



**MINUTES OF PUBLIC MEETING
BRECKSVILLE CHARTER REVIEW COMMISSION
BRECKSVILLE CITY HALL
JANUARY 4, 2023**

The Charter Review Commission was **CALLED TO ORDER** by Chairperson Skaljac at 6:30pm.

Following the **PLEDGE OF ALLEGIANCE**, Commission Members answered to **ROLL CALL** as follows:

Present: Bartos, Bender, Berlin, Gawlik, Lesh, Mansfield, Schirch, Skaljac, Vida-Clough

Absent: None

Others: Commission Alternate Holub, Law Director Matty, Council President Laura Redinger, Council Representative Beth Savage, Mayor Hruby

APPROVAL OF NOVEMBER 29, 2022 CHARTER REVIEW COMMISSION MEETING MINUTES

Chairman Skaljac asked for comments regarding the minutes of the November 29, 2022 meeting. Hearing none, Chairman Skaljac, moved to approve the minutes, seconded by Lesh.

ROLL CALL:

Ayes: Bartos, Berlin, Gawlik, Lesh, Mansfield, Schirch, Skaljac, Vida-Clough.

Nays: None

Abstain: Bender

MOTION CARRIED

APPROVAL OF DECEMBER 7, 2022 CHARTER REVIEW COMMISSION MEETING MINUTES

Chairman Skaljac asked for comments regarding the minutes of the December 7, 2022 meeting. Hearing none, Chairman Skaljac, moved to approve the minutes, seconded by Schirch.

ROLL CALL:

Ayes: Bartos, Bender, Berlin, Gawlik, Lesh, Mansfield, Schirch, Skaljac, Vida-Clough.

Nays: None

MOTION CARRIED

Chairperson Skaljac began the meeting by explaining to the other members the plan for this meeting is to go through the items that were chosen to be discussed further during previous meetings and see if there are any items they want to get rid of. He said this is not a formal vote for each item, just a discussion and straw poll to see if the members want to further discuss certain items.

ARTICLE III: MAYOR RESIDENCY REQUIREMENTS

The current Charter reads “The Mayor shall have been a qualified elector and a resident in this municipality for at least two (2) years immediately prior to the date of his election” The question before the Commission is if the amount of residency time of two years is long enough.



Chairperson Skaljac asked for comments. Mr. Holub stated he believes two years is appropriate and if you increase the length required you limit the pool of candidates. He said he believes two years also helps with not having a person move into town just to run for Mayor or Council. Mrs. Bartos agreed. Mr. Bender said he still feels like two years isn't really enough time to get to know the town, the culture, the people, and the process. So I I would be in favor of increasing the residency requirements. Mr. Berlin said he would be in favor of raising the residency requirements as well because he thinks there would be a better candidate pool if they were more familiar with the community. Mrs. Gawlik said she agrees with Mr. Holub and Mrs. Bartos, however, is not opposed to talking about it further. Chairperson Skaljac said he thinks two years is a little light for a residency requirement for the Mayor and the Commission should discuss it a little bit further. Mrs. Lesh agreed with Mr. Holub and Mrs. Bartos and said after hearing what Law Director Matty had said about other communities, she does not think that there's a necessity to raise it and she also agrees that they will lose good candidates. Mrs. Mansfield said she would like to see the residency requirements for Mayor continue. Mr. Schirch said he believes it should be discussed further. He said two years seems very light and thinks it should be at least what a term is which is four years. Mrs. Vida-Clough agrees that it is worthy of further discussion to raise that from two to four years.

Chairman Skaljac asked Council representatives if City Council had any discussions or if the Mayor had any input. Mayor Hruby said he thinks it is worthy of further discussion as does Council President Redinger.

Chairperson Skaljac said they will keep this issue on the list for further discussion.

ARTICLE IV: COUNCIL RESIDENCY REQUIREMENTS

The current Charter reads "Each member of Council shall have been for at least two years immediately prior to the date of his election and during his term of office shall continue to be, a resident in this municipality" The question before the Commission is if the amount of residency time of two years is long enough.

Chairperson Skaljac asked for comments. Mrs. Vida-Clough said she would like to see the topic discussed further. Mr. Schirch agreed. Mrs. Mansfield and Mrs. Lesh said they do not believe it is necessary for Council. Chairperson Skaljac stated he agrees and does not think there is a need for change. Mrs. Gawlik agreed. Mr. Berlin and Mr. Bender said they were both open to discuss this topic further. Mrs. Bartos and Mr. Holub both said they do not believe it is necessary to discuss further.

Chairperson Skaljac said that if at any time someone changes their mind and would like to bring something back up for discussion to just let him know, but at this time, he will be removing this topic from the list.

ARTICLE IV: EMERGENCY MEETINGS

There is no current language provided for emergency video conference City Council Meetings. The question before the Commission is if there should be a subsection added for video conference meetings.

Law Director Matty said the state permitted, by state law, during the pandemic, for Boards and Commissions to meet and vote taking to occur. He said that has been removed except for public county hospitals in the state of Ohio. He said the only community he is aware of that has implemented such a process is Independence, however, they have not done it after the pandemic.



He told the Commission that if they decide to move further with this topic, Brecksville would be somewhat of a leader of the pack, he said his advice is to not be the leader. He explained if a vote is taken this way and found through State Law to be unconstitutional and does not follow the Ohio Meetings Act, the action itself is null and void. He said if an issue is serious enough, and there is enough statewide concern, as we saw with the prior pandemic, the state legislator would give sufficient authority to meet by Zoom again. He said his advice would be to not proceed with this topic.

Chairperson Skaljac asked for comments. Mr. Holub said he definitely understand Law Director Matty's point and he agrees with it to an extent but in general, he feel like one of the great benefits of a Charter Review Commission Committee is to bring the Charter into the next ten years. He said ten years ago nobody thought of having to conduct a meeting or a vote over video conference, and over the past two and a half, three years, we've seen there's been a possible need for that. He said that he is not suggesting that it be done but he thinks it would be worth further discussion. Mr. Bender asked if this is something City Council could look at between the next ten years and bring before the voters after maybe a few other communities have done it and been successful. Law Director Matty responded Council can always recommend a Charter Amendment. He said anytime the Council sees an issue in the Charter that is causing the Council itself to operate either inefficiently or ineffectively, they can take an action and put such an issue on the ballot before our people. Mr. Berlin stated last time Mr. Matty said that if the Commission puts it in our Charter it would give the community a better option versus what the state allows. Law Director Matty responded that it's what the state allows now, but the question is, would that option be legal. He said where you end up in this dispute in the Ohio Supreme Court and concerns that exists for the Ohio Public Meetings Act. Meetings are held in certain forums and votes are taken in certain ways where the public is part of that process. Electronically, there's a difference because you don't have the members before you voting. He said you don't get the same feel in the Zoom meeting than you do in person. Mr. Berlin asked Council President Redinger her thoughts. Council President Redinger said it worked for what it needed to, and Council got by. They limited those in attendance, streamed meetings, and distanced when they were all in a room together, they made it work. She said if something like the Covid Pandemic happened again, she would not be worried about meetings, and she believes the state would respond appropriately in those types of situations. She said for her they question would be more about is it needed because they can't get together for some reason, and there was just an example where Council had to call a special meeting and we were able to get it called without problems. They needed this due to one Council member sick and one Council member needed to abstain from the vote, and this happens just so infrequently. Mr. Bender commented he likes being a leader but not a guinea pig. Mr. Berlin said they just discussed the topic and does not feel it needs to go further. Chairperson Skaljac and Mrs. Gawlik agreed. Mrs. Lesh stated the cons out weight the pros and agrees it does not need to go further. Mrs. Mansfield, Mr. Schirch, and Mrs. Vida-Clough agreed.

Chairperson Skaljac said he would remove this topic from the list.

ARTICLE V: LANGUAGE ON GENERAL PROVISIONS FOR FINANCE DIRECTOR

The current Charter reads “The Director of Finance may, while holding that office, also be appointed Clerk of Council and be required to perform the duties thereof”. The question before the Commission is if this verbiage should be removed.



Chairperson Skaljac said this topic was discussed in 2013 and asked the Mayor if he had any input. Mayor Hruby commented he remembers it being discussed but does not remember anything being too significant, and does not think it necessary to continue to consider. Chairperson Skaljac asked for any other comments. Mr. Berlin said he recalled it being about doing both jobs and whether they could do both jobs. The Commission agreed it was not necessary for further discussion.

ARTICLE V: HUMAN RESOURCES DEPARTMENT

The current Charter does not provide for a Human Resources Department. The question before the Commission is if there should be a section added to provide for a Department and Director of Human Resources.

Chairperson Skaljac said this topic was brought up a couple different times in regards to human resources and perhaps having a Director of Human Resources. He said the question is whether that's something that Council should create or whether that's something that should be added to the Charter. He asked the Mayor if he had any comments. Mayor Hruby replied that if the Commission chose to do so, they could recommend to City Council that they review this for future enactment. He said he can't see the Commission demanding that the Charter be altered to create this. Chairperson Skaljac agreed, and asked the Mayor when he says it's something that the Commission can refer to Council, how would that process work. Mayor Hruby suggested a letter with the Commissions thoughts about creating a Human Resources Department.

Mrs. Vida-Clough asked if there is any type of anonymous survey that gets sent out to all of the staff of Brecksville where they're able to voice if there's any concerns or something HR related. She said they are all hearing from the Department Heads and Council but not really hearing from the staff of Brecksville if that's something that they feel that they need. Mayor Hruby responded no. He continued saying where this topic is coming up is over the fact that should the City have somebody that's trained in in human resources and not just someone that's from the Finance Department. He said the City is very fortunate to have the person we have now, she's acquired a tremendous knowledge in dealing with health care, dealing with workers' comp and PRS. Mr. Berlin said he thinks that for the people to bring it up it has to be a pretty big deal because you're bringing it up in this setting in front of people. He said he doesn't think that's a casual bring up so he believes it warrants discussion. He also said accountants and finance people are accountants and finance people, they are not people people and Jessica's point that it has never been surveyed tells me enough. He said he thinks this needs to happen for this City to avoid a possible exposure that could be big. Mrs. Gawlik agreed and said since they are not making the final decision tonight, she would definitely be in favor of discussing it further at this level. Mrs. Bartos stated she also thinks there is a concern of independence too, because employees are going to a department and there wasn't an independent HR department, so when there is a complaint, they are going to their coworker. She said she doesn't know if it's necessarily the Commissions place to recommend changing the charter for this but thinks a discussion is worthy to show City Council what we were thinking of and have our opinions known and being on record wouldn't be a bad thing.

Mayor Hruby stated if the Commission decides that they feel it should be on the ballot, then we'll have time now to get staff to put together a further job description and prepare it properly. Chairperson Skaljac said he is getting a feeling that this is a topic that the Commission will want to discuss further and in a little more detail. Law Director Matty informed the Commission that in some of the communities in Northeast Ohio they have actual ordinances



creating this kind of department, and also know in some of the communities use some very good HR companies on a retainer for normal questions and issues, so staff can make a contact with people who do this every day.

Chairperson Skaljac asked if there were any other comments. Mr. Schirch said he thinks it should be discussed but based on what Law Director Matty just said, he thinks having a third-party agency would be independent as opposed to having an employee of the city. With no other comments, Chairperson Skaljac said he will keep this topic on the list to discuss further.

ARTICLE V: ROLE IN CONTRACTS –FINANCE DIRECTOR

The current Charter does not provide a section under Director of Finance reflecting their responsibilities with contracts such as Economic Development and other financial related contracts. The question before the Commission is if a section should be added to the Charter outlining the Director of Finance’s responsibilities with certain contracts which the Municipality is a party.

Chairperson Skaljac reminded the Commission that this was brought up by Purchasing Director Riser regarding her roles in contracts and it was discussed to possible do the same for the Director of Finance with such contracts as economic development and financially related products and services. He said they are relatively minor changes but thinks that specifying and breaking out what those roles and duties are is important to discuss. He continued saying it's basically just specifying and breaking out the Purchasing Director had said instead of her section saying “any contracts”, which she's not in charge of any contract, that they specify the charter to be in line with current practices. Mayor Hruby said he agrees with her recommendations.

All Commission members agreed to discuss further. Chairperson Skaljac said they will keep both sections, Finance and Purchasing, on the list for further discussion.

ARTICLE V: LAW DIRECTOR EXPERIENCE

The current Charter reads “The Law Director shall be an attorney at law in good standing, admitted to practice in the courts of Ohio and shall have been engaged in the active practice of law for a period of five (5) years or more,”. The question before the Commission is if the Law Director should be required to have practiced Municipal Law prior to being appointed Law Director in the City of Brecksville.

Chairperson Skaljac started by saying Law Director Matty had found that only one of the eight charters that he looked at had an experience requirement and asked if Law Director Matty had any further comments on this, saying he remembers the Law Director mentioning that it could potentially limit a candidate pool. Law Director Matty confirmed that it does to a degree depending upon how severe the requirement is for prior municipal experience. He said with this community and the Council who hires the Law Director, that they do their homework.

Chairperson Skaljac said he does not see it as an issue that the Commission would need to have any further discussion on and asked the other members. Mr. Schirch said that he would like to continue the discussion because of the experience Law Director Matty has given this Commission is an example of the need for future Law Directors to have previous municipal law experience. He said North Royalton requires two years, Beachwood requires five years, Rocky River requires five years, Strongsville requires five years. Seven Hills requires two years. So while it's not the norm necessarily, he said it's not unheard of either, and he does not want to see



Brecksville being the place for on the job training. All other Commission members agreed that no further discussion is necessary. Chairperson Skaljac stated they will remove the topic from the list at this time.

ARTICLE V: BZA DENIAL TO COUNCIL

The current Charter reads “Any and all such variances and exceptions allowed by the Board of Zoning Appeals shall be subject to the review and approval of Council before becoming effective.” The question before the Commission is if the wording should be changed to permit Council to review and approve all variances approved and denied by the Board of Zoning, not just those that were approved.

Chairperson Skaljac stated he just wanted this topic to make it on the list officially, but knows the rest of the Commissions opinions and he knows Law Director Matty's opinion on it as well. He stated this topic will be removed from the list.

ARTICLE V: REMOVE “ANY CAUSE”

The current Charter reads “Any member of the Recreation Commission appointed by the Mayor may be removed for any cause at the direction of the Mayor with the approval of at least four (4) members of City Council.” The question before the Commission is if the words “any cause” should be replaced with specific causes or “just cause”.

Chairperson Skaljac started off by saying the next two items are under the Recreation Commission section. Mr. Berlin asked before they went into the Recreation Commission, he had two notes that he wrote down, saying it might not be something for the Charter, but there is no set review dates for the master plan. It just says it falls under the Planning Commission. It says make amend or extend but he thinks maybe to add something saying we should look at the master plan of the city as well.

Chairperson Skaljac said the master plan has been reviewed at least a couple of times, and asked the Mayor if he had any input. Mayor Hruby stated there are instances when the city has sought out the county federal agencies and other agencies throughout the region for advice or information about certain programs and plans and that's just common practice. He said most recently we received a grant to work with the County and we just reviewed it. Mrs. Gawlik asked if there is a formal timeline or process for reviewing the master plan. Mayor Hruby said master plans are ongoing and changing constantly by the actions of the Planning Commission. He said it has always been the Planning Commission doing their formal process by recommending it to City Council based upon their experiences and the Board of Zoning experiences. Chairperson Skaljac asked Mr. Berlin if that answered his questions. He said yes.

Chairperson Skaljac said the first of the two items under Recreation Commission that were brought up was the “any cause” and if that should be more defined. He said it is a little different than some of the other boards and commissions, like under the Civil Service Commission, the language that's used for removal there is that that the Mayor can suspend a member of the Civil Service Commission as opposed to “any cause”. Mrs. Lesh said that her concern is the word “any” and it being very vague for all Commissions or Boards. She said whether they use the word “just cause” or list specific cause, she wanted to bring it up because it seemed so wide open. Chairperson Skaljac said that would be for section 7, 8, and 9. He asked Commission for comments on the “Any cause” as well as the consistency of the number of Council votes to remove a Recreation Commission member. Mrs. Gawlik said she thinks it should be consistent. She said there's no



reason why it should take less Council members to remove a member than other Commissions, so she would like to talk about both further.

Mrs. Vida-Clough and Mr. Schirch agreed about consistency. Mrs. Mansfield was not concerned about the “any cause”, but agrees about consistency with the votes. Mrs. Lesh would like to continue to discuss both. Mrs. Mansfield said that these members are unpaid and the control should be with who is appointing. She thinks listing could be tedious. Mr. Berlin agrees with consistency and would like to discuss both, so would Mr. Bender. Mrs. Bartos is ok with the “any cause” but would like to discuss further the vote number. Mr. Holub would like to continue to discuss both.

Chairperson Skaljac said he will keep both topics on the list.

ARTICLE V: NUMBER OF COUNCIL VOTES TO REMOVE

The current Charter reads “Any member of the Recreation Commission appointed by the Mayor may be removed for any cause at the direction of the Mayor with the approval of at least four (4) members of City Council.” The question before the Commission is if the number of votes should be changed to five (5) members to be equal with other Boards and Commissions.

This topic was discussed with the previous topic, and will be kept on the list.

ARTICLE V: ADD ALTERNATES TO ALL BOARDS/COMMISSIONS

The current Charter does not provide a section to require alternates be appointed to all Boards and Commissions. The question before the Commission is if a section should be added to add alternates to all Boards and Commissions.

Chairperson Skaljac said he thinks it sounds okay in theory, he is just not sure that there's a need for it. Also, serving for a couple of years as an alternate, he said is a lot of time put in to not necessarily doing anything in theory. Mr. Bender said he likes the idea of bringing in new people and building strength to the commissions via an alternate, but he understands that if people are going to make that time commitment, they don't want to just be a fly on the wall, but he would like to discuss it further. Mrs. Bartos and Mr. Holub would like to see it discussed further. Mr. Berlin said he could go either way, Mrs. Gawlik agreed. Mrs. Lesh and Mr. Schirch were open to discuss further, Mrs. Mansfield did not think it should be. Mrs. Vida-Clough said she has watched some of the Facebook live feeds for the Rec Commission and for BZA and with doing that, she thinks if someone really wants to learn more, they have the opportunity through Facebook right now. She said she is satisfied with the way it is now.

Mrs. Bartos asked if the City receives a lot of resumes for each commission and board. Mayor Hruby responded not really when you consider the number of positions that are there and sometimes you only get three to four people. Chairperson Skaljac said for the twelve years when he was on Council as these boards and commissions would come up, a lot of it is dependent on who the folks are on Council and if they could get their friends and neighbors energized to want to be involved. Mayor Hruby said there are a lot of people who repeat and stay on boards. He said many of the Planning Commission members have been on greater than 10 years already and there's no reason that Council has failed to remove them. They are just doing a marvelous job. Mrs. Lesh asked if openings are announced. Mayor Hruby said yes. Chairperson Skaljac said they will keep this topic on the list.



ARTICLE V: TELECOMMUNICATIONS COMMISSION

The current Charter has a requirement to have a Telecommunications Commission. The question before the Commission is if there is still a need for this Commission and if it should be removed from the Charter.

Councilperson Beth Savage asked to speak to this topic. She said that council is addressing this topic currently. She said that it is something that was observed, and then as the year went on, they identified the need to evolve the Telecommunications Commission and so some actions are in process already as to what its future should be to serve our residents. The Commission agreed that this topic does not need to be discussed further and will be removed from the list.

ARTICLE VI: EXPENDITURE LIMITS

The current Charter reads “No expenditures shall be made or liability incurred in an amount of more than three thousand dollars (\$3,000.00) without prior authorization and approval by Council.” The question before Council is if this amount should be increased or if a specified dollar amount should be deleted and have that amount be determined by Council Ordinance.

Chairperson Skaljac said this topic has been discussed a lot and all members agreed it needs to remain on the list.

ARTICLE VI: COMBINE SECTION 4 AND 5

This question before the Commission is if section 4 and section 5 should be combined and is tied to the expenditure limits. The Commission agreed to keep this on the list as well

ARTICLE VI: LANGUAGE UPDATE SALE OF INVENTORY

The current Charter reads “At public sale the Director of Purchasing may sell personal property not needed for municipal purposes having an estimated value of one thousand dollars (\$1,000.00) or less without prior authorization and approval of Council.” The question before the Commission is to discuss dollar amount and clean up language to be in line with procedure of adding the Purchasing Director or Service Director, as well as how things are sold.

Chairperson Skaljac said he believes this needs to be discussed further and asked all members. Everyone agreed. This topic will remain on the list.

ARTICLE VI: ROLE IN CONTRACTS PURCHASING DIRECTOR

The current Charter reads “The Director of Purchasing shall have the responsibility to make certain that all terms and conditions imposed in favor of the Municipality or its inhabitants in any contract to which the Municipality is a party are fully and faithfully kept and performed.” The question before the Commission is if the wording needs to be changed to be in line with current procedures.

Chairperson Skaljac said this topic was already discussed as far as being more specific in which contracts the Purchasing Director is responsible for, and was already agreed to keep on the list.

ARTICLE XI: CHARTER REVIEW COMMISSION NUMBER OF YEARS BETWEEN MEETINGS

The current Charter reads “On September 1, 2022, and each ten (10) years thereafter, the Mayor shall, with approval of Council, appoint a Commission of nine (9) qualified electors of the



municipality holding no other office or appointment in this municipality, as members of a Charter Review Commission.” The question before the Commission is if the length between reviews should be shorter.

Chairperson Skaljac said he believes ten years is sufficient. Mrs. Vida-Clough agrees. Mr. Schirch thinks it should be discussed further, saying most other cities have significant less than 10 years and the Commission keeps referencing Council can make changes or they can bring things onto the ballot and there can be voter initiatives, however, that doesn't really happen all that often, yet, when the Charter Review Commission meets, they do bring things to the ballot very frequently. Mrs. Mansfield, Mrs. Lesh, and Mrs. Gawlik said they do not believe it needs to be discussed further. Mr. Berlin said he does not have strong feelings one way or the other, however, if someone feels strongly that it should be discussed then he thinks it should stay on the list. Mr. Bender, Mrs. Bartos, and Mr. Holub all agreed ten years was sufficient. Chairperson Skaljac said he will keep it on the list to discuss one more time.

ARTICLE XII: GENDER NEUTRAL/TYPO CORRECTIONS FOR ENTIRE CHARTER

The last question before the Commission is a whole Charter item. It was suggested to clean up and use gender neutral language improvements to the whole charter, as well as clean up any typos and numerical issues. Chairperson Skaljac stated Law Director Matty already provided a few different examples to the Commission that some of the other Charters have that would allow to correct items to the entire Charter as opposed to having to make specific changes to each thing and having those all approved. The Commission decided to keep this topic on the list for further discussion.

CHAIRPERSONS COMMENTS

Chairperson Skaljac said the only thing he has is that our next meeting will be Saturday morning at 10:00 am on January 28th. He said the next few meetings will be whittling down this list. They will then ask Law Director Matty to formalize some of those final topics to consider and compare and contrast for what the Commission is looking to propose.

The February meetings will be as follows, Monday, February 6th at 6:30 and Wednesday, February 22nd at 6:30.

PUBLIC DISCUSSION AND COMMENTS:

Hearing no other requests for PUBLIC DISCUSSION & COMMENT, motion by Skaljac, seconded by Bender to close the meeting at 7:56 p.m.

ROLL CALL:

Ayes: Bartos, Bender, Berlin, Gawlik, Lesh, Mansfield, Schirch, Skaljac, Vida-Clough.

Nays: None

MOTION CARRIED

Meeting recorded by Kristen Kouri