Chairman Thompson called the meeting to order at 7:30 pm. The Pledge of Allegiance was recited.

Roll Call: Garry Thompson, Terry Duncan, Jack Sadlon, Brett Iafigliola, David Neumann, and Laura Graham.

Others Present: Andrew Bemer, Law Director.

Members excused: Lori Jones, Fran Migliorino, and Dave Humpal.

APPROVAL OF MINUTES
Mr. Thompson stated that the minutes are not as of yet completed. He stated that the Clerk of Council is transcribing the minutes almost verbatim in order for the next Charter Review Commission to review what transpired during this Commission. He stated that the minutes will show all the pros and cons of the discussions.

REVIEW OF PROPOSED BALLOT LANGUAGE
Ordinance 00-2018

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS A PROPOSAL TO AMEND ARTICLE V SECTION 5.01 OF THE CHARTER OF THE CITY OF OLMSTED FALLS TO MODIFY THE TERM OF CITY COUNCIL FROM TWO (2) YEARS TO (4) YEARS AND INCLUDE STAGGERING OF THE NEW FOUR (4) YEAR TERM, AND DECLARING AN EMERGENCY

Mr. Thompson stated that the ordinances will not be assigned a number until they are presented to Council. Mr. Iafigliola indicated that in the first whereas clause it states “Council has received the recommendation of the 2018 Charter Review Commission appointed pursuant to the Charter of the City” and the question is “Council is obligated to submit such proposed amendment to the electorate of the city.” Mr. Bemer stated that it is ad ministerial pass through. Mr. Iafigliola asked what would happen if Council does not approve the legislation. Mr. Bemer stated that Council would be subject to a mandamus action. He stated that there are issues that need legislative approval but are not really legislation and they are called an ad ministerial act. Mr. Thompson stated that Council cannot modify or amend the legislation which is why the Commission needs to review and make sure this legislation is what the majority wants to recommend to Council. Mr. Sadlon stated that if you consider the fact that we are representatives of the electorate the Commission has created the legislation. This will then go to Council to act on and then will move onto the electorate.
Mr. Bemer stated that he used a template from the previous charter change attempt and scaled back the language to make it understandable.

Mr. Iafigliola asked Mr. Thompson to read the ballot language from the previous 2000 legislation. Mr. Thompson stated that the previous ballot language stated “shall the proposed amendment to Article V, Section 5.01 of the City of Olmsted Falls Charter concerning Council terms be adopted so as to amend Section 5.01 of the City Charter to provide for four (4) year Council-at-Large terms commencing January 1, 2002 and four (4) year ward council terms commencing January, 2004.” Mr. Iafigliola stated that the ballot question is almost the same, which is what the electorate would see. Mr. Thompson stated that he assumes that the city would produce a document for the residents showing what the actual charter change would be, which is historically what has happened. Mr. Iafigliola stated that 18 years ago this amendment was placed before the electorate and did not pass and he wants to make sure if there was a mistake this Commission does not duplicate it. Mr. Neumann stated that he does remember what he was thinking back in 2000 and believed that the Councilmen just wanted four year terms and it was bad enough that they are in office for two years but he did not understand the reasons for the change. Mr. Sadlon stated that the Mayor’s term was placed before the electorate before Council. Mr. Neumann indicated that he did not understand why before serving on the Commission and why it is necessary but the language also does not explain why this is being recommended. Mr. Thompson stated that the reasoning is not placed in the ballot language. Mr. Bemer stated that the Mayor’s terms were two years which the electorate found acceptable in order to review their history which means campaigning needs to take place every other year. Mr. Thompson stated that the main motivation for staggering is to avoid turning over Council all at once. Mr. Bemer stated that is the risk with two year terms.

Mr. Sadlon stated that there is no reference to staggering in the ballot question. Mr. Neumann suggested adding “for the purposes of stagger.” Mr. Sadlon asked if modifying was a Council action. Mr. Bemer indicated that the legislation will be forwarded to the board of elections who then sends it to the Assistant County Prosecutor who reviews the ballot language and determines if changes are required who then sends it back to the city. Mr. Thompson stated that when a state issue is placed on the ballot there is a lot of explanation and pros and cons. Ms. Duncan stated that is not listed on the ballot but rather the literature sent to residents. Mr. Iafigliola suggested amending the ballot language to add “to provide for staggered terms of.” Mr. Bemer was in agreement with that addition. Mr. Iafigliola also suggested to adding language in the charter to suggest why the change is being made. Mr. Bemer replied that he does not feel that there should be additional language to the charter but does agree with the addition to the ballot language.

Ms. Duncan stated that in the literature that is sent out an explanation can be given, as Council members do not run for Council for the money.

Mr. Iafigliola suggested that under Section 1 in the bold changes there could be an addition that would read “Councilman-at-Large shall be for a staggered term of four (4) years the first term commencing January.” Mr. Neumann indicated that language would be defining that four year term as staggered but we are talking about the whole program. Mr. Iafigliola replied relative to each other they are staggered and asked where the addition of “staggered” would
be placed. Mr. Bemer suggested adding “in order to stagger terms” at the beginning of the new language.

Mr. Thompson indicated that council will authorize the publication of these changes once a week for two consecutive weeks in a newspaper of general circulation. Ms. Duncan indicated that the Sun News would be utilized as it is published once a week and as a result of placing this in the newspaper it will be placed on Cleveland.com as well. Mr. Thompson indicated that he would also like this information posted on the city’s website. Mr. Iafigliola agreed with that suggestion. Mr. Thompson indicated that he would like Section 6 to be amended to include “to be posted on the city’s website 30 days immediately prior to the General Election.” He stated that he would like this language added to all four (4) pieces of legislation.

Mr. Thompson asked if the legislation should be an emergency measure. Mr. Bemer stated that he does not believe that anyone wants to wait the 30 days before sending all the legislation to the Board of Elections. Mr. Thompson stated that, if Council so chooses, they can adopt the legislation on first reading.

Ordinance 00-2018

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS A PROPOSAL TO AMEND ARTICLE XIII OF THE CHARTER OF THE CITY OF OLMSTED FALLS BY ADDING A NEW SECTION TO AUTHORIZE CITY COUNCIL TO DELETE OBSOLETE LANGUAGE, REARRANGE THE NUMBERING AND TITLES, AND CORRECT TYPOGRAPHICAL ERRORS IN THE CHARTER, AND DECLARING AN EMERGENCY

Mr. Sadlon asked if a new section needed to be added since the Commission is only authorizing City Council and their actions should add a new section. Mr. Bemer stated that if you review Article XIII there are current sections so a new section would be added. He would suggest that this be placed on the ballot as the 4th amendment.

Mr. Iafigliola stated that under Section the word “reprinting” and would suggest changing to “publishing.” He stated that he would like to suggest rearranging the order in the legislation to (1) correct typographical errors; (2) delete obsolete language; and (3) rearranging numbers and titles. Ms. Duncan asked if the word “delete” could be substituted with “correct?” Mr. Iafigliola suggested changing it to “modify.” Mr. Bemer suggested changing delete to “revise.” He would suggested the following order (1) rearranging numbers and titles; (2) correct typographical errors; and (3) revise obsolete language. Ms. Duncan asked if we would change deletion to revision as well. Mr. Bemer indicated changing the wording “delete” to “revise” throughout the legislation.

Ordinance 00-2018

INTRODUCED BY: COUNCIL AS A WHOLE
AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS A PROPOSAL TO AMEND ARTICLE IV AND ARTICLE V OF THE CHARTER OF THE CITY OF OLMSTED FALLS TO MODIFY THE DUTIES OF MAYOR AND PRESIDENT OF COUNCIL SO THAT THE PRESIDENT OF COUNCIL SHALL NOW PRESIDE AT REGULAR AND SPECIAL COUNCIL MEETINGS, AND DECLARING AN EMERGENCY

Mr. Neumann stated that in order to maintain consistency throughout the legislation he would like Article IV be before Article V throughout the legislation and Article VI makes it clear that a specific power is removed from the Mayor and given to the Council President in Article V. He stated that this amendment is to shift the presiding officer power. Ms. Duncan stated that the proposed ballot language also follows that suggestion.

Mr. Iafigliola indicated that the current language in Section 5.02(a) has “co-ordinate” and he believes the word should be “coordinate.” Ms. Duncan indicated that if the obsolete language amendment passes that issue could be corrected. Mr. Iafigliola stated that of the four items when it comes to explaining and if you didn’t know any better, if you read the ballot language only, it feels like this is some sort of an attack on the Mayor currently, like we are taking away power from the Mayor and giving it to Council as we are unhappy with the past election. He knows that is not what the commission is trying to do and believes the Mayor is in support of this amendment. Ms. Duncan stated that it does not make sense for the Mayor to be the presiding officer at Council meetings. Mr. Iafigliola indicated that he does not disagree with what the Commission is trying to do plus the Mayor is in support of this amendment. If he was a random voter this is the one piece that seems like there is something going on that he wouldn’t understand. Ms. Graham stated that if you review the other city charter’s they are opposite than our city’s. Mr. Sadlon stated that you will get some people who read more into these amendments, especially if you have history in the city, but you can’t avoid it and is something that we perceive as necessary because our rationale is that council should be an entity of its own, separation of powers at the local level. The Commission understands that but we don’t know if the general public will. Mr. Iafigliola stated that as a recognition this piece is the one that smells like politics. Mr. Thompson asked what if we strike the language “rather than the Mayor.” Mr. Iafigliola stated that if you review the first page, in the title he would suggest striking the wording “modify the duties of Mayor and President of Council.” Mr. Thompson stated that the legislation does modify the duties of the Mayor and President of Council. The legislation indicates that both sections of the Charter have to be modified. The ballot language can state “so the duty at presiding at all regular and special meetings shall be held by the President of Council.” Mr. Iafigliola believes that the public would then question who does that now. He suggested removing the language “rather than the Mayor” from the ballot language.

Ordinance 00-2018

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS A PROPOSAL TO AMEND ARTICLE VI OF THE CHARTER OF THE CITY OF OLMSTED FALLS TO AMEND SECTION 6.01 AND AMEND SECTION 6.03 TO PROVIDE
FOR A NON-PARTISAN PRIMARY ELECTION FOR MAYOR, AND DECLARING AN EMERGENCY

Mr. Bemer suggested amending the title to read “amend sections 6.01 and 6.03 of Article VI.” The Commission was in agreement.

Mr. Iafigliola stated that in Section (a) the word “certified” so the language will read “in the event there are three or more certified candidates” and the word “certified” means certification from the Board of Elections. Again, the ballot language assuming that the only thing people know is when the read this we have a lot of information which is boiled down to three sentences. When he reads only the ballot language it is unclear to him what it means and he believes it is due to the word “non-partisan primary election.” Mr. Bemer stated that he spoke with the Board of Elections to make sure that primaries can be non-partisan and they indicated that this was the language we should use. Mr. Iafigliola stated that if a candidate is running for Mayor and generally they are not affiliated with any party. Mr. Neumann stated that they are affiliated but their party wouldn’t appear on the ballot. Mr. Bemer indicated that according to the Charter the city is a non-partisan political community. Mr. Neumann stated that the language non-partisanship is actually because our own Charter is a non-partisan charter.

Mr. Bemer indicated that when he contacted the Board of Elections he explained that the city had a runoff election but it had to be held in December and would like to hold a runoff to reduce the candidates for Mayor to two and would like to do that prior to the general election and use the primary but what would the city call it and they indicated a non-partisan primary. Mr. Thompson stated that for the purposes of being descriptive and making it clear that it would be a non-partisan primary because then you could have three democrats or three independents or a mix of any, it doesn’t matter. Mr. Neumann stated that he believes primary is a loaded word. Mr. Thompson stated that most people think when you have a primary its partisan. Mr. Iafigliola indicated that when you enter the elections area you are asked what ballot you would want. Ms. Duncan stated that if there was nothing else on the ballot except partisan elections a person could go in and state that they wanted a non-partisan ballot and this would be the only issue on it.

Mr. Iafigliola stated that no matter which ballot you request this would appear on the ballot. Ms. Duncan replied yes. Mr. Bemer stated that local municipal elections are always during odd number years and for our purpose as a non-partisan community you will not find any political party affiliations for any of the officials running for any city office. Mr. Iafigliola indicated that his question is moot because of the odd year municipal elections.

Ms. Duncan stated that if you are reviewing this there could be a question as to if a runoff and a primary will be held. Ms. Graham indicated that the runoff language is removed so what happens after the general election if there isn’t 50% of the vote again. Mr. Neumann stated that it would not exist because the primary removes the third candidate. Mr. Iafigliola indicated that if there is a tie there would be a coin toss because there is only two candidates. Mr. Thompson stated that during the last election when a runoff occurred there was only four days for absentee ballots and this takes care of that issue as well.
Mr. Iafigliola stated that the ballot language includes the language “and runoff elections” and would suggest adding “to include a non-partisan primary election, and eliminate the runoff election” as that is what is happening with this amendment. Mr. Neumann stated that this amendment will replace the runoff election with a non-partisan primary election. Mr. Iafigliola indicated that is the result but if he did not know better he would think there was a primary, an election and potentially a runoff, it looks like we are adding potentially a third election. Mr. Bemer suggested removing “runoff” and add “concerning nominations and elections.” The Commission agreed. Ms. Duncan suggested that in the materials mailed out to residents it be noted that runoff elections are more expensive and more difficult.

Mr. Iafigliola stated that he would like to discuss the general order of the legislation. Ms. Duncan believes that the legislation dealing with the primary election should be first on the ballot as it was the hot topic during the last election. Mr. Thompson stated that he would suggest that the staggering terms legislation be second. Ms. Duncan indicated that she agreed because it makes sense. She believes that you are more likely to run into opposition to a four year term rather than a two year term. She believes it makes more sense from a historical standpoint for the presiding officer issue to be changed in the Charter. Mr. Neumann stated that he believes the presiding officer should be second and staggering of council terms should be three.

Mr. Thompson agrees and believes that of the four the staggering of council terms will be the most difficult of the three. He would like to congratulate the Commission for keeping this to four amendments that way we do no inundate the voters.

Mr. Iafigliola asked if the Commission should submit a memo indicating to Council why these particular items were chosen and others were not. Mr. Thompson indicated that he will present these issues to Council in order to explain why the Commission chose these issues. Ms. Duncan suggested assuming the Commission recommends all four to Council she believes a couple people should offer their services to the individual who needs to put together the package of information that goes to the voters. She stated that when the last provisions went through Council had no input on what was sent to the voters, that she recalls, and there was not a Charter Review Commission involved with those amendments. She believes it would be good to have a couple members of the Commission “quoted” in the literature that is sent to the voters. Mr. Bemer agreed. Ms. Duncan stated that the last amendment passed but when issues arose over a few items since then she believes voters feel that they were burned.

Mr. Thompson indicated that Ms. Duncan would need to abstain from voting regarding the staggering of Council terms legislation. Mr. Thompson moved to recommend to Council an ordinance authorizing and directing the submission to the electors a proposal to amend sections 6.01 and 6.03 of Article VI of the Charter of the City of Olmsted Falls to provide for a non-partisan primary election for Mayor, as amended; Mr. Iafigliola seconded. Voice Vote: 6 ayes; 0 nays. Motion carried.

Mr. Sadlon moved to recommend to Council an ordinance authorizing and directing the submission to the electors a proposal to amend Article IV and Article V of the Charter of the City of Olmsted Falls to modify the duties of Mayor and President of Council so that the
President of Council shall now preside at regular and special Council meetings, as amended; Ms. Graham seconded. Voice Vote: 6 ayes; 0 nays. Motion carried.

Mr. Iafigliola moved to recommend to Council an ordinance authorizing and directing the submission to the electors a proposal to amend Article V Section 5.01 of the Charter of the City of Olmsted Falls to modify the term of City Council from two (2) years to four (4) years and include staggering of the new four (4) year term as amended; Mr. Sadlon seconded. Voice Vote: 5 ayes; 0 nays; 1 abstain (Duncan). Motion carried.

Ms. Duncan moved to recommend to Council an ordinance authorizing and directing the submission to the electors a proposal to amend Article XIII of the Charter of the City of Olmsted Falls by adding a new section to authorize City Council to rearrange the numbering and titles, correct typographical errors, and revise obsolete language, as amended; Mr. Neumann seconded. Voice Vote: 6 ayes; 0 nays. Motion carried.

A meeting was scheduled for June 13, 2018 in order to approve remaining minutes at 5:00 p.m.

ADJOURNMENT  
Mr. Sadlon moved to adjourn; Ms. Duncan seconded. Voice Vote: 6 ayes; 0 nays. Motion carried.

Meeting adjourned at 9:07 p.m.

Garry Thompson, Chairman  
Date approved

Angi Mancini, Clerk  
Date approved