

SPECIAL REVIEW & OVERSIGHT COMMITTEE MINUTES
JULY 21, 2020

A Special Review & Oversight Committee meeting was held on July 21, 2020, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 7:44 p.m.

PRESENT: **Committee Members:** Chair Jeremy Dietrich, Paul Marnecheck; **Council:** Vincent Weimer, Jessica Fenos, Linda Barath, Mike Vos **Administration:** Mayor Larry Antoskiewicz, Law Director Thomas Kelly, Fire Chief Robert Chegan, Police Chief Ken Bilinovich, **Other:** John Nickell

ACCEPTANCE OF MINUTES

Moved by Mr. Dietrich, seconded by Mr. Marnecheck to **accept the minutes of July 16, 2019 (Special) Review & Oversight Committee minutes.** Roll Call: Yeas: 2. Nays: 0. **Motion carried.**

NEW BUSINESS

Mr. Dietrich states I would also like to add to the agenda. Number 3 would be for the Charter Review Commission and its current structure, and Number 4 would be partisan versus nonpartisan here in the City of Royalton and a discussion on that. The Committee has received the minutes for the July 16, 2019 which is the last time this Committee has met. Email to Special Review and Oversight committee, I was asked to call a former member of Council to go over these two items and added items and other members of Council would like to discuss some of them. Again, we missed our April Review and Oversight, it is fitting that we have.

1. **Council Rules 220.06 – clarify language for Council Committees and duties of Committee Chairs**

Mr. Dietrich states I was asked at the time by Mr. Dan Langshaw to add this to today's agenda and so I did. I looked into it since he is no longer here. I clearly understand the Council committees' duties and rules and everything. I even brought the books, I looked through them again that were given at orientation that was very helpful. I clearly understand them. Would anybody like to discuss this further? We are going to go ahead and remove this from the agenda.

2. **Council Rules 212.03 – Open Meetings Required; Minutes – Video Live stream and archive of all public Council meetings, Committee meetings, Boards and Commissions.**

Basically, it was proposed that we – we started to with COVID broad cast everything to residents of North Royalton, it was a temporary fix. I was asked by Mr. Langshaw to add this to potentially look into ways to continuing to keep this on as a permanent thing, I was considering removing this, but also another member of Council came to me and gave me some really good information and wanted to talk about it and refer to Mr. Weimer.

Mr. Weimer states Mr. Langshaw had brought this legislation change to light and I would like to pick up sponsorship of this, and try to move it forward, while I don't think we should continue with the Zoom meeting, I do think with COVID and just going forward that there is a benefit to our residents and our community to have a live stream of our Council meetings provided to them. I think there is some inexpensive easy ways that we can do that, I have already talked to Brian a little bit about that, but essentially what I am proposing is that we add language that would require us to have a video stream of our meetings open to the public. I do not believe that we should continue in public participation online, if you wish to participate publicly you should be here in Chambers to do that. But I do think it would be good for us to have a feed out to You Tube or some other source where people can see a video live and then go back and look at the archive video afterwards. I think that is something we need to keep moving forward especially in light of COVID not having any end. The Zoom piece of it is getting expensive. I think that we need to be conscious of that as well.

Mr. Marnecheck states that was a temporary thing, it was cobbled together.

Mr. Weimer states so I think out of that comes a couple of things obviously it gives us transparency, it gives us an opportunity to give our residents to stay at home instead of feeling like they have to come here to see what is going on and in doing all of it we will end up with a better product too where people can actually hear us while on the feed and see us a lot better that is what I am proposing to move forward with and try to figure that out.

Mr. Wos states I think that seems like a good idea. I mean Zoom definitely is not only is expensive it has certain security issues, someone that works in IT knows. I think Broadview Heights actually had an issue with one of their Zoom meetings, I have heard.

Mr. Marnecheck states the school board.

Mr. Wos states yes, the school board, if you are going to pursue that then we need to find a different medium or You Tube stream or something like that, I think that is a good idea.

Mr. Dietrich states my first question is going to be cost?

Mr. Weimer states so the audio piece of it I already had to research for having the same issue on the school side, quick and easy fix for it is probably \$150 to \$200 that plugs into our current system and gives us the feed out we need for the video.

Mr. Dietrich states is that a one-time fee?

Mr. Weimer states a one-time fee. Then, we can continue to use this camera or we can look at upgrading to something that is wall mounted that is a little bit more permanent in the back of the Chamber so that is anywhere to free to \$600/\$700 for a camera that we want to put on the wall and whatever wiring we need to get that to a computer source.

Mr. Dietrich states did you say free?

Mr. Weimer states it could be free.

Ms. Fenos states what was the cost to do the Zoom?

Mr. Weimer states what is the monthly costs, do you remember?

Mr. Marnecheck states no because the Mayor graciously has been picking it up.

Mr. Weimer states it is not cheap.

Mayor states I don't remember off the top of my head.

Mr. Kelly states it was a subscription, Sir. I want to say it was \$140 or \$190 or something like that.

Mr. Marnecheck states sounds about right. We had to go with the expanded packet.

Mr. Weimer states that is per month, correct?

Mr. Marnecheck states yes.

Mr. Weimer states we essentially pay for whatever we decide, whether we went for the free camera option or an upgraded camera option, we would have paid for that in a 6 to 7-month time frame.

Mr. Wos states you can do You Tube streams for free?

Mr. Weimer states You Tube streams are free, but the equipment to get us going and once we get that going the investment is a one-time investment.

Mr. Wos states they even make cameras that are capable of tracking of who is speaking. We use those where I work.

Mr. Dietrich states I think we need a little bit more research on what camera. Again, since we had a special meeting and normally it is spread apart since the last time, we met was 2019. This time we are going to meet here again on September 1 so we will have another Review and Oversight then. If you can find out, if you don't mind doing research and getting us information on a camera like you suggested initially and maybe some pros and cons so we can have a better discussion with more money and it is coming up. I think a couple members of Council already voiced their opinions to look into this further and I think it might be a good idea, if we can get some more information on the cost of the camera.

Ms. Barath states Jeremy anything where the residents can watch the meetings is fine. My only objection would be the back-and-forth communication. I agree heartedly that they have to come here to discuss anything that they have because I think that turns into a mess.

Mr. Weimer states it has to be on record, there is a podium there for a reason.

Ms. Barath states it is just a chaotic mess online. I have been a member of multiple Zoom meetings and believe me once you get passed 20, it's kind of gets ugly. Between the swiping of the pages, I think it would be to their benefit to be here.

Mr. Weimer states Mr. Chair I have no problem doing that research. I have one question for our admirable Law Director, is there anything from a legal standpoint that you would have a concern with continuing to provide a live stream of the meetings?

Mr. Kelly states the only thing that I would be concerned about would be first of all documenting the will of Council so we will have to change the rules. But, also the record retention issue. In terms of integrity, now you are beyond my skill set, in terms of integrity of the process to makes sure that it cannot be tampered with and so forth that we will have to end up talking with Mr. Beals about it.

Mr. Dietrich states we will leave it on for now so we can talk about it at the next Review and Oversight Committee meeting.

Mayor states just really quick because Eric just texted. Zoom we are paying \$250 a month.

Mr. Dietrich states and this is for free?

Mr. Weimer states once you make the initial investment it is.

Mr. Dietrich states we will leave it on, does anybody else like to discuss it?

3. Charter Review Commission and Current Structure

Mr. Wos states we just voted last week on some Charter items that were brought to the Council from the Committee and I know there is a bit of history on it. Again, Mr. Kelly have to ask you a few questions because this predates me by quite a bit. But, as I understand it, it was explained you have an appointed Charter Committee and they will go through the City Charter and will make changes and it is Councils' responsibility to vote on those items to go on the ballot as they are.

Mr. Kelly states yes without alterations. I know that is the sore spot.

Mr. Wos states so my understanding is, I don't know if the timeframe is right, at one-point North Royalton did not operate like this, I think maybe this change happened around 2000 under the Luks Administration.

Mr. Kelly states it happened right around 2000. It may have been 2000, in fact.

Mr. Wos states I did a little bit of homework on this. I found out what some of our neighboring communities do. For example, Strongsville also has a Charter Committee, but one of the things they do is put members of Council, so there are one or two folks from the City Council that actually participate in that Committee. And on top of it, the items that come out of that as it is written. Council also has the opportunity to review the language before it goes to the ballot and makes adjustments and then it is passed back to the Committee again. So, there is kind of a collaborative effort between the two as I understand it. Finally, once everything is approved it goes to the ballot. This seems to me a much more reasonable, like you said it is a sore spot. My personal opinion is I think that the current set up violates separation of powers with regard to Council being the legislatures of the City writing legislation that definitely should be more input from Council. I don't have a problem with the Charter Committee, it is a body that most municipalities have, but I got the feeling from that we had to move it to the ballot there should be more oversight and review over that prior to that. I don't know if we need to make a recommendation or how we would move forward on this, if this is something that we need to keep, if anyone else is interested in discussing this.

Mr. Kelly states can I offer you a little bit of background?

Mr. Wos states yes absolutely.

Mr. Kelly states as I think I had a discussion with Mr. Dietrich. Charter Municipalities are authorized by the Ohio Constitution under a specific article and there are a lot of cities that are not chartered that follow the states code with regard to what they can and cannot do and what their elective positions are and so forth. The objective of Charter government is self determination to say that the formation of a Charter allows you to form a government in a different fashion than that which is called for under the State Code. State Code is fairly wieldy, it is very difficult, it can be done, it has been done all over. Parma is the largest City in the State without a Charter which is why they have an Auditor and Treasurer instead of a Finance Director like Mr. Dean looking in on me telling me on how I was wrong with regard to the monthly subscription price. This Charter government in North Royalton was formed in 1951 or 1952 and the gentlemen that all served on that original Charter Committee included an old friend of mine named Bane Matthews. They wrote the first Charter and it was adopted like in 1951 or 1952. That worked out okay, I guess, for as long as it did, it was amended from time to time. Come around 2000, the late 90s, there was a great deal of turmoil in this community and again, Beverly remembers that, I don't know who else remembers it. John, I don't know if you do or not, but it was a great deal of turmoil having to do with the issue of multiple family housing and the ramp and growth that was unchecked and the strain on municipal resources. In particular with regard to our sewer plants which were ordered to be expanded repeatedly by the EPA costing millions and millions of dollars. There was a movement, but the movement was to restrict power of City Council, they did not trust the voters in that case did not trust City Council. They got a hold of the Charter Review Commission and said they are going to fix this, whatever the Charter Review Commission says will go to the ballot. It is the equivalent of an initiative petition, so City Council you are the legislatures, you are the trustees of the community. But the people reserve to themselves certain rights and one of the rights that they reserve to themselves is the initiative. The Charter Review limitations that were placed on City Council in 2000 are representative of and analogous to the initiative practice which is to say if the Charter Review Commission on which no elective representatives are permitted under the current setup, they don't even permit elected officials to sit on it. You are essentially cut out of that practice and cut out of that equation. I am going to suggest on the theory that the people have reserved that to themselves. The people can change that which is to say that there can be a change, all these things are changeable, you could go to a Strongsville style system if you chose to do so where you would allow or could allow elected public officials to have seats. You could also build in that back-and-forth collaborative thing that you talk about or the other extreme is that Council gets to approve or disapprove any proposed Charter Amendment. If the voters will accept that, if they make that change if they give you that approval then it is done. I will draft whatever the majority of you decide what you want to see in terms of proposal for consideration, its terms of Charter amendments we can absolutely put that before you and you can put it to the voters. I don't remember if it has to be in a general election or not. I think it does.

Mr. Dietrich states you are willing to draft that Mr. Kelly?

Mr. Kelly states of course.

Mr. Marnecheck states he said with the majority.

Mr. Kelly states before I spend the time and the effort, I have to know that you people are all on board for this or the majority of you are at least on board for it so I have something to give you that you are seeking.

Mr. Marnecheck states I would not want members of Council to serve on this, I like the separation, the fact that this body could propose something that the elected officials are bound by and we don't have to approve it by going to a ballot. It totally, the Charter is the owner's manual of the City and Charter Review totally takes Council out of that so you have residents that are able to look at it and say this is what we want proposed to the voters. I think the last time we did this was the 3rd or 4th time I voted on Charter Review recommendations in my time. I like it because it is totally separate from, I am just a mechanism to just say put this on the ballot, residents came up with this and let's see what the residents think of it. Paul Marnecheck as an elected official has one vote, just like my wife does on it.

Mr. Dietrich states just really quick. The residents, you cannot say, it is on the ballot so the residents are going to decide and ultimately, they have to vote on it as is, but the residents did not decide it to be written the way it was, the Charter Review Committee did.

Mr. Marnecheck states but those are the residents, they aren't elected officials.

Mr. Dietrich states sure they are not elected officials, but that is a handful of residents; there is 30,000 residents. My issue with it and I don't want to call it unconstitutional but we are the legislative branch, I don't see a situation, I can see your point of keeping it separate and not having members of Council be on the Charter Review Commission, but my big issue as you pointed out is the ability to review it. We literally are being forced, again, I don't want to call it unconstitutional, we are being forced to vote yes as written with zero changes. We cannot even take a look at it.

Mr. Weimer states if I can jump in. Mr. Kelly, I would suggest that maybe the pendulum swung from one direction to another direction and it may have swung a little too far. I would be in favor of talking about a change to allow Council to have some discussion with the Charter Commission to say, we got some things that we don't like about this.

Mr. Dietrich states I would like that as well, I think we should have the ability to make changes or have discussion on, we shouldn't be forced to push it through as written.

Mr. Weimer states it should be more of a collaborative effort and I understand Paul's point where you would like to keep it separate.

Mr. Marnecheck states but ultimately if the Charter Review Commission and Council are in disagreement so who supersedes the other. If the Charter Review came with proposals that people didn't like does Charter Review still have the ability to have them on the ballot?

Mr. Weimer states I think personally Charter Review should have the ability to do but with public record of the decent from Council that we are not in agreement with this Charter and it is moving to the ballot and the residents have the right to vote on that. But we have the ability to say as Council that we are not okay with this. Right now, it looks like if you don't do your homework as a resident and you are not educated about what it is that we did you are going to read it in the newspaper and it looks like Council just rubberstamped bad language through the voters.

Mr. Dietrich states I understand that point, but let me make this point. You are still allowing them to retain that power so you are literally just saying I am washing my hands of it, I didn't like it, it is not my decision. However, that is our job to make decisions like this it is what we are elected to do and I think Council should have, to answer

Pauls' question, I think Council should have jurisdiction over the final say of how it is written with obviously with legal advice because he does sit on that.

Mr. Kelly states by the way I did not put that in there, that has been there.

Mr. Dietrich states yes, I know, I am just putting it out there, I agree Vince that you should have say, but also one further, I think we should have final say, we should be able to work together with them, but everyone needs to be aware the Charter Review is hand picked by Council President and the Mayor.

Mr. Kelly states Mr. Chairman these are good arguments, they are weighted and they are valuable and I don't have a dog in the fight, but I will tell you this, some of that effort in 2000 to take away from, and it really was it take away from Council the authority to change that language, it was an expression of distrust but it also speaks to the question if you were going to ask 9 to 10 people to sit on this Charter Review Commission and do the work that they do, and then it comes to you and you tear it apart and take it apart and reject it, you are going to find – I am just saying if you want the final say and you do, and that is okay, if the voters approve it, but you may find it more difficult in the future then to get people to volunteer their time if they are of the view, if they get the wind of the fact that their efforts are not even going to make it to the ballot.

Mr. Dietrich states let me respond to that, if I may. Here is thing, their efforts are valid, you are collective putting everything together and doing all the leg work and bringing it to Council that is never going to go away. Those issues cannot just be abolished by Council, they were only asking for some jurisdiction to make changes. Let me explain to you why, you said that there was a distrust there with Council which is why this was done away with. We speak to the public all the time as Council members we have to, we have to get reelected every two years so we have to talk to the public. I have a lot of people that have a lot of distrust with the current system because they don't like the way things are being forced onto the ballot this fall. They don't like the way they are currently written. Maybe with the Chief, and the things like that maybe go outside, they say I like this about it but I don't like this about it. So, there are some distrust now with the current structure, at least that is the feedback I am getting from residents. We try to make it clear to everybody that was in the audience, that they have to vote yes so just so you guys don't jump on Council, why are you guys approving this so it had to be clarified. Basically, what I am telling you is, I am not saying do away with the current system, I am not saying do the extreme and get rid of the Charter Review Committee, they should not feel that way, if they are just going to chop it up, they are still going to do the same thing that they are doing now. They are going to go through everything and figure out this and this, these are the items that we should put on the ballot. These are the things that need to be changed. The only issue I have is the inability to make changes as elected members of Council.

Mr. Kelly states I don't know what the division is or what the percentages are. I would venture to guess that there are more communities and Charter municipalities that follow the rule that you are suggesting than do the one that we have in place.

Mr. Dietrich states that is what we used to do and I that is what I am suggesting we go back to. I think there is just too much power in that Charter Review Committee, it should not be forced on us as Council to just have absolutely no say in it. Four things are going on the ballot, I am going to propose something to be put on the ballot and I have to get the majority of Council and I have to jump through all these hoops in order for it to happen, in order for it to go to the voters. I have to do all these things and I have before Mr. Kelly to write up anything for us to vote on it, we have to show him that we have majority of Council. I get it there is a lot of leg work in that. Well this situation, the Charter Review committee they get to just basically say this is what we are doing, you can't say no, in fact, you cannot make changes or even have a discussion about it. I think don't it is a good way to go about things, I think there is a balance, I am not this extreme. I use the word compromise all the time. I am not saying that their input isn't valid that they should not feel that way because anything that they come up with is going to move forward. It is going to stay the way it is and all I want is for us as a member of Council as a body to be able to have discussions and not be forced to put it through as it is written. I am jumping on Mr. Wolfe. Mr. Wolfe spoke about it, and I think he made some very good points. I think we should move forward in changing the current structure of how the Charter Review Committee is able to pass things.

Mr. Marnecheck states maybe you are talking changing about how the Charter Review Committee members are picked.

Mr. Dietrich states no. I am not saying that should change, I am saying, I don't see a problem with that per se. What I am saying is, I think you guys do a good job in picking out a good group of people and they do a good job in picking out things that they think that can help the City improve, but they are not perfect. I know the Law Department is involved in helping getting those things written, we are not lawyers, we are elected and that is our job. I think we should be able to, again, I am not saying to reinvent the wheel. I am okay with the Charter Review Committee and the structure where they are picked by the Mayor and the Council President that is fine, they come up with things on their own that is fine, they present them to Council and we have the ability to just like we used to do, we should go back to that form, I think that is more, I said I wasn't going to say it, but more constitutional, I think that is a balance, as Mr. Wolfe has pointed out.

Mr. Weimer states to have more a collaborative effort and like I said we are elected by the people in our Wards to represent them, we communicate, I think most of us communicate regularly with people, we get a pulse of the community. Like "Vince you had a really great analogy, the pendulum went one way, way too far, it is like a knee jerk reaction and maybe it was a miscalculation". I would say in that statement and I want to make sure that everyone is clear of what my statement was, I think that you cannot ignore the history of the City. Every city has its own history and its own lineage of how it got to where it is and we cannot ignore the fact in 2000 this City was in turmoil and they did not trust the people that were sitting in these seats to make a decision. While I am in favor of the looking at changing the way the Charter Review happens and our voice in that, I am not 100% sold if it is in the best interest of the City that we use the (inaudible) decision that was made back in 2000 to give the citizens of the City the right to say we hear you Council that you don't agree with this, but that is not for you to decide that is for us, let it come to the ballot and we will make that decision. I think there is a way for us craft that, I agree with everyone is saying about the compromise, but I think there has got to be an ultimate way that the residents of this City have maintained what they asked for in 2000 which is to have the ability to say we don't trust you, we want this changed and we want it to go to the ballot and let us make the decision.

Mr. Dietrich states you made all good valid points. The extreme would be again, the way that it is now completely switched the other way and now there is some distrust that at least I am getting feed back from residents. The compromise would be balance. Maybe Council doesn't have the final say, but I do think it needs to be changed. I think both the Charter Review Committee and Council has to agree on how it is written before it is ever put on the ballot, maybe that is the way we need to go. You cannot say it is the word of the citizens and Council has the final say over citizens. There is a small group of people that are hand selected that does not speak for all of the citizens, they just don't. To have to have a balance. You cannot have the one extreme and I guess with Council having all the power, and you cannot have the other extreme with the Charter Review as it is currently structured having all of the power. Again, you made another good point. At least we want to voice our opinion and say we are not okay with this. A lot of people don't know exactly how everything is structured and just going to assume that. Not that is as important, what is important here is that there is a balance of power, that is not so much here, but Council needs to definitely be more involved. I definitely should consider moving forward with changing how the Charter Review Committee has the final say and have absolutely no rights to make any changes or anything. Maybe it is a collaborative effort. I am not sitting here with the answer, all I am saying is that the current way that it is, that is my job as Chair of this committee that is the whole point of review and oversight is to find these things that are not favorable as they currently structured. It was brought to my attention and I agree that a change needs to be made.

Mr. Kelly states there are different models and we have the old model which was in effect until 2000, we have the new model which is now being called into question and being critiqued which is fine. If everyone is interested in doing something, we can certainly put together some options for you. I have to make sure that three of you want to do this.

Mr. Dietrich states I will make my rounds then. Ms. Fenos what is your feeling on this?

Ms. Fenos states my feeling on it is, I agree that the history is important on how we got here, the current circumstances brought some things to light. I think Council could use the input on the language or any part of it, I am

not sure exactly, but at least the way that it is written there should be some kind of input by Council. Whether it is collaborative or back and forth, it goes to Review and Oversight. I am not saying that it necessarily needs to go back to the way it was originally, but I would be in support of seeing what other options are out there.

Ms. Barath states I have mixed bag of feelings on this. I know there were a lot of things going in the 2000s. There were a lot of different things going on in the City and people were mad about a lot of different things that might have been the cumulation. I am kind of hyper sensitive about what he said about getting volunteers. I am a long-time volunteer in a number of groups, and I know that by getting volunteers and taking a part of what they have done, you will not get volunteers again. People don't like that; they don't mind tweaking but they don't like destroying. I think I am just very concerned about that aspect of it. I agree that we should have some input, but I don't like the idea that we had to vote on something that we may not necessarily agree upon. I am even willing to say that what Paul said, which is having more of an input as a Council to who is on the Charter Committee might be a direction that we can consider. Because right now there is only two people that have been put on that and none of us are the two, it is Paul and Larry. Maybe that is a way of doing it. I am kind of right now split on which direction to go.

Mr. Dietrich states to answer, we are not totally talking about destroying what they did. I tried to make that point earlier. We are talking about tweaking. We are ultimately going to bring to the ballot what they came up with that is the whole point of the Charter Review Committee.

Ms. Barath states it depends on who you have, what group of people you have that can be suspect at times. I would not mind having it upfront of what is going on, absolutely. I think maybe there is some effort we can put in that we get the information and before we are having to approve it and actually do a first reading or something so we can look at it and really absorb it before we have to say yes.

Mr. Dietrich states so you are okay with the current structure?

Ms. Barath states no I am not okay, I am just not sure which direction to go with.

Mr. Dietrich states so you are open to changing it?

Ms. Barath states I am open to changing it.

Mr. Dietrich states I am going to speak for myself. I don't like the way it is currently structured. I am okay with the Charter Review Committee, I am okay with the Mayor and the Council President picking the people, I think they will do a good job with that, I think the people will do a good job coming up with things. Again, I already said this my concern is having no say. So, I am in favor of making changes.

Mayor states may I throw in a suggestion?

Mr. Dietrich states sure.

Mayor states let me throw in a suggestion. One thing that we know about the 90s is that whatever was going on, I didn't get to the City until 2001, so whatever was going on in the 90s we know the last Council just went through it and we were pondering about the term limits and my understanding those came in in the 90s because people didn't trust the government so that kind of plays into the 2000 thing and in the 90s they never had term limits here and then they put them in because they said again, just some of the history from people that I have listened to have said that it was an initiated by people because we don't like those people sitting up there and we don't have a better way of getting them out so lets do term limits. Those came in the 90s as well. So, whatever was happening here and apparently a lot of people did not feel good about the way the government was being run and they were doing all kinds of things to change. Just maybe a quick suggestion since we don't do Charter again for four more years, so you guys have time to ponder and see if maybe we can do some research through the Council office and get maybe more than just what Strongsville does and see if we can do some research on maybe more clarity of what cities do and look at those and maybe the solution of what you guys are looking for is there. Maybe it is a combination of what both of you have been talking about somehow that would work and that would kind of satisfy the pallet. I get the fact that

the Charter Review comes up with certain language maybe Council says maybe not a bad idea, but I wish they would have said it this way. And that may be as simple as it is. Maybe it goes back to the Charter Review with a change of language, some premise, same idea, same issues and maybe Charter Review looks at it and says yeah maybe that is a better way of saying it.

Mr. Dietrich states that is all we are asking for.

Mayor states maybe there is that middle ground that satisfies everybody, but I say that maybe we just do a little bit more research on what those choices are.

Mr. Dietrich states Mr. Kelly offered to do the research and put something together based on everything.

Mr. Kelly states I also offered Dana Schroeder's assistance in doing that research. It always happens to the person that walks in last.

Mr. Dietrich states again we have to find out the majority in favor in order to do that research. I am on board with that, obviously it is going to go to the September 1 meeting. I at least want to get a head count so Mr. Kelly can provide something for us at the next meeting.

Mayor states I think that Dana can probably send out an email to a lot of different cities over these issues and probably get the feedback about how they handle their Charter Review Committees is what we are talking about. You can blast out to all your fellow compadres.

Mr. Kelly states there is enough support that wants to, I can count the house too. You want to look at the makeup of the Charter Review Commission.

Mr. Marnecheck states who has final say?

Mr. Kelly states in terms of the makeup you want to look at the question of whether or not you want to include elected officials, right?

Mr. Dietrich states right.

Mr. Marnecheck states does anyone think it is a good idea to include elected officials?

Mr. Weimer states other cities do it. We should look at it. All we are saying is to look at it.

Mr. Kelly states you want to look at the appointment process, is that right?

Mr. Weimer states we should have a thorough look at all of our options.

Mr. Kelly states you want to look at the question of authority in terms of who has final say, right?

Mr. Weimer states what is the back-and-forth process would be like with regard to ballot language, of how it gets finalized and who looks at it. Like I said, the one place I looked it goes back and forth, it is a collaborative effort.

Mr. Kelly states at some point somebody has to say this is the end and the question is who says that?

Mr. Weimer states we would need the answer to that as well.

Mr. Dietrich states I have someone that would like to speak.

John Nickell, 10092 Hawley Drive

Mr. Nickel states I think he kind of hit on something that I am thinking about the back and forth. Does Planning Commission have to go back and forth, like they come up with some things and they review some things, it can come back to Council. Council can say well no we want this language, but then it goes back to Charter and Charter might say, no I don't like that language it stays or we like your adjustments, it can be a back and forth.

Mr. Dietrich states we will move forward with that then. Mr. Kelly you okay with putting that together?

Mr. Kelly states I will do my best I don't know that I will have everything together for the next meeting. We might have to have another R&O Meeting.

Mr. Dietrich states we are having an R & O on September 1.

Mr. Kelly states you might have to have another one. I am just saying, I don't know if I will have all ready by then. I am going on vacation for a little while.

Mr. Dietrich states I appreciate your efforts. Would anyone else like to speak on this?

4. Partisan v. Nonpartisan

Mr. Dietrich states I would like to throw out some bullet points. As the current structure, we are nonpartisan city where you do not have to declare a party next to your name. The public may have a good idea of what party you are, your opponent can come out and say so via media. But it is not structured that way currently. Some pros and cons, I have had conversations with residents. Believe it or not it initiated from residents that have asked me why isn't it this way. You know what, I started doing some research, it is the minority in Cuyahoga County. There are about five cities that do partisans. You got Brookpark, East Cleveland, Rocky River, Parma and Newburgh; they do partisans. I did reach out to the Mayor of Brookpark today and I am waiting for a response, I should have done it sooner. I just want to try to talk to them and say what are the pros and cons; what do you like and dislike about it. I want to do my full research, I don't want to shove this on everybody, but I think it should be considered for a couple reasons. The first reason would be never having a runoff in the City ever again. We have had runoffs in the past, where you had to have and the City funds it.

Mr. Marnecheck states you would definitely would have two elections?

Mr. Dietrich states, correct, not definitely.

Mr. Marnecheck states yes you would, you would have the primary and the general.

Mr. Dietrich states if you had more than two people running for that position?

Mr. Marnecheck states no if you have a partisan primary, the partisan primary still has to occur even if the person is unopposed. I am saying you would have two elections rather than one now.

Mr. Dietrich states again the positive to that would be you would have a clear two-way race and it would be less confusing to the residents in the fall and you would never ever runoff. So, what I mean by that is last election we have five people running for Mayor, I think it should have been condensed to two. We should have had a primary. We didn't have a runoff; we have had them in the past.

Mr. Marnecheck states are you only talking about Mayor or are you including the wards?

Mr. Dietrich states I think it should be considered for both that is why we are having this discussion.

Mr. Marnecheck states so you potentially talking about a ward seat having a primary and a general?

Mr. Dietrich states potentially, it depends, that is what this committee is for, that is why we are having this discussion. These are options on the table, open up for discussion. I know some people might feel it would not benefit me. I will publicly say it on record, I am a Republican, and maybe that excites some people, maybe that makes people look at me differently. I know that is part of the reason why they want to keep it nonpartisan. In Cuyahoga County it is the most democratic county in the state out of 88 counties. It doesn't not really benefit me much to say that openly. I will say that it is not for my benefit, it is for the cities. Again, I have had residents during the Mayor race come up to me and say who is this person, what about that person, it was confusing and they have to do all the research, I think that should be condensed down to two to have a clear ballot in the fall and there will never be a runoff ever again. I used the word compromise earlier, one of my main things is not to bring partisanship here, it is an idea, I would like all of you guys to consider it, but if were to compromise we did this in the past also, and going back to the old. We had a nonpartisan city, but we did primaries if it called for it. If you had more than two people running, you would have a primary, you would still achieve the goal of only having two people in the fall and no runoff.

Mr. Marnecheck states only for Mayor, right? It was never done for the ward seat.

Mr. Dietrich states I was not here, but as far as I understand it was not done for the ward seats, correct.

Mr. Marnecheck states you were in an election for a ward seat.

Mr. Dietrich states I was in an election ten years ago where there were three people. I don't want to get into that but there is a Ross Pero affect in there too sometimes. You have to consider it not just for the Mayor position, but for all positions. Who wants to run if you have five people running in that ward; it gets pretty confusing and pretty chaotic? It should be considered not just for the Mayor's position, for Council President and members of Council and that would be my compromise. But in no way shape or form, I will go on record to say this too, but am I comfortable with the current situation as structured.

Mr. Marnecheck states you are still talking about adding additional elections, just to be clear.

Mr. Dietrich states I understand that you are against it, yes.

Mr. Marnecheck states I didn't say I was against it; I am just saying that you are talking about adding additional elections.

Mr. Dietrich states yes.

Mr. Marnecheck states what am I saying is what is the need to do runoffs in the ward seats?

Mr. Dietrich states I just said that it should be considered.

Mr. Marnecheck states but what is the virtue of having a runoff in a ward seat? What is the pro?

Mr. Nickell states consistency.

Mr. Marnecheck states consistency, John, you appeared on six ballots. There was never a runoff for you. I am sorry seven ballots.

Ms. Barath states can I make a comment. We had, I am sorry Jeremy, I understand what you are saying, but we just came out of election where five seats with only one opponent with one person running. I don't know if adding another primary to something like that makes sense, I guess.

Ms. Fenos states how many times has there been that many people running for Mayor? Or even three people? Or four people? There were five people this time.

Mr. Dietrich states I am going to let John answer her question, if you want to come up and I will grab you Mr. Kelly next.

Mr. Nickell states me and Larry just ran, and I probably would have preferred to just run against Larry. We ran a pretty good campaign compared to last campaign; it was rotten. Stefanik had won, I think he had three with Dave Perry. This is my recollection.

Mr. Marnecheck states there was three total?

Mayor states there was Zaccardelli, and Stefanik.

Mr. Nickell states one reason it was changed because of money, and money is important. It was changed because you had to have a primary and the primary cost about \$60,000.00 to have a primary. It just so happens, to my recollection, there were no other issues on the ballot so it cost \$60,000.00 so they changed that so it would never happen.

Mr. Marnecheck states we had it in October?

Mr. Nickel states yes because there was a primary. I would probably have to preferred to just run against Larry. I think you still would have won. You ran a good campaign and you had the experience. No worriers there. But, in my opinion you can say, and I won't mention names, you will know just the characters involved. He had somebody running for some reasons she wanted to change something, maybe it should have been brought to Charter Committee or a referendum. She had no desire to be Mayor, then I don't know why the other one ran, and then the other one ran. In the end, I don't know if there was a clear choice, but she had all these people running and it's kind of diluted things. For me, I would have preferred even if it was nonpartisan if we just had two and then it would have just been clear. Some people use that opportunity, and this is America. And some people say that you cannot run, you should run, if you have \$45 and 50 signatures you can run, it is America. They used the Mayor's race as a platform and you can, it is America, to change something, it was just strange.

Mr. Dietrich states I am trying to keep the circus out of it. Getting it narrowed down to two is the ultimate goal. Again, partisanship was my first stab at it, and again, five cities have adopted it and seems to be doing well. I will reach out to all five cities.

Mr. Marnecheck states four. Parma does not have a Charter. Parma is under the state, so it is four. By the way, Newburgh Heights is much smaller than us.

Mr. Weimer states you and I have had quite a dialogue about this, back and forth. I still stand with where I was. I have taken some notes on a couple things that you have said, yes, we would never runoff but we would have two elections. My statement is residents are smart enough to be able to determine between two or three candidates which candidate that they want to run. It falls back to my original question to you which is, if it is not broken, there is not a need to fix it. I don't see a big enough case that it is broken; that is my first thing. My second thing, I still struggle with what does Republican v. Democrat have to do with city politics. Whether or not my beliefs at a national level are the same as your beliefs at a national level does not impact my ability to do good for our city. And we have proved that here on the bench. We agreed with things, we disagreed with things, we have done it well, and we move forward so I struggle with how declaring a party has really anything to do with our city politics. I would then go back; I really cannot think of any time where we had five people running for Mayor in the City. That was very rare weird occurrence. If that was something that was happening on a regular basis, I would be singing a different tune. I would be in support of some way to change, but again, I stand firmly, my belief and my recollection of things that have happened, I would not be in favor of changing this, because I simply do not see a broken system right now that need to be addressed.

Mr. Dietrich states I am going to respond to that first. So as far as, I will respond to the very last one, if it is not broken don't fix it, you said that it happened this one last time. What has happened in the past where we had not 5, but more than 2. Then you have had runoffs, that has happened, that is in the history of the City.

Mr. Marnecheck states if I may?

Mr. Dietrich states let me finish, I am chairing this.

Mr. Marnecheck states I think there is a minute difference, the previous runoffs, if there were more than two candidates there was no way to avoid going down to 2 because there was no threshold.

Mr. Kelly states that is correct.

Mr. Marnecheck states the current system there was a threshold, if the winner cleared 40% and if there as a 5% difference between the first and second place, it was over. The system that was in place in 2007 and 2013, if three people ran, and there were, there was no way to go, you had to have the runoff.

Mr. Kelly states in December.

Mr. Marnecheck states that was one change that was made is to have the ability to only have one election.

Mr. Weimer states there has never been an instance where the ward has had more than 2 people.

Mr. Dietrich states let me share this really quick. Here is the issue, before I lose my train of thought, you have that ability, but you still have the ability to have five people for election that you just had, you have the ability to have three people, you have the ability to chop this thing up too much. I am trying to share and I never share anything. As far as being this has only happened one time, I am trying to respond to Vince, you are talking that it has to happen two or three more times before you want to consider, maybe it is not broke, but it should be adjusted. I am trying to compromise. If you don't like the party affiliates, but I am trying to be proactive instead of reactive, that is who I am. If I see something that we got five people running as a member of the audience pointed out, Mr. Nickell. One person did not even want the position, they want to change it and become Manager to me that is a circus that many people and I am trying to get it down to law and order. We have this, how much and by when. So, to do that narrow it down to two candidates, maybe you don't have to go partisan, the compromise would go back to the old system, but you would want to have at least in the Mayor's race, we can talk about it in the other positions, but at least the Mayor's race where you can actually narrow it down to two in the fall and there would not have to be a 40% and 5% above number two slot and all this other kind of crazy stuff. It would be this guy and this guy, who has more votes wins, simple and the only way to do that is to have a primary for at least the Mayor's position, I would ask that you consider it. As far as a party and having a letter next to your name, what does that have to do with city and doing your job, it doesn't, maybe it makes you work a little bit harder, those tough questions come up a little bit more. Are you pro-life? And are you this? Listen, I get it and you can say that it has nothing to do with city politics, but maybe it does help that voter to decide a little bit better who to want to vote for. You are going to have to work harder maybe and so will I because there will be other because there will be other views that cross my views and maybe at the end of the day, I won't get that vote. Those conversations happen to me, I don't know if they happen to you, guys out on the trail, but they happen to me regardless. I am not even pushing as hard as I was, maybe this is potentially to put a partisan thing on the city, especially having to do more research and realizing, I think there is 57 cities.

Mr. Marnecheck states in Cuyahoga County?

Mr. Dietrich states yes.

Mr. Marnecheck states 59 municipalities, two of which are townships. One of which does not have a Charter.

Mr. Dietrich states yes, I was right on that, 57. We have 5 of them that got partisanship. So, after doing the research I found that, and I will reach out to those cities. I am sorry you said four. I will reach out to those cities that do it and say do you guys like it, when did you start it, when did you adopt it. I know I have more work to do and more research to do, and I will reach out to those Mayors and I will talk to them directly. I will bring that to the next R&O. I want to table this and talk about it on the September 1 Review and Oversight and have a conversation with you guys.

Mr. Marnecheck states let see where everybody is at with it? We went around the horn.

Mr. Dietrich states if you would like to Chair?

Mr. Marnecheck states I am just saying we went around for Charter Review, and see where kind of where everybody is at.

Mr. Dietrich states well I am Chair on this, and I said that we are going to table this for now and we are not going to go around like we did before, we had more answers.

Mr. Marnecheck states unless individual don't want to explore in changing it.

Mr. Dietrich states so what I am going to do is table it for now and move it to the September 1 and have another discussion about this on the next Review and Oversight Committee meeting and the reason for that is I need to get more information same reason we move forward first with Mr. Kelly because there were more people around the room and seem to be in favor of changing the Charter Review in the way it is structured. This one I will provide more information; I will talk to those Mayors. I am not asking for just everyone in here to consider partisanship, I am also asking to condense it down to two people at least for the Mayor's position. We can have a discussion about the other positions and you guys can turn it down and that is fine, but that is the way we used to do it, I think it worked better that way. I think there was a reason they switched it, it was just for one specific election; it kind of triggered it, it was a knee jerk reaction to switch it to this. The way it is structured now.

Ms. Fenos states you don't think this might be a knee jerk reaction as well?

Mr. Dietrich states no, it was not just this past election, it has happened where there have been runoffs because of this current structure.

Mr. Marnecheck states Jeremy there had to be a runoff you could not end it if there were more than two. There had to be two elections if three people are running for Mayor previous to the change. You could not end it.

Mr. Dietrich states with all due respect, Mr. Marnecheck when you are Council President, I address you as Council President, and when you are Chairing, I address you and I am very respectful.

Mr. Marnecheck states you are right, I am sorry.

Mr. Dietrich states I am just asking for everybody to hear me out.

Ms. Barath states could you see how many, when you are doing your research, find out how many suburbs do both versus one or the other, I would entertain the Mayor's position. I am not as crazy for the Council positions. See if that is even a feasible direction, it may not be, it may be all or nothing. If that is the case, I am not sure if I am on board.

Mr. Dietrich states fair enough, I will do that.

Mr. Weimer states if I can also ask you if you could bring back to the September R&O meeting, I would like a timeline based on when that model changed, how many runoffs happened in the old model versus how many runoffs have happen in the new model and what the results of those were because I think that is important to see that broken down.

Mr. Dietrich states I will provide that.

ADJOURNMENT

Moved by Mr. Dietrich, seconded by Mr. Marnecheck to **adjourn the July 21, 2020 Special Review and Oversight Committee meeting**. Yeas: 2. Nays: 0. **Motion carried.**

Meeting adjourned at 8:47 p.m.