





VILLAGE OF OAKWOOD
CHARTER REVIEW COMMISSION MEETING
April 9th, 2025
6:00 p.m.
AGENDA



- 1. Call Meeting to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**

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

*Charter Review Commission Chair

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- 4. Minutes**
February 12th, 2025, Charter Review Meeting Minutes
March 12th, 2025, Charter Review Meeting Minutes
 - 5. Charter Review suggestions**
 -  **Article IX, Section 9.04 through Article XI**
 -  **Article VII, Section 7.08 (tabled as of 3/26/2025)**
 -  **Article VIII, Section 8.02(c) (tabled as of 4/2/2025)**
 -  **Revision of any other Articles deemed necessary/related**
 - 6. Public Comment (3 minutes each)**
 - 7. Adjournment**

**VILLAGE OF OAKWOOD
CHARTER REVIEW COMMISSION MEETING MINUTES
2025-2-12**

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
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

Andrea Lowe	Ward 1 Councilperson representative
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** Arrived after roll call*

Meeting opened at 6:10pm by O'Leary

Pledge of Allegiance

Roll Call taken

O'Leary: Ms. Lowe is not going to be able to join us this evening. That was communicated to the Clerk. So, I don't think that we're expecting anyone else this evening as far as the commission goes. So, we'll go ahead and get started. So welcome first and foremost, this is the Village Charter Review Commission, obviously. And it's February 12th, 2025, we're a little bit after our scheduled start time, but we'll go ahead and call the roll. And I just want to note, as a caveat, we will do some brief introductions as well beyond stating our names. But for formality sake, we'll go ahead and get the roll call out of the way.

Motion to excuse Andrea Lowe made by Evans-Warren seconded by Moses.

ALL IN FAVOR

MOTION PASSED

O'Leary: So again welcome, and of course, welcome to our members of the public. As well as the Village officials who are able to join us tonight as well. My thought was it's kind of an icebreaker to start out. Maybe we could go around since we don't know each other particularly well. Well, some of us may not know each other particularly well. We could, you know, give our name again, obviously. Or we've got the placard, so whether we can dispose of that one. But my thought was maybe you could share if you're willing to. How long you've lived in Oakwood and your favorite thing about the Village of Oakwood. As kind of a way to get to know each other a little bit. So, I'll start, and I am obviously the non sequitur here. My name is Sam O'Leary, I'm an assistant Law Director with the Village. So, I work with the Village's Law Director, Jim Climer. And I've been asked to help out in particular with this Charter review process, on a going forward basis. So, I'll be the familiar face and point of contact for you guys as far as this process. And I'm really excited about it on a personal level. This is something that I care very deeply

about. I think Charters are really important for municipalities. As we'll talk about in a little bit, it's kind of like the Constitution or the you know, touchstone kind of document for any kind of local government. And there's a lot of important powers and considerations that come with the Charter. So, I'm looking forward to getting into that with you guys. By way of background, I'm with the law firm Thrasher, Densmore, and Dolan. I've been an attorney here in Cleveland for a little over ten years now. I went to CSU, Marquette School of Law, my undergrad was at George Washington and D.C. I was born and raised in Lakewood. That's where my family still lives, including my mom and dad and brother and so forth, and also my wife and now three year old son as well. So, I kind of got hit by the bug early for public service. And I wanted to when I was in law school, get involved and so did board zoning appeals in Lakewood. And then eventually ran for Council and was honored to serve on Council there for a couple of terms. And did a stint as Council President there as well. And then my legal practice was also kind of tilted towards municipal law. So, I've been involved as a Law Director, Assistant Law Director, or Special Counsel for a number of communities in Northeast Ohio including Bratenahl, Brecksville, Glenwillow, Sandusky, Brook Park, Brooklyn, and some other communities as well. So, I've done a lot of work in the region, and I'm kind of a nerd for municipal government. I think it's really where the rubber meets the road as far as an ability for us to make an impact in our community. And I think it's, you know, obviously we're in a polarized time. But I think that local government still exists as this microcosm. Where we can come together and not necessarily talk over each other about red and blue issues. Or that, you know, philosophical this or that, but really talk about what makes a practical difference in our lives on a day to day basis. And how to make our communities better. So again, I'm honored to be here with you guys. I hope you're excited as I am to undertake this process. And I'm looking forward to getting to know you guys over the next couple of months. And getting this work done for the Village. So, I don't know who wants to start. Maybe we'll work around starting with Mrs. Warren. Or we can start with Mr. Willard, up to you guys. **Evans-Warren:** I've been a resident of Oakwood Village since 1982. I raise two children and they both are graduates from the Bedford School system. I have my undergrad was a baccalaureate in the science of nursing at Case. And I have a master's degree in the Science of Nursing at Case. I also served as adjunct clinical faculty at Akron University, Ursuline, and there's one other. I served on the Zoning Board of Appeals for ten years. I served on scholarship for ten years. I also was on the Charter review previously with another commission. And the thing I like most about Oakwood is that it's, it's more personal. And a community like this shows you that you can still make changes from the grassroots level. You don't have to be an elected official to do that. So, by giving us that, you know, providing our input. We can make changes and that's what I like about it. **O' Leary:** Awesome, thank you so much. **Macklin:** My name is Sharyn Macklin, I was I was born and raised here. I've been here 72 years, it will be 72 years in March. When I was born, we left the hospital. My dad had just built a house on Lamson. And when I was born they moved into this, and at that time it was a new house. Oakwood is really a place where I love. We have five generations that went to the school. My dad, his brothers, and sisters, all went to Bedford. They went to Bedford school, but they've been in Oakwood since the 30's. So, it's really good to be back. It's really great to have my kids and grandkids go to the school where my dad and his brothers and sisters went and graduated from. All of his brothers and sisters graduated, they are professors, big Council people in Denver. And it was just a thrill to still be in Oakwood, to be where I was born and raised. I have one daughter who went to Bedford. I adopted three kids, I had 27 foster kids and they all went to Bedford. My adopted kids went to Bedford, and they all graduated from Bedford. A few of my foster kids graduated from Bedford. I have grandkids now who's now going through the school district. So, being at Oakwood is really a peace of mind. I had left for four years, I bought a house of Maple. But

when I adopted the kids, I decided I didn't want them going to Maple. So, I bought a house in Oakwood, I've been back here for 26 years. All three graduated from high school, they loved it. We have almost an acre, they love it because they have freedom. They weren't tied down and bundled up like we were in Maple, they have freedom. My son is now looking for a house in Oakwood because he wants to stay here. Because this is where he was raised. I do a lot of things for the Village of Oakwood. I love kids, I love doing what I do. I worked for the school system for 37 years. I went from bus driver, to security, to head activity custodian, back to security, back to bus driver, and I retired. Got bored went back to bus driving. Now I'm on a school board and I love it, it's a different experience. You see what goes wrong when you're not in them on the outside. But once you get on the board, you see what's going on, on the inside. People criticize us, but in my mind, what I'm doing and what I'm standing for, is for the kids. So, Oakwood always been my home, and it's always a place I want to be. I'm always proud of Oakwood. My dad was in Council, he was over recreation, my dad did a lot. He drove for Hampton Trucking, and people knew who my father was. The name Parks went a long way in Oakwood because of the fact that they were raised here. So, I'm proud to be here. I'm happy to be on this committee and I'm willing to do whatever we need to do to get Oakwood back on the right track. **Hladky:** Were you a bus driver at the time there was a driver who went by the name of Twink? **Macklin:** mhuh. **Hladky:** She was my twin. **Macklin:** Oh, really. **Hladky:** Can't you tell? **Macklin:** I thought you looked familiar. Yea, I started driving in 1981, and I drove up until 1988. And then I went inside the school. **Hladky:** Yeah, she was injured on the job, and she eventually quit. **Macklin:** Yeah, it's a chore now. **Hladky:** I'm sure it is, and she asked me and I said "peace out." My name's Deb Hladky, sorry about that, that's the only time to bring Kate up. She's not with us anymore, she moved to heaven without my permission. Deb Hladky, we've lived here for 36 years. Raised our kids here, two of them attended Bedford School Fields and graduated here. The other ones were homeschooled. I had a special needs child and that was tough in its own. But I love Bedford schools. I continued to be involved with them. But anyway, I was Clerk of Council for 16 years. I got my master municipal clerk designation, and I became a member of IIMC. That's the mother ship of education for Clerks. They can't get their education any other way. And then I became a member of the Athenian Dialog Society, which is a leadership training. And I'm still active in the Clerks Association. Just because I love clerks and what they do, and I really honor what they do, all the work they do. So, I still facilitate leadership dialogs for them, which is really fun. But currently I work part time as a Clerk for the North Star City Clerks Association and enjoy that group part time. So, I'm still involved, everyone asked me why do you like politics? I can't answer that. **O'Leary:** That's hilarious, that's a great comment. Have you crossed paths with Maureen Bach? **Hladky:** I don't know... **O'Leary:** She's the Clerk in Lakewood. **Hladky:** Is it B a c h? **O'Leary:** Yes. **Hladky:** Okay, I can recognize the name. I don't really put the name with a face. **O'Leary:** Yeah, she's not a very boisterous person, but she's been fantastic. **Hladky:** Yes, I see her name. **O'Leary:** Thank you. **Krug:** Michelle Krug, I moved to Oakwood in 2007. This is all new to me. It's something new that I wanted to do, but (inaudible) Detroit. I really like Oakwood, I love the neighborhood, I love the quietness, and just that little small town feel. I grew up in Colorado in small little town, so this is like perfect. And I love all the things that they do for the seniors and the kids and everything. I have my dogs and my wife, I work as a controller at a scrap processing facility, and I've got associates in IT. I'm just looking forward to learning the processes and get into it. **O'Leary:** Thank you so much, Mr. Moses. **Moses:** Well, I don't know how to follow, well, my name is Tony Moses. I've been in Oakwood since 2005, my children conference here. But unfortunately, they did not go to that school. But I'm in the school system often. I am a director of a mental health agency. So, I've been working with young adults, kids, adults who have some form of mental health issue, behavioral health issues of 40 years of

servitude of that field. I'm excited because what I see now. Is the need for, I'm going to say, the older generation to build up the younger generation. And we need more youth involvement. We need Oakwood, I just have to say, the terms are kind of limited as far as a program that I've seen. But we need to see more. So, that's why I'm pursuing this area right here. Trying to get more actively involved and get out there. And then really see what is needed and how can we obtain it, so that's it. **O'Leary:** Thank you, Mr. Mestnik. **Mestnik:** Well, I'll try to deal with that here. We moved here, we bought a lot in 1955. We built the house there when I was 13. I hoped to be able to live in Oakwood with my dad and the family members that are here. Went to Bedford High School and graduated in 1961, I was the state champion in wrestling. So, I ended up getting an athletic scholarship to Purdue. And I originally wanted to be an engineer, but I realized someplace between my sophomore year and junior year. That engineering and varsity wrestling just didn't go together. So, I went to political science without realizing at Purdue. With the political science, you get two years of public administration on how to lay out a city. And I never thought I would ever use this. This is something that I graduated from Purdue in 1965. And when I got home, I graduated on Saturday, and Monday morning I got a postcard from this draft board says you're no longer 1 deferred you're 1A. And I figured, well, I don't want to be out in the jungle. So, I joined the Navy, and I went through OCS. After the Navy, I spent a year and a half with Great Lakes. I was in charge of the (inaudible) division. I hired 35 people (inaudible). They were processing 600 people in, 600 people out every day. There was a management position, and I requested sea duty. And wound up on a destroyer out of San Diego. And I spent two years on that with them. I got to Vietnam, became a Vietnam combat veteran. I did two tours at the ship over there. So, when I got out of there, I worked for EDS for a year with Ross Perot of Dallas, Texas, as a personnel recruiter. And after a year of traveling all over the United States, that was too much. So, I left EDS, came home, and went to work for the Twinsburg banking company. And I became the personnel director there for four years. And then became a commercial lending officer. But while I was there, I went to the grad school of banking, got my MBA from Stonier in finance and economics. My degree actually from Purdue was political science and economics. But I restructured all of the pension plans when I was at the bank. And I spent about a year and a half studying extreme measures and what happened later on. But anyway, I got here, one of the neighbors said, "why don't you join the Planning Commission." So, 1971, I'm now on the Planning Commission, but they didn't know what my background was. And we had a Charter review exactly at that same time in 1973. Allowed me to take my experiences from Purdue and lay out Oakwood Village. And if you take a look at how this thing looks at it. I took all the land that was south of the Alexander Road and Broadway and turned that all into light industrial. Now it's turned into the area that we've (inaudible). And you learn at Purdue, the first thing was important. You got to create jobs in a community. If you don't create jobs, we got nothing. I mean, you got farmland. And when I moved here, we had farmland. In fact, when dad would get home, we would get our shotguns and go rabbit hunting. But anyway, one of the probably major things that happened. In 1943, I was born in Euclid, Ohio. In 1948, my dad bought a duplex on Lakeland Boulevard, which faced north. And if you looked in the attic, you could see Lake Erie. You can't see Lake Erie anymore. So, when I got the planning commission. One of the things that happened was, I called Euclid to see about apartments. We had Carl Milstein, he owned 60 acres that was north of Solon Road. It went all the way where the Meadows are now. He owned all that land practically all the way to Robertdale Road. And I called her and said, what do you think of apartments. And the building inspector said, whatever you do, and he repeated himself. He said, whatever you do, don't do it. He said, it looks like (inaudible) they're nothing but losers. So, I eliminated multifamily from our zoning in Oakwood Village. So, you couldn't build any more apartments here. And then the other thing, we turned down Carl Milstein. So, that he couldn't, he

wanted to put in section eight housing. Which would have increased our population by about 3000 people. They would change the total make up of Oakwood Village. But again, it was just serendipity that I lived in Euclid. And knew enough to call Euclid. And the other thing that was really critical, I realized then we got elected to the Council, this was in 1974. And we had some major issues, one of them was a truck traffic on Richmond Road. And all the people said Joe, you've got to eliminate the truck traffic. So, I was sitting right about here, and we eliminated the truck traffic on Richmond Road. And it went to Bedford Court, got upheld, and then it went to the appellate court. And when it was as the appellant court, Mayor Haba called me. He said, Joe I just got a call from the Treasury Department that there was a contract on your life and a contract on my life. **O'Leary:** I don't mean to, this is a really interesting background. But if we can kind of keep our introductions brief for the time. Because I think we'll have plenty of time to get into... **Mestnik:** Anyways, I spent 20 years on the school board. I love this community, the fact that I've lived here now, it's going to be 69 years. And when you think in terms of... there's a couple of things about Oakwood. Because we've always had white people and black people, and we've always worked well together. And we've always been, race has just never been an issue here. Everybody works together, for the betterment of community. And hopefully that's what we do. **O'Leary:** Thank you, and Mr. Mestnik, I'm sorry, I really didn't mean to be rude. I really didn't mean to offend anyone. I was just trying to keep our introductions, you know? **Mestnik:** This is a great place to be. It's a great place for everyone. **O'Leary:** So, Mr. Willard, not to put you, but again, how long you've lived in Oakwood and your favorite thing about Oakwood? **Willard:** My wife and I lived in Oakwood since '98, so 27 years. My favorite thing about Oakwood honestly is the people. We've met some wonderful people here. Do you want a brief background? **O'Leary:** Sure. **Willard:** I got a bachelor's degree in Electrical Engineering. I was into the nuclear (inaudible) submarine wanted to enroll as a teenager. And I worked in IT for maybe 20 years, finishing up with a CBA at Tri-C. **O'Leary:** That's wonderful, thank you so much. And thank you all for those introductions. And as I'm going to mention in a few minutes. There's kind of several different facets or inputs, I think, that inform your collective work on this committee. And of course, one of them is, is who you are and what you bring to the table and your background. Whether it's educational, professional or, you know, civic involvement oriented. So anyway, I also wanted to say as an initial kind of disclaimer. I'm going to do some talking this evening to kind of get us rolling here. But this is your process, not my process. And one of the things that we'll do tonight is elect a chairperson and select the next meeting date. And so, while I'm going to say some things tonight, again, kind of on an introductory basis. Or to kind of frame the issues for us going forward. My hope is that I'm not, you know, putting my thumb on the scale one way or the other as far as what the commission's work is or where you guys see yourselves going forward. But just to kind of, again, create that environment for you guys to be able to do the work for yourselves. And for me to be here as a sounding board, as a resource going forward. So, to that point, and I appreciate that we've got a number of folks who have experience either serving with the Village in some capacity or another. Serving with the school board or other public entity in Ohio in some capacity or another. And so, I don't mean to be redundant or anything in that way. But I am going to go through a couple of kind of like ground rules. Or important things for us to keep in mind. Knowing that for some of you guys, this is going to be old hat. So, just bear with me for a couple of minutes if you can. So, I wanted to start off, and I mentioned this in the email that I sent out to the commission appointees. But there's a couple laws in particular that have that are important for us to keep in mind as we go forward doing this work. One is revise code or R.C. 121.22. Again, you don't have to necessarily write these numbers down. But 121.22, I should say is Ohio's open meetings law. It's what requires our proceedings to be transparent and open to the public. What that means on a practical basis is one,

for scheduling purposes. We really need a few days' notice so that we can get coordinated with our clerk, Tanya. To get the notice out, to provide ample notice at least 48 hours. But ideally a week or more, if we can, to the community. So, that folks who want to attend and participate have the ability to do so. The similar kind of parallel to that is you guys can't meet privately. Right? And that might sound like an obvious thing to say. But you guys can't meet all together privately. You guys also have to be mindful a little bit about how you interact in subgroups. So basically, without getting too far into the law school kind of hypotheticals. If you've run into someone at the grocery store. It's totally fine to say, Oh hey, you know that was a was a long commission meeting the other night. Sam O'Leary wouldn't shut up. You know, those kinds of things are perfectly fine. As long as the encounter is not planned, you didn't plan the meeting. And as long as your exchange is not substantive. So, you're not talking about the actual work of the committee. You're saying, hey, you're going to vote to amend Article three, right? Oh yeah, I'm going to vote to amend it. As long as you guys aren't having those kinds of conversations. And as long as the meetings are planned. You guys are in the clear. It's also true that an important legal distinction is whether or not it's a majority of the members. The reason that I don't like to lead with that one is because the open meetings law interprets it. It's not a technicality thing, it's a are you trying to do something that you shouldn't be doing. Or are you trying to hide the ball. And so, when three members get together and have a discussion. And then one of those three members gets together with another couple of members and has a discussion. Suddenly we're in a situation where people feel like there's something going on that shouldn't be going on. And again, rather than get into the weeds legally about trying to, you know, well, this meeting was a per chance happenstance, etc. The better approach in my view is just to keep everything above board. If you have official business to talk about or, you know, something that you want to talk about. Make a note to yourself and mention at the next meeting. Or, you know, communicate it to the Chair. The Chair can then be kind of a conduit for you. Oh, I know, you know, Chairwoman Warren said that she wanted to talk about article such and such a little bit more at the next meeting. And I know that Mr. Mestnik, you know, wanted to talk about X, Y and Z. So, this is how we put the agenda together for the next meeting. And the Chair can kind of play that role and be that conduit. But so that's the open meetings law. Again, just really important that we keep everything transparent. **Mestnik:** What counts as a quorum for us here? **O'Leary:** So, it's a majority of the members. So, you guys have nine members. So, the quorum would be five. **Mestnik:** So, you're really talking about the Sunshine Law? **Hladky:** Yes. **O'Leary:** I'm talking about 121.22, which is a component of what they call the sunshine laws. Which are actually several laws. So, that actually is a perfect segway into 149.43. Which is one of the other way of Sunshine Law. So, that is a public records law. So, the public records law, again, goes hand in glove with the open meetings law. Both are intended to provide sunshine, transparency to the public process. **Mestnik:** That hasn't changed recently either has it? **O'Leary:** They have. **Mestnik:** It has changed? **O'Leary:** Yes. **Mestnik:** What changed about it? **O'Leary:** So, there's a number of things. The actual text of the law has changed within the past 3 or 4 years. And then also, you know, the case law as far as what is considered appropriate and what is not considered appropriate is constantly changing. And so, every year there's like an update well, not every year. But there's an update usually with the Attorney General's Office, puts out the Sunshine Manual. And so, I think that was most recently updated last year in 2024. **Hladky:** And I apologize for calling it, (inaudible) law training. **O'Leary:** Yeah so, you and I and perhaps others have been through the Sunshine Laws. And you're right, I mean 90% of it is the same every year. And 10% of it seems like they come up with new wrinkles. And also, I mean, there's constantly and I don't want to get too far afield. But there's constantly evolving technological aspects to it as well. So, you know, as municipalities have launched Facebook accounts and Twitter accounts.

You know, what is a public record on Facebook? What is a public record on Twitter? What is your obligation to preserve those when you don't actually control them? You know, there's all kinds of questions that come up under the law in interpreting these laws. So, but in any event, in addition to the open meetings law. The other important component to transparency is the public records law. So, if you think of, you know, the open meetings law is the law that says you have the right to, as a member of the public, to witness live what's happening. Right and to participate in and witness those discussions, the public records law. It is the caveat that says and also the government has the obligation to preserve its written records for public inspection. So, for you guys, what that means is records that you guys might accumulate related to the commission you should hang on to, you shouldn't delete them. We can talk a little bit more about when the appropriate time is or what. You know, once the commission's work is done, it may make sense for you guys to kind of turn in a folder or something. We can scan it and give it back to you and that way you guys don't have to worry about, you know, my gosh, my basement flooded. And, you know, I lost my commission records. So, we can talk about those things in the future. But for right now, you know, the instruction is please don't delete anything that you're receiving. Please don't throw anything out. And also, of course, anything that you guys are creating in terms of a written or electronic record as you guys are doing this work. It is a public record, it needs to be both preserved so not delete it. And also, it is, as the name suggests, subject to public disclosure. So, if a member of the public says, hey, I'd like to see, you know, so-and-so's notes that they were taking at the commission meeting. Generally speaking, unless you were writing something that had nothing to do with the commission's work. You know, I need carrots at the grocery store tomorrow. That's not a public record, but other than that, right. Like if you're taking notes or something about what we're talking about. Those things remain public record, and you should try to hang on to those. And again, also, you know, just be mindful that in your communications with other commission members. Or with Village officials about the work that the commission is doing. Those emails, communications are going to be subject to disclosure if they're requested and are in our public records as well. Any questions on open meetings? Or if I missed anything, let me know. **Hladky:** Because we are on a commission, our personal emails are being used.

O'Leary: Yes. **Hladky:** You know where I'm going with it. Shall we put that in a separate folder in our email? How should that be preserved? **O'Leary:** Sure, so if you want real gold star bonus points with the Law Department. Then you could absolutely, you know, slide those emails into a folder. You know if you use Outlook or Gmail or Yahoo. You know, you can keep them organized in a folder that way, that's fantastic. I'm a realist, I'm a pragmatist, so I understand not everyone is as organized as my wife is. And so, you know, and I fall into that category sometimes. The point is if you don't actively catalog those. At the very least, please don't delete them. Because then if we get a request. I can go to you, and I can say, hey, John Q. Public is requesting any emails that you might have sent about Article seven, right? And then you can go into your email, and you can search Charter Article seven and see if there are any emails and turn those over. But yeah, I mean, if you're really on the ball and on top of things, a great way to keep things organized is to either folder those or some email clients have tags that are easy. So, you know if you want to make a green tag for Oakwood Village and tag all those green or something like that, you can do that. But yeah, there's lots of ways to help yourself stay organized for compliance purposes. So, if anyone has any specific questions about how to do that with their email client or something. I am the worst person to ask, but I am nevertheless happy to help. Any other questions on open meetings, sunshine law obligations? So, I'm going to kind of transition us into number five on our agenda. Which is the mission of the Charter Review Commission. And we'll talk a little bit about the timeline as well. So again, I understand that we've got some folks who are pretty familiar with what this body does. And nevertheless, going to kind of start at the

30,000 foot level. And, you know, hopefully this makes sense to folks. But basically, the Charter review commission's job is, I think, a really important job. Because the Charter is a really important document for the community, it's a foundational document. Again, it's kind of a touchstone from both a community values standpoint, but also from the standpoint that it's really the Constitution, you know, that that frames the rest of the laws that fall underneath it. And to that point, you know, you'll hear me say this probably a couple times tonight. Because the Charter is really the constitution of the municipality. This is also really important process because it doesn't occur annually. It doesn't you know, it doesn't occur all the time. It's an inflection point, again, for the community to come together and think about what's working, what's not working, what's changed. And, you know, what is needed to tackle the challenges going forward. Finally, and I have to throw in this reminder, it's an important process because relatively speaking, it's an expensive process. So, the time and effort involved, obviously on the part of both commission members is significant. But there's also a necessary cost whenever things are put on the ballot. So, there's a cost involved in the process of putting things on the ballot. In the sense that any proposed amendments, and we'll get into this later on. But any proposed amendments will have to either be published in a certain way to provide notice to the community or mailed to the community. But regardless of how you slice it, you're either buying newspaper advertisements, or you're doing mailings. You're doing different things to communicate, all of that is money to the community. So, we want to make sure that we do a good process, get it right. And think about all the things that we should be thinking about. With that said, Article 12 of the Charter has, and I should note that Charter members have a couple of items in front of them. The agenda for this evening, and also the Charter itself, which is the bound document. As well as paperclip documents, which are the notes of the informational sessions that were done in the fall. And I'll talk about those in a second as well. But Article 12 of the Charter after the formation of the Charter Review Commission. Says, "Such commission shall review and recommend to the Council of the municipality any alterations, revisions, and amendments to this Charter, as in the judgment of the Charter Review Commission seem desirable. The Council shall submit to the electors any such proposed alteration, revisions, or amendments to the Charter, in the manner provided by a Section 12.01." So that's a very broad kind of grant, right? You're basically in charge of reviewing the entire Charter and making sure that everything is in line with the community's priorities, etc.. So, once you guys go through that process, we will generate a final document of your documents. And I phrase it that way because I don't want to presume to know what the Commission will ultimately decide. And in that way, there are a number of possibilities as well. In terms of this commission we could determine that the existing Charter is okay as it is. That's theoretically an outcome that is possible. I think that I'm going to throw in a spoiler alert here. I think there are probably a couple of changes that either have been recommended by, you know, various community officials that the law department has been looking at, that the community's informational sessions generated, etc.. But in any event, one possible outcome is that the commission doesn't recommend any changes. Another possible outcome is that the Commission recommends several changes. Or one or more changes which would stand as independent amendments to the Charter. So, let's say there are, you know, 3, or 4, or 5 amendments. Say the commission wants to propose. Those amendments would then each go to the ballot as issue 36, issue 37, issue 38, issue 39. And the community would vote up and down on each one of those changes. Another possibility is that there are a large number of changes that the Commission wants to make. And/or if the Commission wants to make changes that are desirable. But are, how to best describe this. That is widespread but not necessarily substantive. So, one example of that would be either an act, you know, general gender neutral kind of phrasing. And enacting that all the way through the entire Charter in a

uniform way or enacting, you know, that a certain term that maybe is used one way and one provision of the Charter in a different way and a different provision, the Charter, you know, harmonizing those definitions. The best way to do that might be through what they would what we would call an amended and restated Charter. And that is basically where you propose a new Charter, which may be 90% the same Charter, but you propose basically a restatement of the Charter. And then the community would vote up or down on that proposed, amended, and restated Charter and either approve that. Or if the community does not approve that. Then the existing Charter would remain. So, there is lots to think about and unpack there as well. In terms of not only what does the Commission feel is appropriate in terms of changes. But also, what does the Commission feel is practical for the electorate to consider and approve. So, that was a lot admittedly there. But those are the three kind of possible outcomes. So, no change, one or more discrete changes, or an amended restated Charter that could have again, mostly the same or not. But those are the three options. **Hladky:** Let the record show that Shirley Stevens arrived at 6:54pm, thank you. **O'Leary:** So, Ms. Stevens, I wanted to apologize as well. I understand that there was a miscommunication with the emails. And so, I apologize about that but thank you for doing this. So, we had just gone through some introductions. And we are just talking about kind of the mission and role of the Charter. Number five on our agenda before us. So, as far as deadlines for this commission to keep in mind on a going forward basis. We've talked about internally a June 4th deadline for this body to present its work to Council. Then Council would have its work cut out. As far as passing those proposed revisions on to the Board of Elections by early September. And that would target a November 2025 election. So, on that score, I just want to note for folks that might not be as familiar with the process. That's the reason why that seems so strung out is, first of all, once this group completes its work. Council is going to probably take at least a couple of meetings. Potentially to discuss what's being proposed. And just like this body has to notice its meetings, post its agendas and provide ample notice to the community. We want to make sure that the Council has the same opportunity to do that and same ability to do that. Once you guys have gotten the changes to Council. So, that June, July, and August period give Council some time to work through this body's recommendations to the Council. As far as why the Board of Elections needs input in the early September range. That's because it's again, under statewide legal requirements, etc., ballots now have to be mailed out very early for absentee purposes, in particular to folks who are serving overseas. Also, ballots need to be translated into different languages. I think Spanish probably first and foremost. There are some areas in Cleveland that need to be translated into Mandarin and other languages as well. But they have a significant amount of leg work to do at the Board of elections end. To legally review the language, to get it translated, to get the ballots printed and to do all the things that they need to do to do the election. **Mestnik:** Let me see if I interpret this right. We're making a recommendation then to the Council. Council is going to look at it. They either can take our recommendations or not take our recommendations. They can make any adjustments that they may want to do in. **O'Leary:** Correct. **Mestnik:** So, we basically are making recommendations to Council. We think this is what should be considered and the changes. **O'Leary:** Correct, so okay, so we've talked quite a bit about the mission of the commission and the deadlines. Any questions? And I know we've got public comment at the end, and I don't mean to create a free for all situation. But I recognize that there's a relatively limited number of folks in the audience tonight. And I'm always wanting to air on the side of if there's folks that want to participate we can try to incorporate that. So, any questions so far from the audience? Okay so, the next thing I want to talk about, we've touched on a little bit already. Which is kind of what is the Charter. We talked about the fact that it's the constitutional equivalent for a local government. And to that point, it allows the Village to do some things differently than is otherwise provided by state law.

Stevens: Is that going to be in here, what you're saying now? Is it written somewhere? **O'Leary:** So, you've got, this is the Charter in front of you; this is a bound document. And then you've also got informational session notes and then tonight's agenda. But what I'm saying right now is not.

Stevens: Okay. **O'Leary:** So, the Charter allows the Village to legally do some things that are different from what state law would otherwise provide. And that's really important, right? I it's what we call home rule. And that's a really important concept. And, gain, I'm not going to get into politics too much. But what I am going to say is, in an era where municipalities don't always agree with what Columbus thinks is best for municipalities. And even going back further, you know, what's best for a Village may be different than what's best for a City. And what's best for a suburb is different than what's best for a rural community. And so, acknowledging that state law doesn't always provide the best fit. Home rule is what allows municipalities to forge their own path a little bit. And be a little bit different from what the state says as a as kind of a default. So to that point, the preamble of the Charter is, "We the people of the Village of Oakwood, in the County of Cuyahoga, in the state of Ohio, in order to secure for ourselves the benefits of municipal home rule and to exercise all the powers of local self-government under the Constitution and the laws of Ohio, do hereby adopt this Charter for our Municipality." So again, the reason why I wanted to point that out. It is because, really a major thrust of the Charter is to provide the basis and authority for the Village to differ in some ways from the state and state law. So relatedly, there are still state laws, federal laws, and constitutional provisions, of course. Constitutional provisions, of course, that supersede the local ability to (inaudible). So, the point is the Villages authority within the Charter is not carte blanche. It's not a blank check, it's not unlimited. If this Charter review commission decided, we think it would be a great idea if Oakwood had a monarchy. Or selected a (inaudible) by spinning a Wheel of Fortune wheel or something like that. We would still have laws that would say that's not going to fly. But, setting aside those admittedly kind of ludicrous examples, there's a lot of ability for the Village to differ from the state on certain points. So, because the Charter is kind of the constitutional equivalent for the municipality. It can be helpful for this commission to think of its work sometimes in that same frame. So, when we think of the Constitution, you know, we think of the powers and the duties of the different branches, right? We think of separation of powers. So, not only setting forth what those different branches should be doing. But also combining those branches in to some extent. Making sure that they work well together and don't create strife and contradict one another. We also think about the protection of public and individual rights. So, whether it's transparency and notice and provisions like that. Or whether it's manifesting in the zoning and land use provisions. And, you know, the ability of a landowner to have notice of and come forward and participate in board of zoning appeals and Planning Commission and things like that. And then, you know, obviously more broadly the philosophical balance of what powers and authorities are the public delegating to which bodies. Are they saying, yeah, the Mayor can do X and Y, and Council can do A and B. And Board of Zoning Appeals can do C and D. So, what we'll be talking about is really how that governmental power gets diffused through the different branches. And through the different boards and commissions in the Village. So, next, I was going to say is as far as in an approach to the Charter and our review process goes. Again, although I've been doing 90% of the talking tonight. My intention is to turn this over to the chair and let the chair take over the process. But I think what I had visioned, and I would suggest for the respectful consideration of the commission. Is that we do approach this by an article-by-article kind of consideration. So first and foremost, even if we don't necessarily read each article word for word, go through each article, make sure we all have a clear understanding of what that article is saying. By the way, I'll say as a side, if you read an article and you're like gosh, I have no idea what that says. That right there for me is a red flag. That's an article that we need to take

a look at again. Because, and I'll talk about this in a second. But one of the principles of good drafting as far as Charters go, is that they should be easy to interpret and read. And that's important for a couple of reasons. But anyway, we want to make sure that we have a common understanding of what the article means. And then from there, if we understand what it means, we don't like what it says. Then there's an additional conversation, obviously, that needs to happen as well. So, we've talked about what the Charter is. We've talked about kind of a methodical approach. Very briefly, what the Charter isn't. So, just a couple of footnotes there. It's not an aspirational mission statement. And I said, I know I'm kind of contradicting myself in the sense that it's an embodiment of community ideals and principles and priorities, and it is all those things. But it's not a boy it sure would be great if kind of a document. It's a governing document, and so it needs to be enforceable, it needs to be tangible, and it needs to be clear. That's why we want to make sure that the things that we're putting in aren't it would be great if our government could X. It's we expect and require our government to X. The other thing that I would note is, it is not the Village's codified ordinances. So, underneath the, again, the framework of kind of the municipalities constitution being the Charter. The Village has many ordinances that have been passed by Council and signed by the Mayor. And those are the laws of the Village and those are the finer points of Village government, Village operations procedure. And really the detail underneath the Charter. So again, the two kind of points that I would make there as far as what the Charter is not. It's not a kumbaya kind of wouldn't it be great if document and it's also not a micromanagement focused kind of document. **Hladky:** Not a policy procedure. **O'Leary:** Exactly, so inputs into this process. Obviously, again, I am not in a position to tell you guys what to do or think. So, I'm just here to offer guidance and try and help. But I think there are several categories of inputs into this process that might be helpful to think about categorically speaking. One is Village officials and employees, and that could be the person that appointed you or it could be others. You may have a friend who is a Firefighter, Police Officer, or works in public works, what have you. And, you know, you may talk to that person and get some insights from them. As far as, how they think things are going. What's working, what's not working. But please do feel free to talk to Village employees and officials. I would ask that you not just like show up at the Fire Department and, you know, start saying, hey, I have an important survey for you guys. You know, if there's a question that you guys have that you want broader employee input on or something like that. I'm sure we can facilitate that. But the point is, the people who work here day in, day out. Know what's going on and have valuable input on what's going on. As well as the folks who represent you guys, obviously, and may not be here in the building day in, day out. But they also know what's going on. Board of Elections, at various points in this process and depending on what the commission is considering. We may reach out to the Board of Elections for some input, they can be very helpful. As far as what they require on their end for lead time, procedures, timing, and things like that. So, we want to incorporate their feedback. In my experience, they're very helpful, they're an ally. They want to help us make sure the things we need to get to the ballot, get to the ballot. Their biggest concerns are ambiguity, fighting, and lawsuits down the road. They want everything to be as clear as possible. So, that's helpful for everyone. Businesses and neighbors in the Village. Just like you might talk to Village officials and employees. Free to reach out to your neighbors, to the businesses, and see what they think is working, what's not working. You know if they have particularly positive experiences getting certain approvals or permits. Or negative experiences getting certain approvals or permits. Those are things that you might think about and say, hey, can we improve on this process? Other communities and their leaders, so you guys might have contacts elsewhere. Either through other public service or, you know, just being out and about in the community. You have no reason to reinvent the wheel. If something is working well somewhere else. And someone you know is

singing the praises might be worth thinking about. The public process hosted by Council in the fall 2024, which again, you guys have some notes from that process in front of you. Councilman Hill is here this evening, thank you for joining us. She was kind enough to facilitate that process in the fall. Again, none of these recommendations are binding in any way. But there were a number of sessions that were held in the fall. Where folks got together and I know Mr. Mestnik was there, Mr. Willard as well, there were a number of folks. There are a lot of familiar faces from the informational sessions. So, thank you all for your continued interest and devotion to that. But anyway, the work product from that is before us. So again, that could be valuable going forward as well. **Stevens:** That informational session, I knew nothing about it. Is that possible to give it, or do I have that already? **O'Leary:** Yeah, these are the notes, and if you have any questions I was there for I think all but one of them. The first one and like I said, I know others were there as well and, and I would be happy to talk. **Stevens:** Thank you. **O'Leary:** And then last is yours yourself, of course, right. And this is about terms of before. So, your experiences, whether that's your experiences in government and public service, elected office or not. Whether it's grassroots volunteering or an elected office. Your experience in business, your experience of living in the Village, etc.. Any research that you want to do, feel free, although it can be a dry topic. I'm sorry, Councilman Warren... **Warren:** I only wanted to mention that any Charter changes. May result in a lot of ordinance changes. Because our ordinances are based on the Charter. So, we would have to also go through law to make those changes to be compliant with the Charter changes that are voted upon and passed. Secondly, some of the things that people may be referring to, you or things of that nature. May not be a Charter change, it may just be an ordinance change. Or an amendment to an existing ordinance. Everything that happens in the Village, the majority of it is ordinance. The operations of the Village are based on the ordinances that is working under the guideline of the Charter. **O'Leary:** Yeah, exactly, I could not agree more. That gets back to, what is the Charter now? It is not aspirational, if you are talking to your neighbor, your neighbor says, "I have to go get a permit because my fence was 6.5ft instead of five feet." Very legitimate concern, but that requirement about the height of the fence. That is going to be an ordinance, not a Charter issue. So, great input to keep in mind. I know we're also getting a little bit long in the tooth here. So, I promise you I am about to wrap up with my spiel. And then we will get into what I have as kind of the final three questions of the evening. Which are, do you guys have any more questions for me? Let us elect a chair and schedule the next meeting. So, with that said, the final topic that I wanted to kind of cover for you guys on an introductory basis is what makes a good Charter. And obviously, first and foremost, there is a lot there that is in the eye of the beholder. As far as what makes a good Charter. But it can depend on your position and view, so to speak, in the community. It can depend on your politics, it can depend on personalities, it can depend on a lot of things. But I am going to try and speak more to the abstract principles. In terms of drafting of what makes a good Charter. And I am hopeful that these kinds of principles you guys can think about. As you are trying to wrestle with what might need to be changed or not. So, the first, first and foremost, I think a good Charter, by the way, I did not pull this from anywhere. I wrote these down this afternoon. So, a good Charter reflects the will of the people, right? It reflects the current policies, the best practices, and the viewpoints of the community. And at the same time, it should be a lasting document. So, while that may seem contradictory. What I mean to say is, it should reflect the best thought of the time and the technology of the time. But it should also be written in such a way, ideally, that it is as timeless as possible. **Moses:** When was the Charter created? **Hladky:** '68... **O'Leary:** Yeah, and then there have been a number of amendments. And I will just note, as you are going through. But to some extent the binding is a little bit of an issue. But at the end of each provision, if it has been amended. You will see a parent article where it will say amended, you know, May 2nd, 1995. So,

while it was initially much older... **Mestnik:** It is 1968. **O'Leary:** Yeah, been through some generations. So, point number one reflects the will of the people. Point number two, it should be clear. So, the language that's used in the Charter and the way that the topics are organized. It should be easy for citizens, employees of the Village, and officials to read, understand, and follow. Again, it's important in my worldview to have an easy to read and understand Charter. Not just because you think people are lazy and you want to cater to that or something. But the goal here is compliance, right? Like the goal is whether you're a frontline employee of the Village or you're an elected official. You don't want people to have the excuse, so to speak, of, I didn't know what that meant or I didn't think that was. You want it to be clear, you want it to be something that people can interact with. Then related terms that are used throughout the Charter. You want them to have consistent meaning throughout the Charter. Yes, some people have heard this example before. But I think a pretty good example of that is years ago when I look at the Lakewood Charter. One of the issues that we found was, it was a byproduct of the Charter being written a long time ago, and then amended, and amended, and amended. Each time they would amend it; they wouldn't necessarily look back and see what words were used. So, sometimes it would say, "elected by a majority of the electors of the city." And so, there were a number of terms that were trying to refer to the same thing. But, they were different terms, so it was like, well, if we're referring to the same thing. Why don't we use the same words? And if we're not saying the same thing, then we need to clarify that and define that out. Sometimes it would say, like to pass something. Sometimes it says, "majority of the Council members". And sometimes they would say, "a majority of the elected council members." So, the point is those kinds of amendments over time can create inconsistencies. And ideally, you want to try to eliminate those. The third point is, the Charter allows the government to operate smoothly and efficiently. So, it doesn't create unnecessary compliance pitfalls for the municipality. Where suddenly the municipality is violating its own Charter unnecessarily. Because it's never actually done that. And it's not something that people actually want or expect. But there it is in black and white that they're supposed to do it anyway. So, you don't want to create undue burdens for them, especially in that way. You know, impose unrealistic or unaffordable requirements on the municipality. So, you want to be, you know, cognizant of what resources are there and what is achievable. When you're thinking about what your expectations are. Nor do you want to prevent, through the Charter. Government officials from acting quickly and responding to emergencies when needed. So, again, you know, you're kind of philosophically balancing that transparency, openness, public process component. With government efficiency, emergencies, needing to act sometimes in a quick way. A good Charter is inclusive, so it's language is not overly complicated. Such that people can't read it or understand it without a law degree, etc., It should incorporate as much gender neutral and/or encompassing inclusive terminology as much as can be incorporated. It's concise, we don't want to include unnecessary or redundant provisions or language. This also goes back to the aspirational thing. You know, if we're merely stating an ideal or a hope that may not be appropriate for the Charter. So, we want to keep that in mind. And also, you know, as Councilman Warren referenced. We don't want to include excessive detail or attempts to micromanage that really should be within the codified ordinances, as opposed to the Charter. My final point, and I obviously would not be a very good Assistant Law Director if I didn't say this. A good Charter is legal, a good Charter provisions are enforceable and they're not going to get the Village sued. And that's really the end of my spiel. So, thank you for hearing me out. Thank you for bearing with me on that. Again, I know for some of you guys that was probably pretty boring or redundant. But I wanted to make sure that we're all kind of starting to some extent from the same place in that way and have that background. So, with that said, any questions for me about anything that I've said so far tonight or any questions period? **Moses:** You mentioned that

the Charter was created in 1968. And then you also made the statement, we have to create a Charter based on the current time. Am I correct by saying that? **O'Leary:** Yeah, it originally passed 1968. And my point was that a good Charter should be current. **Moses:** Okay, I was just curious about that. **O'Leary:** And then another, by way of example. One of the things that came out in some of the informational sessions and discussions. And something that I've seen a lot in Charter review discussions in the last ten years or so. Many Charters throughout the state of Ohio, have notice provisions for meetings, for land concerns, etc., if you're in adjoining land or whatever, it would be like you have to publish it in a newspaper of general circulation for three consecutive weeks or whatever. Well, if the point is to get notice to people anymore. What's the better way to get notice to people? Is it publishing in the newspaper for three weeks? Or is it putting it, you know, like doing several. Probably not like cheaper for the Village but better calculated to actually get notice out. So that's an example of an area where you might look to modernize a mechanism. You're not saying we're getting rid of notice or we're diminishing newspapers. We're saying we're going to do it in a different way than we might have in 1968. Any other questions? Okay, so I'm going to see the floor here. I suggest respectfully to the commission that it might be time to elect a chair. That chair's first task might be scheduling the next meeting. **Mestnik:** We're you going to open up the floor? **O'Leary:** Yeah, I was going to open up the floor for nominations. **Mestnik:** I would like to nominate Debra Hladky because she's familiar with all the things that you're talking about. In terms of getting the notices out, she's done it for years. And I think Debbie would probably be, you know all the laws of Oakwood. I mean, that's what I think. I would recommend that she be as chairman. **O'Leary:** Is there a second for the nomination? **Willard:** Second. **O'Leary:** Second for Mr. Willard. Are there any other nominations? **Moses:** I would like to nominate myself. **Hladky:** Point of order, we have a motion on the floor, it's not just because it's me. unfortunately, I know too much about parliamentary procedure. So, the parliament procedure there's a motion on the floor. Someone made a first and someone made a second. Do we rescind that motion and entertain the second one? Or do we want to reward that motion? So, if we reward it then... you know what I mean? **O'Leary:** I do; this is a parliamentary question. So, I think the way to proceed here would actually be to hold a vote on the first motion. Which would be a motion to nominate. So again, we are accepting nominations. So, if you cast a vote in favor, you would be voting to nominate Mrs. Hladky, not necessarily elect Mrs. Hladky. Then subsequent to that, we can only do the motion if we need to. But there will be a subsequent vote to nominate Mr. Moses. And then if there are no other nominations, we will close nominations. And then there will be a vote as between yourself and Mr. Moses. If, assuming both motions to nominate, passes. **Hladky:** Okay, that addresses the parliament procedure portion, yeah. **O'Leary:** Yeah, it's a little bit awkward... **Hladky:** I'm sorry. **O'Leary:** No, no, I understand, in a group this small, it's... **Hladky:** (inaudible). **O'Leary:** So, what we will do first is will hold a vote on the nomination of Mrs. Hladky. So, if you want to support misled as a candidate for a chair, you can vote in favor. If not, you can oppose. But voting for Mrs. Hladky as a nominee, does not mean that you are voting to elect her as Chair. **Macklin:** So, we are just voting to nominate her? **O'Leary:** Yes, there will be a head-to-head. Assuming there is not a third nominee.

Motion to nominate Debra Hladky as Chair made by Mestnik seconded by Willard

IN FAVOR: Mestnik, Willard, Stevens, Hladky, Evans-Warren, Krug

OPPOSED: Moses, Macklin

MOTION PASSED

O'Leary: So, Hladky is nominated for Chair.

Motion to nominate Anthony Moses as Chair made by Moses seconded by Evans-Warren

IN FAVOR: Mestnik, Stevens, Hladky, Evans-Warren, Krug, Macklin, Moses

OPPOSED: Willard

MOTION PASSED

Hladky: So, now we have a third motion, right? Or do we entertain? **O'Leary:** So, now I would say are there any more nominations?

Motion to close the floor for nominations made by Mestnik seconded by Evan-Warrens.

ALL IN FAVOR.

MOTION PASSED

O'Leary: Okay, nominations are closed, we have two nominees. And again, because I know this is awkward since we're all sitting here and we're going to be working together. But because it's an open meeting situation. By the way of explanation, you know, we can't do like a secret ballot or, you know, close your eyes, and hold your hands up like that. So, with that being said. Given that it's a head-to-head election. I would suggest that a motion be made to vote in favor of one or the other. **Hladky:** So, just call it out, or you want to do it by secret ballot? **O'Leary:** Call it out.

Motion to elect a Chair between the nominees made by Moses seconded by Stevens

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

IN FAVORE TO ELECT ANTHONY MOSES: Moses, stevens, Macklin, Evans- Warren.

O'Leary: Well. I would suggest to the commission that it has a couple of options at this point. One option would be to table this issue until you have full representation. Another option would be to determine it by coin flip. I would ask if that's the preferred option, that you guys vote in favor of that. **Mestnik:** There's a third option, we have cochairman, you have two chairs.

O'Leary: Particularly if the commission feels that that's, you know, workable. And that you guys are going to be making my life miserable by, you know, asking ... **Evans-Warren:** I would like to table until we have a full commission. **Stevens:** I didn't even get a chance. I didn't get any of these letters. I found out about this last night. So, I feel at a disadvantage. Because I know Mrs. Hladky, but I don't know this gentleman. And I would like to kind of take a few, you know, to kind of familiarize myself with them. You know because, Mr. Mestnik, said well she knows a lot (inaudible). Are you volunteering her services? That doesn't mean she wants to do all that work. You know, she... **Mestnik:** Anyone can become a Chairman. **O'Leary:** I don't have any I don't have any issue with either approach. It strikes me that this group could be well-served by tabling this evening. Reconvening and then either selecting or opting for co-chair. **Mestnik:** I'd like to make a motion for co-chair. **Stevens:** And I promise to be on time. **O'Leary:** Well, yeah, so...

Mestnik: So, I have made a motion, if someone wants to second we can vote on it. **Moses:** But we are missing a member of the commission. So, I motion that we table this right now until we get everybody here. **Evans-Warren:** Second. **O'Leary:** So, Mr. Mestnik... **Mestnik:** That's fine. **Hladky:** So, it didn't become a motion, right? **O'Leary:** Yeah, but also in the interest of just keeping things... **Stevens:** She seconded it, and I seconded it. **Hladky:** Well, we have to deal with the first person who seconded it, not the other ones. By Robert's rules, okay. Steven: Oh, I know about Robert's Rules too. **O'Leary:** I appreciate what Mrs. Hladky Is saying, I don't want

it to turn into, like, a jeopardy. Where people are like trying to play gamesmanship, but, yes. You're absolutely correct, we have a motion and a second. That's now properly before the body for Mr. Moses. That would table the election of the chair until the next meeting. So, is there a discussion on that point? And I know Mr. Mestnik, you were making a contrary motion. So, would you like to... **Mestnik:** If there is a motion on the floor we should vote on that. **O'Leary:** Well, typically there is a motion and then there's an opportunity for discussion, and then there's a vote following discussion. So, if you would like to say anything. I am just opening the floor for discussion on the motion. **Mestnik:** I just feel that by having a co-chairman, it is going to eliminate problems. Because when the other one cannot be here, then the other one is here. It just makes it a lot easier. Not only that but Debbie really understands how to do this stuff and how to get it done. She has been doing it for 20 years and that's from my point of view. because she sat here in this chamber for, how many years, Debbie? probably more than you want to count. **O'Leary:** I appreciate Mr. Mestnik's comments, any other comments from anyone else on the motion pending? Okay, and just a reminder that the motion pending is to table the election of Chair for the next meeting. There being no further discussion on that.

Motion to table the election of the Chair until the next meeting made by Moses seconded Evans-Warren

IN FAVOR: Willard, Stevens, Hladky, Evans-Warren, Krug, Macklin, Moses

OPPOSED: Mestnik

MOTION PASSED

O'Leary: That leads us to our, at least as far as I am concerned, our final order of business. With the exception of public comment, which is the next meeting schedule. Well, we do not have anything set right now. So, the open question is kind of, again, to get the ball rolling. I took the info this year and sent the email out and said, let us get together. But ideally, you guys would determine what makes sense for you guys on a going forward basis. Again, from not that my schedule dictates. But I can be available most evenings during the week, especially with a little advance notice. I can make myself available. I am also available most Saturdays and Sundays. I can be available during the business day. But I got the impression that some folks are working and doing stuff and that is probably not ideal. Also, from the standpoint of community participation. It can be harder for members of the public to get to meetings during the day. Just something to think about. So, that being said we could go for next Wednesday. We could keep the Wednesday evening slot. We could do a different weekday. I think there was someone who said weekends are bad for them. **Hladky:** On a personal note, Wednesdays worked great for me. I have commitments with my grandkids and then weekends were extremely busy. **Macklin:** Wednesdays are good for me. **O'Leary:** Awesome got it right on the first try. **Mestnik:** He is out of town next week. **Willard:** I'm out of town next week but Wednesdays are fine. **O'Leary:** So, you know, again, I do not want to sound lackadaisical about having a little bit of time to get the work done. So, if you guys want to, in light of Mr. Willard's commitment. 26th of February, could we do that? **Krug:** I will be out of town that week and the following week of March 5th. **O'Leary:** Okay. **Mestnik:** March the 12th? **O'Leary:** Yeah, that would put the next meeting March the 12th. Which is frankly a little further out than I would want to go. **Macklin:** Well can we do it Tuesday, just the one time? **O'Leary:** Yeah, we could... **Hladky:** That would give us 11 weeks instead of fifteen to get the work done. **O'Leary:** Yeah. **Macklin:** Can we do one Tuesday since everybody is out of town on Wednesdays? **Hladky:** I will be in Florida next Tuesday, sorry. **O'Leary:** What about Tuesday, the 25th? **Krug:** I will be out of town; I am leaving on the 23rd. I will not be back until the seventh. **O'Leary:** Gotcha, okay, Thursday the 20th. **Macklin:** I have

board meeting, what about on Monday? I mean, one Monday, is everybody okay with a Monday?

Hladky: I can make Mondays work; we'll figure it out. **Krug:** I can do the 17th. **Macklin:** That is next Monday coming up. **O'Leary:** That is a quick turnaround that we can. **Hladky:** With enough notice. **Willard:** I'm out all next week. **Mestnik:** He's gone next week, so he's not going to be here. **Willard:** I'm leaving Friday, taking care of my sick mother. **O'Leary:** Yeah, so we've got a situation where we've got a commission member that's out starting on Friday for a week. Then another commission member that's out the following two weeks. **Mestnik:** We've got to do it like on the 15th, we have to do it three days from now. **Willard:** If you want to start next week. I'm okay with missing the first meeting. **Mestnik:** Yeah, but you're not going to be able to vote. We'll have the same situation we have now. **O'Leary:** Correct. **Hladky:** This is just hypothetical, but could we meet twice a week to get it done? At least for the first couple of times. As long as there is notice. **Macklin:** Since everybody's going out of town now. **O'Leary:** Speaking personally, I don't have any issue with that. I'm always reticent to impose that kind of an aggressive, schedule on you guys. Because I know... **Stevens:** You know the person who is not here, what's their schedule like? And, you know, what other people are doing twice a week. **O'Leary:** Yeah, the other thing I was going to note is. Obviously, we don't know how Ms. Lowe would vote on this issue. I mean, it may end up that when the commission reconvenes, it ends up deciding that that co-chair is the way that they want to go. So, I don't you know. **Stevens:** I thought we were just trying to set a schedule? **O'Leary:** We are, but part of what we're trying to achieve is making sure that the next meeting has universal attendance. Because this vote just ended in a 4 or 4 tie. Because of not everyone being here. **Mestnik:** But if these two are willing to work as co-chair. I mean, why should we go to another vote? That makes no sense. **Evans:** Warren: We just voted like 7 to 1 against that. **O'Leary:** I think that the thought was, if we could get universal input here in a short... **Mestnik:** Yeah, it's not going to happen for three weeks. **O'Leary:** So, with that said, I guess, do we want to go ahead and plan to... **Mestnik:** Let's have a vote. **Stevens:** I think we should plan to have a meeting when everybody is present. That's what's wrong with America now. Everybody's doing what they want to do. **O'Leary:** So, what I would say is this. As far as I see, the commission has two options right now as we sit here. One is, in light of the fact that scheduling a meeting with everyone present within the next three weeks. Looks to be impossible/ very, very challenging. Considering that the commission could elect a chair this evening or decide to do the co-chairs this evening. Or the commission could defer to a future meeting. Which sounds like it would be March 5th. Understanding, I think a couple of things. Number one is that the commission would probably have to either double up meetings at some point in March or April to get caught up. And also understanding that if it happens the commission meets on March 5th. And someone is sick, or something comes up. And we're back in the same place where there's eight people or whatever it is. We might have to, at that point, decide about co-chairs or whatever and go forward. Because not everyone's there at that point. My only concern is I don't want to punt this indefinitely because we don't have that kind of (inaudible). **Mestnik:** I make a motion we vote on co-chairs today. If somebody second's seconded it, we can vote on it. whether I make a motion that we vote on co-chairs today. Okay, I have a second and we second. **Evan-Warren:** Why are we going back? I don't get it... **Mestnik:** Because we don't know when where we're going to have a full Council. We already have two people who agree that they will co-chair. Why is there an argument? I made the motion, you can vote no on it. **Evans-Warren:** I just hope this doesn't set the pace. **Stevens:** You can't just say we're going to have co-chairs. And we don't know what the roles are, or what the rules are. **Mestnik:** We have a motion on the floor. **Stevens:** No, you're pushing it. **Evans-Warren:** What are the responsibilities of roles too? **Mestnik:** No because we already have a motion on the floor to be seconded. **Hladky:** Okay, let's explain the rules of the chair. So, there's a clear

understanding. Everyone knows what they're voting on and what the chairs do. How about that? We have a motion on the floor... **Stevens:** But there's one person who is not here. Does he know this lady Ms. Lowe, does she know the rules? Like, I don't know, because I didn't know about it. I got to play catch up, but I don't have a problem with it. **Evans-Warren:** I just don't want to get into where we vote on something. And then once we vote on it. I'd like to just put that in the past and move forward. Even if someone is absent, let's go with the vote. **Hladky:** Yeah, and it happens, it happens even with Council. Someone sick in the family, you had to take care of your family before we take care of this. **Evans-Warren:** If the major role of that person is to just to schedule. I think we can leave it on the table. **O'Leary:** I just want to say that's the role the Chair is to facilitate the meeting. So, that's not an authoritarian kind of role. Everyone's a commission member, everyone has the right to talk. You're in a kind of perfunctory role of making sure that people are empowered to participate as they would be normally. And then, you know, again, working with Tanya and/or the secretary of the commission. To make sure that the minutes are done, the agenda is done, and the notice of the meeting is out. So, it's not particularly... **Macklin:** But didn't we floor it until the next meeting? Regardless if somebody is here or not. It was floored and nominated to wait till the next meeting. Why are we bringing it back out? **Hladky:** Because there was a motion and a second, that's why. **O'Leary:** Also, I think when they did that, they were thinking that we would be able to schedule. **Evans-Warren:** Can we leave it to Tanya to schedule? **O'Leary:** No, (inaudible) commission should schedule it's meeting. **Hardin:** Mr. Law Director, from what I think I'm seeing. At this point, you are in control, am I correct? Until we get things established. I would hope that this is not going to set the tone for how we're going to do this. Because now we're going to have some confusion. So, until you have a full complement of people. I would suggest that you Chair, until you get a vote. And that's not an unheard of, you are the law spokesperson. **O'Leary:** The problem is I'm not an actual member of the commission. So, I hear what you're saying, I appreciate it. I respect where you're coming from. I agree with you that I'm hopeful that that we can start to click together as a commission a little bit. Get things in gear here and start to move the wheels forward. **Mestnik:** We have a motion on the floor. **Stevens:** No, we do not, because we already voted to say we're going to table it until the next meeting. **Hill:** If you're following Robert's Rules of Order, and you table something. You would have to un-table it, not just make a motion over it. **Stevens:** Okay. **O'Leary:** So, I understand that, I guess what I'm saying is. We have a motion on the floor right now and a second. It has already been tabled. **Stevens:** Okay, so why are we now going back? **O'Leary:** So, is there a motion to un-table? **Evans-Warren:** Why is there a motion to un-table? **Stevens:** Why is there a motion to un-table when it's on the table? **Mestnik:** I make a motion to un-table it. **Hladky:** Can I do a point of order? **O'Leary:** Yes, we'll recognize for a point of order. **Hladky:** There was a motion to vote co-chair, there was not a second. **O'Leary:** Correct. **Hladky:** So, that means, there was no motion to move forward. If there's not a second, in Robert's Rules of Order and in parliament procedure. There is no movement forward, only when there is a second, I still have my book. So anyway, as long as there's not a second, then it doesn't move forward, it's dead, okay. But when there's a second, now you have a motion. Now you have to do something with it. So, the current motion on the floor is for a co-chair? (inaudible). **O'Leary:** Please, please we have to let people finish speaking. **Stevens:** Okay, I apologize. **Hladky:** We must maintain decorum and order when we have these meetings. So, if one person's talking, that person has the floor. When that person's done talking, currently, our Chair is Sam. Sam will say, okay, this person has the floor like he's done. That person's done. He calls the next person, oh you want to talk, you have the floor. No one else has the floor except that person who's talking. They shouldn't be too windy. Then it limits everybody else's voice and vote. So, everyone has one vote and one voice, this entire thing. I certainly hope it's not going to go like

this. I was hoping we would be in order. We're going to disagree, I can guarantee you that. Everyone has their own opinion. All these opinions need to come into the mix. They all have to be here for us to do the work properly. We will disagree, guarantee it, but how will we react in the disagreement? Will we be orderly? We'll be respectful? We'll say, okay, let's calmly talk about this. Is this the best for this community? Is this really the best for this community? If it is, let's go for it. If this is best for Mr. Jones down the street or this people over here. And it's not best for everybody, let's reconsider it. Do we really think that's best? So, we have to move on this as a unit. We were placed in these positions to do the best we can. To make this Charter more valuable for the time we're in, more viable for this community to keep moving forward.

O'Leary: To your point, I'm going to recognize this point so that we are clear about. **Evans-**

Warren: I agree with what you said Debbie, that's number one. And number two, when we vote, that's it. If we disagree with it, just keep it to yourself. The vote stands as it is when we go

forward, I'm hoping. **O'Leary:** So, I guess where we are is here. We need to elect a chair or co-chairs. I appreciate the suggestion. It's not appropriate for me to chair these meetings. I'm not a member of the commission. I can't chair a commission I'm not a member of. I'm here to facilitate, I'm here to help. I'm not the chair of the commission because I'm not a commission member. I literally can't be the Chair of a commission that I'm not. **Hardin:** Thank you, Mr.

Attorney. **O'Leary:** Of course, so that being said. My goal in trying to entertain the discussion that we were just trying to entertain a little bit. It was simply playing out the discussion that we had of, well, if we're able to schedule a meeting. In short order that has everyone present and they can weigh in, let's do that. And then as we started to have that discussion, it seemed like we weren't going to be able to do that. And so, there were members of the commission. That said based on that very specific reason of, I thought we were going to be able to schedule a meeting in the next couple of weeks to do this. But we're not, we should reconsider that. So, I understand that logic, but obviously that doesn't make it right or wrong. And the Commission is expressing its, I think, collective will to move forward with a meeting and evaluation of things of that type.

And by that I mean hopefully everyone is present on March 5th, right? **Krug:** I'm sorry, I'll be gone from the 23rd to the 8th. **O'Leary:** Okay, so... **Hladky:** Well, we still have a motion on the floor that we haven't moved. **O'Leary:** So, to that point, I'm going to rule that motion out of

order. **Mestnik:** Then what's the basis for that? **O'Leary:** The basis for that is, I think, as Councilwoman Hill mentioned. Technically, because the issue was tabled, it has to be un-tabled before you can vote to move it forward. **Mestnik:** So, in other words Debbie, (inaudible) have a motion to table it? Was that voted on? **O'Leary:** Yes. **Stevens:** Well, I'm wondering if the people who know a little more about this. Are they going to overrun the people who don't? **Hladky:** I

would have to go back to this little baby here just to make sure. Because I didn't think it was. But I'm not going to rely on my own memory. If our Law representative said it was out of order, then I will defer to you. **O'Leary:** There was a motion to table that passed 7 to 1. If someone thinks that I'm mistaken on that, please tell me. But I remember we did a go around. And I went to Mrs. Hladky, and I said, "so, the tally is 7 to 1, right?" And, she said "yes." **Hladky:** You're right.

Mestnik: So, when's the next meeting we need to know. **O'Leary:** So, we had the motion to table. Also, procedurally, Mr. Mestnik's motion. Which again, I understood where that was coming from logically. So anyway unless there's any other motions. All we have to do today is scheduled the next meeting. Which would be the 12th, again, if we're going to try and get everyone here for that. I just again want to note for the commission that it's, in my experience.

Very likely that we will reconvene on the 12th and find that we don't have everyone here for life reasons. **Macklin:** So, everybody would be, let's do it the 12th. Because we keep going around and around, and we got to get these meetings going. And we're not getting anywhere. So, if everybody agrees on the 12th, we'll be here on the 12th at 6:00pm. **O'Leary:** I feel like I'm

speaking a different language here. Because I don't know how many times I think we identified that everyone plans to be here. Except for Ms. Lowe, who we don't know. Then also, in my experience, despite everyone being here for the 12th. There will end up being someone not here for the 12th. **Macklin:** That's why I went person to person, to make sure. **O'Leary:** We don't know when we're going to be sick, or a family member. That's the thing, and so it's like... **Macklin:** That's true, and if that comes up we understand. As far as right now, it's good for everybody.

Motion to make our next meeting March 12th, 2025 made by Mestnik seconded by Stevens
ALL IN FAVOR
MOTION PASSED

Motion to adjourn made by Mestnik seconded by Stevens
ALL IN FAVOR
MOTION PASSED
Adjourned at 8:11p.m.

Approved _____

Tanya Joseph, Clerk of Charter Review Commission

**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 _____

Tanya Joseph, Clerk of Charter Review Commission