenty years ago when the 2003 Charter Review Commission recommended an increase from \$1,500 to \$3,000. She said in the summary of the current limits of other Cities in Cuyahoga County that she compiled, Brecksville is the lowest Council approval limit. When reviewing other City Charters, Brecksville is also the only one that states the Council approval dollar figure limit in the Charter. She said other cities only have a section addressing the public bid threshold and reference that expenditures under that threshold are approved in accordance with City ordinances. She explained this is why her actual recommendation to the Charter Review Commission on this topic is to remove Section 4, Limitation Upon Expenditures Without Prior Council Approval, and update Section 5, currently titled, Advertisement For Bids. On the second page of the summary of other Cities' Council approval limits, Director Riser provided sample language for that revision to that section on Public Bidding. This would mean that changes to the procedural limits on purchases would be approved by City Council via Ordinance, and published in the City's Purchasing Procedures document. She said when she reached out to other cities, the Purchasing Procedures is what was forwarded to her. That is when she learned the dollar amount is not in their Charters. This option gives the ability to propose changes when it makes sense, for example the City is in the process of configuring and preparing to implement a new financial software system over the next year where they will be setting parameters for any approval levels.

Director Riser said in her opinion, there's two ways to approach this. One, if the Commission would support the recommendation of removing the stated City Council approval limit figure from the Charter, and if so, she said it would still be very beneficial to hear the opinion of the members of this Commission on the adjustment of the limit. The second option, if the Commission supports revising the approval limit, but prefers to keep the figure stated in the Charter as it is in Section 4, there is the option for City Council to vote for an amendment to that figure, prior to the next Charter Review Commission in 10 years, as Law Director Matty confirmed for her. Her last comment she wanted to make on this topic is in speaking with Directors in other Cities to compile the information on the approval limits in their purchasing policies, the ones with the higher Council approval levels of \$15K, \$25K and \$50K all made a comment similar to "they entrust our Directors/Department Heads to manage their budgets accordingly." Additionally, she said, the Director of Finance and Director of Purchasing review and sign off on every purchase order, and it's in their job descriptions to insure purchases being made are for proper public purpose, in other words, money is being spent for a purpose where the public good will be served.

Mr. Schirch asked Director Riser if she was asking for a \$25k limit to go out to bid before it goes to Council for approval. Director Riser clarified the public bid limit has already been established for \$50k, and takes effect January 1, 2023. After doing research, she is suggesting raising the Council approval level to \$25k, which in turn would raise the approval levels for Mayor and Department Heads. She said, however, what she is truly asking the Commission is to remove that dollar amount from the Charter so those limits are established, whatever they may be, by Council Ordinance. Mr. Schirch asked Law Director Matty if they could single out an ordinance



like this to require six out of the seven Council votes to pass. Law Director Matty said there are only a few situations that require more than a majority vote, and that if the Council is making decisions on other areas, they should be trusted to make financial decisions of limits. He would not recommend any type of super majority for this type of issue. He said when the Purchasing Director called him, he suggested canvassing the other communities. He said some of these other communities have faith in their Councils and their Directors, that they are going to do what their job descriptions and their job duties tell them to do. He said this community has that kind of Directors and the Commission can see that as they come before them. 2003 is long time from 2023 when I comes to what is going on in the purchasing era. He has witnessed Council spending a lot of time on a \$3,800.00 expense or a \$4,200.00 expense. It slows the Administration down on getting necessary things accomplished. The language in the Charter now in Section 5 does not have a dollar amount. It simply refers to State law. He said there is a check on spending and that is the Director of Purchasing's signature and the Director of Finance's signature. Law Director Matty said the system could be a specific number that the Commission selects, or it could be reworded to allow for Council to alter by Ordinance. He said the Purchasing Director is suggesting a change in the process, not just the monetary value. Mrs. Gawlik asked if it would make sense to eliminate having to change the number and to tie it to a percentage of the annual budget. She asked if cities ever give options like that, such as the Mayor or Department can spend "X" amount of the annual budget, or that departments overall budget, before it needs to go to City Council. Everyone agreed that was an interesting solution. Law Director Matty said he has not heard of a City handling it that way. He said that same concept of having the automatic adjustment in place is what they already have in section 5, they don't have a set number for bidding in the Charter, they tie the City to the laws of the State of Ohio. Law Director Matty stated the Commission can do what they want as far as a percentage or a portion or a set number, however, he would not recommend doing a percentage because the City could have a large budget year for a specific expenditure. Mr. Berlin said he is unsure if he is comfortable tying the City to the State of Ohio, just because the State of Ohio raises their limits does not necessarily mean Brecksville should. He said for public bid the State moved to \$50,000 in 2012 but the City of Brecksville remained back until this year. He asked how the City was able to change it through Ordinance. Chairperson Skaljac said it could be less than the State, just not more. Director Riser said the bidding amount is up to the State limit in the Charter, the City could require less through Ordinance. Mr. Berlin said he liked the idea of a percentage. Chairperson Skaljac stated it may be hard for residents to understand, and he does not think it would ever pass. He asked Director Riser to clarify if the recommendation would be to eliminate section 4 completely and then add the recommended 5b to replace 4. Director Riser explained she submitted to the Commission suggested wording for Section 5-Public Bidding that would replace Section 5 – Advertisement for Bids. She said it is just slightly changing the wording to refer to the bid threshold as well as the expenditures beneath the threshold being governed by City Ordinance and then adds the additional language for further definition. She stated that this was just suggested language but would not necessarily need to be used. Chairperson Skaljac asked if that language would then be used to remove Section 4. Director Riser said yes, they would no longer need that section stating the specific amount of \$3,000.00. She said this is how all other Charters were designed that she researched. Chairperson Skaljac said from a practical side those recommendations make sense, his only concern is how the public would perceive getting rid of Section 4, outlining how much Council can spend, and where is the dollar amount. He said they would have to spend a lot of time formulating why the Commission is doing this and how it will



play out. Director Riser stated there are other options and any increase to the current amount would be appreciated if the Commission decided to stay with publishing a specific number in the Charter. Mr. Berlin agreed with Chairperson Skaljac regarding his concern about a change without a dollar amount passing with voters, however, agrees with Director Riser that this makes the most sense. He asked if there was a way to have an Ordinance prepared that they could then say this Ordinance would replace the section we are removing with the dollar amount. Law Director Matty stated he would not advise that. Mrs. Bartos asked if the Commission proposes something and it does not pass, what is the avenue available to change or increase the amount, she said it states in Director Risers comments that it can be amended via Ordinance. Director Riser and Law Director Matty explained it can be changed through Ordinance, however, that Ordinance would need to be placed on the ballot and voted on. Mr. Berlin stated he had a question that Director Riser could choose not to answer, but he said if passing an amendment that removed Section 4 and the dollar amount from the Charter was a tossup and had the possibility to not pass, but adding a higher specific dollar amount to the Charter was more likely to pass, which one would she hedge her bets. Director Riser stated her bet is to always provide more information, she does not disagree to that, however, she thinks through the Commissions discussions it could lead to a happy medium.

Chairperson Skaljac asked Director Riser, regarding her suggested changes to Section 6-Sale of Municipal Property, he said it looks like these are just cleaning up verbiage for how things are actually done, however, she states “internet auction” and that may be how things are done now but into the future that may not be. He asked if it makes sense to take out the word “Internet” or broaden the statement. Law Director Matty said it could be changed to “internet auction or other similar auction process authorized by Council Ordinance”. Chairperson Skaljac also asked regarding the authorization for an item being deemed no longer needed for municipal purpose, if the Purchasing Director and the Service Director both need to deem it no longer useful or just one. Director Riser stated she agrees, it should read the Director of Purchasing OR the Director of Public Service.

Chairperson Skaljac asked if anyone has any questions regarding these topics before he moves on. Mayor Hruby stated he intends to write a summary about how the City is where it is today. He said they City originally did not have a Purchasing Director, they had a Director of Public Service that was in charge of the purchasing. This was changed several years ago that created the position of Purchasing Director and removed some of that responsibility from the Service Director. He said he will submit something to the Commission clarifying this process. He also mentioned the Commission keeps referencing ten years, he reminded them anything can be changed prior to ten years through Council action or an initiative petition. He said the reason that does not happen is because of the fine work of these Charter Review Commissions.

Mr. Schirch asked when would be the appropriate time to ask about real estate purchases. Chairperson Skaljac instructed him to ask now. Mr. Schirch asked Director Riser if she is involved in real estate purchases and how that process works. Director Riser stated she is only involved in the part of advertising the request for proposals if it is held in and administrative process. He asked how the decisions to purchase are made, for example the City recently went through the possible purchase of Highland School for 1.4 million dollars. Mayor Hruby stated Council makes that decision if the City should purchase it either by recommendation of Council, recommendation of the Mayor, or recommendation by the public. Mr. Schirch asked if it would have to be a simple Council majority. The Mayor said yes, Council makes that decision. Council President Redinger commented there are things along the way that are expensive, not just land, which City Council is



voting on. She said for example the new Finance accounting system that will be put in place soon is approximately 1.4 million over the course of three years, implemented in different phases. She stated she just wanted to point out that Council votes on other expensive items, not just real estate. Mr. Schirch stated he believes that 1.4 million was overvalue for that property and he questioned how Council could have made that decision to purchase. Chairperson Skaljac stated that is not a Charter Review issue. Mr. Schirch asked if they could add something to the Charter. Mrs. Gawlik asked who then Council would go to for approval. Mr. Schirch said maybe require a super majority. He said he does not like that just four people could make such a large decision. Chairperson Skaljac stated that is what they are elected to do. They are elected to represent the City and its residents in these matters. Mr. Schirch said he is just looking for a way to safe guard the City. Law Director Matty said right now the Charter has a provision under Council to hold executive session, which is a private session of Council, so that the entity the City would be purchasing land from, or an entity trying to purchase land from the City, Council can privately discuss to protect the City's interests. Law Director Matty explained the process then be asked to negotiate a contract, an Ordinance would be created for discussion publically by Council prior to giving the Mayor the authority to purchase or sell the land. He said he is not sure what other City's do, but this City has a very deliberate thoughtful process in selling or purchasing real estate. Mr. Schirch stated that addresses and answers his questions. Chairperson Skaljac asked if anyone has any further discussion or questions on these purchasing topics. Mr. Berlin asked, as it relates to the City budget, if there is anything that limits the City from projecting a loss. Mayor Hruby said it is required to have a balanced budget.

Chairperson Skaljac asked Director Riser to present regarding her recommendation as it relates to adding a Department for Human Resources to be conducted by a Director of Human Resources who reports to the Mayor. Director Riser stated for her time here, she has been fortunate to work with two exceptional individuals in the position of Payroll & Personnel Supervisor, one serving now. But under both of those individuals, and two very qualified and competent Finance Directors, she has still always felt the need for this change. Based on her previous experiences in the private sector, as well as her time here at the City, she believes strongly that employees must feel comfortable confiding in human resources should issues arise with their supervisors or peers. She stated the Payroll & Personnel Supervisor currently reports to the Director of Finance, a position that has direct impact on budgets and salaries. There are two additional employees in the Finance Department that have cross trained to back up the Payroll & Personnel Supervisor, thus giving them access to information on personnel issues. She believes this creates an environment and a perception where there are inevitably going to be situations where employees may not have that necessary comfort level to confide. She said it is not often, but it happens, and as she has heard it discussed in the Commissions previous meetings, the City is a business with over 150 employees, so in her opinion this is a topic worthy of discussion. Chairperson Skaljac thanked Director Riser for her attendance as well as her very detailed notes.

SCHEDULEING OF FUTURE MEETINGS:

Chairperson Skaljac stated the next meeting is scheduled for December 7th at 6:30 where they will be discussing the rest of the Charter, Articles 7 through 12. There are no interviews scheduled, just discussions. He suggested the Commission hold a meeting on Saturday to allow any residents to attend or speak who may not be able to attend a weeknight meeting. The



Commission agreed to hold their next meetings on Wednesday, December 7th at 6:30pm, Wednesday, January 4th at 6:30pm, and Saturday, January 28th at 10:00am.

OTHER MATTERS DEEMED APPROPRIATE/ COMMISSION ROUNDTABLE:

Chairperson Skaljac asked if there were any other items members wanted to discuss or questions they would like answered. Hearing none, he opened it to Public Comments.

PUBLIC DISCUSSION AND COMMENTS:

Merri Gunzler, 9494 Riverbirch Run, addressed the Commission and read the following:

“I am here tonight to speak on some statistics and how they relate to the Charter.

The first is that the City of Brecksville is 51% women, meaning women are the majority in Brecksville. Consistently, women have been under-represented on Boards and/or Commissions. Two of the most important Boards are Zoning and Planning. There are 0 women on the Planning Commission and 1 woman on Zoning. There are roughly 49 Board and/or Commission positions to volunteer and serve on. At least 3 have 0 women unrepresented. Commentary has been given about the “rigorous” interview process yet this discrimination still occurs. Why?

Two things are happening:

- 1). Certain resident names are recycled (meaning that person comes off a Board only to be appointed to another one); and
- 2). Resumes are being kept on file for preference and further selection. The City’s Record Retention Schedule dictates that applications and resumes be kept for 2 years. At least 3 people serving on Boards fall within this category.

To combat this discrimination, commentary is given that the pool of talent does not exist or that “experience” is lacking to fill these Boards. Having made numerous record retention requests, I can say voluminous talent overwhelmingly exists and with outstanding experience.

My point to this speech is that if the Charter is not in favor of term limits on Boards and/or Commissions then please consider suggesting to council enforcement of internal requirements that foster diversification on Board vacancies. Residents of young, old, male, female, new resident, lifetime resident, Caucasian, African-American, Indian should be represented.

Some Boards should even consider certain requirements to fill a Board vacancy. For example, someone who is on the Recreation Committee should also be a paying member of the Recreation Center. Currently, the Rec Committee has 1 person that is serving on the Committee but isn’t actually a member of the Rec Center.

For Boards where residents have served over 10 years, invite new talent and let seasoned residents who have served act as mentors or in some ad hoc capacity. I see value in historical knowledge but perspectives are unrepresented if you don’t pull from a diversified pool of residents. Thank you.”



Hearing no other requests for PUBLIC DISCUSSION & COMMENT, motion by Skaljac, seconded by Gawlik to close the meeting at 8:55 p.m.

ROLL CALL:

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

Nays: None

MOTION CARRIED

Meeting recorded by Kristen Kouri