

CHARTER REVIEW COMMISSION

March 4, 2025

IN ATTENDANCE: Daniel Langshaw, Barbara Rocha, Robert McCain, Michael Sinclair, Frank Chestney, John Acevedo, Jacob Altman, Denise Arnaud, Tom Fenske, Law Director Dennis Nevar, Mayor Ron Falconi, Charter Review Commission Secretary Laura Timura

The meeting convened at 6:30 p.m.

DISCUSSION ITEMS:

(a) Approval of the February 11, 2025 Meeting Minutes

Mr. Altman moved to approve the Charter Review Commission minutes dated February 11, 2025, as written, seconded by Mrs. Rocha. Vote – 9 ayes, 0 nays.

(b) Article II Form of Government and Powers Review

Mr. Langshaw opened the discussion pertaining to the form of government. Mr. Chestney disclosed that he has lived in the City for 21 years and he does not like the City Manager form of government. He felt the Mayor should run the City. He added that residents should be able to vote for who is running the City and it should not be up to City Council.

Mr. Fenske informed that without the City Manager form of government, anyone can get elected to the position. Mr. Fenske would rather have Council select a qualified person for the role.

Mr. Altman also expressed concerns about the only requirement to run for Mayor would be to be a registered voter. He felt that the current form of government allows for the professionalization of the position and a degree of certainty that Council is selecting qualified people to do the work. Mrs. Rocha noted that residents still need to be careful who they pick for Council as they select the City Manager. Mr. Langshaw supported the City Manager form of government noting that the City would want a level of professionalism and expertise.

Mr. Langshaw explained the procedure for the Charter Review Commission would be to review the Charter, formulate a proposal, vote, and send recommendations to Council. Mr. Chestney noted that Council would not vote to remove their power to pick the City Manager. Mr. Langshaw voiced that the Commission has the responsibility to do what they think is best.

There was a brief discussion regarding past City Managers. Mrs. Rocha stated that a change to a Mayor form of government could always be placed on the ballot.

Mayor Falconi contributed that he believes in 2003 it was on the ballot to have a Mayor form of government and it failed miserably. He relayed his support of a City Manager form of government.

Mrs. Rocha indicated that many newer residents are in favor of a Mayor form of government and have expressed that such a government would result in more restaurants, businesses, and parades.

Mr. Nevar pointed out that a change to the form of government would shape the view of every article in the Charter. The Commission would need to decide if they are looking to make this change, before they move forward in reviewing the Charter.

Mr. Langshaw recommended the Commission take a vote for clarity that everyone is in favor of moving forward with the City Manager form of government.

Mr. Langshaw moved to keep the current City Manager/Council form of government as stated in Section 2.01 with no changes, Mr. Fenske seconded the motion. Vote – 8 ayes, 1 nay (Mr. Chestney).

Mr. Altman pointed out that Mentor has a City Manager form of government and they are a successful city with lots of shopping and restaurants.

Mr. Nevar suggested to the chairman that a motion only be made to make a change to the Charter.

(c) Article III City Council Review

Mr. Langshaw referred to Section 3.09 b. and stated that it did not make sense to elect a Mayor and not give he or she a vote in the selection of a City Manager or Clerk of Council. He proposed adding “*Except for the appointment, suspension, or removal of the City Manager and the appointment of the Clerk of Council, the Mayor shall have a vote in such matters before the Council.*” Mr. Langshaw disclosed that it was not logical for someone who is elected at large and trusted by the people to not have a say regarding an important position in the municipality (City Manager) as well as the Clerk of Council who is an assistant to the Mayor. He added that if there was a tie vote, the vote would be defeated according to Robert’s Rules of Order. Since we are a Charter city, we are not subject to the Ohio Revised Code.

Mrs. Rocha asked if the City Manager selects the Clerk of Council. Mr. Langshaw clarified that Council selected the clerk and he wanted to give the Mayor a vote as well.

Mr. Nevar relayed that while the City has the right to have a Charter, the Charter cannot be in conflict with the laws of the State of Ohio. The general laws of the Ohio Revised Code prohibit the Mayor from having a vote for the City Manager and Clerk of Council, in the City Manager/Council form of government. He suggested this discussion be tabled until the next meeting to allow the Law Department time to circulate a memorandum specifically addressing the law in the State of Ohio on this matter.

Mr. Chestney asked why the Mayor does not have a vote. Mr. Nevar noted that there were references to specific Ohio Revised Code revisions in a memo from the prior Law Director. He expressed that the reason the City has a City Manager/Council form of government, was due to the fact that Ohio law permits it. Mr. Nevar explained that Brunswick is a Charter city and has certain Home Rule rights, but still must abide by certain laws of the State of Ohio. Mr. Langshaw asked if the City has sought an additional opinion from the Ohio Attorney General or the County Prosecutor. Mr. Nevar answered not to his knowledge. Mr. Nevar restated that the Law Department would put together a memorandum for the next meeting specifically detailing its position. He announced that the Commission would still have the right to make whatever recommendations it wanted to City Council. The recommendation would be provided to the Commission and City Council.

Mr. Langshaw moved to table the discussion on Article III, Section 3.09, seconded by Mrs. Rocha. Vote – 9 ayes, 0 nays.

Mr. Nevar noted that revisions were proposed by the Clerk of Council to Sections 3.15 b., 3.15 d., and 3.18 b. He summarized that the revisions involved reduction of posting and distributing paper copies. The proposed revisions to Section 3.15 b. allows for electronic copies of legislation to be distributed to Council and the Mayor. Mr. Altman asked if the copy filed in the office of the clerk, is an electronic copy. Mr. Nevar answered that a paper copy is still kept in Clerk's Office. Mr. Nevar referenced Section 3.15 d. and noted that legislation had been passed by Council limiting where paper copies are posted and the recommendation would be to remove posting a paper copy at the library from the Charter language. Paper copies would still be posted at City Hall and on the City's website. Mr. Altman inquired if it doesn't need to be at the library, why would it need to remain at City Hall. Mr. Nevar clarified that when people enter City Hall, they could find paper copies if necessary. Mr. Langshaw explained that this was pretty standard.

Mr. Nevar then explained that in Section 3.18 b., it refers to the actual code and provisions. Paper copies would still be made available in the Medina County Law Library and the Brunswick Public Library. These are code books that we would like to maintain. The changes were mainly to clean up the language.

Mr. Langshaw suggested the changes all be adopted at the end of the Commission. Ms. Arnaud informed that the Commission generally makes the changes as they go along unless something needs to be tabled. Mr. Nevar noted that if things are voted as they move along that would put that section behind and allow the Commission to move along.

Proposed Revisions

3.15 b. Procedure

An ordinance or resolution may be introduced by any member of Council, or by the Mayor, at any regular or special meeting of the Council. It shall first be submitted to the Law Director for review and drafting in legal form before presentation to Council. Upon presentation of any ordinance or resolution, the Clerk of Council shall distribute ~~an electronic~~ copy to each Council member and to the Mayor, and shall file a ~~reasonable number of copies~~ copy in the office of the Clerk of Council. As soon as practicable after adoption of any ordinance or resolution, the Clerk shall have it published together with a notice of its adoption. Except as otherwise provided in this Charter, no ordinance or resolution shall be adopted unless read once during each of three Council meetings on different dates.

3.15 d. "Publish" Defined

Each ordinance and resolution shall be posted ~~in the following locations~~ as soon as practicable: ~~at the Brunswick City Library, Brunswick City Hall, and on the City's Official Website, and any other location designated by Council for the posting or publication of said ordinances.~~

3.18 b. Codification

The Council shall provide that the general codification of all City ordinances and resolutions, having the force and effect of law, shall be kept current, and any additions shall be published promptly ~~in bound or loose leaf form~~, together with this Charter, and any amendments thereto, and such codes of technical regulations as the Council may specify. This compilation shall be known and cited officially as the Brunswick City Code. Copies of the Code shall be ~~furnished to City officers~~, placed in the Medina County Law Library, Brunswick Public Library, made available at the City's official website, and such other public places as Council deems advisable, and made available for purchase by the public at a reasonable price fixed by Council. The Council of the City of Brunswick shall appropriate sufficient funds each year in order to maintain the Code in a proper and up-to-date manner.

Mr. Altman moved to revise Sections 3.15 b., 3.15 d., and 3.18 b. as proposed by the administration, seconded by Mr. McCain. Vote – 9 ayes, 0 nays.

(d) Article IV City Manager Review

After reviewing the handout with changes proposed by Mr. Langshaw, Mr. Altman suggested that the discussion be tabled to wait for further information from the Law Department. Mr. Altman moved to table the discussion of Section 4.01, seconded by Mrs. Rocha. Vote – 9 ayes, 0 nays.

The Commission found no other changes to Article IV and moved on to general discussion.

GENERAL DISCUSSION:

Mr. Langshaw announced that Sections 5-11 of the Charter are yet to be reviewed. This would be less than 8 articles and he suggested that 3 articles be reviewed at each meeting. He set a target date of May 6 to complete review of the Charter. Ms. Arnaud suggested Sections 5-8 be reviewed at the next meeting and mentioned that Section 8 is a short section. Mr. Nevar noted that while Section 8 is short, it may require the most discussion. Mr. Langshaw proposed the next two meeting dates be March 18 and April 1 at 6:30 p.m.

Mr. Nevar added that at the conclusion of the Commission's review the Law Department would put together a final document for the Commission to review and vote upon. He also verified that everyone's emails were correct.

ADJOURNMENT:

Mr. Fenske moved to adjourn, seconded by Mr. Acevedo. Vote – 9 ayes, 0 nays.

Being no further business, the meeting adjourned at 7:17 pm.

Respectfully submitted,



Laura Timura
Charter Review Commission Secretary



Daniel Langshaw
Chairman

March 18, 2025

Adopted