

**CITY OF HIGHLAND HEIGHTS**  
**CHARTER REVIEW COMMITTEE MINUTES**  
**April 6, 2022**

Mr. Tripi called the meeting to order at 7:05 P.M.

Roll Call:

Present: Michael Barber, Lisa Benedetti, Nick D'Angelo, Sr., Tammy Cappadonna-Kloss, Phil Piccus, René Polin, Phillip Tripi, Mike Zernic.

Absent: Kenny Godnavec.

Also present: Mayor Chuck Brunello, Law Director Tim Paluf, Assistant Law Director Michael Lograsso (arrived 7:40 P.M.), Council President Ann D'Amico, Council Member Sean Milroy and Residents Brody and Matt Sekerak.

Mr. D'Angelo, seconded by Mr. Barber, moved to approve the minutes of March 9, 2022 as mailed. All in favor, motion carried.

Mr. Tripi explained this evening we would hear from the mayor, council members present and a resident who sent in nine possible amendments. Mr. Tripi prepared a lettered list of these along with the two proposals still under consideration from the last meeting to facilitate the review. He opened the meeting to the public.

Council Member Sean Milroy stated he has been reading the Committee minutes and saw there was discussion for gender neutral language in the Charter. He noticed in Section 4.07 Clerk of Council there is a reference to "he." He also asked what the position of Clerk-Treasurer was mentioned in this section and if that should be cleaned up if the gender neutral language was being addressed. Mr. Tripi noted the Committee had closed the gender neutral proposal as Mr. Paluf was going to propose language that the Charter be part of current Section 101.03(b)(2) of the codified ordinances regarding gender neutral language, which council would have to adopt. Mr. Paluf stated he assumes there was a clerk-treasurer at the time this charter passed and the clerk would take over when the clerk-treasurer's term ended. He did not see a need to clean it up since the rest of the language clearly states council shall appoint a clerk. Mr. Milroy also asked if the finance director could give his opinion if millage needs to be increased in Section 11.01(c) Tax Limitation regarding the requirement the millage shall not exceed .6 mills to pay the costs of accrued liabilities for the police and fire pensions. Mr. Tripi stated we would find out. He also asked Mr. Milroy if he was advocating that the gender neutral language be pursued for the Charter. Mr. Milroy commented it probably should be done now, if changes are being made. It could wait until the next five year review, if no changes are made. Mr. Zernic clarified that Mr. Milroy was not advocating that there be an additional position of clerk-treasurer created and Mr. Milroy said no. He was just not familiar with the term. Ms. Benedetti pointed out that clerk-treasurers are positions in villages and are still in existence today. Mr. Tripi remarked it could be more of a historical reference that the city was once a village.

Council President Ann D'Amico stated Section 4.11 Council President only provides for a council president to be chosen by the council at its organizational meeting every two years and has no formal procedure for someone to fill in. She distributed language from another municipality pertaining to the position of president pro tem of council, which many cities have.

There could be times when the council president is out for a number of meetings, such as medical leave or just for one meeting, such as a funeral. She explained that right now, if a council president cannot attend a council meeting, council, at that meeting, votes on a temporary chairman to preside. She would like to see a formal provision for a president pro tem in the Charter. She spoke to several members of council and all were in favor of this change. While Mr. Paluf had suggested to her it could also be addressed in the codified ordinances, she felt it would fit right in Section 4.11. This would make for more efficient organization of council in that if a council was not as cohesive as it currently is, there would be less problems in having a president pro tem already in place. She pointed out that a person running the meeting needs to be better prepared, so if they know ahead of time, it is better for everyone. Mr. Tripi clarified that if this was proposed it would mirror the same time frame of when the council president is elected. Ms. D'Amico replied yes, every two years when the council president is elected by council, the council president pro tem would also be elected by council.

Mayor Brunello stated there is inconsistency in how secretaries for three boards are selected and he thinks it should be consistent. The sections are 6.04 Planning and Zoning Commission, 6.05 Civil Service Commission and 6.06 Board of Building and Zoning Appeals. According to two sections, the secretary is supposed to be a member of the group for the Planning and Zoning Commission and the Board of Building and Zoning Appeals. Civil Service can choose a secretary who is not a member. Currently all three have secretaries who are not members and are provided by the city. The Mayor believes all the secretaries should be appointed by the mayor and/or council. Mr. Paluf pointed out all the secretaries are paid. Mayor Brunello stated he does not feel these boards and commissions should have the ability to choose a secretary without the consent of the mayor and/or council. Mr. Tripi asked if there would be conflict with the mayor appointing the Civil Service secretary. Mr. Paluf said no since the mayor has the power to hire and fire. Mr. Tripi asked if the mayor would make the appointment and then council would confirm these positions, like it does for others or is this low level enough that it is not an issue. The secretary is a low level position, so council would not need to confirm. Mr. Paluf noted it is only the department heads who need council confirmation, not all city employees. He also pointed out all boards and commission members are paid. Mr. Tripi clarified the suggestion being made is that all the secretaries should be from outside the membership of the boards and commissions. The Mayor stated yes, as a lot of work is done by the secretaries and it is a lot of work for one of their members to do. Again, the appointing authority should be the mayor and this is more for consistency purposes.

Brody Sekerak, 1022 Lander Road, stated she wanted to participate in her town and someone forwarded her an email about the Charter review, so she looked into it. She found some language issues, clarifications and modernizations that could be used to make it more straight forward. Moral turpitude was mentioned several times, but it does not include crimes of finance and she would like to know people are good, honorable people who are serving her community, which is why she included it in several sections. Mr. Tripi remarked he thinks the starting point is to look at something that has been proposed and see if it can withstand a legal challenge or see if it is already covered by some other state law. He understood from her proposed language that certain crimes would automatically disqualify a person from running for office and she said yes. He further clarified that other language would require a board that would review actions by someone under scrutiny to make sure financial crimes are not being committed as part of their job. Ms. Sekerak stated yes. Regarding Section 4.09(c) pertaining to how ordinances and resolutions are made available to the public and should be digital as well as paper, this would

bring it up to date with technology and how people expect to be able to access information. It would also be nice to know that certain franchises and contracts in perpetuity were totally legal and good. Section 10.01(i) pertains to council granting franchises to operate a public utility. This mostly pertains to cable companies with multi-tenant businesses where there is some law that allows for them to not pay for the electricity to operate their equipment. This section specifically states there is no involvement needed of abutting property owners. Ms. Sekerak remarked it is very difficult to resolve once something like that has been done. She personally knows of several business owners where cable companies actually get to steal electricity from them. She feels abutting property owners, who have knowledge of the properties in their area, should be notified so they can comment on something that might become an issue. This might help stop problems before they begin.

Mr. Tripi asked her to explain her reason for suggesting adding the word “simultaneously” to the sentence under qualifications in Section 4.03 Council and 5.02 Mayor regarding they shall not be an employee of the municipality. She thought adding the word in that sentence would clarify the matter, as she was not sure if it means that a person who had been an employee could not run for office or they could not become an employee after holding office. She felt it was vague. Mr. Paluf explained it means a person cannot be an employee of the city and also hold an elected position in the city at the same time. Mr. Tripi further clarified that an employee could run and if elected, would have to give up their position of employment. Mr. Paluf stated that was correct. Ms. Sekerak stated she thought these proposals might help the city attract new residents who do their homework before moving to a new town.

Mr. Tripi stated these new proposals would be taken up at a future meeting. The Committee, in consultation with the law director, wants to make sure there is no conflict with other laws. He mentioned that regarding qualifications, if a person is a felon, they cannot vote and therefore cannot run for office. Ms. Sekerak replied that she felt for consistency sake, if part of it was said, why not include all of it in the Charter.

Mr. Tripi stated there were two potential proposals from the Committee that need to be reviewed this evening and one was with council’s input.

Mr. Lograsso arrived at 7:40 P.M.

## Article VII Nominations and Elections

### Section 7.01 Procedures

The Committee wondered if council members thought the number of signatures required for petitions to run worked. For ward council there are two provisions, one requiring two percent of the last general election and also a minimum of 25 and a maximum of 100. Mr. Milroy stated he has no concern with this. It is not a burdensome requirement. Candidates also have to go by the rules of the Cuyahoga County Board of Elections. Ms. D’Amico asked if the Committee felt it was too low or too high a number. Mr. Tripi said at first it was the two requirements stated and if there was some inconsistency, but then the Committee just wanted to know if council felt it was onerous enough for someone serious about running, but not too onerous. Ms. D’Amico also did not find it burdensome for either an at large position or ward position. It is quite easy to go to a number of houses to get signatures. Mr. Milroy added the at large positions needed 80 signatures this last election and candidates get more than is needed in case some signatures are thrown out. Mr. Lograsso commented the amount is much higher in South Euclid. This can help

to make sure that a candidate is serious about running for office by having to put in the effort of getting the signatures. Mr. Tripi asked if Mr. Milroy and Ms. D'Amico would ask the other council members their thoughts on this matter as well and if there were any concerns. If there are none, then the Committee will probably take it off the list with no changes to be made.

Article VIII Initiative – Referendum – Recall

Section 8.03 Recall

Mr. Paluf explained the question here was when would be the actual effective date for a person who was recalled to step down from their position. He stated he contacted the law director of the City of Richmond Heights since they had recalled their mayor. That happened in 2014 and she resigned the next day after the election, so that did not help answer the question. He noted we all agreed it would take effect when the vote is certified by the Board of Election. Mr. Tripi remarked that council also has the option of removing a member. Mr. Milroy concurred with the certification effective date. He explained he won election of the unexpired term of office vacated by the council president who became the mayor, but did not sit on council until December after he was certified. Mr. Tripi stated the Committee would take this up for formal vote at the next meeting.

Mr. Tripi asked if there were any other proposals at this time. There were none. Discussion was held on how to move forward with all these proposals. It was decided to begin discussion at the next meeting on the merits of the proposals, go through as many as could be handled, then continue at the next meeting or meetings with the rest until they were all reviewed. The Committee would need input from Mr. Paluf as to the legality of any of the proposed language.

Mr. Milroy asked if council would get any amendments from the Committee as they are approved or if they would all be presented at one time. Mr. Tripi replied it would be all at once, hopefully before June. Mr. Paluf stated he could give periodic updates to council. Mr. Milroy asked if council would have time to have three readings on a proposed amendments before voting to send them to the Board of Elections by the August deadline. Mr. Paluf said yes. Mr. Tripi noted the Committee will carefully review all proposals taking into account legal issues, necessity and if by putting something on that while valid, would raise questions of political negativity.

Mr. Tripi stated the next meeting would be April 20, 2022 and everyone is welcome to attend. It is open to the public.

Scheduled meetings, if needed, with all meetings beginning at 7:00 P.M.:  
April 20, May 4 and 18, June 1, 15 and 29.

Mr. Piccus, seconded by Ms. Cappadonna-Kloss, moved to adjourn the meeting. All in favor. The meeting was adjourned at 7:53 P.M.

Approved:



Phillip Tripi  
Chair

Submitted by:



Lisa Benedetti  
Secretary