

**MINUTES OF THE CITY OF STRONGSVILLE
CHARTER REVIEW COMMITTEE**

HELD ON MAY 27, 2008 IN THE MAYOR'S CONFERENCE ROOM

The meeting was called to order at 5:07 p.m. by Celia McGrath, Chairperson.

(The Pledge of Allegiance was recited by all present.)

CERTIFICATION OF POSTING:

Ms. McGrath – Pat, can you certify that the posting for this meeting is as it should be?

Ms. Stewart – I certify that tonight's Meeting Notice and Agenda have been posted in accordance with the requirements of Ordinance No. 2004-273.

Ms. McGrath – Roll call please, Pat?

ROLL CALL:

Present were: **Members of the Committee:**

Charlene Barth
Anthony Bialowas
R. Rea Cantwell
William J. Harr, Jr.
David Jager
David R. Knowles
Celia McGrath

Absent (and
excused):

Susan Mayher
Thomas E. Stehman

Also present were: Mayor Thomas P. Perciak
Kenneth A. Kraus, Law Director
Charles Goss, Chief of Police
Pat Stewart, Acting Secretary

Ms. McGrath – Can we have a Motion to excuse those who aren't here for just cause, including Sue Mayher and Tom Stehman?

**Motion made by Mr. Harr, second by Ms. Barth.
Roll Call: All ayes. Motion carries.**

APPROVAL OF MINUTES FOR MEETING OF MAY 12, 2008

Ms. McGrath – We can entertain a motion for approval of the Minutes of the May 12, 2008 meeting, if there are no amendments. Any discussion on the last meeting's Minutes?

**Motion made by Mr. Cantwell, second by Mr. Jager.
All ayes. Motion carries.**

REVIEW AND VOTE ON ORDINANCE FOR AMENDMENTS TO ARTICLE II, SECTION 5(g)

Ms. McGrath – Ken, do you want to take us through the Article II, Section 5(g)?

Mr. Kraus – With the Mayor's permission, I'd like to ask our Chief of Police who's really the one that brought this to everyone's attention as a result of City Council's recent actions with respect to certain manpower matters at the Police Department. So if you're okay with that, Mayor, we'll leave it to Chief Goss to explain this, and then we can get down to the written words here.

Mayor Perciak – Please go ahead.

Chief Goss – I'll start by apologizing to the Committee that this matter wasn't considered at the previous meetings, but really it was the result of the Ordinance that created a situation unlike what existed before. Previous to this Ordinance, we had six ranking officers, other than the Police Chief, above the rank of Sergeant, and by virtue of this Ordinance, those ranks have been expanded to eight. Back when the Charter was written, there were only a handful of officers in the Police Department, only a few of which held rank. So the way the Charter is written, it says any police officer above the rank of patrol officer, patrolman, would be eligible to compete for the Chief's job. And that was probably sound reasoning then because of the numbers involved. But as the size of the agency has grown and the number of ranking officers grew commensurate with that, I think we're now at a point where we've crossed the threshold. We have enough upper-ranking officers to compete for the Chief's job that we can change the language so that only officers from the rank of lieutenant or above would be eligible to compete for the Chief's job. That would give a candidate pool of eight officers. And I think that's an adequate pool from which the Mayor would pick the Chief from the top three candidates at the end of the Civil Service testing process. Previous to that, with the number of six, I think we were just below a reasonable threshold. If a couple of those didn't take the test, then you only had four people competing; you really did have a small candidate pool. But I think with the number eight now, I think that's a reasonable number to test for the Chief's job and it's not likely that the agency will be any smaller. So I think it would be reasonable to consider changing that language from patrol officer to sergeant.

Mr. Kraus – You would have a sufficient pool of very experienced ranking officers to choose from.

Chief Goss – That's right. Under the current language, you run the risk of having a scenario where you would have very junior ranking sergeants. And if three of those officers were to finish one, two and three, then the Mayor would be in a position to choose a ranking officer who conceivably had only five years on the road and a very limited amount of experience as a supervisor.

Mayor Perciak – I'm back with our fear at this point, so when the Chief brought that to our attention, I saw Ken and said we really need to address this and that's why we had to call you back.

Mr. Jager – There's no issue with the firemen?

Mayor Perciak – No, because in the Fire Department you go right from -- a firefighter cannot take the test for Fire Chief, but you start with lieutenant and you have your two Assistant Chiefs there also, where in your case . . .

Chief Goss – You have the sergeant which is a first-line supervisor and then a lieutenant, which is like a mid-manager; and then two of those lieutenants could serve as Deputy Chiefs, but you'd have a pool of eight lieutenants from which to test and choose.

Mr. Kraus – The Mayor and I spoke with the Fire Chief about this issue, and he's fine at his end, but the way the Charter language reads. . .

Mr. Cantwell – Could you break down the eight for me? How many are in which category?

Chief Goss – Currently there are 60 patrol officers, 11 sergeants and 8 lieutenants.

Mr. Cantwell – Okay. So, there are no captains?

Chief Goss – No captains.

Mr. Cantwell – The Deputy Chief is a lieutenant?

Chief Goss – The Deputy Chief is a lieutenant who's really serving in that capacity as an assignment, rather than a promotion.

Mr. Cantwell – The second question is, do we ever. . .

Mayor Perciak – There is a pay grade for an Assistant Chief.

Mr. Cantwell – Do we ever hire people at a higher level than patrolman? Would you bring in a . . .

Chief Goss – No, because we're a Civil Service agency, so you have to go through the process from entry level through the Chief at every rank.

Mr. Cantwell – So it's likely, systemically speaking, that anybody who is a lieutenant would have been here for some period of time.

Chief Goss – That's true. Because you have to be here a minimum of five years to compete for the sergeant's position, and then a minimum of one year to make your probation as a sergeant before you could take any other additional tests.

Mayor Perciak – I think Dave could attest to this, David Knowles, whether it be Police or Fire, the recent hires in the last five years, these gentlemen are excellent test takers. They prepare. As a result, you're hiring better; you raise the bar and now I can't say it's our fear, but imagine a young guy becoming number one or number two in the test. How do you tell that person you're not qualified and yet they lack the day-to-day. . .

Mr. Kraus – And then, as you can see, in the actual Ordinance that we've drafted, really it's a very simple change. It's a change from "such officers ranking above patrolman and fireman" to "ranking above police sergeant." And the ballot language which is on Page 2, we've always gone over the ballot language, "Shall Section 5(g) of Article II of the City Charter be amended to provide that the Mayor's appointment of the Chief of Police shall be made after Civil Service examination from those officers ranking above sergeant in the City's Police Department? Yes or No." The rest of the Ordinance, of course, follows the format that we have on the other five.

Mayor Perciak – May I just add one more thing here? Again, the reason for reconvening this group, this Committee, was that we wanted to remove it from the political process with elected officials. We could have gone to Council, and we could have asked Council to do this at a later date and Council could have done this. Correct?

Mr. Kraus – They could have, Mayor.

Mayor Perciak – But it was better that it would be discussed with this Committee and this Committee make the recommendation to Council. This way, it's the residents speaking up as to what their desires are rather than this being a Councilmatic thing. Council will rule on this, yes, but it's not originating from them.

Mr. Kraus – And the truth is, the Mayor would have liked to have done it, and he could have, by phone so that you all wouldn't have to come here. It was myself and Dan that thought legally that we really should run it through the same process. So we apologize, but we do appreciate your coming in here. It was the Law Department that pushed for a quick meeting in person to go on record with this and put the reasons through here.

Ms. McGrath – Bill, you had a comment?

Mr. Harr – What occurs if three members don't test?

Chief Goss – Then it does open up to the lower rank.

Mr. Harr – Okay. So if you don't get three people that desire to test for it from among above sergeant, does it move to sergeant? Does it move to everybody?

Chief Goss – It moves down one rank at a time until you have. . . I think it's only two.

Mr. Jager – Only two have to test?

Chief Goss – I think so.

Mr. Knowles – At least two people have to test. If there are less than two, to the next lower rank beneath that position.

Mr. Harr – Okay.

Ms. McGrath – Any other discussion on changing that? Are you comfortable with it, Tony?

Mr. Bialowas – Oh yes; very comfortable.

Ms. McGrath – Okay. Can we have a motion to . . . now is this going to be an entirely new Ordinance just to make this one change?

Mr. Kraus – We felt it was most appropriate to have a separate one. This is actually in a different section of the Charter than the Civil Service changes that we had previously. So this is the sixth Ordinance, so we would be looking for a motion to approve the Ordinance to amend Article II, Section 5(g) as drafted.

Ms. McGrath – Thank you. Is there a motion for such? Any more discussion on this?

Mr. Knowles – Before we vote, I believe that because of my involvement with the Civil Service Commission, I will not vote, although there is not a conflict, but to avoid even the appearance of a conflict.

Ms. McGrath – Thank you, David. David has recused himself and we will go ahead and vote then.

Mr. Kraus – I would suggest a roll call on the amendment.

Ms. McGrath – Okay, we'll take a roll call.

Motion made by Ms. Barth, second by Mr. Bialowas.

Roll call: All ayes (with the exception of Mr. Knowles not voting). Motion carries.

Mayor Perciak – And David Knowles abstains from voting.

Mr. Kraus – David Knowles not voting; there's actually a difference.

Mayor Perciak – Not voting.

MISCELLANEOUS BUSINESS

Mr. Kraus – Mayor, under Miscellaneous Business I wanted to just mention, first of all, we distributed with these packets – we had an opportunity here with this additional meeting to distribute the first five Ordinances. I don't think there were any typos or errors, but is there anything anybody on the Committee wanted to make known to us on those? That was one thing. Secondly, with respect to the Minutes of tonight's meeting, we'd like to follow, if it's alright with the Committee, the same procedure that we were going to follow with respect to the Minutes for May 12th where we thought that was the last meeting. Nancy will distribute them with a little sheet that you can check off that the Minutes are approved or not for tonight's meeting.

Mr. Jager – That would be separate from the last one?

Mr. Kraus – Yes. The last point I had Mayor . . .

Mr. Cantwell – Excuse me, Sue is waving outside the door.

Ms. McGrath – She can't get in.

Mr. Kraus – I would reiterate that Council is going to have the six Ordinances introduced at their meeting next Monday evening, June 2nd. And to the extent that the members of the Committee can be present, because I talked with our esteemed Council President and he would like to have some presentation from the Committee when they are introduced. They will not be voted on; they will be first-read. But Mr. Gallagher thought it would be an opportune time to make some presentation by the Committee. So, to the extent that you could be there to back your Chairperson up, it would be most appreciated.

Ms. McGrath – Do they want anything said for the second reading?

Mr. Kraus – I guess we'll find that out Monday night. He didn't say anything about the second reading.

Mayor Perciak – I doubt it. These are pretty self-explanatory. I mean they should be able to breeze through these quickly.

Ms. Mayher – I vote yes!

Mayor Perciak – Make note in the Minutes.

Ms. McGrath – Sue Mayher has arrived.

Ms. Mayher – I couldn't get in. I was locked out.

Ms. McGrath – We did vote to amend Article II, Section 5(g). You knew what that was about?

Ms. Mayher – I did.

Mayor Perciak – How do we correct the vote now?

Mr. Kraus – I think what you could do is, you could move to re-open the vote and we can take advantage of the last member's vote on this. It may not be totally orthodox, but I think that in all due fairness and respect, you were out there, I think we should do that. So how about a motion to re-open the vote, not for the purposes of anyone else to be changing their vote, but for purposes of additional. . .

Ms. McGrath – To add Sue's vote.

Mr. Kraus – Right.

Ms. McGrath – Is there a motion to re-open? Any discussion on that?

**Motion made by Mr. Harr, second by Ms. Barth.
All ayes. Motion carries.**

Ms. McGrath – Good, then we'll re-open that. We'd like to entertain a motion to . . . is she automatically added, or do we have to vote again.

Mr. Kraus – As long as we're re-opening it, I think we should vote again.

Mayor Perciak – You have to do a roll.

Ms. McGrath – Then we'll entertain a motion to vote again on approving this amendment to Article II, Section 5(g)? Any discussion on this?

**Motion made by Mr. Harr, second by Mr. Cantwell.
Roll Call: All ayes (with the exception of Mr. Knowles not voting). Motion carries.**

Mr. Knowles – The Minutes will reflect that I am not voting for the same reasons expressed in the first vote.

Mr. Harr – Not voting and not voting!

Ms. McGrath – Then we're hoping that you all can come on June 2nd, if you're available, and we can re-convene at the Pub afterwards.

Mr. Knowles – Are they going to be discussed during Caucus or just presented during the formal meeting.

Mr. Kraus – I think it's going to be presented during the formal meeting, but certainly if someone wants to attend the Caucus, I'm sure Council would welcome that.

Mayor Perciak – They will have this in their packet by Friday.

Mr. Knowles – So we should be there for the formal meeting?

Mr. Kraus – Yes.

Ms. McGrath – I'll be there for Caucus, but you all can come at 8:00 p.m.

Mayor Perciak – Dave, if you want to be there because you are Civil Service, if anybody wants to come, you're welcome. I think that's the best way to handle this.

ADJOURNMENT

Ms. McGrath – And I appreciate your support. Any other Miscellaneous Business? I thank you for coming. I'll entertain a motion to adjourn. Any discussion?

**Motion made by Mr. Harr, second by Ms. Barth.
All ayes. Motion carries.**

There being no further business to come before this Committee, the meeting was declared adjourned at 5:25 p.m., unanimously by the Members.

Respectfully submitted:



Celia McGrath, Chairperson



Patricia Stewart, Acting Secretary