

MINUTES OF MEETING
2014 CHARTER REVIEW COMMISSION
APRIL 30, 2014

Members Present: Campanella, Hower, Hanson, Hvizda, Keenan, Robenalt,
Welsh, Yezbak, Urban

Presence Noted: Andrew Bemer, Law Director
Mary Kay Costello, Director of Public Safety-Service
Christopher Mehling, Director of Recreation

Council Members: Christopher Klym, At-Large Council Member and Chairman of the
Council Committee on Parks and Recreation Commission

Boards and Commissions: Ms. Kathy Goepfert, Parks and Recreation Commission
Mrs. Jill Brandt, Design & Construction Board of Review Chair
Mr. Eric Pempus, Board of Zoning and Building Appeals Chair
Mr. Craig Wright, Board of Zoning and Building Appeals
Mr. Richard Christ, Board of Zoning and Building Appeals
Mrs. Bobbie Van Atta, Board of Zoning and Building Appeals
Mr. William Bishop, Planning Commission Chairman
Mr. John Hosek, Planning Commission

Chairman Urban opened the April 30, 2014 meeting of the 2014 Charter Review
Commission at 6:00 p.m. in Council Chambers at Rocky River City Hall. Mr. Robenalt is
not present at the start of the meeting but arrived shortly thereafter.

Mr. Urban asked the Commission if they have any corrections to the Minutes of the April 16,
2014 Charter Review Commission meeting.

MOTION: Moved by Mr. Hvizda, seconded by Mr. Hanson, to approve the Minutes of the
April 16, 2014 Charter Review Commission meeting. Minutes were approved by unanimous
acclamation.

Mr. Urban said that they have revised the agenda because there was a conflict with the Civil
Service Exam date. Tonight's discussion will begin with ARTICLE VI – BOARDS AND
COMMISSIONS, Sections 1, 4 and 5. They will then review Sections 2 and 3.

Mrs. Campanella welcomed all of the representatives from the Boards and Commissions and
City Departments who are present tonight.

ARTICLE VI – BOARDS AND COMMISSIONS – Section 1. General Provisions.

Mrs. Campanella began by paraphrasing Section 1. General Provisions, and asked if anyone
has any thoughts or concerns about this section. Law Director Bemer said that recently came
up in a briefing filed in the litigation of the Whole Foods project that there is no requirement
that any member of any of our Boards and Commissions be residents of the City of Rocky
River. Mr. Welsh asked if there are currently any members serving on the Boards and

Commissions who are not residents. Mr. Bemer said that all members of our Boards are residents and because much of the Charter is based upon provisions in the Ohio Revised Code, which has no provision that any member of a City Planning Commission or any other Administrative Board addressing land use matters, be residents of that particular city. Mrs. Hower asked if that requirement would narrow the pool of qualified members. Mr. Bemer said he is not sure if they have ever had a member who was not a resident, but it is not a requirement.

MOTION: Moved by Mr. Hanson, seconded by Mr. Hvizda, to move discussion of adding a residency requirement to **ARTICLE VI – BOARDS AND COMMISSIONS, Section 1. General Provisions**, to the Master List of Items for Further Discussion. Motion passed by unanimous acclamation.

Mrs. Campanella continued paraphrasing Article VI. Section 1. There were no further comments by the Charter Review Commission members. Mr. Urban said that some of the members of the Parks and Recreation Commission need to leave the meeting early, so they will discuss Article VI. Section 4 next.

Section 4. Parks and Recreation Commission.

Mrs. Campanella asked the members of this Commission to step forward and introduce themselves. At-Large Council Member Christopher Klym, came forward and said he has been appointed by Council to the position of Chairman of the Council Committee on Parks and Recreation Commission. He introduced Ms. Kathy Goepfert, the School Board Member of the Parks and Recreation Commission, and Chris Mehling, who is currently the Director of Recreation. He apologized for the other members of the Parks and Recreation Commission who were unable to attend. Mr. Klym referred to an e-mail from Chairman Ed Wasp that was forwarded to all Charter Review Commission members and explained that Mr. Wasp's email contains two recommendations for some changes to the Charter.

Section 4(a) Organization.

Mrs. Campanella began paraphrasing Section 4(a). Mr. Robenalt, asked why 2 of the members have 2 year terms but the other 3 members have 5 year terms. Mrs. Goepfert said that she thinks it may be because City Council's terms are only 2 years. Mr. Klym said he is not sure why there is a 5 year term, but it has been that way for quite some time and he believes it provides some continuity. Law Director Bemer referenced Chapter 713 of the Ohio Revised Code, saying it is the basis for creation of Land Use Commissions and demonstrates that a wide range of terms exists for members.

Mr. Welsh asked Law Director Bemer if there is a limit to the number of times a member can be reappointed to a Board or Commission. Mr. Bemer responded that there is no restriction on the number of terms a member may serve. The qualifications are not very exacting and the Board of Zoning and Building Appeals, as well as the Design and Construction Board of Review are the two Boards that require any professional qualifications. Mr. Robenalt asked

if there is anything in the Ohio Revised Code that refers to the removal of a member. Mr. Bemmer said that the Mayor has appointing authority and reviews the membership of the Land Use Commissions. Someone can be removed by non-reappointment. There is also something in the General Provisions section about malfeasance, gross neglect of duty and other reasons a member may be removed by the appointing authority in the middle of a term.

Section 4(c) Powers and Duties.

Mrs. Campanella paraphrased Section 4(c) and emphasized paragraph (c)(2), which reads, “The Commission shall make recommendations to the Mayor and Council concerning the nature, function, use, utilization, maintenance, beautification, control and regulation of parks and the acquisition of additional parks and the sale or other alienation of all or part of any park...” Mr. Wasp suggests that the references to Board of Education in this section be removed. Mrs. Goepfert confirmed that and added that the School Administrators and their lawyer all believe that reference to the Board of Education in the second sentence should be removed. Since her time serving on the Commission, which began in 2008, they have made no recommendations to the Board of Education regarding their properties. They often discuss what is going on in their facilities, as well as the City’s facilities, and they have a good working relationship, but she does not see either entity telling the other one what to do. Mr. Bemmer said that the school district controlled the recreational programs and they were transferred over to the City sometime in the 1970s, so this may be a carryover from back then.

Mr. Hanson asked why there is a requirement for a Board of Education member on the Commission. Ms. Goepfert said that they share so many of the facilities with each other and each entity should be aware of the other entity’s needs. Mrs. Hower said that this sentence is not suggesting that the City is telling the Board of Education what to do; it is simply making recommendations and keeping the lines of communication open, which she believes is healthy. Mrs. Hower does not see a need to remove it because asking to remove that language may create more questions in the voters’ minds. Ms. Goepfert said that they do that already, but she understands how it could confuse a voter. Mr. Urban said he thinks it would be better to keep reference to the Board of Education in this section so that the Parks and Recreation Commission can make suggestions to the Board of Education regarding specific work that they feel needs to be done. If there were ever a situation where people could not work together, this might be nice to fall back on. Mrs. Hower agreed and added that they still don’t have to utilize it, but it is there as an open tool for communication and she does not feel the need to take it out. Other Commission members agreed.

Mr. Urban asked Director Mehling if the relationship is working. Mr. Mehling said that it is working very well, and the lines of communication are crucial to it. They have shared services and said they will soon be building a hockey locker room, which is an example of a shared agreement that has developed. Mr. Robenalt explained that there is currently a venture in place where the School Board will have access to a varsity locker room at the ice rink. This is a new challenge and will be dedicated mainly to the Rocky River High School, but will be located on City property. Funding for the locker room will be split between the

Schools, the City, and the private sector. He feels it is important for the Commission to still have the opportunity to tell the School Board what to do. Mr. Robenalt asked Ms. Goepfert if there is a big push for the School Board to make their athletic facilities on par with the academic facilities. Ms. Goepfert said that upgrading their athletic facilities is a priority of the School Board, and they are now wanting to do something for the hockey program.

Ms. Campanella read paragraph 3 aloud and referred to a recommendation by Mr. Wasp relating to this paragraph. In the years he has been involved with the Commission, a line item budget covering all recreation and leisure time activities and programs has never been reviewed or recommended to the Mayor. He recommended revising this section to read as follows: "The Commission shall have the following specific duties and powers: To establish all fees and charges for participation in the various activities and programs within the Commission's operational jurisdiction; to assist organized groups conducting recreation and leisure time activities and programs; and to appoint such citizen committees as the Commission deems necessary." Ms. Campanella asked Mr. Mehling to further explain the process. Mr. Mehling said that the Commission does not go line item by line item through the budget. They will bring a new program or suggestions for changes in program fees to the Commission for their review and a vote to either approve or disapprove the recommendations. The recreation team puts it together and they present it to Council. Mr. Hvizda said that as he was reviewing this, he did not understand why the Commission would make recommendations over a budget that they control. Mr. Mehling said that removal of reference to the line item budget would address the suggestion that Mr. Wasp is making, and it would mirror the current budgeting process. Ms. Goepfert added that they approve the fees, which then go to Council for approval, but they do not look at a line item budget. Director Mehling brings the budget to the Recreation Commission for their information and they don't review it until after it is approved by Council.

MOTION: Moved by Mr. Hvizda, seconded by Ms. Campanella, to move discussion of the Parks and Recreation Commission's involvement in the budget process in **ARTICLE VI – BOARDS AND COMMISSIONS, Section 4. Parks and Recreation Commission (c)(3)**, to the Master List of Items for further discussion. Motion passed by unanimous acclamation.

Mr. Hanson noticed that it does not say in the Charter how often the Commission meets and asked if it should be in there. Mrs. Hower said that she does not believe such a requirement should be in the Charter, and Mr. Urban agreed.

SECTION 5. DESIGN AND CONSTRUCTION BOARD OF REVIEW.

Mrs. Jill Brandt, Chair of the Design and Construction Board of Review, came forward and explained that she has been a full member since 2007 and served as an alternate for approximately 3 years before that. They review design and construction of residential and commercial projects, as well as commercial signs. Mrs. Brandt is an Architect, and all of the current members of this Board are Architects. They have 3 members and one alternate member and they are all residents of the City. They meet the first and third Monday of each

month at 5:00 p.m. She explained that they are a recommendatory Board, meaning they make recommendations to the Building Department.

Ms. Campanella said that paragraph (a) says that there shall be two alternate members of the Design and Construction Board of Review. Mrs. Brandt said that she does not remember ever having 2 alternate Board members, and she is not sure why. Mr. Robenalt suggested that they may want to change the language to reflect that two alternates is optional. Mrs. Hower asked if having only one alternate member has hindered their ability to do their job. Mrs. Brandt said that they recently had only 2 members available for a meeting and a project, which she brought to them for review, could not be reviewed because of the need for her to recuse herself. She said it would be helpful to have a second alternate for situations like that. However, sometimes there is a need for absence of a member on short notice, which may make it difficult for an alternate to step in anyway. She believes this Board has been functioning well with only one alternate. Mr. Urban said that at the present time, having two alternates is mandatory, so they will have to find out why there is only one.

Mrs. Hower asked Mrs. Brandt for her recommendations regarding adding a residency requirement for the Boards and Commissions. Mrs. Brandt said that it is certainly important to have a vested interest in the City in which a Board member serves, and such a requirement would help to that end. Since both Architects and Engineers qualify to serve on this Board, she believes there is probably a good pool of applicants. She said that the option to appoint a non-resident, with a business in the City, would help to broaden the field.

Mr. Richard Christ, a regular member of the Board of Zoning and Building Appeals, came forward to say that legally, an Engineer who may not practice in a State in which he is not registered. This is a violation of their Code of Ethics, so this Commission may want to look at changing paragraph (a) to require that an Engineer be registered in the State of Ohio. Mrs. Brandt said that a person can practice architecture without a license, but they may not call themselves an architect. She said a person could refer to themselves as an "Architectural Designer" without a license. Mr. Christ said that he knows of an instance where a person who wrote a letter to a Board in another state, who simply implied he was an Engineer, was disciplined, and his license was voided. Mr. Hvizda asked whether State law would dictate those requirements. Mr. Bemer said that this is an instance he feels is important for the Charter to be consistent.

MOTION: Moved by Mr. Robenalt, seconded by Ms. Campanella, to move discussion of changing the language in ARTICLE VI. BOARDS AND COMMISSIONS, Section 5(a) to make the requirement of two alternates optional for the Design and Construction Board of Review. Motion passed by unanimous acclamation.

- AND -

MOTION: Moved by Mr. Robenalt, seconded by Ms. Campanella, to move discussion of the requirement of Architects and Engineers to hold a license in the State of Ohio in

ARTICLE VI. BOARDS AND COMMISSIONS, Section 5(a), to the Master List of Items for Further Discussion. Motion passed by unanimous acclamation.

Ms. Campanella continued by reading Section 5(b). Mrs. Brandt said that she would like to comment that as long as she has served on the Design and Construction Board of Review, they have never reviewed any project prior to demolition. This concerns her because, at times, they will hear from a concerned citizen when something was torn down that they are not happy about. She said it is intriguing that this language is in the Charter, so there may have been another process for review at some time in the past. If that is the case, she is curious about what the process was. She would like to propose that the Commission add this topic to their Master List. However, she understands the issue of putting limits on private residential or commercial property. The topic should be revisited because the Design Board does not see a project until after a building has been razed.

Law Director Bemer referred to Section 1127.27 of the Development Code, where there is reference to the powers and duties of the Design and Construction Board of Review and the discussion of razing buildings would come under the topic of historical preservation. Mrs. Van Atta said she is a personal proponent of historical preservation overlay in our Ordinances, which they don't address now. She agrees with the fact that it is a private property rights issue. The Design Board is only a recommendatory Board, and that may be the reason that they do not review the razing of buildings.

It was determined through further discussion, since the Design Board's Powers and Duties are controlled by Council, the razing of buildings prior to Design Board's review has not been a power or duty afforded by Council Ordinance to that Board.

Section 2. Board of Zoning and Building Appeals.

Mr. Eric Pempus, Chairman of the Board of Zoning and Building Appeals, came forward and said he is an Architect and an Attorney. He introduced Mr. Richard Christ, who is a Structural Engineer, Mr. Craig Wright, who is an Architect, and Mrs. Bobbie Van Atta, who is an Attorney. The BZA hears requests for variances to the Development Code for residential and commercial properties in the City. They occasionally hear protests to the issuance of a valid building permit because a concerned party may believe that the permit will impinge on a property right they have, and Mr. Pempus used the example of a spite fence. Mrs. Van Atta said that this discussion may be more appropriate to have with City Council, but she is interested in bringing up the issue of how the Board of Zoning and Building Appeals reviews protests. In such cases, she thinks it would be easier for them if they had a legal standard to apply in their review. As a whole, the Board works well together and try hard to communicate and understand the issues that the residents are bringing to them and balance those with the needs of the City. Mr. Pempus said that they recently had a review of the Development Code led by Mr. D.B. Hartt, a well-known Land Planner. Mr. Hartt was of the opinion that our protest mechanism is quite unique and unusual, and most cities do not have such an option in place.

Discussion was had about Section 2(b)(1)(B), which outlines the process for Council to affirm, reverse, amend or modify a decision of the Board of Zoning and Building Appeals. Mr. Welsh said he is curious because the Board of Zoning Appeals is made up of Architects and Engineers, but he is not sure what qualifications the City Council members have to review a BZA decision.

Mr. Robenalt asked if the consultant made any recommendations. Mr. Pempus said that the consultant suggested they take the protest provision out of the Code. Mrs. Van Atta said that she recalls the Administration was in favor of keeping the protest provision in the Code, because it gives the citizens one more avenue of access to the government that does not require a lawyer and provides easy access for a resident. She said the process does not seem to do a lot of harm, but it can slow things down. Mr. Hanson said he agrees that this is a way of appeasing the interested parties before the need to go to Court. Mr. Pempus said that it is important to the Board of Zoning Appeals that protestors have the opportunity to have their voice heard. He said that there were probably 2 instances where their decision was brought before City Council and the Board of Zoning Appeals' decision was not reversed in either one of those cases.

Mr. Robenalt asked if there is a lot of litigation that arises out of the protest process. Law Director Bemer said that in over seven years, they had no issues go to the Court of Common Pleas, which is the first step outside of the City's Administrative process. However, in the last six months, 4 cases went to the Court of Common Pleas, 1 of which is still pending.

Mr. Hanson asked the BZA members how they feel about Section 4(a), which outlines the makeup of the Board. Mr. Pempus said that he thinks the 5 year terms is appropriate and believes it is very healthy to have a person serve on the Board who is not an Architect or an Engineer. Mrs. Van Atta suggested that because of the quasi-judicial nature of the Board of Zoning Appeals, and the fact that the Board is required, by law, to apply a legal analysis, the Commission may want to look at adding the requirement of having at least one member of the Board of Zoning Appeals be an Attorney. Mr. Urban said that the Law Director is present at the BZA meetings to provide legal advice to the Board. Mr. Wright added that he agrees with Mrs. Van Atta's opinion and having an attorney as a sitting member only enhances their ability to make decisions.

Mrs. Hower asked Law Director Bemer what his opinion is relating to a requirement that an Attorney be a member of the Board of Zoning and Building Appeals. Law Director Bemer said that the members serve at the discretion of the Mayor, who realizes that a cross-section of professionals is needed. He happens to agree that the cross-section of professionals required should include an Architect, an Engineer and an Attorney. Mr. Pempus added that the Mayor has appointed attorneys as members of the BZA and recently appointed an Attorney as an Alternate member.

Discussion was had about the fact that the Charter does not require 2 alternates for the BZA. Mr. Pempus said that it is important that the Commission think this situation through because he would not like to see the requirement for an attorney be mandatory and then, for whatever

reason, neither the member who is an attorney, nor the alternate who is an attorney, are able to attend the meeting, which would leave an empty chair at a hearing. Mr. Christ said that it could delay a project if only four BZA members are available and an applicant wants their request to be heard by a full board of five members and he has to wait a month. Mrs. Van Atta said that when she proposed having an attorney on the Board as a requirement, she meant it as a way of balancing the legal and architectural/engineering qualifications of the entire makeup of the Board. She recommended that this Commission not require that a quorum must include one member from each profession.

MOTION: Moved by Mr. Robenalt, seconded by Ms. Campanella, to move the discussions of adding an attorney to the required professions of the members of the BZA; to require that the professionals be licensed in the State of Ohio; and adding the number of alternates required for the BZA in **ARTICLE VI. BOARDS AND COMMISSIONS, Section 2(a)** Motion passed by unanimous acclamation.

Mrs. Brandt said that there is some degree of overlap among the Boards with regard to the requirement of Architects and Engineers, and she wonders if the Boards could share alternates where duties apply. For instance, she wonders if an alternate for the BZA could serve as an alternate for the Design and Construction Board of Review and vice-versa. Mr. Robenalt said that, although he likes that idea, he believes there is a restriction that a Board member in the City may only serve on one Board. However, he said that they could remove the conflict of serving on only one Board in the City in this Section.

Section (b) Powers and Duties.

Regarding Section (b)(1)(A), Mr. Pempus said he would like this Commission to consider relaxing the amount of time required to meet and approve the minutes of each BZA meeting. At present, there is a seven day window and he is suggesting increasing that to a ten day window. Suggestion was made to change the time period stated in the Charter, to seven business days, so as not to delay the approval process and to allow the applicants to get started on their projects.

MOTION: Moved by Mr. Hanson, seconded by Mr. Welsh, to discuss extending the time period for a BZA decision to become final when granting a variance or exception in **ARTICLE VI – BOARDS AND COMMISSIONS, Section 2b(1)(B)**. Motion passed by unanimous acclamation.

There was no further discussion relating to the Board of Building and Zoning Appeals.

SECTION 3. PLANNING COMMISSION.

Mr. Bill Bishop, Chairman of the Planning Commission, came forward and introduced himself and said that he has been a member of the Planning Commission for 15 years. He introduced Mr. John Hosek, who has been a regular member of the Planning Commission for 3 years.

Mr. Bishop said that they see all of the commercial and some housing developments, such as cluster housing in the City. They also review change of use applications, as well as other development plans. They do not review new single family homes and small scale residential projects. There are 5 members and 2 alternates on the Planning Commission and they use their alternates quite often, so he believes that the requirement of 2 alternates for Planning Commission could be added to the Charter in Section (a) Organization.

Mr. Bishop said that the Planning Commission reviews a preliminary plan as well as a final plan for each project and it is difficult for a member to vote on a final review if that person was not there for the preliminary review. This makes the alternate important so that everyone knows what is going on from the beginning to the end of the approval process.

MOTION: Moved by Ms. Campanella, seconded by Mr. Yezbak, to move the discussion of adding the requirement for 2 alternates for Planning Commission in ARTICLE VI – BOARDS AND COMMISSIONS, Section 3(a), to the Master List of Items for Further Discussion. The Motion passed by unanimous acclamation.

Mrs. Hower pointed out that there are no qualifications for Planning Commission listed in the Charter. Mr. Bishop responded that he thinks it is better that way. However, he believes that residency should be a requirement, especially when residents attend the public hearing and feel so strongly about an issue. In that case, a non-resident sitting on the Board could present its own issues.

Mr. Bishop said that he is a developer and a builder. Mr. Hosek said that he has an education background as a Planner and was a Director at NOACA. The Planning Commission has a member who is an Attorney and they have the Law Director for guidance, as well. Ms. Hower asked Mr. Bishop and Mr. Hosek if they think it is necessary to include a requirement for members and alternates to be of certain professions. Mr. Bishop said that he thinks the Mayor is conscious of the background of the various Board Members when it comes time to make an appointment. What is unique, is that all five people approach each review from a different angle, which brings much more discussion to the table from the variety of points of view. He thinks that a person's background may help them get to the real issues more quickly, but the broad base of knowledge among the members of the Planning Commission provides for a very thorough review.

Mr. Richard Christ, a regular BZA member, came forward and said that the Board of Zoning Appeals has been seeing things that come before them that are better being reviewed from many angles. He said that quite a few years ago, the BZA had an application come to them after Planning Commission didn't really look at the planning part and they ended up with a split decision when it came to the BZA. He believes that they may want to consider a professional who is a Planner serving on the Planning Commission.

Building Commissioner Beirne said that prior to a project being before Planning Commission when a project is in the pre-planning stages, the City Engineer reviews it and many discussions are held with the Police and Fire Department and others. This happens all prior

to Planning Commission and the other Boards' involvement. Mrs. Hower asked how the requirement of a Certified Planner might pose a limited applicant pool. Mr. Robenalt suggested that they leave the process as it was outlined by the Building Commissioner. Mr. Bishop added that the Planning Commission plays devil's advocate in their review, so they do a lot of probing of the Applicant and discuss potential issues with the plan. Coming from a variety of angles during their review ensures that the end result is a well thought out plan and that the best way of going about the development is achieved.

(b) Powers and Duties

Mr. Hosek said paragraph 2 is mainly a description of the Master Plan, and does not discuss any powers or duties of the Planning Commission. The first sentence of the third paragraph says that the Planning Commission reviews the Master Plan, but then following that sentence, it goes into the responsibilities of Council. The last sentence of paragraph 3 says that the Planning Commission shall review the subdivision regulations and zoning ordinances, etc. They would like the Commission to consider changing that to be done on an as-needed basis.

Mr. Bishop said that when you get to the Master Plan in these two paragraphs, in some places it talks about the Master Plan being a guide, while there is also reference to the Master Plan as being more mandatory. He said the Planning Commission thinks of the Master Plan as a guide or as a flavor of what the community wants and doesn't want, rather than an absolute that dictates exactly how a plan must be. He said the language in this section needs to be cleaned up and the Master Plan needs to be referred to as a guide and not mandatory. Mr. Hanson said that leaving this language in the Charter really does no harm and Mr. Bishop agreed. Mr. Hosek said that they just wanted to clarify that it is not the Planning Commission's responsibility to prepare the Master Plan, but they do review it and can offer input. Mr. Hvizda noted that the date of May 15, 2005 that is contained in this section was brought up by the Mayor as not relevant anymore and it should be changed to May 15, 2015. Mrs. Hower said that Mayor Bobst suggested that a more relevant date be added each time the Charter is updated.

Mr. Bishop explained that so much time and effort was put into reviewing the Development Code, that the requirement of a review every 5 years would be burdensome. Mr. Hanson asked Mr. Bishop if he would recommend they extend the review of the Development Code to every 10 years or if they should remove mentioned of the Development Code review altogether. Law Director Bemer said that 18 months was spent reviewing the Development Code recently and the Charter outlines a systematic process. Mrs. Hower said that she does not think that such an extensive review needs to be done every 5 years, but she likes the systematic process. Mr. Bishop said that not all of the Development Code is up for review, such as parking lot requirements, etc. Mr. Bishop suggested they strike the reference relating to a 5 year review of the Development Code because, from time to time, they find that there are things that are lacking in the Development Code, so they review it at the time they are interpreting it.

MOTION: Moved by Mr. Hanson, seconded by Mr. Robenalt, to add discussion of revising the date and changing the review of the subdivision regulations to the review of the Development Code in **ARTICLE VI – BOARDS AND COMMISSIONS, Section 3(b)**, to the Master List of Items for Further Discussion.

ARTICLE IV – ADMINISTRATIVE DEPARTMENTS. Section 4. Department of Public Safety-Service.

Ms. Mary Kay Costello, Director of Public Safety Service, came forward and thanked the Charter Review Commission for the hard work they are doing. Mrs. Costello said that her position is appointed by the Mayor and this is her 25th year with the City. She served as Safety Service Coordinator for 12 years and has been the Director for just over 1 year. Director Costello said that she oversees Police, Fire and Sanitary regulations and is charged with managing all public works. She is the purchasing agent for the City and because of that, she is on the Board of Control. Her department is made up of Police, Service and Fire, but she also has the Safety Service Coordinator, and an inspector who is the GIS and IT Manager. She works with the Fire Chief, Police Chief, Service Commissioner, the Engineering Consultant, and all departments in the capacity of purchasing what is necessary. She also handles going out to bid for purchasing insurance and reports false trips, damages, etc., to the insurance carriers. They maintain the fleet records and manage any insurance issues that may come up, for example, a rupture sprinkler line at the Senior Center over the winter and the subsequent renovations there.

Regarding public improvements, Mrs. Costello said that they work on planning, developing and emergency work to the infrastructure. They rate the streets and keep an eye on what is going on there. The weather has been very difficult this past winter and they are working very hard to fix the chuckholes on the main streets like Detroit Road and Center Ridge Road. Her Service Department personnel are working throughout the City and will eventually reach all problem areas soon.

Mrs. Costello continued by saying that they work on personnel issues in Police, Fire and Service Departments. She also works on grants and they recently received notice of funding for an exciting NOACA study, and of the total \$93,000 cost of the study, \$75,000 will be funded by NOACA. There is currently a green infrastructure demonstration project that is the result of grant funding that is also being managed out of her office. The generator that is just outside the window from Council Chambers was provided by a grant, as well. They conduct safety meetings with Service personnel and they are starting safety protocol meetings with Police and Fire this summer. They coordinate with many other entities, such as the County's Ready Notify program and encourage our residents to sign up because we can use that communication infrastructure to choose people to call and send out messages to, much like the illuminating company will do if there are outages. Director Costello thoroughly enjoys her role with Police, Fire and Service Chiefs. Working with them on their collective bargaining agreements and providing an avenue for a grievance procedure brings a perspective from outside of their departments. It is a nice check and balance and, in

disciplinary situations, it is easier on the Chief and people who have to work day to day with each other. She feels she has a great position in the City and is privileged to have it.

Mrs. Costello said that the one recommendation she would make for change in the Charter language would be to provide gender neutrality and she believes that City Council can do that.

Mrs. Hower asked Director Costello if she sees any need for any change regarding her duties and responsibilities as outlined in the Charter. Director Costello said that the fact that she is appointed by and serves at the discretion of the Mayor is very important because of the vision a Mayor has, as well as a concept of the leadership they desire. She thinks it is important that the Mayor is able to work with someone who shares that vision and wants to make those goals happen. She has no recommendations for changes to the duties and responsibilities in this section. Mrs. Hower asked Director Costello if she thinks that future Directors of Public Safety-Service should be required to have certain qualifications. Director Costello replied that, because this position serves at the discretion of the Mayor, a Mayor could look to a police, fire prevention or service division professional to fill this position because of the many aspects of the job. She believes that the real qualification is a passion for the job, because a lack of passion would make it a difficult job to do.

Mrs. Hower asked Director Costello if she is a resident of the City. Mrs. Costello said that she was a resident of the City at one time for many years, but she is no longer a resident.

Mr. Urban asked Director Costello if she sees any changes that are needed regarding this position's governance of the Police, Fire and Safety personnel. Director Costello replied that she enjoys being able to be a person from outside the department who can help with the grievance and disciplinary procedures. It is important for any Chief or member of the Divisions to work within the grievance and disciplinary procedures, which includes someone from outside the divisions. Mr. Urban asked if Director Costello finds herself to be a buffer between the Mayor and the Police and Fire Departments. Mrs. Costello responded that the Mayor negotiates the Collective Bargaining Agreements and having someone else operate within that disciplinary and grievance structure helps down the road when the Mayor is taking the lead on negotiating the contract. In that regard, she sees the Safety-Service Director important in keeping those two things separate and she believes it is helpful.

Mr. Urban asked Director Costello who her oversight is as it relates to her role as the purchasing agent for the City. Director Costello said that when purchases over \$50,000 are made, public bidding is required, unless they purchase under the State Cooperative Purchasing Agreement. When she receives Purchase Orders for under \$50,000 for large ticket items like a new sewer camera, she insists on seeing all three quotes and has them explained to her. She said that Mr. Mehling will attest to the fact that she presses Directors to educate her about the need, what the equipment is and what it will be used for. She asks for explanations about the life of the equipment and what it is replacing. She tends to make a nuisance of herself because it is important for her to know this information when she is talking about budgets and justifying the need to make these purchases to someone in City

Council. The operations about what they purchase and why, is very transparent and she believes that more than one person needs to know the answers. Mr. Robenalt asked Director Costello if the Board of Control also looks at purchases above \$500.00. Director Costello said that they often have those discussions at their weekly meetings.

Law Director Bemer added that Director Costello is a critical part of the chain of all of the City's Collective Bargaining Agreements and grievances and holds a distinct role in the process, which is critical and is a mandatory requirement. In the last year and one-half, that process has come into play because of a number of issues that have come up that Mrs. Costello has had to be part of. There have been a lot of retirements and a real tightening of not only the belt, but of the entire protocol of the Police, Fire and Service Departments. In addition to those responsibilities, she is the purchasing agent for the City. Director Costello has a lot on her plate, and he believes she handles it more than just admirably.

Section 1. General Provisions.

Mrs. Hower read this section aloud and there were no comments from the Charter Review Commission.

Section 2. Department of Law.

Mrs. Hower read this section aloud and Law Director Bemer said that they modified the qualification 6 years ago because the language was very limiting, as far as who would qualify to be Law Director. Mr. Urban agreed and said that before the change, unless you worked in a municipal field somewhere, you could never be the Law Director of Rocky River. At that time, the Review Commission joked that Mr. Urban would be qualified to be on the Supreme Court, but he could not qualify to be Law Director of Rocky River. Law Director Bemer said that he thinks that 5 years of general practice experience is sufficient.

Mrs. Hower asked if the two year term creates a hindrance in Law Director Bemer's ability to perform his job. Law Director Bemer said that he feels it is consistent with the other elected offices of Mayor and City Council Members. It would obviously be more palatable to knock on doors every four years as opposed to every two years, but the counter argument is that elected officials tend to disenfranchise the voters in making the decision of whether to keep someone in office. He said that when accountability is every two years, a candidate is always campaigning, so there is no time for an elected official to rest on their laurels. Ms. Campanella said that since they have the discussion of length of terms for the Mayor and City Council members on the Master List, this should be discussed along with it.

MOTION: Moved by Mr. Hvizda, seconded by Mr. Welsh, to add the discussion of length of term in office for the Law Director in **ARTICLE IV – ADMINISTRATIVE DEPARTMENTS, Section 2. Department of Law,** to the Master List of Items for Further Discussion. Motion passed by unanimous acclamation.

Mrs. Hower asked Law Director Bemer if he recommends any changes to the second paragraph of this Section, which lists the Law Director's responsibilities. Law Director Bemer said that there are no further responsibilities he would add and believes that any good Law Director does everything required of him or her.

Mr. Welsh asked Law Director Bemer if his duties are over and above what is mandated in the Charter and, if so, whether he is compensated by the City for the additional work. Law Director Bemer said that he is compensated at \$100.00 per hour for labor negotiations and litigation, which is billed through his law firm.

Mr. Urban said that next week's discussion will be a review of ARTICLES VIII, IX, and X. There are no invited guests and the meeting should move rather quickly. The remainder of the meetings will include a discussion of the Master List items, if time permits. He thanked everyone for their participation tonight.

There being no further business, the meeting was adjourned at 8:35 p.m.

Date

John Urban, Chairman

Thomas Robenalt, Vice Chairman

Kate Straub, Secretary