

**City of Maple Heights
Charter Review Commission Meeting Minutes**

Maple Heights Senior Center

July 22, 2021

Chairwoman Katurah Johnson called the City of Maple Heights 2021 Charter Review Commission Meeting to order at 6:03 p.m. with the following Charter Review Commission members present: Ms. Katurah Johnson, Ms. Rikki Brown, Ms. Michele Rudolph, Ms. Lakiesha Nevels, Ms. Daphne Coleman, Ms. Angela Oglesby, Mr. Herb Wilborn, Ms. Jackie Albers and Ms. Lois Poole. Ms. Almeida Dye was absent and excused. Ms. Linda Mitchem joined the meeting via video/teleconference. Also present were Law Director Frank Consolo, Human Services Director Mrs. Vopat and Clerk of Council Leonette Cicirella Johnson. Police Chief Todd Hansen and Council Members Madden and Agee joined the meeting via video/teleconference.

Mr. Consolo asked Ms. Johnson if the Commission could discuss the agenda for tonight's meeting out of order since Police Chief Hansen requested the opportunity to talk with the Commission regarding Article XIX, Section 5 - Limiting the Use of Photo Monitoring Devices. Mr. Consolo said it was the recommendation of the Administration that this Section which had been placed in the Charter in 2014 be removed in its entirety.

Ms. Johnson read Article XIX, Section 5 and asked if there were any comments or discussion on this Section while the Commission was waiting for Chief Hansen to discuss the background of this provision and the reason for its removal now from the Charter.

Mr. Wilborn asked Mr. Consolo if he had had discussions with the Police Chief regarding this provision to which Mr. Consolo responded in the affirmative. Mr. Consolo said the Police Chief had described the process when the City had actually implemented traffic cameras, but then they were removed. Mr. Consolo asked Ms. Albers if this correct to which Ms. Albers responded in the affirmative. Ms. Albers said the cameras has been installed at major intersections such as Libby and Warrensville Center Roads and had been used to monitor the traffic.

Mr. Consolo said the provision in the Charter came from attorneys out of Cincinnati and that only a small portion of this language was actually included in the Charter provision. He said the current language does not follow subsequent Ohio Supreme Court decisions and present State law.

Mr. Consolo said the Mayor and the Administration was requesting that the Commission recommend the removal of this Section for a couple of reasons: first Police Chief Hansen has since changed his mind about the use of traffic cameras over the last seven (7) or eight (8) years. He said the Police Chief now recognized the real need for these cameras because of the effect of speeding on our City. Mr. Consolo said the recent deaths of the two (2) teenagers on Broadway Avenue has really affected the City. He said the second reason was the constant complaints about speeding and traffic violations that the City Administration and Council have received from residents. Mr. Consolo said the City had no deterrence for speeding or the running of red lights and Stop signs.

Mr. Consolo said that one (1) of the previous complaints with the cameras was that it was thought the cameras would target Maple Heights residents, but in reality very few Maple Heights residents got caught by the cameras.

Ms. Nevels asked if this Section was removed from the Charter would this allow the City to put cameras anywhere and where would the cameras be installed.

Mr. Wilborn said the use of traffic cameras would relieve another problem for the City which was the limited number of police officers in the City. He said this would take stress off the Police Department.

Mr. Consolo concurred with Mr. Wilborn and said that currently the City had about twenty-four (24) or twenty-five (25) officers and the Auxiliary did not have the authority to issue traffic tickets.

Ms. Oglesby asked if the recommendation would be to remove the entire Section or re-word it.

In response, Mr. Consolo said the recommendation would be to remove the Section in its entirety. Regarding the process to put up the cameras, Mr. Consolo said if this Section were removed from the Charter it would be up to the Police Chief.

Mr. Consolo said the Commission would be asking Council to send legislation to the Board of Elections for the voters to approve it or not. He said the voters would still have to vote on this Charter Amendment. Mr. Consolo said if the Section was not removed, the City would not be able to install the cameras.

Mr. Wilborn asked if the voters would be voting on this change to which Mr. Consolo responded in the affirmative. Mr. Wilborn said if the people will be allowed to vote the people would be willing to pass it. He said the City will need to inform the residents where the cameras would be installed.

Mr. Consolo said that would be a question for the Police Chief, but there would be plenty of notice to people and there would also be a grace period when the cameras were first operational.

Ms. Johnson said she had mixed thoughts on this topic. She said her past experience with cameras in other cities felt like a "police society." Ms. Johnson also questioned the accuracy of the cameras.

At this time, Police Chief Hansen joined the meeting via video/teleconferencing. Mr. Consolo told the Chief that he had given the Commission Members some background on this Charter Amendment and asked Chief Hansen to discuss Section 5 in more detail.

Police Chief Hansen said when the City first installed the cameras about seven (7) years ago he was against it. He said at that time the Police Department had ten (10) or (12) more officers than the current staff so the Police Department had more ability to handle traffic enforcement. He said this was well before the City went into fiscal emergency so the money it generated was not the driving force. The Chief said the use of the traffic cameras should not be a "money-grab" but a safety mechanism.

The Chief said that now the police force has been dwindling and the Police Department did not have the ability to do traffic enforcement and will not be able to do this with all the other serious crimes in the City.

Police Chief Hansen said that when the cameras had been in use they did slow traffic down and gave the City the benefit of traffic enforcement. He said the traffic cameras were self-paying and that 93% of the revenue was from non-resident drivers. The Chief said the Maple Heights cameras were basically paid for by non-resident drives so the cameras had not adversely affected City residents.

The Police Chief said the traffic cameras would provide good public safety benefits and that the ability for the City to be able to do this would be to remove this Section from the Charter. Chief Hansen said the language in the Charter was actually more restrictive than even the current State law regarding traffic cameras.

Mr. Consolo asked if the Commission Members had any questions for Police Chief Hansen.

Ms. Coleman asked what locations would the cameras be installed.

Chief Hansen said the locations would depend on the number of cameras the City received. He said the Police Department would probably use them on more of the main streets and perhaps secondary mains. The Police Chief said with the earlier cameras Broadway Avenue had two (2) cameras. Police Chief Hansen said he would like to see mobile cameras that the Police Department could move around. He said drivers get used to cameras in fixed locations. The Chief said if the City received multiple cameras the Police Department would use half of them on main streets and the other half on the secondary mains.

Ms. Johnson asked Police Chief Hansen at what point would be the over the speed limit.

Police Chief Hansen said the City would not want to tell people what was the over speed limit but last time it was set at 11 MPH over the speed limit. He said most cities set it at over 8 MPH. The Chief said a City would not set it at just 2 MPH because the cameras were meant to slow drivers down.

The Police Chief said the Charter provision was not just concerned with speed cameras. He said under the current Charter the City cannot use any type of cameras such as those for "red light" violations. He said those would also be affected.

Ms. Coleman asked if the Charter did not just stop speeding cameras, but also surveillance cameras and traffic cameras to which Mr. Consolo responded in the affirmative. He said the language referred to photo monitoring devices.

Police Chief Hansen said the Charter Section would also cover drones which would be considered a photo enforcement device.

Mr. Wilborn asked how would the other cameras such as surveillance cameras be included under this language.

Mr. Consolo said if a drone or any type of camera would be used, the argument would be made by Defense Attorneys against the City that the device in question fell within that definition.

Police Chief Hansen gave the Commission another example and said the Police Department had borrowed a camera trailer from the County that was meant to monitor traffic at venues and it had a license plate reader. The Chief said this device had been used at various areas for different venues and if it happened to pick up some other criminal activity the City could lose the case because of this technicality.

Ms. Johnson asked if there were any other questions or comments.

Mr. Wilborn asked Police Chief Hansen if the residents could be made aware of where the cameras would be active as a courtesy.

The Chief said the Police Department could let the residents know and that the City was required to follow State law and the Ohio Supreme Court requirements regarding notification. He said signs must be posted at each entrance of the City similar to what has been posted in Parma, Walton Hills and Newburg Heights. The Police Chief said even non-residents would be warned. He said there was also a warning period so that for the first two (2) months of camera use only warnings would be issued. The Chief said the information will also be put out through council Members, etc.

Ms. Johnson asked if there were any other questions or comments.

Mr. Wilborn said the Police Chief mentioned about mobile camera systems and asked how could residents communicate with the Police Department regarding areas in need of a mobile system.

In response, Police Chief Hansen said the current speed signs have been rotated through the City based upon information from Council people or resident e-mails to the Police Department or Police Chief.

There being no further discussion on this Section, Ms. Johnson asked if there was a motion to recommend the removal of Article XIX, Section 5 in its entirety. Mr. Wilborn made a Motion, seconded by Ms. Oglesby, to recommend that Charter Article XIX, Section 5, be removed in its entirety.

ROLL CALL on the Motion to approve the recommendation to remove Article XIX, Section 5: Ms. Johnson: Yes; Ms. Brown: Yes; Ms. Rudolph: Yes; Ms. Nevels: Yes; Ms. Coleman: Yes; Ms. Oglesby: Yes; Mr. Wilborn: Yes. The motion requiring passage by 2/3 of the members or six (6) affirmative votes passed by the vote of seven (7) ayes to zero (0) nays.

Ms. Johnson said the Commission would now return to the rest of tonight's meeting agenda starting with the Minutes.

MINUTES: The Minutes of the April 22, 2021 Meeting were postponed for review at a later Meeting. Ms. Johnson asked if there were any changes or corrections regarding the Minutes of the June 10, 2021 and June 24, 2021 Meetings. There were no changes or corrections. Ms. Johnson said if there no objections, the Minutes of the June 10, 2021 and June 24, 2021 Meetings would be approved s presented. There were no objections.

Returning to Article XIX, Ms. Johnson read Section 1 – Disqualification of Candidate and asked if there was any discussion on this Section. There was no discussion.

Ms. Johnson read Section 2 – Residence Requirements For Officials and asked if there was any discussion. There being no discussion, Ms. Johnson moved to Section 3.

Ms. Johnson read Section 3 – Compensation Of officers And Employees and asked if there was any discussion on this Section.

Mr. Wilborn asked Mr. Consolo for clarification regarding this Section.

Mr. Consolo said what this section referred to was the idea of “double-dipping” and that a Council person for example can only get paid as a Council person.

Ms. Johnson read Section 4 – Determination of Population and asked if there were any questions.

Ms. Albers asked Mr. Consolo for clarification regarding this Section.

In response, Mr. Consolo said it was primarily in the Charter for district purposes.

Ms. Oglesby said the Section referenced percentage of the population “for the passage of certain legislation.”

Mr. Consolo said this section referred to the actual population of the City if that population information was needed for the City to take any action. He said the City population was only in effect for districts. Mr. Consolo said it was good to have this Section in the Charter since it was a definition Section.

Mr. Wilborn asked what would be an example for the passage of certain legislation.

Mr. Consolo said currently there were seven (7) Council districts but if the City population changed, that would be one reason to need to follow this provision. Mr. Consolo said he would not recommend taking this Section out. He said it was a definition procedure and that if it would be removed, it would be hard to get it back into the Charter.

Ms. Johnson asked if there was any other discussion on this Section. There was no other discussion.

Ms. Johnson read Article XX, Section 1 – Submission and asked if there was any discussion on this Section. There was no discussion.

Ms. Johnson read Section 2 – Charter Review Commission and asked if there were any questions or comments.

Mr. Consolo said he would ask the Commission to take the action described in the last sentence of this Section (i.e. “The Commission shall determine by a majority vote of all members thereof, whether the measures submitted as revisions of and amendments to this Charter shall be submitted as individual measures or collectively to a vote of the people.”)

Mr. Consolo said the Commission needed to decide whether to give all of the amendments to the people as one (1) ballot issue or give them individually to the voters. He asked that the Commission submit the revisions individually. Mr. Consolo said the Commission would do this by passage of a motion to that effect.

Ms. Coleman made a motion, seconded by Ms. Brown, to submit the Commission's recommendations to the voters as individual measures.

ROLL CALL on the Motion to submit the recommendations as individual measures: Ms. Johnson: Yes; Ms. Brown: Yes; Ms. Rudolph: Yes; Ms. Nevels: Yes; Ms. Coleman: Yes; Ms. Oglesby: Yes; Mr. Wilborn: Yes. The motion requiring passage by 2/3 of the members or six (6) affirmative votes passed by the vote of seven (7) ayes to zero (0) nays.

Ms. Johnson read Article XXI – When Charter Takes Effect.

Mr. Consolo said this Section did not need to be discussed since the date the Charter was originally approved (January 1, 1932) cannot be changed.

Ms. Johnson read Section 2 – Severability and asked if there was any discussion on this Section.

Mr. Consolo said this Section maintained the integrity of the Charter so that if for some reason a section or part of a section was determined by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity would not affect the rest of the Charter. Mr. Consolo said he would recommend that this Section stay without any changes.

Ms. Johnson said this had completed the Commission's work to review the Charter.

Mr. Consolo said the Commission would need to hold one (1) last meeting to approve the minutes of this meeting since the Commission voted to recommend another Charter amendment.

Ms. Johnson asked if the Commission Members wanted to select a date for this next meeting or keep the regularly scheduled meeting that would be the fourth Thursday of August, August 26th. It was the consensus of the Commission Members that their last meeting would be scheduled for Thursday, August 19, 2021 at 6:00 p.m.

There being no further business, Ms. Johnson adjourned the meeting at 7:03 p.m.

Passed: August 19, 2021

ATTEST:

S/S Leonette Cicirella Johnson, Clerk of Council