

REVIEW & OVERSIGHT COMMITTEE MINUTES
SEPTEMBER 1, 2020

A Review & Oversight Committee meeting was held on September 1, 2020, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 7:11 p.m.

PRESENT: **Committee Members:** Chair Jeremy Dietrich, Paul Marnecheck; **Council:** Vincent Weimer, Jessica Fenos, Linda Barath, Mike Wos **Administration:** Mayor Larry Antoskiewicz, Law Director Thomas Kelly, Wastewater Superintendent Mark Smith **Other:** John Nickell, Michael McDonald

ACCEPTANCE OF MINUTES

Moved by Mr. Marnecheck, seconded by Mr. Dietrich to **accept the minutes of July 21, 2020 (Special) Review & Oversight Committee minutes.** Roll Call: Yeas: 2 Nays: 0. **Motion carried.**

OLD BUSINESS

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

Mr. Weimer states I was not able to get pricing solidified yet because Covid has caused a backlog on camera purchases and as a result it has caused increased prices of cameras. I do believe that there is still a merit for us to provide some type of a forum for our residents to be able to review a live stream of the proceedings in Council chambers. I do not believe it is fiscally responsible to continue using Zoom for the amount that we are paying. I know we can provide using You Tube and I have talked with multiple vendors including iVideo. Getting a feed up to You Tube is not a problem for us. The only thing we lose with that is online public participation. In general, I think public participation works best when they are here and we can interact face to face with them. I don't see it as a huge loss as not doing public participation online.

2. **Charter Review Commission and current structure**

Mr. Dietrich states Councilman Wos put together some information from multiple municipalities on how they work their Charter Review Commissions.

Mr. Wos states we had 22 cities that were provided throughout Ohio. The Commission makes recommendations and Council has to vote on them for them to go to the ballot. 22% of the Charter Review are appointed by the Mayor only, 22% are appointed by Mayor and Council, and 44% of the members are appointed by City Council only. My conclusion from this is that most cities are a little more collaborative and also the Council has more input and oversight on these matters which are legislative. If I was to make a recommendation, Council should be able to amend Charter items and decide to vote whether or not to send them to the ballot based on majority vote.

Mr. Dietrich states I think that we should be able to amend those Charter items and decide and be able to say to send it to the ballot or not send it to the ballot as written.

Ms. Barath states I would like to have a historical perspective on when the Charter was changed last time.

Mr. Kelly states I was here, it happened at a time when I was not actively involved with either the Council or the Administration. Honestly, I cannot tell you what the promoting cause was. There was a great tumultuous period of time in the 90s and into the 2000s when a lot of things were changed, some for the better and some not for the better. There was a very strong sense among the minority of people of Council at the time that the voters should control more of the development than Council not advocating its role but allow for certain developers to come in and develop that resulted in a great strain on the infrastructure and that lead to certain sections of the Charter to restrict big box stores, restricts density development; we have those provisions that are difficult to deal with. The ability to develop in this community is restricted by a lot of the Charter provisions. That was the direct intention of those individuals

and they had the support of the community at that time to restrict even the authority of City Council which is why according to Mr. Wos' statistics, some percentage of cities allowed Council to change the recommendations of the Charter Review Commission; a full 40% cannot.

Mr. Weimer states I would be in favor of us looking at two changes. One, looking at the change of Council having some ability to determine who is on that Charter Review whether that involves the Mayor, Council President and Council having a say. I would not be okay with saying to a Charter Review Commission we are not going to pass your recommendation through to the ballot. What I would be comfortable with is us having more of ability to amend or make recommendations to that Charter amendment before it is allowed to go to ballot. That still puts it on the voters to make that determination of what they want or not but gives us the ability to make sure the language that you put on the ballot is acceptable.

Mr. Dietrich states we would like to add Council's input on who is appointed to the Charter Review Commission. The majority of Council would like to have input on the appointment of the Commission and be able to have the ability to amend the Charter and ultimately that would also decide whether or not that goes to the ballot.

Mr. Kelly states when you say amend the Charter, what you mean is have authority to amend the recommendations of the Review Committee, correct?

Mr. Dietrich states yes.

See attachments.

3. **Partisan vs. Non-Partisan**

Mr. Dietrich states I am still collecting information. I will leave this on for the April meeting.

NEW BUSINESS

1. **Appointment process for the position of City Council**

Mr. Weimer states if we were to ever entertain any type of changes or the questions that we ask during the appointment of a City Council Representative, one of the things that weighs heavily on me is it is unrealistic and not proper for us to raise a bar for a Council appointee to Council that is higher than the one that anybody running for Council is required to achieve. I want to be careful that we don't set a precedent at any time by the way that we are appointing someone that would at any time would question electoral process that is already in place for City Council.

Mr. Marncheck states we don't have a lot of time. We are under strict restrictions under the Charter of 30 days. Council has 30 days to make the appointment. We can say we make the application period 21 days after the vacancy is when applications are due and Council has that remaining 7 days.

Mr. Dietrich states I think it is just a rule change, 21 days have the applications in. Then we have a week to appoint, then we are not rushing.

Michael McDonald, 14599 Bennett Road

Mr. McDonald states I think Vince is right. You need to be a little bit more thorough in your process. Make sure before you vote that you do your background checks on that person who could theoretically pass and be acceptable to any position in the City. I think that is an important point that may have prevented the unfortunate circumstances that occurred.

John Nickell, 10092 Hawley Drive

Mr. Nickell says maybe you can do 45 days to take applications.

Mr. Kelly states the 30-day limitation is in the Charter.

Remove from agenda**2. Committee or Subcommittee for Economic Development**

Mr. Jordan states I have no problem using Building and Building Codes to make an economic development report of the community.

Michael McDonald, 14599 Bennett Road

Mr. McDonald states economic development is an area where you have to watch softly, but you have to be aggressive. The City has lost businesses to nearby towns. We have an opportunity to actually grow our City by being smart and thinking about it. It seems like most of the focus is on building development, not business development. We should spend a lot more time looking at how to develop and encourage businesses to move to North Royalton, not to move away from North Royalton.

3. Charter Amendment – Electoral Restriction

Mr. Dietrich states the process that we had to go through a Councilman ultimately resigning, then finding another Councilman and that Councilman resigning. I think we have filled our two-year quota in the last four months. I feel like if you are going to go out there and commit to the residents you should commit to the full term when you swear in. I know there are circumstances where you would leave. My recommendation was a Charter Amendment for Electoral Restriction anybody either resigns or removed from Council should have to take certain terms off up until that point for those reasons.

Mr. Dietrich asks do we have the ability to refuse some resignations?

Mr. Kelly states there is in the Ordinance a provision that the resignation of a Councilman is not effective until it is accepted by City Council. However, that runs contrary to all the case law. A resignation by an individual is a voluntary act that essentially cannot be stopped by anybody. In other words, if you are holding an office or a position and you determine to resign and you make that resignation known in the form of a delivery, however delivered that is reasonably intended to give notice of that act it is done. That person has resigned and their resignation is effective of the moment of delivery. I think it is an Ordinance, it might be a rule, while it says what it says, I have already told Ms. Schroeder and anybody else that has asked. A resignation is effective on the delivery. You cannot force someone to continue in a position when he or she has made an individual determination not to do so. If you have to remember that due process isn't your due process, the due process is afforded the individual who is being accused. In the instance of Mr. Langshaw, I think it is fair to say that he saw from the proceedings and he knew from his knowledge of his conduct that he was about to be removed. He therefore determined to resign, and communicated that, I believe it was an email. His resignation was effective upon the delivery of that email and while we did subsequently formally accept the resignation it was really done for administrative purposes and to confirm to the Ordinance. The Ordinance in my estimation cannot stand against an individual who chooses to resign from whatever office he or she holds.

Mr. Weimer states I would be in favor any type of process that would stop somebody that did something inappropriate or improper malfeasance while on Council from being able to run the immediate next term or the immediate next two terms, but I do share several of my colleagues concerns around somebody that has a legitimate reason and my predecessor before me Ms. Hannan had a situation where she almost had to resign and served our community well. She shouldn't be restricted from running.

Mr. Kelly states I drafted the proposed Charter Amendment based on the information that had been provided. I undertook the intent to delay such an individual right to seek public office in North Royalton for that term for that period of time and that period of time regardless of when it starts would cover two terms of the individual Councilman or one term of a Council President because you are already in term at which point the resignation comes in or the removal takes place.

Mr. Marnecheck states if someone resigns in February of 2020 when would they be eligible to run again?

Mr. Kelly states it would be at the first election following the passage of the four years of that date. Let's take the case, July of 2020 the resignation comes in, if this should pass, the opportunity for anybody to whom it applied to run for election again would not begin until July of 2024. Any election following July of 2024 such an individual would be eligible to run if this were to pass and apply to that person.

Michael McDonald, 14599 Bennett Road

Mr. McDonald states as I read the Ordinance as drafted. I think it will be very difficult to enforce this on any retroactive resignations. Any junior who just got out of law school passing the law exam would probably be able to take the City to the cleaners by bringing up legislation by saying that Mr. McCarthy or Mr. Langshaw if they wanted to run they would probably win that case and it would cause the City additional money. That is the last thing that we want to do. I personally think that you should pull the whole thing and stop playing around putting this incident back in the face where you guys will have black eyes and the two Councilmen have resigned will have black eyes. To me this sounds more like there is more political motive behind it than what is being said. For example, maybe Mr. Dietrich would like to run for Council President or Mayor in 3 years and not have opposition. I am pretty sure that both of those individuals would be hard pressed to win any election going forward in the near term, maybe even a long term here in the City. The damage was done and it would be hard pressed for voters to vote them back in.

Mr. Dietrich states this is not political. This is what can we do better in our interview process.

Mr. McDonald states I would like to respond. Sorry for making any political accusations. But I would like to say that you can ask your Law Director if Mr. Langshaw or Mr. McCarthy were to challenge this in a court of law that you put a new law in place after they resign, I am pretty sure that your response will be is that you really cannot penalize someone after they resign on a new law that was not in place when they resigned. And we can agree to disagree, but I can tell you right now that a Junior attorney would take the City to the cleaners on that particular issue. Secondly, you will be doing a service to all of your other respective Council members by just removing this from consideration. It does not do any good to keep bringing up the black eye on the City, the black eye on Council and the black eye on these individuals, just remove it. It is very simple. If you want to do it going forward and put something in place for any Council going forward that is up to you, but by putting something to ballot at this time, I think you are better off waiting. I would wait a couple years. It doesn't make sense to do it now. You want to do damage control and protect all of you, I would get rid of it. If someone on Council wants to be Mayor then good luck to them; I wish everyone the best of luck. Our current Mayor knows it is not as easy of a job that he might have thought it was when he was running. It is difficult.

John Nickell, 10092 Hawley Drive

Mr. Nickell states I just have a little concern with the Ordinance nothing against you. We know what happened with Mr. Langshaw, if he didn't resign, in my opinion, you had no other thing to do than have him removed. If you were to pass it, I am with you, you would have to do it at term, it is a two-year term, you would have to eliminate for two years. Number two, you cannot legislate and make people do a job to a certain standard. If you have \$45 and 50 signatures, guess what you are on the ballot. There are not so great people that don't have the best intention or work hard to serve your residents. It takes time, you are going to have a couple more meetings, this is the first time maybe in 20 years or maybe ever that we had such a fiasco like that where you had somebody do something to what the previous Councilman did and then we had the unfortunate, it is today's times, the character assassination of another guy, I don't know who this guy was until I saw the stuff. To me this legislation just by experience kind of targets him and I understand he has certain appeal and some people are worried if he comes back or not. All I can say in being in

politics and in today's world all you have to do is print the transcript and put it on YouTube and then it will be up to the voters. If the voters think he is so good and support that person, we won't like it probably, but they will vote for it. Mr. McDonald brought up a good point about legislation, do something after the fact, I was considering the legislation would be litigious and could otherwise be passed and actually bring the City under. Put us up for a potential to be litigated against because in today's time it is different time, it is a different political time, something like this can be seen in the tabloids specifically on him or something. I don't know what the prediction is for him or me, or any of us. In the past we didn't try to make legislation for one specific person when there are 33,000 residents. You are making legislation for this one particular incident, which was unfortunate. The other guy did not do anything wrong to us.

ADJOURNMENT

Moved by Mr. Dietrich, seconded by Mr. Marnecheck to **adjourn the September 1, 2020 Special Review and Oversight Committee meeting**. Yeas: 2. Nays: 0. **Motion carried.**

Meeting adjourned at 8:49 p.m.

City	City has Charter Committee	Charter Review Members are Appointed by Mayor Only	Charter Review Members are Appointed by the City Council Only
Bay Village	1	1	0
Marysville	1	0	1
Strongsville	1	0	0
Groveport	1	0	1
North Ridgeville	1	1	0
Loveland	1	0	1
Napoleon	1	0	0
Avon	1	1	1
Medina	1	0	0
Moraine	1	0	1
Newton Falls	1	0	1
Streetsboro	1	0	0
Monroe	1	0	1
Broadview Heights	1	0	0
Pataskala	1	0	1
Independence	1	0	0
Fairview Park	1	1	0
Brunswick	1	1	0
Xenia	1	0	1
Tallmadge	1	1	0
Bedford	1	0	1
Worthington	1	0	1
	22	6	11

Charter Review Members are
Appointed by both Mayor and
City Council

Charter Review Members
are Appointed by Mayor
and Council President

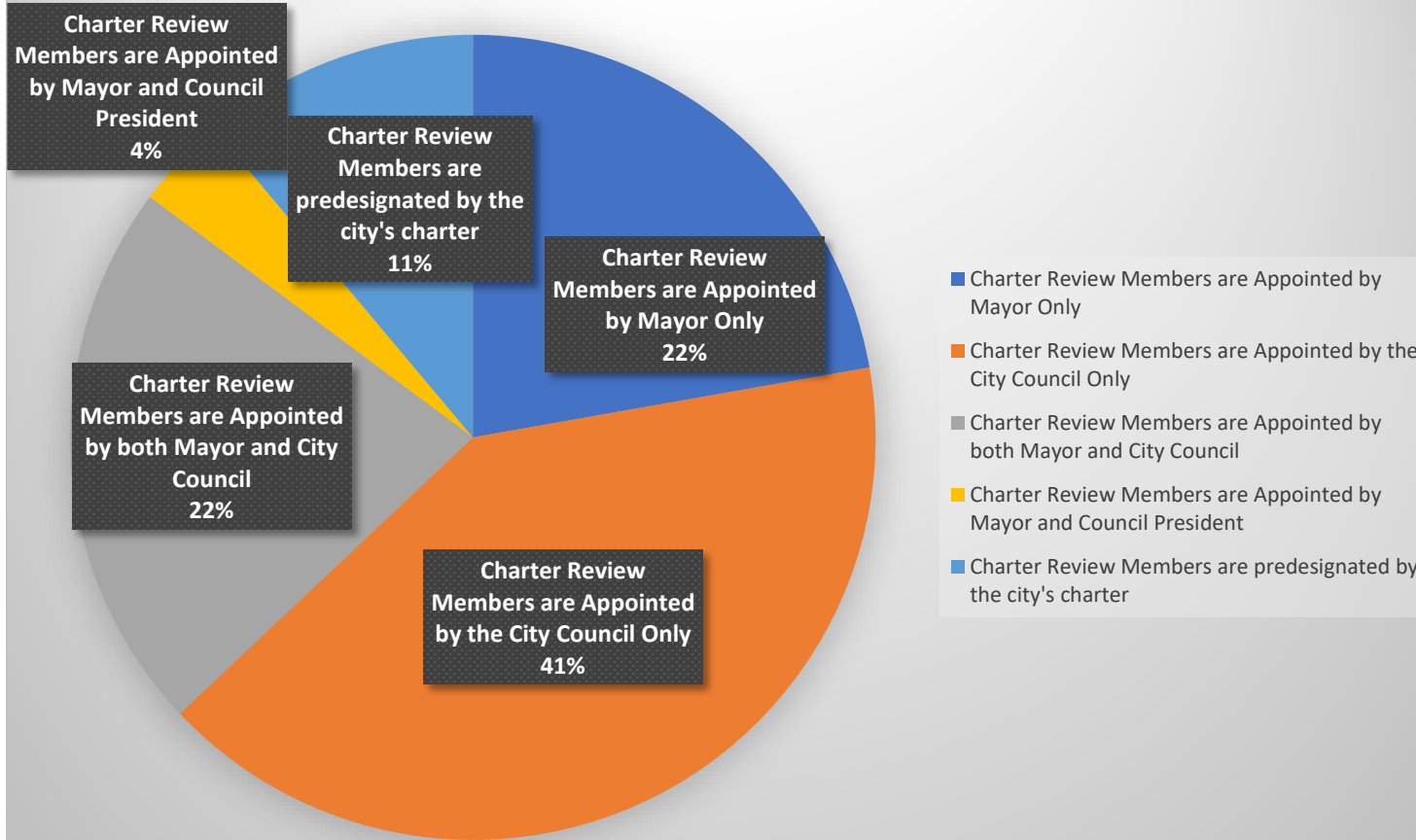
Charter Review Members are
predesignated by the city's
charter

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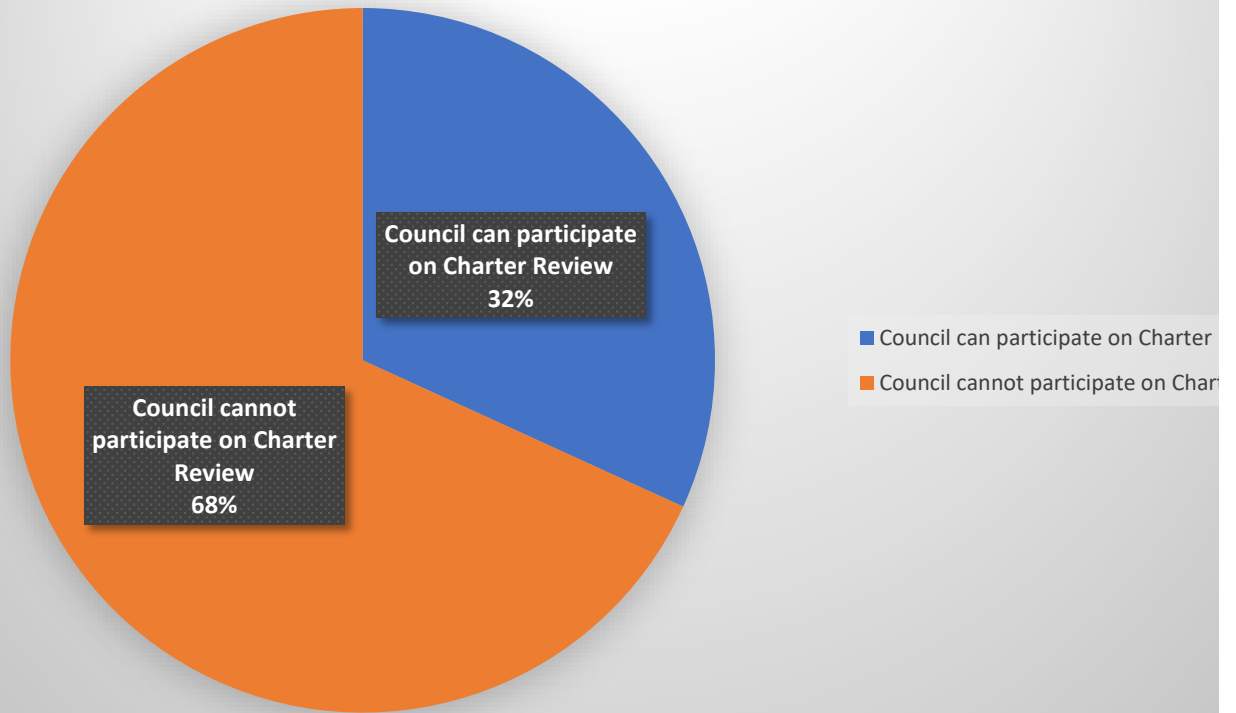
Charter Review Approved by Council	Council can participate on Charter Review	Council cannot participate on Charter Review	Charter Committee Changes can be amended by council
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22	7	15	14

Charter Committee Changes cannot be amended by council	Charter Committee recommendations/changes required to go to ballot	Charter Committee Changes treated as recommendations and Council NOT REQUIRED to send some or all to the ballot
1	1	0
1	1	0
0	0	1
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1	1	0
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8	9	13

Charter Committee Membership Appointments

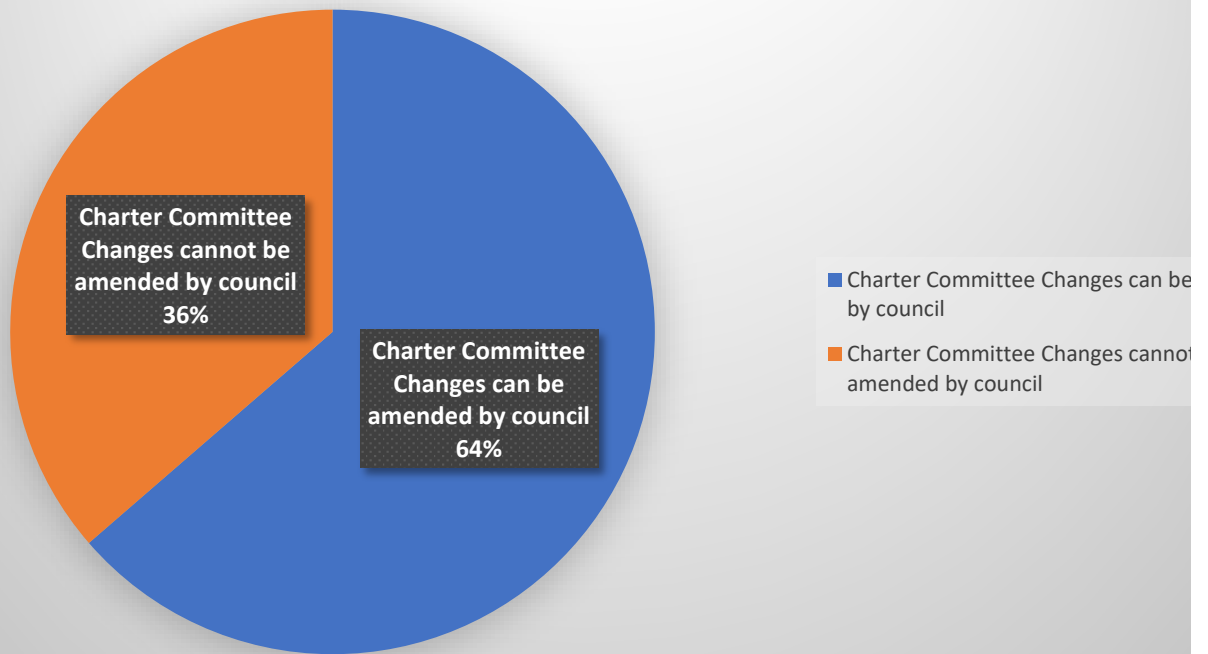


Council Participation on Charter Committee



Review
ter Review

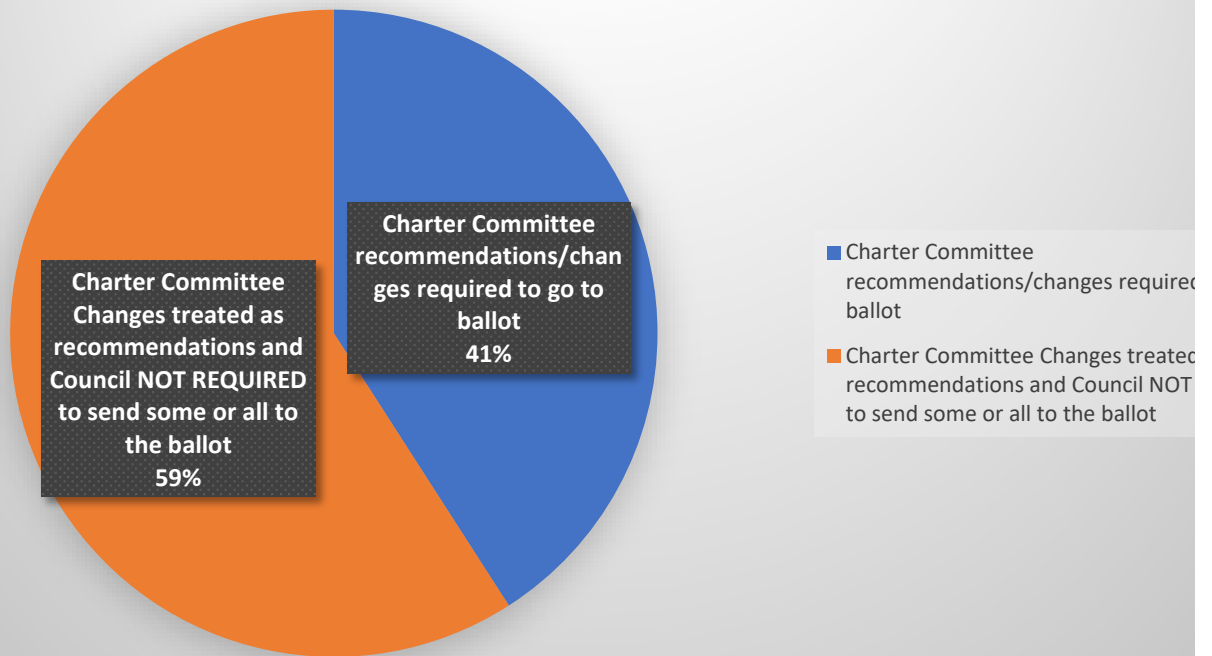
Charter Committee Changes / Recommendations Alteration by Council



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Charter Committee Changes/Recommendations and the Ballot



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REQUIRED