

MINUTES OF MEETING
2026 CHARTER REVIEW COMMISSION
May 20, 2026

Members Present: Chris Aiola, Andy Bemer, Elizabeth Gerstenhaber, Collen Hauer, Chris Klym, Dr. Al Melton, Michael O'Donnell, Pat Roberts, and Peter Sullivan Jr.

Presence Noted: City Council President Paul Shipp

Chairman Bemer opened the meeting at 6:10 PM and asked the charter members if they had any questions or comments regarding the meeting minutes that are before them. Without comment from the members, Chairman Bemer stated that he had some additions. He went on to say that he was quite emphatic in comparing the salaries and benefits of the law directors in Rocky River and in Bay Village. He pointed out that on page two of the minutes from last week where Bay Village is considered the sister city to Rocky River, he would like to add that salary in Bay Village for the law director in 2021 was \$20,000.00 more than the salary in Rocky River, plus health insurance was offered. He also wants to add that most of the communities in Cuyahoga County offer health insurance to their law directors regardless of full or part-time status.

Chairman Bemer concluded his comments and then asked Council President Shipp to address the commission and respond to last week's comments from the current law director regarding the salary and benefits of the position, as well as if this should be a charter issue or a council issue. Chairman Bemer stated that Law Director O'Shea was asked to contact the Council President regarding the issue because there was a concern of what direction to go when dealing with this issue.

Council President Shipp then addressed the commission by thanking them for having him there and then he stated he has not spoken to Mr. O'Shea regarding this topic. He did read through the minutes he stated and went on to say that in reviewing the charter it does state that council has the power to fix the salaries of its members and all other officers and employees of the city whether elected, appointed, or chosen. He stated it is pretty clear that the charter states that council sets the salary of the law director. Charter Member O'Donnell then stated that he agrees that the charter is pretty clear on fixing the salary. He pointed out that Law Director O'Shea has suggested language for the charter to address this issue. He did read the suggested language again for everyone to hear and Council President Shipp stated that he was unaware of the language from the law director. Charter member O'Donnell stated that Law Director O'Shea pointed out that prior councils had not really taken the opportunity to address the issue of salary and benefits for the position. He goes on to state that some members here are a little torn as to whether this is a council or charter issue still. He says he is a little skeptical of that and if it is left with council, the natural question remaining is council interested in pursuing this topic. Council President Shipp pointed out that council did increase the salary and the hour rate of the law director last year. He then explained that council conducts annual budget review meetings at the end of each year for the next year's budgets and there are committees to help sort through the department's budget requests. He went to explain that it would be the Finance Committee to address this issue and the thinking was that last year, we will increase the salary of the law director incrementally. He stated that he is favor of making sure an elected position's salary is

competitive with neighboring communities and also in favor is increasing the law director's salary in making it competitive. He stated that this should not be in the charter and should remain in the hands of council as it states currently. He believes there is a willingness of some of council to look at this again this year. Charter Member Hauer then asked about healthcare for Law Director. Council President Shipp stated that there may be an issue about giving healthcare to a position that is considered part-time in that if you do it for one position, federal and state law may state that you would have offer it to all part-time employees. He stated that he is not fully aware of what exactly the logistics are but will definitely review it. Charter Member Hauer why is that and Council President Shipp stated that there are laws in place in figuring out who exactly is entitled to healthcare in regard to the number of hours someone works during the week. He does not have that information now and the H.R. Director of the city also indicated as well that may be the issue. He stated he is willing to look at that well. Chairman Bemer then stated that predominately across the board that Cuyahoga County does show that health benefits are offered to the law directors. He went on to state that elected officers are not employees and if they are provided benefits, they are to be legislatively. He does not see any issue with this benefit given to the law director. Charter Member Roberts then pointed out there is a difference of types of part-time ranging from seasonal to more of a permanent schedule. She did ask what the schedule is of the law director and Chairman Bemer responded that he on call 24 hours a day for the city. Chairman Bemer then thanked Council President Shipp for coming and answering their questions.

The next topic of discussion began with Charter Member Klym and the review of the last article of the charter which is Article X – General. Charter Member Klym stated that this sort of the catch all article for the charter and he does not have a lot of suggested changes but will review each section of the article. He began his review with section 1 and stated there never has been an issue with this section. Charter Member Melton did ask if there is a conflict of interest in which this section addresses who would make that determination. Charmain Bemer did state that is when you bring in the state's Ethics Commission to help investigate. The city would then also refer to the Ohio Revised Code for guidance. Charter Member Klym moved on to section 2 of the article and reviewed that with the commission. He saw no need for change with it and then moved on to section 3 of the article and saw no need for change their either. Section 4 of the article deals with the formation of the charter review commission and Charter Member Klym did review that. Discussion then commenced among the members as to who appoints the members to the commission and when exactly to appoint the members because of time restraints. Charter Member Klym pointed out that this commission did not begin until the end of April which gives them limited time to review the charter, get changes to council, and then get ballot language to the Board of Elections for the next election. He asked if there is some thought of putting an actually calendar date, early in the year, for council to act and appoint a commission so time would not be a factor. Discussion continued then on when exactly does the commission want ballot language ready for the next election. Chairman Bemer pointed out that the commission recommendations can wait until the following year. Charter Member Roberts stated that she sees this as a process and there is a timeline, but as long as you follow the process, the timeline should fall into place for the city. Section 5 was the next to be reviewed by Charter Member Klym and he stated that he will be combining this review with section 8 of the article that deals with the housekeeping of grammar, corrections, etc. Discussion then centered on whether corrections can be made to place neutral pronouns through the charter or does each article

needed to be voted on by the public to replace the word “he” with gender neutral language. Charter Member Klym pointed out that in section 8 of the article it states that no deletion of obsolete language, or rearrangement and correction of typographical errors may be made which affects the substance or meaning of the charter and if the law department of the city determined it is possible to make changes, for instances to make the document gender neutral, than it would be possible because of this section. Chairman Bemer agreed with Charter Member Klym in that we are not really deleting anything and not making anything obsolete in the charter by making it gender neutral. He pointed out that he believes we, collectively, could make the change because of overriding state and federal laws. Discussion then continued among the members regarding the use of he/she and getting the charter updated with that neutral language.

Charter Member Klym continued his review of the article and focused on section 6 with deals with open meetings. He stated that this section deals with public officials and then when they meet in an official capacity they are open and transparent to the public. He went on to review each subsection which dealt mostly with the executive session of city council. He stated that this section mostly mirrors the state’s revised code and that he does not have any recommendations for changes. He wanted to note for the charter review commission that the elective body going into executive session has to announce why they are going into the session and what the body is going to be there for. Chairman Bemer then stated that there are a number of judicial proclamations through case law regarding open meetings and it goes hand and hand with public records. As he recalls, for notation purposes, there was a statute passed that allows virtual meetings in regard to this open meeting section of the charter. This resulted, of course, because of COVID-19 and roughly covered a two-year period of time. Charter Member Klym then reviewed the final section of the article which deals with public notices. He reminded the group that this is the section that allows for electronic notifications to the public. Charter Member Sullivan did point out that the charter does state that a notice is to still be posted at city hall on the bulletin board. Chairman Bemer did ask if that is case then does section 8 allow the city to delete this obsolete language of paper postings then. He wanted to give that a thought for the group.

With all of the articles of the charter officially reviewed by the review commission, Chairman Bemer then requested that the member start reviewing the Master List of Items for Further Discussion. Charter Secretary Greco then begin to review the list. He started by stating that he did complete his review of the term length of mayors and law directors of the surrounding communities and passed that information out the members. He also stated he did he research on finding our who is partisan and non-partisan in regard to city councils. He pointed out that Board of Elections did help with this and there are only three communities in Cuyahoga County that are partisan and Rocky River is one of them. Charter Member Sullivan did ask about drafting the proposed language for ballot consideration and Secretary Greco pointed out that the Board of Elections will help with the language and any issues that may emerge before the language is sent for a vote. Discussion then continued regarding surrounding cities and how their ward and at-large elections are run and staggered, specifically in Bay Village and Westlake.

The next topic discussed was issue of outside employment when it comes to the position of mayor. The members asked what would be considered outside employment and would it take away from the importance of the job as pointed out by Charter Member Gerstenhaber. Charter

Member Melton suggested that language should be proposed so that no other full-time position may be held by the mayor while serving their term.

The next discussion point was the issue of healthcare for the law director. Charter Member Hauer stated that it should be in charter because she believes that everyone should have healthcare. Charter Member O'Donnell and Charter Member Sullivan then stated that it was clear to them that the issue of benefits lies with council and should remain that way. Charter Member Roberts stated also that she believes that this is a council issue. Chairman Bemer stated he feels that this is a political issue with council and the city is notoriously low when it comes to city salaries and is below the average of other comparable cities.

With the discussion that followed, the following is a list of articles that were voted in favor to move forward with proposed language for ballot referendum:

- **ARTICLE II – MAYOR, Section 1. Term**, to increase the term of office for the mayor from 2 to 4 years.
- **ARTICLE II – MAYOR, Section 2. Qualifications**, create language stating no other full-time employment while serving as mayor
- **ARTICLE II – MAYOR, Section 3. Removal**, language could be based on Westlake's removal language
- **ARTICLE III – COUNCIL, Section 2. Term of Office**, create language of staggered terms and changing at-large positions from 2-year to 4-year terms
- **ARTICLE IV – ADMINISTRATIVE DEPARTMENTS, Section 2. Law**, have a discussion regarding:
 - Removal language of the law director based on Westlake's language
 - Length of term from 2 years to 4 years
- **ARTICLE VI – BOARDS AND COMMISSIONS, Section. 2 Board of Zoning and Building Appeals** – language for the number of certified professional along with the number of citizens on the board. The group agreed to use the language proposed by Charter Member Klym (identifying the number of board members should be electors and how many should be engineers or architects) 5 members of which are one architect, one engineer and three electors of the city.
- **ARTICLE VIII – INITIATIVE AND REFERENDUM – Section 2 Recall** –
 - Add wording where the Board of Elections is to help in verifying petitions instead of the Clerk of Council in recall elections
 - Per the request of the B.O.E. – in the second paragraph update the number of days to hold a recall election from 30 to 45 days and increase the maximum days from 60 days to 75 days
- **ARTICLE IX – NOMINATIONS AND ELECTIONS – Section 3. Declaration of Candidacy**, propose language for non-partisan elections

The following list is of those articles that were voted upon to remove from further discussion:

- **ARTICLE II – COUNCIL, Section 15. Legislative Procedure**, have a discussion regarding the methods of posting various notices using latest technology.
- **ARTICLE IV – ADMINISTRATIVE DEPARTMENTS, Section 2. Law**
 - Should it be appointed or elected
 - Addition of pay and benefits language for the position

Chairman Bemer then asked who would like to create a sub-committee to draft proposed ballot language and Charter Member Sullivan did volunteer as well. It was discussed that they would meet with Charter Secretary Greco before the next meeting to have that language drafted for the commission.

The next meeting of the Charter Review Commission will be held at 6:00 p.m. on May 27, 2026.

There being no further business, the meeting was adjourned at 7:31 p.m.