

**CITY OF HIGHLAND HEIGHTS  
CHARTER REVIEW COMMITTEE MINUTES  
February 23, 2022**

Present: Lisa Benedetti, Nick D'Angelo, Sr., Kenny Godnavec, Tammy Cappadonna-Kloss (arrived 7:10 P.M.), Phil Piccus, René Polin, Phillip Tripi, Mike Zernic.

Absent: Michael Barber.

Also present: Mayor Chuck Brunello, Law Director Tim Paluf, Council President Ann D'Amico (arrived 7:15 P.M.), and Assistant Law Director Michael Lograsso.

Mr. Tripi called the meeting to order at 7:00 P.M.

Mayor Brunello introduced new member Nick D'Angelo, Sr., who is replacing Jim Meola.

Mr. Godnavec, seconded by Mr. Piccus, moved to approve the minutes of February 9, 2022 as mailed. All in favor, motion carried.

Mr. Paluf stated he spoke with all the department heads and none had any concerns or suggestions for the Charter. Council members will come to the next meeting or the meeting after that.

Mr. Tripi asked for any suggestions or questions on the first six articles already reviewed. Seeing none the Committee moved on to Articles VII through XIV under review this evening.

Article VII - Nominations and Elections

Section 7.01 Procedures

- Requires petitions for ward councilman be signed by not less than 2% of registered voters who voted in the last general election, but further on states signatures of not less than 25 nor more than 100 are required. Does that top out?

Mr. Paluf said that limits it. Mayor Brunello mentioned he had to have 150 signatures per the Cuyahoga County Board of Elections. This may be the state law. It was based on the last general election.

- References there will be no primary election for any elected official in the Municipality and the ballot will not contain any party mark or designation. Clarified this means not listing candidates as Democrats or Republicans?

Mr. Paluf responded yes. Mayor Brunello stated the City is non-partisan. Mr. Tripi noted this is consistent with surrounding communities.

Article VIII – Initiative – Referendum – Recall

Section 8.02 Initiative and Section 8.02 Referendum

- These sections require more signatures than petitions for council. What would be the amount needed for 10%?

Mr. Paluf explained it would be based on the last general election, which the Mayor stated runs from 2200 to 2600. That would make about 220 to 250 signatures needed. This would

require some work if the person really wants it done. Mr. Paluf noted one council person could do this and it would be an easier approach.

- Has the City ever gone through these?

No one could recall it happening.

- Is the 2% requirement similar to surrounding communities?

Mr. Paluf said yes.

#### Section 8.02.02 Measures Subject to Referendum.

- Paragraph 4 – clarification that for rezoning property the ward where the property is located also has to approve the measure, along with the whole city, otherwise the measure fails.

Mr. Paluf replied yes, it keeps it strong and in the neighborhood.

- The last sentence of the last paragraph is confusing. It refers to council repealing an ordinance or amendment pertaining to property changes that need the approval of the electors before it goes before them, they then shall not vote on it. But further states that after approval by the electors the repeal shall not go into effect unless said repeal is approved by the electors. What does this mean?

Mr. Paluf said he believes it refers to if council passes an ordinance to have a special election within 90 days and they repeal it, it will not go to a special election, it will go to the next regular election.

- It says it will not go to the electors, but then it states if it is approved by the electors the repeal will not go into effect for 90 days. How can they not vote, but then approve it? It was also brought up at the 2011 Charter Review, but there was no answer.

Mr. Paluf said he would look into it. It is confusing.

#### Section 8.03 Recall

- During the 2011 Charter Review the question came up as to when an officer would actually be removed from office if the voters approve removing that person. The only answer in those minutes was to assume immediately. Perhaps language could be added that the effective date of removal would be when the Board of Elections certifies the results of the election.

Mayor Brunello mentioned it takes about a month for certification, he believes.

- Can anything be done to recall an elected officer if there is something like an emergency prior to the person having to be in office for six (6) months as required by the Charter?

Mr. Paluf replied no. Council has the power to remove someone earlier. Mr. Tripi noted Section 4.12 should cover an emergency situation with five members of council voting to remove a person for purposes stated in this section. The six month rule would allow the official to get on record, perhaps preventing a grudge recall from a former opponent.

- It is surprising that council even has the power to remove the Mayor by a vote of five.

Mr. Paluf stated it would have to be for a very serious offence like gross malfeasance. There would also be a hearing.

#### Article IX – Contracts and Purchases

- What is the lowest and best bidder? Is it usually the lowest bidder?

Mr. Paluf stated for the most part yes it is the lowest bidder, but sometimes the lowest bidder is not the best bidder. That bidder may not meet the criteria of the City, such as the specs, does not have enough experience per the city engineer, a bad reputation or other factor that would make it unacceptable. The City has a little bit of leeway.

- The City can do this if it is explained?

Mr. Paluf said yes.

- Does council ever hire anyone to review contracts?

Mr. Paluf stated for large projects the city engineer or other department heads would review contracts and make recommendations. Mayor Brunello said there is a lot of expertise in the City. References also count a lot on decision making.

#### Article XI – Tax Limitation

##### Section 11.01 Tax Limitation

- Does this section need to be updated and is Part c. still a necessary mill?

Mr. Paluf explained the city is only using 4 mills and can go up to 12 mills. Mayor Brunello stated the .6 mills for police and fire pension liability is still part of the budget. Council also has the power to raise mills up to 12 if needed without a vote of the people. Mr. Paluf pointed out the residents have to vote on increasing the income tax rate.

#### Article X – Franchises

- What is this concept, is it for utilities? And is it renewable? It talks about possible amendments or renewals to the contracts, which are not to be in excess of 25 years.

Mr. Paluf stated it is for such things as electric, water and sewer, which is covered under public utilities now and this is not applicable as much. Mr. Lograsso stated it would also be for cable.

#### Administrative

Mr. Tripi stated the next meeting is scheduled for March 9, 2022. Are council and the Mayor able to attend? Council President Ann D'Amico said that would be fine. She will send an email to the members tomorrow.

- What is the next step, if council has nothing, but the Committee does?

Mr. Paluf noted no one has come forward from the public yet. There is notification on the website that the Charter is being reviewed. Mayor Brunello explained the group would vote on any changes that might be considered. Mr. Paluf noted there were a few items identified at the last meeting that should be looked at again. He would prepare language for review, and if approved, it would go to council, who has to pass it. However, the Board of Elections has the final say on language. Mr. Tripi suggested the Committee start identifying what, if anything, needs to be changed, so the Law Director can start preparing language for review. Mr. Tripi asked Mr. Paluf if he could prepare draft language for something even if the Committee is not sure it wants to send it to council and Mr. Paluf said yes.

- Is there precedent if this Committee has nothing to put to the voters?

Mr. Paluf stated the last Charter Review Committee had nothing.

- Is there anything in the Charter that is a road block to having the City run smoothly?

Mayor Brunello said no, but he wants to review all of it and speak with council.

- Regarding gender neutral language, could not find any reference to it in the Codified Ordinances. How would that be accomplished for the Charter language?

Mr. Paluf stated he would research it.

- If any amendments are proposed by the Committee, how does it get explained to the residents?

Mr. Paluf explained the City does that using neutral language through various means, such as the website and newsletter.

- Is there an open comment section on the website with a deadline?

Mayor Brunello stated if there is not a deadline, then the City will set a date and start sending it out. He will make it March 31, if there is not a date. Mr. Tripi suggested having a meeting on April 6, 2022 for comments from the residents.

Mr. Paluf stated he would not be available for the scheduled meeting of March 23, 2022 and Mr. Tripi suggested the Committee could skip that date.

Scheduled meetings with all meetings beginning at 7:00 P.M.:

March 9 – Mr. Paluf will invite the Mayor and council to attend with any suggestions.

Depending on time, discussion of any suggested changes from the Committee and vote to proceed or not.

April 6 – Comments from the public.

Mr. Tripi moved to adjourn the meeting without objection. All in favor. The meeting was adjourned at 7:40 P.M.

Approved:



Phillip Tripi  
Chair

Submitted by:



Lisa Benedetti  
Secretary