



CLEVELAND HEIGHTS

Charter Review Commission

December 20, 2023

6:00 PM

City Hall – Executive Conference Room

1) Call to Order

- a. Chair Linda Striefsky calls meeting to order at 6:02 PM.

2) Roll Call

- a. Members present: Harriet Applegate, Graham Ball, Roland Anglin, Drew Herzig, Graig Kluge, and Linda Striefsky.
- b. Members absent: Jonathan Ciesla, Stephanie Morris, Guy Thellian.
- c. Staff present: Assistant Law Director Lee Crumrine.

3) Approval of Minutes of Prior meeting and Revised Minutes of November 1 and 15

- a. Motion to approve the November 1 meeting minutes as amended, made by Drew Herzig, seconded by Graig Kluge. Approved unanimously.
- b. Motion to approve the November 15 meeting minutes as amended, made by Harriet Applegate seconded by Roland Anglin. Approved unanimously.
- c. Motion to approve the December 6 meeting minutes, made by Harriet Applegate seconded by Roland Anglin. Approved unanimously.

4) Review and Confirm or Amend Agenda

- a. Motion by Drew Herzig seconded by Graham Ball to move agenda item 6(c) to be considered first under old business. Approved unanimously.
- b. By unanimous consent obtained by the Chair upon the suggestion of Drew Herzig, the agenda was amended to add a brief discussion of possible homework assignments to new business.

5) Public Comments

- a. None.

6) Old Business

- a. **Review of updated poll results on presenter topics; consideration of presenters and issuance of invitations to presenters**

i. Discussion of potential extra meeting days/times for input from elected officials and others

1. Chair discussed results of the Doodle poll surveying CRC members regarding their availability for extra meetings to meet with elected officials and others and how to prioritize dates and times for those meetings.
2. Drew Herzig asked whether there will need to be an agenda for the meetings. Assistant Law Director Lee Crumrine responded that the CRC will need to comply with the notice requirements of the Open Meetings Act.
3. Chair indicated that she will distribute the Doodle poll to city elected officials to determine dates and times where both members and officials are available.

ii. Review of CRC members' comments on proposed survey for completion by elected officials

1. Chair relayed comments from Stephanie Morris and Guy Thellian, which the CRC discussed. The Chair distributed a copy of the draft survey with tracked changes suggested by Stephanie Morris.
2. Harriet Applegate suggested starting the survey with an open-ended question asking the elected officials to provide input and suggestions regarding the charter similar to question 2 of the draft survey: "[A]re there any changes you think should be considered?"
3. Roland Anglin raised the issue of the interplay between the survey and the interviews and asked how the interviews will be conducted. Chair responded that the CRC would ask the elected officials to provide their responses to the survey prior to the interviews, so the responses may inform those interviews. Drew Herzig stated that the CRC will still need to evaluate their answers to determine to what extent the answers reflect the result of the state of current city politics rather than judicious consideration of how to make the city more functional.
4. Chair noted the inclusion of a question on handling of Council inquiries to the administration. Drew Herzig objected to the phrasing of the "right of inquiry." Chair noted that Council inquiry was part of the charter under the former city manager form of government and that the charter changes that facilitated the transition to the elected mayor form of government may not have considered all of the possible consequences of carrying that provision into the revised charter.
5. Graham Ball expressed his holistic vision for the survey and interviews that will return both qualitative and quantitative data. He stated his belief that the CRC should be trying to get a

general impression of the elected officials' positions and views on these issues.

6. Harriet Applegate anticipates that the conflict between Council and the Mayor on the issue of Council inquiry will be a focus for many of the elected officials, so the CRC will need to determine how to address that issue in particular in terms of charter treatment.
7. Drew Herzig expressed appreciation for the Chair's draft survey because it will ask the elected officials for their views of particular issues of interest to the CRC even if the elected officials are focused on another issue.
8. The Chair mentioned potential difference of view between Council and the Mayor over the issue of appointments in instances where the Mayor appoints a position with Council approval and discussed identifying the different methods of appointment for different appointments provided for in the charter.
9. Chair relayed Guy Thellian's question regarding question 1(a): "What kind of accountability is there for a suitable response to an inquiry? Who is ultimately responsible for responding to a city councilmember's request? Is it the mayor or someone to whom he delegates?" He also noted that another city provides for periodic reports from administrative departments to city council as part of city council's regular agenda. Should this be included in the survey? Chair explained the arguments for and against requiring city employees and department directors to attend city council meetings, and the CRC proceeded to discuss the merits. Graig Kluge and Drew Herzig agreed that there is a power struggle because of a vacuum and that a charter provision can fill that vacuum. Assistant Law Director Lee Crumrine displayed a copy of R.C. 733.06 to the CRC and suggested that it could be a template for a charter provision if the CRC wanted to pursue such a provision. Harriet Applegate expressed her view that a chair of a City Council Committee should be able to obtain information from a department director of a department corresponding to the committee.
10. Harriet Applegate expressed her desire to get the interviewees unvarnished views before the survey gets into specific issues. The CRC discussed beginning the survey with an open-ended question. Graham Ball agreed with starting with an open-ended question. Roland Anglin stated that the goal of the survey is to get the interviewees talking and providing some answers and that their unvarnished views will be presented during the interviews. The CRC agreed to move question 2 to the start of the survey. Drew Herzig suggested changing the question to: "What are the most important changes to the charter that you would like to see come out of this charter review process?" The

CRC proceeded to discuss other changes to the ordering of the survey questions.

11. Drew Herzig objected to the use of the terminology of “right of inquiry” and suggested “process by which city councilmembers request information from the administration.”
12. Drew Herzig suggested that the survey include a question about a sanctuary city status, and Graham Ball agreed and suggested language for the question. Drew Herzig asked Graham Ball to provide the CRC with information about what sanctuary city status entails. Graham Ball discussed his review of similar ordinances enacted by other Ohio cities, and the CRC discussed how granular such a provision should be. Assistant Law Director Lee Crumrine displayed to the CRC the city’s 2017 “Welcoming City” resolution, Res. No. 15-2017. The Chair asked whether such a provision should be in the charter, which is difficult to change, as opposed to including it in an ordinance or resolution. A charter provision may have unintended consequences regarding federal or state funding, for instance. Graham Ball expressed his preference for enshrining such a provision in the charter so that it is hard to change, even if it does prove politically difficult down the line and that it should be fundamental to the city’s government.
13. Drew Herzig expressed his desire for the CRC to consider a comprehensive non-discrimination charter provision in addition to a sanctuary city status charter provision. Drew Herzig suggested language for a survey question regarding non-discrimination: “Should the charter include a comprehensive non-discrimination statement?” Graig Kluge read the University Heights Charter Review Commission’s report and charter amendment regarding non-discrimination, which included discrimination on the basis of citizenship status.
14. The CRC discussed the question regarding views regarding the recommendations of the 2017-19 CRC.
15. Drew Herzig moved to adopt the revised survey and authorize the Chair to circulate the revised survey to the interviewees seconded by Graham Ball. Approved unanimously.

iii. Consideration of remote participation by CRC member(s), including impact on quorum and voting.

1. Chair relayed her discussion with Assistant Law Director Lee Crumrine that members may participate in meetings by Zoom or other virtual meeting tool, but that those members will not be considered present for purposes of quorum or voting.

b. Tech and administrative support for CRC.

- i. **Update on the use of City document storage for CRC work product – Discussion of best practices for organization of**

document storage within Dropbox – Guy Thellian to lead discussion.

1. The CRC discussed how to best organize the Dropbox folder for members to easily locate files, including naming protocols. Assistant Law Director Lee Crumrine will provide editing privileges to Guy Thellian and Roland Anglin who volunteered to develop a method of organization.

ii. Update on CRC members establishing new personal email addresses for use for CRC communications

1. The Chair indicated that she and Graig Kluge have both set up new email accounts for CRC purposes.

c. Continue review of Charter amendments proposed by 2019 Cleveland Heights CRC report, including review of 2019 charter amendment on ballot.

- i. Motion was made by Drew Herzig to rescind the prior motion by the CRC prohibiting the CRC from sending invitation to elected officials to schedule interviews prior to finish the review of the 2019 CRC report and proposed charter amendments. This motion was seconded by Graham Ball. Approved unanimously.
- ii. The CRC resume their discussion of the 2019 proposed charter amendments with Article 11.
- iii. For Article 11.2, the Chair recommended, and the CRC agreed to, retaining suggestions recommended by the Planning Director adding “including but not limited to such factors as economic, environmental and social sustainability.” Drew Herzig noted that references to “City Manager” should be changed to “Mayor,” which will have to be changed anywhere else in the charter where it may have been missed.
- iv. For Article 12.4, the Chair recommended, and the CRC agreed to, retaining the added section.
- v. For Article 13, the Chair recommended, and the CRC agreed, that the changes regarding having signature requirements based on voters in the last regular municipal election rather than registered voters should be retained in compliance with state law similar to the provision regarding recall, initiative, and referendum. The Chair recommended, and the CRC agreed, to modifying the language in Article 13.2 to “only the amendment that both receives at least a majority and that receives the largest affirmative vote shall become a part of the Charter.”
- vi. For Article 14, the Chair stated that twenty years is too long to wait and suggested having mandatory charter review every 10 years and consideration of charter review every 5 years, and the CRC agreed.
- vii. For Article 15, there are no substantive changes.

- viii. The CRC completed its review of the Charter amendments proposed by the 2019 Charter Review Commission.

d. Revised draft project plan for CRC

- i. **Continue discussion of planning for meeting with public, including potential day/time and availability of meeting space at CH Rec Center**
 - 1. The CRC discussed the timing for the CRC's meeting with the public and the availability of the Community Center.
 - 2. The Chair expressed her preference for holding the meeting with the public in the first half of February, and the CRC agreed. Assistant Law Director Lee Crumrine will reach out to the Community Center about scheduling the meeting with the public in early February.

7) Public Comments

- a. None.

8) Adjourn

- a. Motion to adjourn by Graig Kluge seconded by Roland Anglin. Approved unanimously.

Next meeting: Wednesday, January 3, 2024, at 6 PM.