



CLEVELAND HEIGHTS

Charter Review Commission

January 24, 2024

6:07 PM

City Hall – Executive Conference Room

1) Call to Order

- a. Chair Linda Striefsky called meeting to order at 6:03 PM.

2) Roll Call

- a. Members present: Harriet Applegate, Graham Ball, Drew Herzog, Graig Kluge, Guy Thellian, Jonathan Ciesla, and Linda Striefsky.
 - a. Jonathan Ciesla arrived at the meeting at 6:19 PM.
- b. Members absent: Stephanie Morris and Roland Anglin.
 - a. Anglin participated remotely via videoconference.
- c. Staff present: Assistant Law Director Lee Crumrine.

3) Approval of Minutes of January 8 and 9

- a. Motion to approve the meeting minutes for the January 8, 2024, CRC meeting was made by Harriet Applegate and seconded by Graig Kluge. Approved unanimously.
- b. Motion to approve the meeting minutes for the January 9, 2024, CRC meeting was made by Harriet Applegate and seconded by Graig Kluge. Approved unanimously.

4) Review and Confirm or Amend Agenda

- a. No changes to the agenda.

5) Public Comment

- a. None.

6) Old Business

- a. Tech and administrative support for CRC
- b. Review of updated poll results on presenter topics; consideration of presenters and issuance of invitations to presenters;

- i. Discussion of potential extra meetings days/times for input from elected officials and others
 - 1. The Chair discussed potential meeting dates based on a Doodle poll, including February 2, 3, 5, 6 and 10, and she will send invitations to the remaining speakers.
- ii. Status of responses from elected officials and others to invitations to meet with CRC
 - 1. Chair reported that she is still waiting on survey responses from Council Member Petras, Council Member Mattox, and Mayor Seren.
 - 2. She received a response from the Mayor of South Euclid who agreed to meet with the CRC pending scheduling availability.
- iii. Draft voicemail message: Drew Herzig suggested changing “encourage” to “invite” in the last sentence of the first paragraph. Motion to approve the voicemail message as amended was made by Graham Ball and seconded by Harriet Applegate. Approved unanimously.
- iv. Draft Save the Date text: Chair suggested ending the first paragraph after “modifications to the existing charter” and deleting “which will make the description of the city government relevant to our time.” Chair is proposing that there be a registration, which will be discussed later on the agenda. Graham Ball suggested that registration not be required but preferred. Chair suggested, “Advanced registration is not required but would be helpful.” Drew Herzig suggested adding an Oxford comma after “defined wards,” to remove the comma after “wards; and,” and to remove the second “and” from “and, (3) and.” Jonathan Ciesla arrived at the meeting prior to the motion to approve the Save the Date text. Motion to approve as amended the Save the Date text was made by Harriet Applegate and seconded by Drew Herzig. Approved unanimously.
- v. Status of City publication of notice announcing public meeting Feb 12
 - 1. Guy Thellian and Harriet Applegate volunteered to post fliers around Cleveland Heights.
 - 2. Chair and staff will follow up with city about posting the “save the date” graphic with the text.
 - 3. Chair and staff to follow-up with Mike Thomas about the use of the Save the Date graphic/flyer. Chair will send it to League of Women Voters who will circulate it. Graig Kluge submitted an article for publication to the Heights Observer, and he will follow up about whether it will be published. Chair stated that she may submit it to the Sun Press. Chair suggested members send a notice to their own personal contacts. Guy Thellian suggested that it be posted on NextDoor, and he agreed to post on it.

c. Revised draft project plan for CRC

- i. Further discussion of public input meeting; status of other ways to share information with public
- ii. Chair presented a revised project plan that reflected the passage of time. She pointed out her suggestion for a second meeting with the public. Drew Herzig suggested asking attendees at the February 12 meeting with the public about their interest in having a subsequent meeting with the public. Chair believes that the CRC owes the public another meeting with the public.
- iii. Chair discussed the potential for asking Council for another extension of their term. She expressed concern that charter amendments can get lost in the noise of the 2024 presidential election. She questioned whether it would be better to be on the ballot in the following year. She asked Council President Cuda whether he felt strongly that it was necessary to put the charter amendments on the November 2024 ballot, and he did not. Harriett Applegate is concerned about low information and apathetic voters in a presidential election and that those voters may automatically reject down ballot charter amendments, and she suggested it may be better to put the charter amendments on the ballot at the next regular municipal election or even a primary election. Guy Thellian noted that ultimately it is not the CRC's decision. Roland Anglin agreed that it would be better to put it on the next regular municipal election. Jonathan Ciesla stated that he does not have an opinion on the subject. Graig Kluge stated that his initial inclination would be to prefer it going on the ballot of the presidential election so that turnout is greatest. Graham Ball stated that if the purpose of the CRC is to fix dysfunctional government, it is better to fix it sooner. Chair reiterated that the CRC's deadline is May 31 and that the CRC should proceed under the assumption that that deadline will be final. Harriett Applegate expressed concern about the burden of additional meetings to meet that deadline. Chair believes that the work can be done by the deadline that it will not necessitate a lot of additional meetings.
- iv. Drew Herzig suggested that, in addition to the charter amendments the CRC proposes, the CRC also recommend putting on the ballot a poll regarding the issues of electing City Council by wards and ranked choice ballot, in order to get feedback from the public. Jonathan Ciesla noted that ballots are not surveys, and Chair stated that it is not possible to survey public opinion on a ballot. Harriet Applegate noted that, even as an advocate of ranked choice voting, she believes that the public is uninformed on the subject of ranked choice voting. Graham Ball noted that the CRC's recommendation may move the issue forward and that a resident-led ballot issue committee could pick up the issue. Graham Ball asked whether the CRC will have an opportunity to present their findings to Council. Chair responded that she assumes that the CRC will have the opportunity to present to City Council, but sharing the information is

another reason why the second community meeting would be important; it would give the CRC the stage to present their findings to the public. Drew Herzig noted that the previous CRC did present to Council. Harriet Applegate noted that other potential charter changes may need some explanation, such as the modernizing of language and the gender neutral wording. Chair opined that that bucket should not be hard to sell. Drew Herzig stated that the CRC's goal should be a product by the deadline of May 31. Graham Ball agreed, but that it should not place an undue burden on the CRC members.

- v. Upon the Chair's request, Assistant Law Director Lee Crumrine agreed to upload the document to Dropbox.

- d. Continue review of current City Charter

- i. Chair noted that the discussion is continued from the January 3 meeting.
- ii. Article III: The CRC needs to draft language if recommending a different method of electing Council and other officials, such as hybrid at-large/wards or ranked choice voting.
- iii. Article III, Section 2: CRC agreed to use the 2017-19 revisions to this section.
- iv. Article III, Section 3: Drew Herzig raised the issue of the use and meaning of the phrase "moral turpitude" for purpose of qualifications. Assistant Law Director Lee Crumrine commented on the meaning and suggested different wording but wants to confer with the Director of Law and the Facilitator to provide advice.
- i. Article III, Section 4: The CRC discussed changing the deadline to fill vacancies from 45 to 60 days. Graig Kluge indicated support. The CRC discussed how long an appointed Councilmember should serve before standing for election; should the vacancy be filled by appointment for the unexpired term or serve until the next regular municipal election; currently an appointed council member serves until the next general election. Drew Herzig favors allowing them to serve out the unexpired term. Chair noted that many people applied for recent vacancy. Harriet Applegate stated that an appointed councilmember should not be able to serve for more than 2 years without standing for election. She would favor requiring them to run in the next regular municipal election. Graham Ball stated that they should be able to serve the remainder of the unexpired term, or that if they are required to run in the next regular municipal election, they should serve a full term from that election. Guy Thellian is concerned about having to run in two consecutive regular municipal elections. Guy Thellian noted that there is a potential for recall election as an alternative. Harriet Applegate noted that recall is rare, and the Chair agreed that it is rare except in certain jurisdictions where it is used often, and Cleveland Heights does not want to be such a jurisdiction. Chair presented comparative provisions from

neighboring cities' charters, which differentiate based on (1) how much time remains in the term, and (2) how many days until the election. Upon further discussion, Guy Thellian changed his position and would approve modeling the procedures on other cities. Graham Ball wants the provision to prevent councilmembers from having to run in back-to-back years. Chair to draft a provision that strikes that compromise.

- e. Discuss updated project plan

7) New Business

- a. Discussion of dates for CRC standing meetings through end of May
- b. Discussion of "buckets" for potential amendments to Charter (see attached Exhibit A)
 - i. Motion by Graham Ball, seconded by Harriet Applegate to move this agenda item up to consider it prior to continuing the review of current City Charter. Approved unanimously.
 - ii. Drew Herzig explained his document entitled "Possible Bucket Groups for Charter Revision," including explaining each bucket group. He noted that he ordered his list based on how difficult the issue will be to move forward through Council, moving from easier to harder.
 - iii. Chair suggested that for the next regular meeting to have the Facilitator attend to discuss whether certain issues identified are appropriate for a charter rather than an ordinance. Guy Thellian agreed that it was time for additional guidance from the Facilitator about what provisions belong where. Drew Herzig suggested having specific questions for the Facilitator.
 - iv. The CRC discussed the UH CRC's proposal for a hybrid ward/at-large council election.
 - v. Motion, to approve bucket list as working model, subject to adjustments as CRC develops amendments, was made by Harriet Applegate and seconded by Guy Thellian. All approved.

8) Review of Meeting Action Items

- a. Assistant Law Director Lee Crumrine to answer Chair's questions regarding support for the February 12 meeting.
- b. Chair to write press release for Sun Press based on text of Save the Date.
- c. Graig Kluge to provide an update on publication in Heights Observer and ask about both digital and print versions.
- d. Chair to prepare Google Forms for registration for the February 12 meeting with the public.
- e. Chair to follow up with Mike Thomas about posting the Save the Date flier.
- f. Chair to reach out to the Facilitator to advise the CRC about Bucket #4 from Drew Herzig's document, "Possible Bucket Groups for Charter Revision\."

- g. Chair to follow up on scheduling the remaining presenters for interviews with the CRC.

9) Public Comments

10) Review of Meeting for Lessons Learned

11) Adjourn

- a. Motion to adjourn was made by Jonathan Ciesla and seconded by Drew Herzig.
Approved unanimously.

Next meeting: Wednesday, February 7, 2024, at 6 PM.