



CHARTER REVIEW COMMISSION
September 26, 2018

The Charter Review Commission meeting of September 26, 2018 was called to order by Chairman Daniel Ivancic at 6:03 pm in Council Chambers.

Roll Call

The following members were present: Michael Casadonte; Daniel Ivancic; Mark Ozanick; Thomas Thielman; Joseph Turi; Joseph Yesilosky; and Donald Zimmerman.

Absent: Linda Lipovec-excused; Donna White-excused

Reading and Approval of Minutes

After reading the minutes of the September 12, 2018 meeting, a motion was made by Mr. Casadonte, seconded by Mr. Yesilosky, that the minutes be approved as presented. All in favor. Motion carried.

Communications

There were no communications.

Old Business

Mandatory Zoning Referendum

Mr. Zimmerman stated that he spoke to Mr. Zele at some length with regards to this topic and had several comments from that conversation to share: Mr. Zele acknowledged that it is not a simple topic and that there are risks (both desirable and undesirable) no matter which way we go. Mr. Zele felt that this commission is within the scope of authority to propose a split between residential and commercial and also the idea of Council not having both the zoning authority and the process-change authority. It would be advisable to limit the CRC report to either recommending change or recommending doing away with referendum zoning. Mr. Zele's opinion was that zoning changes and the zoning process are best left to Council. Mr. Zimmerman relayed to Mr. Zele that the intent of this commission is to be thorough and understanding of the consequences of whatever the commission is choosing to do.

Financing, Funding, Taxation

Mr. Ivancic distributed a 1982 excerpt [copy attached] from the Charter regarding portioning of city income tax proceeds to the General Fund and the Capital Improvements Fund. Mr. Zimmerman reported that after attending the recent Town Hall Meeting, he came away with an understanding that this was the intention of Council, but that they will wait for the outcome of the upcoming police/fire levy ballot issue. If the issue passes, a change will be proposed that will arbitrarily take an articulated percentage of the General Fund revenue that will be specified for Capital Improvements.

Mr. Ivancic commented that it would be irresponsible for this commission to force Council's hand in this matter right now. Mr. Zimmerman feels that trying to restrict the General Fund at the current level of funding would create much difficulty.

Mr. Zimmerman made a motion to remove this topic from the commission's agenda. Mr. Casadonte seconded. All in favor. Motion carried.

New Business

Income Tax Levies

As a follow-up to discussion that was had at the September 12, 2018 CRC meeting concerning language in paragraph one of *Section IX, 3. Income Tax Levies* that mentions police and fire state pension fund underfunding, Mr. Zimmerman reported that Mr. Zele informed him that the wording in that paragraph is specified by the State of Ohio; therefore, we do not have any choice in the matter.

Other

Mr. Ivancic clarified that *Mandatory Zoning Referendum* is the only topic remaining for discussion. Will we *leave as is* or *change*? If the commission recommends *change*, what would that change look like? Mr. Ivancic commented, 'do we keep residential zoning in the hands of the voters and non-residential zoning in the hands of Council?' *Mr. Zimmerman made a motion, and Mr. Thielman seconded, that the commission proceed with developing a change to the Charter to adjust referendum zoning and continue the discussion to resolve what that change would be versus not changing at all. All were in favor. Motion carried.*

Mr. Thielman likes the idea of protecting institutional/recreational lands and residential properties – making it more difficult to change that zoning; but allowing Council and Planning Commission to be flexible and reactive to the needs of the commercial district. Most cities, including Wickliffe, have properties that appear to not be zoned properly. According Wickliffe's rules, auto body shops and open storage of vehicles are not permitted in a General Business District, but they do in fact exist. We (the City) need to do a better job enforcing the rules that exist and interpreting them correctly. Council should be given flexibility to make quick decisions. Why did owners of a nursing home need to go to the voters for rezoning of a hotel property? Perhaps the referendum is not the biggest issue, it might be just the text of our zoning rules need to be cleaned up.

Mr. Yesilosky commented that it would be in the City's best interest for Mandatory Zoning Referendum to be stricken from the Charter completely. Further conversation centered on this idea.

Mr. Ivancic will invite Mr. Zele and Mr. Bittance to a CRC meeting to further share their expertise on this topic, with Mr. Ivancic leading the discussion.

Public Comment

Chris Mlachak, 733 Sterling Road, commented that he is for removing referendum zoning and let Council handle it completely, but rules regarding the process would need to be in the Charter.

Adjournment

Motion was made by Mr. Zimmerman, seconded by Mr. Casadonte, to adjourn the meeting. All were in favor. Motion carried. Meeting was adjourned at 6:58 pm.

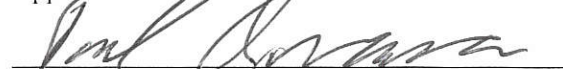
The next meeting is scheduled for October 10, 2018 at 6:00 pm in Council Chambers.

Respectfully submitted:



Susan M. Iafelice, Secretary

Approved:



Daniel Ivancic, Chairman

...other taxes.

The authority of the Council to submit...provision contained in this Charter.

Provided, however, that the Council shall not levy no income at a rate in excess of one-half percent (1/2%) without ... and directing the Board of Elections to conduct the election.

The total proceeds of the City income tax shall be disbursed in the following manner:

1. Seventy-five percent (75%) of such portion shall be placed in the general fund for municipal purposes.
2. Twenty-five percent (25%) of such portion shall be placed in a separate fund for capital improvements of the City including, but not limited to the development and construction of sewers and water mains; to provide improvements and maintenance of streets; to provide for the construction and maintenance of public buildings; and to provide for parks and playgrounds. The moneys credited to said fund may also be used for the purpose of paying interest on principal on the notes and bonds which may lawfully be used for said purposes.