

**VILLAGE OF OAKWOOD
CHARTER REVIEW COMMISSION MEETING MINUTES
2025-3-12**

ATTENDANCE

Samuel T. O'Leary	Asst. Law Director
Jary Willard	Mayor's representative
Joe Mestnik	Mayor's representative
Shirley Stevens	Council President representative
Debra Hladky	President Pro Tempore representative
Andrea Lowe	Ward 1 Councilperson representative
Yvonne Evans-Warren	Ward 2 Councilperson representative
Sharyn Macklin	Ward 3 Councilperson representative
Michelle Krug	Ward 4 Councilperson representative
Anthony Moses*	Ward 5 Councilperson representative

ABSENT

** Arrived after roll call*

Meeting opened at 6:08pm by O'Leary

Pledge of Allegiance

Roll Call taken

O'Leary: Okay, thank you, and as we noted, Mr. Moses is absent at the moment. But we expect him to join us later. A couple of housekeeping items before we get into the substance of the agenda this evening. I believe everyone should have gotten, first of all, an agenda for this evening. Also, I think there might be one or two extra copies of the charter floating around if anyone forgot theirs or needs one. But again, I think everyone's been distributed a copy at this point. And then finally, Ms. Joseph circulated some paperwork, some employee paperwork, I believe, for everyone to complete and return to her or the Village. So, I just wanted to make sure that everyone saw that and is aware. Okay those were the housekeeping items. We are now on to item number four in our agenda here. There was a question shortly before we got underway. Can the agenda items be rearranged or taken out of order. And the answer to that question is yes the charter commission has the ability to do that. There's an ordinance that governs Council agenda. But there isn't one per se that governs the Charter Review Commission's agenda. So, Robert's rules then step into that gap. So, if there is a motion to rearrange the agenda, we can entertain that motion. Otherwise, we can start with the items as they're listed. The first item I should mention, or really the fourth item. But the first real item on our agenda is to elect a Chairperson. Those of you who joined us at the last meeting will recall. There was a situation where we had two folks who were nominated. Mr. Moses was one of them, and Mrs. Hladky was the other. And since there were eight folks present, there was a 4-4 tie as far as that election went. And so, the issue was tabled in hopes that at this meeting we would have a full contingent and there wouldn't be any ties. But as we just discussed, Mr. Moses is running late today. And he's both one of the nominees for Chair. But also, we're down to eight again. So, unless someone changed their mind or what have you. But there's some likelihood that if we had the vote now. We could stale mate again. Of course, we can also raise the issue again later in the meeting. **Stevens:** Pardon me, I

didn't mean to cut you off. Is there a way that we could arrange the motions. I think that was excellent. Wait until he at least gets here. Because he is one of the people rearranging. So, he would be here before we take the vote. **O'Leary:** Sure, is there a motion? I would suggest probably that we leave items, well, it would make sense to me. To leave items six, seven, and eight as they are. But if there's a motion to switch items four and five, we could entertain that motion.

Motion to switch agenda items four and five made by Evans-Warren seconded by Stevens

ALL IN FAVOR: Stevens, Hladky, Lowe, Evans-Warren, Macklin, Krug

ABSTAIN: Willard, Mestnik

MOTION PASSED

O'Leary: Okay, so that leads us into our Charter review suggestions. Fortunately, it was my intention, again, as we've discussed. That the commission have a chairperson selected when they actually start the substantive work of the commission. Which is what we're doing now. But hopefully we will in very short order. So, we'll go ahead and get rolling. I also did want to remind folks, as we discussed at the last meeting. Any changes that the Commission wishes to recommend, if any, really do need to be submitted to Council no later than June 1st. Since we had that little hiatus there between our first meeting and this meeting. We need to be mindful of that. We don't have to follow this roadmap, per se, and I don't mean to rush the commission through its work. But I would note, I guess, for what it's worth. That when the citizen review took place in the fall, that was over the course of six meetings. Which probably ran a couple hours plus, some of them. But at least a couple of hours, I think, all of them. So, my point is, that process that was undertaken involved reading through each article and each section. Having some discussion about that, and then possibly discussing changes to that. So again, that took six meetings in excess of 12 hours. So again, it's not my role to schedule you guys or tell you when to meet. But I would note that for your own sanity and scheduling purposes. It would be good to keep in mind that we should probably try to get through at least several articles per session. And keep the momentum going that way. Any questions from anyone before we get started? Well, I would suggest, and again it's not my show per se. But I would suggest that we start at the beginning, which is Article 1. Well, really the beginning is the preamble. So, we can take a look at the preamble. And again, I know that, you know, amongst the commission members, there's some variation as far as how familiar people are. You know, some people have probably read this a few times, and others, you know, are encountering this for the first time, and that's good. So, no stupid questions, as they say. But the preamble is a pretty simple statement. That the Charter is being adopted by the people of Oakwood Village and pursuant to their home rule authority, the Ohio Constitution, and the laws of the state of Ohio. Anyone have any feedback or thoughts on the preamble, or can we move on to the article 1? Oh, the other thing I was going to note as we move, as the commission moves through this process. My intention, obviously I think everyone has the charter. Everyone has copies of the notes that were generated through the citizen review process; should they wish to consult those. And there are, I think, a limited number of instances where there's feedback from Administration or Law Department about some suggested changes. But for the most part what my thought was is we can discuss the text that's here. Discuss whether there are changes that have already been suggested by someone. If not there any changes that the commission would like to suggest. Then based on that discussion if there's a vote and a desire to forward with some kind of change. At that point, I'll either... put my pen to paper or have

language ready for you guys to consider effectuating that change. But what I didn't want to do was be so presumptuous as to walk in here with a bunch of language already changed and propose it to you. So, if you guys support the change, I can give you language to that effect. If there's not a desire to make a change, we'll leave it as is. Does that sound fair for everyone?

ARTICLE 1. NAME

Sec. 1.01. Existing Village

O'Leary: This just states that the name of the Village is going to be Oakwood. The other reference here is, in Ohio, the designation of whether a municipality is a village or a city. Is determined by how many people live there. Specifically, 5,000 is the current threshold. So, if the Village were to eventually be a city. It would be Oakwood City, is what this is saying automatically. But, otherwise, if there was a movement for some reason to change the name of the Village. That could be done under section 2, change of name. **Willard:** What is the threshold for a city? **O'Leary:** I believe it's 5,000. **Willard:** How many people in Oakwood? **Hladky:** The last census it was 3667. **Willard:** That's the same name, just will say city. **Hladky:** Yeah, there are three Oakwoods in Ohio. There's one city and two villages, or is it two cities and one village? I think it's two villages. There's one in Dayton and there's one up by Toledo. **O'Leary:** What I would suggest is that this is a good... The provisions as written, sections one and two here, make sense to me as they are. Because what it clarifies is, in the event that the Village were to become a city, and it's unlikely to have come. But if it were to happen, you wouldn't be in a situation where you suddenly don't have a name. Because under this you would automatically proceed as Oakwood City. But to your point, if folks were like, this is way too confusing and intolerably confusing. And we need to switch the name, then you've got section two available to you and a procedure to do that. **Hladky:** You know, it's actually not confusing because we have zip codes. **O'Leary:** Yeah, although, you'd be surprised. I mean when I worked with the City of Lakewood. We would get calls; City Hall would get calls on a regular basis for people looking for Lakewood Colorado. I mean totally different state. **Hladky:** Oh, that's funny. **O'Leary:** The internet people see the top result; they click on the top result. They think that's going take them to the right place, and sometimes it doesn't. Okay, so we're flying along. Article 1 is already in the rear-view mirror.

ARTICLE 2. BOUNDARIES

Sec. 2.01. Present Boundaries

O'Leary: So again, Ohio state law provides mechanisms for municipalities to absorb unincorporated township areas into their borders. To merge with other municipalities and things like that. So, that's all that references. Just that under state law, the boundaries can change. But we don't expect them to.

Sec. 2.02. Change of boundaries

O'Leary: So, I think this is pretty legal-easy. But it makes sense, I will vouch for that. And again, this is basically referring you, for the most part, to the state laws that exist. So, it's

basically saying, that in the event that there was some kind of annexation or merger or something like that. That would be done in accordance with the laws of the state of Ohio. Which also requires a majority vote. To some extent it's a little bit redundant, but it's not offensively so. I think it just mostly a reference to the state code and makes sense in that respect. **Evans-Warren:** Just say if we want to question boundaries as it relates to each ward. Is there a place later on in the Charter? **O'Leary:** There is, rather. **Evans-Warren:** Okay, I just wanted to... **O'Leary:** And that's actually one where I think we have some feedback on that one potentially as a consideration. **Mestnik:** There were some changes because of the change in population. **O'Leary:** Correct, and so, we'll get there when we get there as they say. Any questions on article two?

ARTICLE 3. FORM OF GOVERNMENT

Sec. 3.01 Elected officers

O'Leary: Again, fairly simple statement there, but if anyone has any questions. If you were to create other elected offices in the Village. It would be worth a call out in this section. Any discussion on that?

Sec. 3.02. General

O'Leary: **O'Leary:** I think this is a pretty straightforward. I would note only, for reference, I know everyone else is probably clear on this. But officers is not a reference to Police Officers, it's a reference for officials. Any comments or questions on that?

ARTICLE 4. POWERS

Sec. 4.01 General powers

O'Leary: This is a statement that I think legally is significant. In the sense that it's the Village's statement that it is reserving its powers under state law to itself. Not usually a controversial article or section, but anyone have any questions or comments?

Sec. 4.02 Reservation of Powers

O'Leary: Just so you know, sections 4.01 and 4.02, kind of go hand in glove. In the sense that section 4.01 is the Village reserving its powers under state law to itself. And then section 4.02 is the Village reserving all other powers to the electors of the Village. So, you know, it's basically saying as to the state, the Village wants to be able to exercise any authority that the state possibly gives it. And then as to the powers of the people, so to speak. The village wants to make sure that it's clear that the village is not going to try to assume or exercise any of the powers that would be held by the electorate

Sec. 4.03 Manner of exercise

O'Leary: So, again, that's affixing council as the legislative authority of the Village. And empowering council to exercise those powers that have been reserved in section 4.01. Any

questions, comments? **Stevens:** I know nothing about this, so I could be in that field on this. On the last ballot, on the last time we vote. There was an issue that changed the way that we elect a Mayor in case, from now on. If the Mayor should die, and then instead of the old way, they changed it. Is this going to change? Did that shift? As I see it, it may have been a shift in power in the way we do things. So, should this Charter be changed to reflect that new? **O'Leary:** Yeah, let me answer that in a couple of ways. Number one is, so Mr. Willard, I don't know if everyone was copied on that email or not. But Mr. Willard this week, I believe pointed out, maybe it was late last week. That the amendment that was passed in the fall is not reflected on the website yet. The version that was distributed was printed from the website. This gets a little bit technical, but basically municipalities have what's called a codifier. Which is just a fancy name for someone who publishes their code. And so, until the Village formally instructs the codifier publish this new section. And does so by ordinance or resolution, the codifier doesn't update things automatically. Or without the instruction to do so. So, my understanding is that will occur this year but has not occurred yet. I believe you all have a packet in front of you. **Joseph:** It's 2024-52, it should be the last one, in regard to the Mayor. So, you'll see in the, whereas's are Council's explanation of why they thought the change was appropriate to make. Then you see the current text, section 8.03 vacancy starting right down at the very bottom of the page, is the old version. And immediately following that, in the middle of the second page. That is the current version, that is in effect. **Stevens:** So, that's in effect now, however, it has not been updated. It has not been included, bear with me, because like I say, I'm not a legal eagle on this. So, it kind of takes a second to click in for me. Because, as far as I know law, once law is enacted. Is it not necessary for those who those laws applied to should be noticed? They change a million laws every day. That crap has to go out, and so when we... You know, I don't want to get into all of that. All I want to know is because it has been ruled, it has been amended, but it has not been codified. So, nobody really knows that is, I guess my short question is, is law? **O'Leary:** It is. **Stevens:** However, it has not been published. **O'Leary:** It has been published in the normal ways that the Council publishes all of its actions. The normal way that us typical folks would get access to the code. They would probably go online, and they would Google Oakwood code. And the website that comes up is not going to be up to date in that respect. But if you went to, say, the Village's website and looked at the Council page. You would be able to see those things. It's been published, it's not that the Village is shhh, don't tell anyone they changed law. But yeah, to your point, it is a good practice to try and keep the online version of the code as up to date as you can. Just so that, to you point, people can be informed. And, as we like to say, conform their conduct to the law. **Stevens:** Thank you. **Mestnik:** You mentioned about the codifier, is that your law firm? **O'Leary:** No, there are companies that do the service. I think it's one of those gigs that we may be down to like two or three companies in the state of Ohio that does it. Walter Drain was one of them, and then I think AmLegal... **Joseph:** CivicPlus. **O'Leary:** Yeah, so anyway there's a few different vendors that provide that service. **Hladky:** Okay, if I'm not mistaken, they use Municode. **Joseph:** Yeah, CivicPlus Municode. **Hladky:** Yeah, that is their codifier. They used to have Walter Drain, long story, but they went with Municode. So yeah, the instructions have to come from the Council office to the codifier. **Mestnik:** So, they haven't done it yet? **Joseph:** So, I sent it out to them. They said they got it, so they have to update it. I guess that's what we're waiting on. So that's why once legislation was passed, that was posted as well. To show and reflect, this is the changes that's going to come. And then when you went out and voted, you know, you can look on the Board of Elections website. It lets you know if it was passed or not. But then you still have to update it in our online ordinance. So, it's just not reflected up there. But

I did send it out along with some older pieces. **Mestnik:** Were you given instructions to get in contact and forward that on? **Joseph:** No, I didn't know, so I did get that out to them once I realized that it needed to go out to be updated online. **Hladky:** Can I make a comment? Having been Clerk of Council before. You can send it to the codifier. But the codifiers actually, my understanding when we went with Municode. Is they have people that actually enter that data. They don't necessarily take it directly from the legislation sent. They have to proof it and make sure that there's no mistakes on their end. and it matches what was sent before it's there. So, you know, you have the personnel at their office that have to do the work as well. So, it may take a little while. **Lowe:** So, basically it's a process? **Hladky:** It is, thank you! **Stevens:** I know that there are certain laws, and I know there are certain procedures. But you can't tell me, you know, a year from now, it still has not been done. Because it should be done. I'm saying that if, God forbid, something would happen to any Mayor today, and he should pass. And the people thinking that that old procedure is still in place. The average homeowner is dependent on the people up here to get the job done. And so, the average Joe Blow said, oh, I guess that person's going to take over. Now it's a big ruckus because it's not like that at all. No, we have to go, we got to vote, and now you got...it's, it's imperative to get it done timely. So, you know, excuse me if I sound kind of harsh. They don't allow me to say, well, you can take that deduction for 2022. Even though you didn't put it on, you could take it in 2025 now. Because we know you paid \$25,000 to put that roof on. Go on, take it, baby girl. **Mestnik:** Point of order, I mean should we as a group make a motion to instruct the Clerk of Council to start that process? **Lowe:** She has already started the process. So basically, it's in writing every place else, it's just not online. **Mestnik:** Okay, has it actually been forwarded to the codifier? **Lowe:** She said it has. **O'Leary:** I think the point is, you know, the process is underway. **Stevens:** I would like for her to stay on top of it. Because I mean six months from now, I asked for something in October. I asked her something... **Lowe:** Well, basically, it's already solidified on paper. So, if we never had the internet, then you wouldn't know. So basically, what she's saying is it's been done. It's just a process; she can't control it. **Stevens:** I know what she said, and she's very capable, very able. But the bus isn't even with her, it's with Council, come on now. **Lowe:** Council can't control that either. **Macklin:** Once it goes out, it's up to the people they go out to. We have to wait for them to do their steps in order to do it. **Stevens:** I'm saying they should have told her before now. **O'Leary:** But if I could just interject too, what I would say is. It's a very, most municipalities codify annually, maybe semi-annually. So, once every six months or so, they'll send a batch. Maybe once a year, again, depending on how active legislatively the community or the Council has been. But those are typical time frames as far as getting the online code updated. **Steven:** So, I still don't hear a time frame here. **Lowe:** We can't get a time frame. **Stevens:** I'm talking to him; you got to stop interrupting me now. Because you are not in charge. I wanted to ask him, because legally, I'm looking for legal review. I appreciate your input. But I'm not satisfied, to just sit here and say, well, she got it in. That girl, that young lady is doing her job, but there's no reflection on you. Somebody should have been on top of that. And you could tell me, well I can't tell you what exact date it's going out now. But within six months it should have done, or in a year it should be done. **O'Leary:** Alright, well, it hasn't been six months yet. **Stevens:** Right, so I'm saying with your experience. Can you say now that it has gone out. Probably within the next six months or the next year it's going to? **O'Leary:** I would say likely within the next six months. So anyway, back to our Charter section here. **Stevens:** I'm going to put on here about 9/25, should be done. **O'Leary:** Yeah, I mean, but I don't want to... So, I mean obviously the primary mission of this

body is to recommend amendments or lack of amendments to the Charter. **Stevens:** Thank you. **O'Leary:** I think we were just on the cusp of starting article five.

(Mr. Moses arrived at 6:41pm)

O'Leary: Mr. Moses, I know you're getting settled, but I just wanted to let you know. At the start of the meeting, the commission voted to switch agenda items number four and number five. So we're talking about the substitute charter review suggestions now. Then at some point we can decide we're all tired and want to elect a chairperson. And then get on to public comments and meeting schedule, and adjournment. Article 5 is lengthy; it touches on the recent amendment. I think it's a section where there had been some possible changes suggested or bandied about. We've kind of flown through Article 1 through 4. I think this is going to be a little bit of a lengthier discussion, hopefully not too long for Article 5. But I would suggest that since it's quarter to seven. That maybe we think about trying as best as we can to get through Article 5. And then at that point, maybe we break for the evening. I mean not take a break but call it enough. Once you do the election of the chair and the other agenda items at that point. Does that sound agreeable to everyone?

ARTICLE 5. INITIATIVE AND REFERENDUM

Sec. 5.01. Reserved to the electors

O'Leary: I'll briefly introduce this article by noting that initiative and referendum are basically two sides to the same coin. Collectively, initiative and referendum refer to the power of the people to take something directly to the ballot. So, an initiative is when people think that there should be a law that doesn't exist. And so, they collect signatures, and they put the law or the proposed law on the ballot for a public vote. And if the vote passes, it becomes the law. Um, the flip side of that is referendum, which is if the Council passes a law that the people don't like. They can then subject that law to referendum. That means that there's a yay or nay vote on the law that was passed. If the vote fails, if the "no" vote wins. Then the law is stricken and is no longer the law. If it passes, then law stays on. **Mestnik:** Who determines how many signatures you have to have? **O'Leary:** I believe it's the Charter, and I think we'll get there in just a few minutes. I believe that it's ten percent of the last general municipal election. **Mestnik:** (inaudible). **O'Leary:** Yes, so that if there were 3,000 voters, you'd need some percentage of that. You would need, if there's 3,500, 3,600, give or take, people in the Village. Let's say you've got 1,500 people who show up on that day to vote, you would have 150, right? **Hladky:** Yeah. **O'Leary:** I mean 150 would be 10 percent, and so 150 signatures would be the threshold. Oh, except this says 25%. So, it would, in that instance, be... three hundred and seventy-five. **Hladky:** Wow, you're good, I couldn't figure that out. **Mestnik:** Right now, how would that apply to like a ward Councilman that may only get 100 votes? Would it be 25% of that then? **O'Leary:** So, I'm sorry, you're right, I was reading from recall. So, it's possible that... it's somewhere else. **Hladky:** Could the initiative referendum be according to state law? **O'Leary:** Yeah, I was going to say that there is a state law that covers it. So, if we don't have a specific provision. I believe it would be the 10% figure. But yeah, to get on the ballot. I believe it would be same threshold; it would be in that ward. The Board of Elections kind that keeps the score on this one. So, whenever I'm faced with this question of how many votes or how many signatures

does it take to x. I go straight to the Board of Elections, and I say what's the number. Because they're the ones that have the record. They keep the records of that, and they are able to submit that back out. Okay, so, we just talked generally about initiative and referendum as concepts. We'll, I guess, dive into section one here, 5.01.

Sec. 5.02. Proceedings

O'Leary: Very simply, initiative and referendum, powers to the people. Any questions on section one there? **Stevens:** Yes, I walked a referendum, Debbie Haviland and I. We were paying 2% tax to Cleveland because we worked there. And we're paying 2% to Oakwood. I didn't think that was fair, that's 4% tax. So, I walked the referendum, we got it on the ballot by a landslide, power to the people. So, we paid 2% to Cleveland and 1% to Oakwood. Power to the people, so it is very powerful. **O'Leary:** It is initiative and referendum are powerful tools. **Mestnik:** Actually, there's an answer, it says 25% of the electors, if it's a ward Councilman. **O'Leary:** Yeah, I'm sorry, I may not have finished that thought very well. But that's all right, so I noticed the 25%, I mentioned. But then that's for recall, as opposed to initiative or referendum. So, proceedings, I guess, is the next section, unless anyone else has any questions. **Evans-Warren:** I have a question as it relates to recall. **O'Leary:** we haven't quite gotten to recall yet but go ahead. **Evans-Warren:** We haven't quite gotten to recall yet but go ahead. **Evans-Warren:** Oh, I thought you were. **O'Leary:** No, I'm sorry, I was at the proceedings. So again, initiative and referendum power shall be exercised in the manner now or hereafter provided by General Laws of Ohio. That answers our question about the threshold and puts us at the 10% number. Are there any questions on the proceedings section? We are finally where everyone I think wants us to be and that is the recall.

Sec. 5.03. Recall

O'Leary: So, I wanted to note to, and I know Ms. Hladky, obviously should always feel welcome to do this as a commission member. But some of these provisions, and this goes more broadly. If you have served on Council before and dealt with some of these issues, or as a Clerk. If you've dealt with a recall petition and had to. Those kinds of experiences can be really helpful in terms of if something went or not so well. or there was confusion, or discord about the way that the Charter language read. You know, that's obviously helpful for me to know and for the group to know. As far as considering possible changes and how can we make this easier, better, clearer for the folks who have to deal with it on a day-to-day basis. **Mestnik:** In my recollection, there's only been one Councilman who's ever been recalled. His name was Frank (inaudible). **Hladky:** There's two, Debra (inaudible), ward four, that was a successful one. **Mestnik:** But one thing, and Debbie, you may be able to add, I don't remember. When they were recalled, I think he resigned. But if somebody doesn't resign, it says the term of the election takes place. Is that something that is like done right here with a ballot? **Hladky:** Ballots, it goes to the Board of Elections. **Mestnik:** It shows up on the... **Hladky:** It shows up on the ballot. A general election or special election? **Hladky:** That I'm not sure. **O'Leary:** The Council selects, so it says, if such officer shall not resign within five days after the day in which the delivery of the petitions shall have made. The council shall thereon fix a day for holding a recall election not less than 60, nor more than 75 days after. So, if an election falls during that, general election, or regularly

scheduled election, municipal, primary, whatever, falls during that period. Council would think select that date, or if there isn't an election schedule that happens at a weird time. February or something, and you don't have a primary until May. Then that would by necessity trigger a special election. **Willard:** Can a special election be organized in that short period of time?

O'Leary: Yes, it's difficult, the board sometimes kicks and screams a little bit. **Willard:**

(inaudible). **O'Leary:** We could, I think that... **Evans-Warren:** It came up at one of our meetings. **O'Leary:** Yeah, so that was part of the reason, I think. Why the Mayoral vacancy amendment was passed. Is that people didn't want an unduly long period of time where the Mayor has not been correctly elected. **Willard:** I'm just saying maybe 90 days or 120 days; I'm not saying two years. **O'Leary:** Sure, I get you, we could certainly consider that. I'm happy to put that down for either additional discussion. Or if there's an immediate consensus for that. The only thing I was going to mention is, I don't think that there's anything wrong with lengthening that time frame. I think the Board of Elections probably would appreciate it. The thing that jams up the board most though, is like Charter amendments or initiatives and referendums. Because printing that ballot language and getting that together is frankly a lot more challenging logistically for them. Than just like a straight yay or nay vote on one person. Then the language is already there, and they haven't translated into all the languages that they need to translate into already. Because it's the same language that is used by pretty much every municipality in the state. **Lowe:** So basically, what we're discussing is, lengthening the time that the person stays in office. **O'Leary:** Correct. **Lowe:** Once they're appointed, at the time of your recall. It has no less than 60, no more than 75. So, we're trying to lengthen? **O'Leary:** Well, Ms. Lowe makes a great point. Because unlike other instances, again, like an initiative or a referendum or a charter amendment or something of that nature. Or even a vote to replace someone who has left office already. This is a little bit decipher of a policy decision. Because what you're essentially deciding is... A lot of people, at least 25%, are upset enough about what this person is doing that they're willing to sign the petition. And they want to have a vote to kick that person out. And so, you could argue that by extending that time. You give them maybe three, four, and five more Council meetings to do their thing. **Willard:** I was just raising the issue to know whether the Board of Elections could respond in that quick period of time. And if they can, leave it the way it is.

O'Leary: Yeah, okay, the answer is they can. On that issue, as far as I know. That doesn't stick in their craw the way that some other things can. **Evans-Warren:** There's a change I would recommend, and we discussed it when we had the meetings. You get so many people to sign the petition, right? But you don't know what they told them to get them to sign a petition. So, it has to be a petition? I understand what you're saying, but you have to give that person a chance. It's two things involved. I think you should be able to give that person a chance to defend themselves. You should be able to confront your accuser, that's number one. And number two, it's expensive, so some mediation process should be in place. Prior to going straight from that point to a vote, and like I say, it is expensive. You know, because one person had mentioned, he's not here now. But one person had mentioned can it be done anonymously? And I'm saying, if you're going to remove someone from office. You should be able to look them in the eye and tell them why. **O'Leary:** Yeah, and I'll say too to that point. That's for the better for worse, Ohio State law takes that ball out of our court. So, the form of the petition is set, and you have to have the name of the person circulating it on there. **Evans-Warren:** Can you still have a mediation process added? **O'Leary:** I guess, but I, what would the mediate... **Evans-Warren:** Because it may be something that can be resolved. But how much is it, the election? **Hladky:** \$20K. **Evans-Warren:** The number was higher 22? **Hladky:** Okay, so it went up, that's what it was a long time

ago. I just think you should be able to face your accuser. And I like the mediation process to avoid any expense if you can. **O'Leary:** I mean, so one question would be... And I'm not trying throw a monkey wrench in the gears here. But legally, we have to make sure that we're very specific about any change that we are putting in or any process that we were enacting. So, when you say mediation, some of the thoughts that come to mind for me right away are, ok well, now we have this petition that's been signed by 25% of the electorate. And so, if you go into a mediation, obviously the Council person that's being sought to be recalled is the one side of the table. Who's sitting on the other side of the table? because that person... **Evans-Warren:** Maybe their colleagues if it's a Council person. **Mestnik:** Yeah, but it goes to a vote. So, whoever is being petitioned to go out can go out and hit the ward that they're in and say vote for me, it's not justified. **Evans-Warren:** 25% is not the majority though. **Mestnik:** I mean it's been a really rare thing here in Oakwood Village. There were only two people since 1951. I remember Frank (inaudible), I'm going to tell you something, you'd have signed the petition. **Evans-Warren:** I knew who Frank (inaudible) was. **Lowe:** When the person was recalled. What did they have on the petition that validated the person being recalled? **Mestnik:** I know it for him, he wouldn't vote for the original... The first amendment you have to vote for in legislation is spending money. He would not vote for that, he was opposed to that right from the beginning, he wouldn't vote. **Lowe:** So, he was opposed to spending money for what? **Mestnik:** For anything, as a Councilman, you have to vote on the budget. You have to go for that. I mean, you got to vote yes. There's no alternative to that. **Lowe:** He was recalled because he didn't want to spend the money. **Mestnik:** He wouldn't do it. **Willard:** He didn't do his job. **Lowe:** Yeah, that's the basic because that right there could just be a lot of things. **Evans-Warren:** And then, too, if we're not going to make any changes, what's the point of this commission? I mean, I'm not saying we have to make changes. **Lowe:** Not for this one, he said for this thing, you may not have to. But for other things... **Evans-Warren:** No, I know what you're saying. Whether we do or whether we don't with this, I mean majority rules. But I'm just saying, to say that it'll be difficult or whatever. We're here to go over this and if you think any changes need to be made, we should make them. Can you make a motion? Make a motion. **Willard:** By the time the electors put together a petition with Councilmember. There should have been members of the community out here talking to the Council. That's their mediation, that's when they've already said, hey, you're not doing it right. We want you to fix this, or we're going to take you out. They've had their back and forth. This is the last step; we've done everything we can do. We're going to take you out. **Evans-Warren:** That's an assumption. **Willard:** No, it's not an assumption. **Lowe:** Well, basically they're saying it's steps. We're just not going to say the person will be recalled tomorrow. There are steps you can take; it's not legally just a mediation. But they do have their time to say or defend themselves against what's been accused. **Evans-Warren:** Oh, do they? **Hladky:** Yeah, that's in here. **O'Leary:** But like I said, I don't want to be construed as cutting off debate or discussion on anything. On which people want to have debate or discussion. So, if there is a motion to make a change or to consider some language or something to that effect. You know, I'm not saying that folks can't make a motion. So, we kind of jumped right into discussion on this one. When we started, I was asking if everyone had finished reading. I assume that they have at this point. And we've now talked quite a bit about it. But I want to rewind just a minute. Does anyone have any questions about the meaning of what's here now? Before we get on to it, do we need to change things? **Stevens:** You know, I apologize, I had a long distance call I had to take out there. But I had made an apology, I said I didn't read all of it. But I'm agreeing with her because I lived through one recall. So maybe that's something we can come back to. Because it is

techie, it's humiliating, people put you out there. When you're in the public eye, they can do anything to you. They float your picture, talk about your family, talk about your kids, talk about your husband. The one that I went through had nothing to do with me. I can feel her pain; I felt her pain. **O'Leary:** Yeah, and like I said, I've held elective office before, too. I like to say sometimes I'm a recovering elected official. But to your point, I mean, it's a double-edged sword, though, because you're right. I mean there's a lot, especially in our climate today. You know left, right, or center, I think we can all agree that our discourse has gotten strained recently. And unfortunately, I think that that, and again I'm just speaking from my experience. Not painting anyone else with a brush. That has seep down into municipal government. It used to be, hey Joe, or hey Sally, I seen you at the grocery store. We're talking about neighborhood issues kind of thing. And all of a sudden it's turned into you're a good for nothing government. **Lowe:** That comes with the job of being a politician. However, the thing is, there wasn't a standard to hold certain offices. So, as we've seen lately, there is no standard. So, a person should if they're going to represent the community. Then that comes with territory, and you should be able to hold your guard. To know that you're doing the right thing for the community. Now the person is just out there doing everything. You don't even want them to represent you. **Macklin:** You have to keep your head up and keep smiling. Keep on going and do you because I'm going to do me. So that's what you really have to do. Because people are going to pull you down. They're going to pull you under the dirt and never lift you back over it. But you have to keep on being you. If you think what you're doing is right, keep doing it. Don't let nobody pull you because whatever I do in my life, I feel is right. And politics is something else. **Evans-Warren:** So, at what point in this process do they defend themselves? That's what I'm just trying to understand. **Hladky:** I believe there is in here, if I'm not mistaken. I think I was reading it really quick. **Stevens:** This person never had a chance. All we know is that you have to be very careful too, that's another thing. Because this legislation, this legislation about changing the way that we elected the Mayor. I didn't know about it until I got in the booth, and I was voting. I said what is this? This is the last thing, what is this? **O'Leary:** A lot of what we're talking about though. Is really fundamentally a First Amendment issue. And so, you know, at the end of the day, again, we would like everyone to be civil and polite and above board in their civic discussion. However, people have a First amendment right. And so, you know, they can't... obviously some parameters on that. But by and large, it's really not the government's place to say, you know, your description of Council person so-and-so was really unfair to them. And you now, I mean, to the extent that we have anyone in a referee shirt out there. You know, it's historically been the news media. Government can't really play that role in the public debate sphere. So, on the flip side of that coin, to your point about having an opportunity to defend themselves. People can... **Evans-Warren:** In the end, I'm sorry to cut you off. But in the end they still run for office? **O'Leary:** Correct. **Evans-Warren:** Because their ward is going to vote on it. **Lowe:** But I'm reading right here it says, "such persons shall be allowed a period of 25 days after the day on which such delivery was made in which to make the petition sufficient." **O'Leary:** So that's like if the people who are trying to put the recall on the ballot submit their petitions. And let's say the magic number is 250. They count the signatures and there's 255 signatures but 248 of them are valid. Well then they can go back to the petitioners and say you have 25 days to come up with the other two signatures. **Lowe:** But it still doesn't say that the person that's being questioned. Would have a time to defend themselves against accusation. **O'Leary:** Correct, but I guess what I'm saying is, they would. In the sense that there's going to be not less than 65 days really. Because in the time that the Official is notified that the petitions were sufficient They have five days to decide whether or not they want

to resign. Then they're going to have at minimum an additional 60 days before the election happens. **Lowe:** So, what she was saying is. When does the person that's being accused get a chance to tell their side of the story? **O'Leary:** All 65 of those days. **Lowe:** Do they call a meeting? Do they speak to the people that have time to petition? Do you call a special meeting for the person? That's what she's saying. **O'Leary:** They can do all of those things. And hire an airplane to do sky writing, buy billboards, and that's a first amendment thing. **Stevens:** Can I ask a question? Now they filed the petition with the Board of Election, and now she/he gets her 30 days? **O'Leary:** 60 days. **Stevens:** 60 days after it's been filed? **O'Leary:** Correct. **Stevens:** No, that's not giving you a right. You should be able to have a right before that. **O'Leary:** I guess what I'm saying is that person always has the right to say whatever they want 24-7, 365. **Stevens:** I know, I told you I went through one. We didn't even know the person was being, the devil is alive and he's busy. We didn't even know that the woman was being recalled until the recall. **Lowe:** You know who it was? **Stevens:** Yes, Debbie Haviland, don't tell me. They say you get five days, come on. We didn't even know that girl was being recalled until it was on the ballot. And I don't even think she knew. So, I don't want to get into it, and I want to hold it up. **Lowe:** I want to hear that part. Because you're saying she was made to resign without cause? **Stevens:** I'm going to see if she went on, because she was so hurt and so humiliated. **Lowe:** So, people didn't know? **Stevens:** We didn't, I didn't even know she called me and said, hey Shirley, guess what? And she was the co-founder of that legislation to make sure that the people in Oakwood did not pay double taxes. She was the co-founder of that. **Lowe:** And this was in effect? **Stevens:** So, I don't want to get into a big thing. Let's keep moving so that one thing doesn't hold up. But I think it's something we need to go back and revisit. **O'Leary:** So, everyone who's being recalled or potentially recalled would have the notice. **Willard:** They knew the Council was unhappy with them. **Stevens:** No, she did not, and I was her best friend, I knew she didn't. **Willard:** May I make a point, if you don't know what's on the ballot before you go to the ballot box. Get a sample ballot in the month or two in advance. **Stevens:** I don't think I should, I think that if you're changing the way I elect my Mayor. A notice should have went out and told me we're changing the way you elect your Mayor. **O'Leary:** There was one. **Lowe:** Can we move on? **Willard:** Sure, Ms. Shirley, every time I go vote. There are issues on the ballot that I want to research before I get there. So, I go on the sample ballot, and I look up what the issues are. And decide what my position is going to be, and this time it was about the Mayor. **Evans-Warren:** The method that you're talking about holds everyone to a certain standard. And you have to allow for some fluctuation in that standard. **O'Leary:** Can we, I'm sorry, we've got like a couple different conversations going on. Can we hear from Ms. Hladky, she's been waiting to speak. **Hladky:** "If the clerk shall find the petition sufficient, he shall promptly so certify it to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery." **Lowe:** So, of course, he knows. **Hladky:** The person knows long in advance of anything of the ballot, so yeah, they know. **Lowe:** So, if they don't resign within five days, after the day on which the delivery should have been made. Then the Council shall thereupon fix a date for holding a recall election. So, they have an opportunity to resign before it goes to the ballot. **O'Leary:** Correct. **Lowe:** Because I know she could sue if that happened, and she didn't have any knowledge. **O'Leary:** And then usually at the Council meeting at which the Council is going to set the election date. That Council member would probably have something to say about it. But anyway, I appreciate the discussion on that one. And I think that fortunately brings us to the end of Article 5. So, there's been some discussion that we can get into because... Some issues touch on multiple Charter sections. And so, you

know, one of the issues that I'll just tease a little bit, and we can get into a future meeting. Was with respect to recall, recall obviously can also create a vacancy. It's one of several things that can create vacancy in office. Obviously, that would be another one, resignation would be one, and recall is one. And so, there's been some discussion about... or there was some discussion, at least in the public review in the fall, about... if there's a vacancy on Council. There's obviously six members instead of seven. And so, you know, how urgently do we need to address that issue with respect to ties and things like that. But anyway, we can save that one for another night.

Evans-Warren: What about 5.03, this one, can name and address of a person submitting petitions be redacted when filing petition if the clerk has confirmed residency? **O'Leary:** That one, what I think I mentioned is, no, because of state law. **Lowe:** So, the name has to be printed?

O'Leary: Correct, and also, for what that's worth. I also I think that's good public policy to not have anonymous petitions. **Evans-Warren:** That's right. **Stevens:** What number is that?

O'Leary: There was a comment that was made in the review in the fall about the section we just read. So, that's listed on these... **Evans-Warren:** September 14th meeting. **Evans-Warren:** Now Sam, that's as it relates to filing this petition to remove someone from office, right? **O'Leary:**

Correct. **Evans-Warren:** Not from running for office. **O'Leary:** Correct, I wouldn't recommend that either be redacted. You know, I mean, people need to know. If you're running for office...

Evans-Warren: They're going to know at a certain point anyway, so... **O'Leary:** Yes, exactly.

Lowe: I'm sorry, I didn't hear your question. I want to hear what you're saying. **Evans-Warren:** I asked him was being anonymous related to the recall of a person. Or does it also apply to when you file a petition to run for office? Is it isolated to just this one as it relates to 5.03 or? **Lowe:**

So, can a person be anonymous if they're running for office? **Evans-Warren:** No, no, no, you can file a petition and at a certain point, everyone knows who's going to run for office once the deadline is over. But I just wondered if that applied, if they were thinking both, the recall and running for office; but it's the recall. **O'Leary:** Yeah, I think the suggestion just referred to the recall. But the requirement that the person's name and address be on there is mandatory for both.

If you're circulating recall petition or if you are going to be a candidate. Okay, just want to thank everyone for their really hard work tonight. We're almost to the finish line here, and we're coming up on 7:30pm. So, hopefully we're not running too late for folks. Now we have our final few agenda items here. The first of which is the election of Chair. So, for those who recall at our last meeting. There were two folks nominated, that was Mr. Moses and Mrs. Hladky. And there was a four-four tie in that vote. And then there was the subsequent vote to table that motion to elect the Chair. We now have our full contingent here. So, if we figure out a way to tie, that'll be something special. But let's go ahead and see what we can do here.

Motion to un-table the motion for the election of the Chair made by Mestnik seconded by Stevens

ALL IN FAVOR
MOTION PASSED

Now that the motion is back before us. I would like to give, and I don't feel compelled. But I'd like to get Mr. Moses and Mrs. Hladky the opportunity to say anything that they need to at this time. Or if folks have questions, we can have some discussion. Otherwise, we can just get to the vote. **Hladky:** I want to thank those who nominated me. I think it was just based on my

experience and my knowledge of Robert's Rules of Order and how meetings are to be handled.

Mestnik: Plus, you've been the Council Clerk for how many years? **Hladky:** It was close to 20.

Evans-Warren: This process is not that complicated, you're overqualified. **Hladky:** I probably am overqualified. There are parts of Robert's Rules I can recite. And it's like, if you want a good book to read, go to sleep, this is it. **Evans-Warren:** And she still has input, regardless of whether she's President or not. **Hladky:** Sure, everyone still has the same vote, thank you. **O'Leary:** Mr. Moses, would you like and then maybe we'll open the floor. **Moses:** I look at it this way, we have a lot of Councilmen. There's a lot of experience in this room. I knew Robert's rules and order when I was pledging Omega Psi Phi. I had to know it backwards and forwards. In my line of business, I deal with people's emotions. So, I don't use it, but I can learn it. I ran meetings, ran a company, owned a company. So, I think I can do a good job. **Lowe:** I was questioning, I wasn't here the first time, I had a family emergency. However, what are the basic duties of a Chairperson? **O'Leary:** Sure, so basically, as was said, the Chairperson doesn't really wield any more or less power than any other member. That person will usually work with Ms. Joseph to make sure that what I'll call kind of administrative functions of the commission. Like getting the minutes out and getting the agenda published for the upcoming meeting are done. And, you know, to some extent set the agenda. But at the same time our agenda's kind of, to some extent is, already set. Because we're, you know, reviewing the charter. So that's pretty much it that I'm aware of. **Mestnik:** And they move the meeting along. **O'Leary:** Yes, correct, so the Chair controls the floor. In the sense that when people, as we all do from time to time. Get excited and start talking, they heard the group along in the right direction of path. Any other questions, comments, concerns? Okay, the last time, we just did a show of hands vote for Mrs. Hladky and then Mr. Moses. So, we'll use that same procedure again.

ALL IN FAVOR TO ELECT DEBRA HLADKY: Willard, Mestnik, Krug, Hladky

ALL IN FAVOR TO ELECT ANTHONY MOSES: Moses, Stevens, Macklin, Evans- Warren, Lowe

ANTHONY MOSES IS ELECTED AS CHAIR

O'Leary: Congratulations, Mr. Moses. **Mestnik:** And your first action will be to adjourn the meeting. **Evans-Warren:** Should we set the next meeting? **O'Leary:** I'm sorry, the adjournment is the third. There are two things that need to happen before we all go home to our families and houses, etc. It's setting a meeting and public comment. So, I don't see anyone in the audience for public comment. And Mr. Moses, I'll turn it over to you, I guess. The only thing, and I don't mean to step on your toes. Shortly before you arrived, I was explaining that with respect to our scheduling. So, as you'll recall, we discussed it in the first meeting. The only quote unquote hard deadline that we have is, this commission does need to get whatever changes it's recommending to Council by June 1st. I mentioned that when the public review process happened in the fall. Not that that is binding on us in any way, shape, or form. But that they met over the course of six Saturday mornings. Each one of those meetings was at least two hours. I think maybe the last one we got done quicker. But anyway, the point is a couple of them were pretty lengthy. So, somewhere in the 12 to 15ish hour range is probably reasonable. And we knocked out a couple hours tonight or whatever. So, we could anticipate that we would probably want to schedule at least five more meetings, I would think. Or if we're going to do longer sessions on a weekend or something like that. You know, it's the commission's call. **Moses:** Okay, well I'm opening it up to the floor. Anybody can recommend any days, what day works for you guys? **Macklin:**

Wednesdays works good. **Mestnik:** Wednesdays seem to be the best day. **O'Leary:** Do you think we can quasi pencil in a weekly? Or I mean if we go bi-weekly, we potentially get a little bit close on that June 1st. So, if we go weekly, I think six meetings would put us into mid-May.

Lowe: Weekly. **O'Leary:** Yeah, my suggestion would be that we start off on a weekly basis. That way, if we're flying through and we say, you know what, we can space these out a little bit. We can, but that way we're not jammed up at the back. **Macklin:** So, Wednesdays, every Wednesday? **Hladky:** I agree with weekly, only if it fits everyone. Only because there needs to be time for this fellow over here to draft the legislation that's being proposed. And to review it to make sure that everyone is in agreement. Or at least we have a majority in agreement to forward those to Council. So, in my experience with the Charter Review. There has to be an element of, okay, I need time to get this together for presentation. **Evans-Warren:** Can Council add to this? **O'Leary:** Council can add, subtract, or eliminate it all. **Lowe:** This is something so important, I don't want to rush through it. A lot of opinions and a lot of suggestions that someone may not have thought of. So, to me to get it prepared is fine, but also it's not like we want to take it lightly. **O'Leary:** And while I think it's helpful generally speaking to move in a somewhat linear fashion through the process. There's no rule that says you can't go back at the next meeting and say; I had an idea about Article 5, and I want to bring that to the group. **Evans-Warren:** Same time? **Macklin:** We're going to stick with six o'clock. **Mestnik:** Six o'clock, right? **Moses:** Six o'clock, yes. **Stevens:** Are we going to get notices? Because after we're adjourned... **O'Leary:** Understanding the motion was just to set our next meeting next Wednesday. Certain Council members have asked me to kind of keep them generally informed of the Commission's goings-ons. So, I might say to them in an email, the formally set meeting is for next Wednesday. However, the Commission is likely to continue weekly Wednesday meetings for the foreseeable time. **Willard:** I'd like for us to just define the next six meetings as the next following Wednesdays. We should identify which parts of the Charter we're talking about those days. And I recommend that the rest of the committee also look at the Charter before we have those meetings. **Moses:** Any suggestions? **Mestnik:** I've been through one of these before. There are some things you go through pretty quickly. There are other things you take a lot more time on. So, if you're trying to define these meetings to be specifically for each one of those things. And all of a sudden we're done in 10 or 15 minutes. Does that mean we go home and then we wait until the next meeting? Or do we just continue on? To me, I think, again, we can go back to, we can make some suggestions in terms of the things that are going to be on the meeting. But you've got to see how fast this committee is going to work. I've been in a lot of meetings and depending on how you manage the meetings. These things go pretty quickly if you're doing that. And so, I don't think you can define each meeting right now, what we're going to be talking about.

Stevens: No, I think we need a outline. **O'Leary:** And something that I just want to add, though, to Mr. Mestnik's comments there. When the agenda is published for the meetings, that is quasi-binding on the body. In the sense that if it says continued discussion of Charter Review Amendments. Then we have the wherewithal to discuss whatever it is that we want to discuss. If it says we're going to discuss you know, articles 6, 7, and 8. And we fly through articles 6, 7, and 8, which I don't think is going to happen. But if that's what happens then... if articles 9, 10, and 11 aren't on the agenda. We haven't given the public notice that we're going to be talking about articles. The other thing that I would note is, if there is someone that wants to go back and discuss something that we already discussed. So, it's not to say that you can't still have an outline or something like that. And then have a sentence in there about other articles, or kind of a catch-all. But I would note that we don't want to get too restrictive in terms of setting our agenda.

Because we want the commission to have some flexibility to be able to use its time efficiently.

Willard: You want us to get through all 13 sections before we run out of time. **O'Leary:** Right, I mean we're through five of the 13. **Hladky:** I think you're right, you're absolutely right I don't have to tell you that. Setting the agenda would be open like call the meeting to order, pledge of allegiance, roll call, charter review suggestions, public comment, and then a adjournment. That's pretty much, am I right? Is that what you're saying? **O'Leary:** Correct, yeah, so there's a motion pending to set the next six meetings on Wednesdays. And then, well, the motion was also to set the agenda for those, which we could do by saying...**Stevens:** I make the motion that we set the next six meetings for Wednesday. And that we have tentative agenda. **Lowe:** And it can be open, we can follow it and go back to things that have been tabled. In case we want to discuss it a little further. **Stevens:** Exactly. **Joseph:** So, like Mr. O'Leary said, if we set a section, it does limit what we can do based on what we posted out to the public. Well, this is my suggestion to you guys. Set a section that you anticipate covering that meeting. And then probably list like, review of other articles necessary or if deemed necessary. Which gives you a chance to go back or go forward if needed, so that's just a suggestion. Just so you know that you have meetings that's going to cover all the other sections in time. But it allows you the opportunity if you need to go faster or slower. That is also listed there too, that there's other articles to be reviewed or deemed necessary. **O'Leary:** Okay, are there any further questions or discussions?

Motion to schedule next meeting for Wednesday 19th, 2025 made by Mestnik seconded by Macklin

ALL IN FAVOR
MOTION PASSED

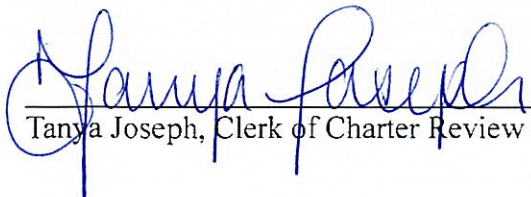
Motion to adjourn made by Stevens seconded by Mestnik

ALL IN FAVOR
MOTION PASSED

Adjourned at 7:42p.m.

Approved

4.16.2025



Tanya Joseph, Clerk of Charter Review Commission