

CHARTER REVIEW COMMISSION

March 18, 2025

IN ATTENDANCE: Daniel Langshaw, Barbara Rocha, Robert McCain, Michael Sinclair, Frank Chestney, John Acevedo, Jacob Altman, Denise Arnaud, Law Director Dennis Nevar, Mayor Ron Falconi, Nicholas Hanek, Joseph Delsanter, Brandon Lambert, John Rocha, Laura Timura

The meeting convened at 6:31 p.m.

APPROVAL OF MEETING MINUTES:

(a) Charter Review Commission Minutes dated March 4, 2025

Ms. Arnaud noted a correction on the second page of the minutes.

Mr. Langshaw moved to approve the Charter Review Commission minutes dated March 4, 2025, as amended, seconded by Mrs. Rocha. Vote – 8 ayes, 0 nays.

UNFINISHED BUSINESS:

(a) Proposed Amendment to Article III City Council Section 3.09(b) Legislative Powers of the Mayor

(b) Proposed Amendments to Article IV City Manager Sections 4.01(a), 4.01(b), and 4.01(d) Appointment, Qualifications and Removal

Mr. Nevar explained that the City is a Home Rule municipality and the Ohio Revised Code specifies the City Manager/Council form of government. He noted that the Commission can make a recommendation to amend this section of the Charter. However, he would then suggest that the commission ask the Law Department to make revisions as necessary as there are other sections of the Charter that would need to be addressed if Mr. Langshaw's proposed changes to 3.09(b) moved forward.

Mrs. Rocha asked if there would be no change to whether or not the Mayor would have a vote.

Mr. Langshaw divulged that the Mayor having a vote for the Clerk and City Manager was previously tabled. Mr. Nevar clarified that if the Law Department were directed to make changes to multiple sections of the Charter this would be completed and brought back to the Commission for consideration. However, the Commission could recommend not to make any changes.

Mr. Langshaw informed that he would like to make sure this was a collaborative process. He explained that the Charter Review Commission was comprised of independent citizens who do not want to make more work for the administration. He went on to say that Council had a right to put what they want on the ballot and the Commission had a legal duty to complete their job.

Mr. Hanek felt the amendments were troubling to the administration. The role of the ceremonial Mayor and Council/Manager government is one the City is proud of. The top suburbs in the state which include Dublin, Westerville, and Mason do not have the role of ceremonial Mayor or someone outside of Council making decisions regarding the day-to-day work or who the Chief Executive Officer was. The administration did not want someone who was not deeply involved in our government having a vote and found it problematic. Mr. Hanek informed that he had a difficult meeting with the Mayor. Council was willing to do anything in its power regarding the role of Mayor. He relayed that under the current form of government, Council hires a professional manager who is not allowed to be political and has the ability to

manage this government. Professional Department Heads are hired. The City follows the best practices of this country. Most governments in the country are Council/Manager and are non-political. He acknowledged that the Commission was appointed by the Mayor and had loyalties to the Mayor. Mr. Hanek asked the Commission to look at what is the best structure for the City. He shared that he would attempt to work with the Mayor on a compromise. Mr. Hanek felt that the proposed changes would involve an experiment on a government that was working. He admitted that he contributes a great deal of his time to his role as Council President.

Mr. Hanek revealed that Strongsville had made a decision to crush a portion of the City with an interchange that placed people's homes on the line. This involved over 5 hours of his time working and negotiating with Senator Romanchuk and Representatives Ray and Miller. Mr. Hanek remarked that he expected a repeal of the interchange to pass tomorrow. He revealed that Council was the authoritative directors and the administration was the day-to-day staff. The Mayor was not involved in that process. Mr. Hanek continued that the Mayor does not attend all of the meetings, does not have the knowledge, does not know the budget, nor the intricacies and yet is asking for more. Mr. Hanek suggested either the proposed amendments are voted down or time given to try to come to a compromise with the Mayor. He expressed his desire to work something out and avoid going public with the issue causing embarrassment to the City.

Mr. Hanek pointed out that Mayor Falconi does a fine job with Mayor's Court and is a nice man and father. He felt this would cause a crisis with an experimental form of government. He explained that a new Chief Executive Officer will need to be hired at some point and will need to be interviewed. This change would result in the Clerk of Council not knowing who would have the authority to hire or fire them. This would not attract good candidates for these positions. He announced that Council is proudly non-partisan, functions well, and gets things done. He advised that this amendment would cause damage for political reasons. He disclosed that he was proud of the Commission for serving the City and he hoped that they would do the right thing by the Council/City Manager form of government. He concluded that Council would take any and all actions necessary to include removing the ceremonial Mayor position. He added that members of the administration may resign if such a change were to occur. Mr. Hanek pointed out that the Mayor stated if they would quit over this, they should not be in public service. He asked the Commission to support the City and its workers.

Ms. Arnaud confirmed that the Commission took a vote that the current City Manager/Council form of government as stated in Section 2.01 would have no changes, so she thought that meant they were done with this issue. Her thought was the outstanding issue was whether or not to give the Mayor a vote. Mr. Langshaw confirmed. She restated that the Commission intended to keep the current form of government.

Mr. Chestney announced that he was the one that voted that the constituents should vote for the head of the City. He asked what the existential threat of the Mayor was. Mr. Hanek said there was an issue where the ceremonial Mayor tried to take over (Michael Hanes). He referred to the City of Hudson in which if the ceremonial Mayor resigns, the Council President temporarily assumes the Mayor position, appoints a new Mayor and then goes back to Council. Mr. Hanek communicated that he does not want to serve as Mayor. He wants to do the work and not be ceremonial. He stated that a discussion could be had as to whether or not a ceremonial Mayor is necessary in a time where most cities do not have one. Mr. Chestney confirmed that the Mayor only performs ribbon cuttings and Mayor's Court. Mr. Hanek also revealed that there would then be 8 votes. He informed that each Councilmember chairs a committee and serves on three committees. He added that Mr. Delsanter requires members of the Planning & Zoning Committee to attend the Planning Commission meetings on rotation. These meetings can go until

midnight. The Mayor does not serve or attend any of these committees, budget meetings, etc. He reaffirmed that he does an excellent job presenting as a ceremonial Mayor. Ward Councilpersons can receive many resident calls. He himself has been involved in lengthy meetings involving Department Heads and the City Manager. He concluded that Council has a lot of duties and jobs that are not required of the Mayoral role. The Mayor simply is not required to have the same knowledge of the City that Council has.

Mr. Chestney summarized that due to the nature of that role, the Mayor is not involved in as many things and therefore should not have a vote, because he would not have the knowledge. Mr. Hanek likened it to him not having a vote for the Superintendent of the Schools. Mrs. Rocha asked if the role was removed, who would handle his responsibilities. Mr. Hanek suggested that Council could take on those functions. She questioned what a compromise would be. Mr. Hanek clarified that Council is expected to work harder in a Council/City Manager form of government. Council serves as a board, a system of checks and balances.

Mr. Langshaw informed that the Commission took a vote to keep the Council/City Manager form of government. This decision was made after discussion with the Law Director and Mayor who confirmed that the form of government existed in order to keep a professional person at the helm and to remove a lot of the politics. He recapped that the City Manager's focus would be on the day-to-day operations of the City and constituent services. Mr. Hanek acknowledged that Mr. Langshaw had a conversation with the City Manager to learn the background of the role. Mr. Langshaw confirmed that it was good to get a background of the form of government. He felt that it was the Commission's job to do their due diligence and not be afraid to make people uncomfortable.

Mr. Langshaw moved to take a 5-minute recess at 6:53 p.m., seconded by Mr. Chestney – 8 Ayes, 0 Nays.

The Commission reconvened at 6:58 p.m.

Mr. Hanek stated that after discussion, the Mayor had decided not to move forward with asking for a vote for the City Manager and Clerk of Council. He asked that the Commission not move forward with the removal of the ceremonial Mayor position. Mayor Falconi asked that the request be withdrawn.

Mr. Chestney felt the response was odd. Mr. Delsanter introduced himself to the Commission as the Councilman-at-Large. He pointed out that the primary reason for the Charter review was to make updates with the times and make sure the language was still relevant and necessary. Mr. Delsanter stressed that the concern was that the Commission would make a change to the foundational structure of government without any community input. He referenced an example of when the Charter was altered to change the vote for the at larges to go from the open race to an individual race. A few years later this was reversed, because it was not working out. He felt this was a political action that was invoked. He explained that the voters were not aware and may check items off on a ballot without fully understanding. He explained that the Mayor is the figure head of the City and Council is the board of directors. Council is responsible for the position of the Clerk and the Chief Administrative Officer (City Manager). This system works because every citizen has authority through any one of the elected officials including the Mayor to express their needs and wants. The responsibility ends with Council as to how they manage those positions. If the system were to be changed, a lot more would need to be examined. Mr. Delsanter explained that one of the reasons the City does not have a strong Mayor is that there was a time when Mayor's did not responsibly manage the use of assets. The City then changed the form of government, hiring a professional manager. He cautioned that if changes were made to the City's foundation, there

could be headaches. Mr. Langshaw replied that the preference would be to try to work collaboratively and avoid opposing language. Mr. Delsanter relayed that he would like to leave the Commission to work more productively on work that matters and needs to be done and not become part of a political machinery that is not necessary. He expressed that they had compromised amongst themselves.

Mr. Altman noted that the only discussion amongst the Commission was to ask for the legal opinion of the Law Director. There was no further discussion. He explained that members of the commission were perplexed by the response from Council. Mr. Langshaw recognized that Council is passionate about their job and admitted that he was the one that proposed the change to the Charter. He asserted that in some communities such as Hudson, Dublin, Westerville, and Mason the Mayor is a member of Council. In those instances, the Council selects who the Mayor is. He reiterated that the Commission deferred to the Law Department to get clarity. Mr. Delsanter stated in those instances, the connotation can be different as the Mayor may serve more as a Vice Mayor or President of Council.

Mr. Lambert recognized that the Commission may not have been aware that this is a hot topic. He felt that a change would alter a form of government that has been working really well. Mr. Lambert remarked that it is Council's job to protect the City now and into the future. He revealed that it had become very clear that this could get ugly publicly if things proceeded. The concern was that the Commission may not realize that a change like this was a big issue. They collectively decided that they would rather the government continue to work the way it has been and not create a public spectacle. He hoped the Commission would abide by their wishes as they decided collaboratively that this would not be good for the City.

Mr. Chestney asked for clarification if this was about Mayor Falconi or the Office of Mayor. He asserted that the Mayor's position is pointless and involves cutting ribbons and running Mayor's Court. He felt Mayor's Court could easily be handed over to Medina's Municipal Court. Mr. Chestney inquired, if the Office of Mayor cannot have a vote on anything of importance in the City, then why do we need the Office of Mayor in the City.

Mr. Lambert answered that when the Mayor presents proclamations, Council Chambers is packed. Mr. Chestney asserted that that could easily be filled by Council. Mr. Lambert mentioned that Council spends their time as legislators, while Mayor Falconi spends a lot of time making sure people receive recognition. This means a lot to citizens in the City. Mr. Lambert shared that the Council President spends almost 40 hours a week on his job with very little pay for his service. He added that this would add more work for Council. He explained that Mayor's Court generates money for the City and that the City was near bankruptcy only one generation ago. The City should not be handing money over out of convenience. He validated that Mayor Falconi does two very important things for the City.

Mr. Langshaw asked if Mayor Falconi had anything to add to the conversation. Mayor Falconi stated he had nothing further and that they had come to an agreement. Mr. Langshaw asked if the Mayor would be okay if he withdrew both of his proposals. The Mayor commented that as long as everyone was satisfied that is correct. Mr. Hanek added that he and his colleagues appreciate the Mayor and noted that they typically work very collaboratively together.

Mr. Langshaw asked the Law Director what was the appropriate action to withdraw his recommendations. Mr. Nevar stated that if the Commission felt it was appropriate, they should vote yes or no on the proposed changes that were submitted as a group. Mr. Langshaw informed the group that it was his goal to work collaboratively. However, it is the Commissions job to question things as part of their job.

Mr. Langshaw moved to reject the proposed charter amendments submitted by Chairman Langshaw on March 4 related to Sections 3.09(b), 4.01(a), 4.01(b) and 4.01(d) of the Charter, seconded by Mr. Altman. Vote – 8 Ayes, 0 Nays.

NEW BUSINESS:

(a) Comments from Law Director, Dennis Nevar

Mr. Nevar referenced page 5 of his handout pertaining to Section 3.09(d). He explained that presently as it stands, if the Mayor were to pass away, be incapacitated, or otherwise unable to serve the role of Mayor, the Vice Mayor assumes that position. This would take him away from his elected position as a legislator. The administration proposes this be amended to provide that the Vice Mayor would become Mayor until Council temporarily fills that position. The replacement Mayor would then be voted upon at the next general election.

Mr. Hanek gave an example where in Hudson the Council President needed to temporarily fill the mayoral role, a new mayor was then appointed, and he went back to serving Council. He recommended the City continue to separate the two roles and look at it as a positive. Mr. Chestney clarified that the Council President would serve in the Mayor's place. Mr. Hanek responded yes, he would serve temporarily for a period not to exceed 60 days during which time Council shall temporarily fill the office of Mayor by appointment, then the electors of the City would elect a Mayor at the next general election.

Mr. Nevar claimed if the Mayor were to resign, the Vice Mayor would temporarily assume the power of Mayor for a period not to exceed 60 days while also retaining his roles and responsibilities as the Council President. It would then go back to the electorate to fulfill the unexpired term. Mr. Chestney added that Council would appoint a temporary Mayor. This was confirmed by Mr. Nevar. Mr. Nevar pointed out that both positions are elected by the electorate to serve their particular roles. Mr. Altman asked what would happen if 60 days had passed and Council still did not appoint a temporary Mayor. Mr. Nevar explained that is why there are 7 votes on Council, so there are no ties. Mr. Hanek disclosed that he did not want someone to take the position of Council President in order to eventually become the Mayor. He felt it would strengthen the government to keep those roles separate. Mr. Langshaw expressed that the proposed change make sense and he understands the need for clarification.

Mr. Langshaw moved to approve the proposed Charter amendment to Section 3.09(d), seconded by Ms. Arnaud. Vote – 8 Ayes, 0 Nays.

(b) Article V Departments

Mr. Nevar referred to page one of the handout referencing Section 5.03(a). He explained that the City does not have a Division of Public Health and Welfare. The Medina County Health Department works closely with them. However, this is not a division the City has. Mr. Altman asked how long it has been since there was a Division of Public Health and Welfare. Mr. Nevar disclosed that he is not sure that the City has ever had such a department and that he has worked with the City for approximately 20 years. Mr. Langshaw suggested perhaps the City had copied another city's language.

Mr. Chestney asked why the language was being changed from firefighters to firemedics. Mr. Chestney asked if every firefighter was also a paramedic. Mr. Nevar confirmed. Mr. Langshaw explained that in the past they were separate, but this is no longer the case. Mr. Nevar explained this is just cleaning up the language. He added that a firefighter is not necessarily a paramedic; there is a difference in training.

Ms. Arnaud moved to approve the proposed changes to Section 5.03(a), 5.03(b)(1), and 5.03(b)(2), seconded by Mr. Chestney. Vote – 8 Ayes, 0 Nays.

(c) Article VI Boards and Commissions

Mr. Nevar relayed that Certificates of Mailing are expensive and the administration is trying to save tax payer money. Public notices would still be provided by First Class U.S. Mail. He added that at times there could be 100 property owners receiving notifications.

Mr. Altman moved to approve the proposed amendment to Sections 6.02(c)(2) and 6.04(d)(2), seconded by Mr. Acevedo. Vote – 8 Ayes, 0 Nays.

(d) Article VII Municipal Finance

Mr. Nevar identified the proposed amendment would be to Section as 7.09(b)(2). He clarified that presently the Charter states, for non-emergency expenditures, any contract entered into in excess of \$25,000 requires public advertising and the lowest and best competitive bid. The Ohio General Assembly back in 2023 and in the past has increased this number. The most recent amendment to Section 9.17 of the Ohio Revised Code moved that value up from what was \$50,000 to \$75,000. The effect of the current Charter language is that the City is losing bidders. He cited the example of a project that is \$30,000 and the contractor is required to go through the entire bid submittal process. In these instances, they are apt not to bid. The pool is getting smaller due to the Charter having a very low threshold of when competitive bidding starts. He added that the administration is always doing its best to get the best bid. However, the lowest bid is not always the best bid; the City has to do its due diligence. People have to have the capacity to do the project that they are bidding on. He reflected that most of these instances are related to capital projects such as roads, catch basins, curbs, etc.

This recommendation came from the City's Finance Department. In summary, the competitive threshold is outdated and costly for vendors. The \$25,000 threshold it is not worth vendors time to put together and submit formal bids for lower end projects.

Mr. Langshaw asked, if there was an emergency situation, would the Charter allow the City Manager to act in a timely manner. Mr. Nevar replied that there is language addressing emergencies and the proposed amendments are addressing non-emergency situations.

Ms. Arnaud move to approve the proposed amendment to Section 7.09(b)(2), seconded by Mrs. Rocha. Vote – 8 Ayes, 0 Nays.

(e) Article VIII Sale or Lease of Real Estate

Mr. Nevar divulged that the proposed amendment was related to the sale of real estate and basically, requires the vote of 5 members of Council to sell municipal real estate that is not needed for municipal purposes. Presently, the Charter states it must be approved by members of Council and by the board or office having supervision or management of such real estate. Technically, for land under supervision of the Parks Department, the Charter would require that the Parks and Recreation Director also approve. He explained that that is not how our form of government works. When Council approves a sale, the person who effectuates that sale is the City's CEO/City Manager. The reference to a board or officer should state City Manager.

Mr. Langshaw moved to approve the proposed amendment to Section 8.01(a), seconded by Mr. McCain.
Vote – 8 Ayes, 0 Nays.

Mr. Nevar relayed that Section 8.01(b) relates to the transfer of real estate not needed for municipal purposes to the Board of Education. The administration would like to make it clear that any proposed sale to the Board of Education does not require competitive bidding. He suggested adding “or for any public purpose”. He provided the example of where the City might work with the Medina County Parks District to do a trail and they ask for a corner of the City property to complete the trail.

Mr. Langshaw moved to approve the proposed amendment to Section 8.01(b), seconded by Mr. Sinclair.
Vote – 8 Ayes, 0 Nays.

Mr. Nevar revealed that Section 8.01(c) relates to the sale or lease of municipal property to the Board of Trustees of any free or public library. In order to be consistent, the language was added to include “approved by five (5) members of Council..”. Mr. Chestney inquired when such an instance would occur. Mr. Nevar provided the example of when the school district wanted a portion of property that the BAT studio was on and the City wanted other access rights. In that scenario, the school district approached the City.

Mr. Langshaw moved to approve the proposed amendment to Section 8.01(c), seconded by Mrs. Rocha.
Vote – 8 Ayes, 0 Nays.

Mr. Nevar mentioned that Section 8.01(d) involves the lease of real property not needed for municipal purposes to any organization except religious organizations for the purpose of construction, maintaining, or managing parks, playgrounds, theaters, etc. The intent of the revision is to expand this to provide a catch all for any public purpose. This could apply if the City acquired property through a land reutilization program that the county provides. If the City were to accept that property they could turn around and transfer that property to Habitat for Humanity. If the City wanted to lease property, going through a competitive bidding process would be counter-productive. Mr. Chestney asked if there was currently competitive bidding. Mr. Nevar confirmed. Mr. Altman explained that his employer utilizes the land reutilization corporation and asked if he needed to abstain from the vote. Mr. Nevar stated he could absolutely vote as that was just an example.

Mr. Langshaw moved to approve the proposed amendment to Section 8.01(d), seconded by Mr. Acevedo.
Vote – 8 Ayes, 0 Nays.

Mr. Nevar advised that Section 8.01(e) is a proposed new section. In terms of the sale of real estate the City wants to include this section to allow for the sale or transfer of real estate without competitive bidding to any entity for use for any public purpose. This may be the case with a 501(c)(3) or property obtained through a land reutilization program (land closed upon for tax purposes and no bidders so property goes to the City). The City would want to turn the land around for legitimate public purposes. Mr. Langshaw asked if the City has a landbank. Mr. Nevar reported that Medina County has a landbank.

Mr. Langshaw moved to approve the proposed addition of Section 8.01(e), seconded by Mr. Chestney.
Vote – 8 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Langshaw expressed his appreciation to the Commission for being very deliberate in going through the Charter.

PUBLIC COMMENT:

There was none.

NEXT MEETING DATE:

Mr. Langshaw announced that the next Charter Review Commission meeting would be held on April 1, 2025 at 6:30 p.m. Articles 9 through 11 would be reviewed at that time.

Mr. Nevar disclosed that the administration has 2 remaining amendments: Section 9.02 and Section 11.10. He did not anticipate any other proposed revisions at this time. Articles 9 through 11 would be completed at the next meeting and then the Commission would reconvene one more time at which point he will present a document with the formal recommendations for the Commission to vote upon. Once voted upon the recommendations will be formally submitted to City Council.

Mr. Langshaw asked how much time the Law Director would need to prepare after April 1. Mr. Nevar shared that he is almost ready. After a brief discussion the Commission decided to meet on April 15 to approve everything that would need to be presented to Council.

ADJOURNMENT:

Mr. Altman moved to adjourn, seconded by Ms. Arnaud. Vote – 8 Ayes, 0 Nays.

Being no further business, the meeting adjourned at 8:03 pm.

Respectfully submitted,



Laura Timura
Charter Review Commission Secretary



Daniel Langshaw
Chairman

April 1, 2025

Adopted