

**VILLAGE OF HIGHLAND HILLS, OHIO
CHARTER REVIEW COMMISSION MEETING**

January 29, 2025

6:00 p.m.

CALL TO ORDER: The meeting was called to order by Chairperson Tracee Oglesby at 6:00 p.m. in Conference Room No. 14 of Village Hall. It was also broadcast via Zoom Video Communications.

ROLL CALL: Present were Tracee Oglesby, Damon Love, Verlaine Anderson, Diane Griggs, Jacqueline Lark, Walter Smith and Kenneth Troutman. Also present: Law Director Thomas P. O'Donnell, Mayor Michael L. Booker, Councilman David Mills, Councilman Robert L. Wright II, and Councilwoman Geavona Greene.

APPROVAL OF MINUTES: Moved by Ms. Lark and seconded by Mr. Troutman to accept the minutes of January 15, 2025. All voted aye and the minutes were **approved**.

OLD BUSINESS:

1. Proposal No. 2A – Article III, Section 3. Vacancy and Removal
Requiring the President of Council to run for re-election if appointed to serve as Mayor in the Event of Mayor inability to serve

Law Director Thomas O'Donnell stated that he was reminded of the circumstances surrounding former Mayor Nash's illness and death, and that there was no procedure for Council to follow. He is recommending another paragraph entitled Procedure be included (attached).

Discussion ensued regarding the procedure Council would follow. After all questions discussion had concluded, it was moved by Ms. Oglesby and seconded by Ms. Lark to recommend that revised Proposal No. 2A be referred to Council to be placed on the ballot. All voted aye and Proposal No. 2A was **approved 7 – 0**.

2. Proposal No. 3 – Article II, Section 1. Powers, Number and Term, and
Article III, Section 4, General Powers and Duties
Reducing the number of Council persons and amending Mayor's powers and duties

Mayor Michael Booker related that he had done some research, and it turns out that the Ohio Revised Code mandates a minimum of five Council members. Law Director O'Donnell stated that particular section of the ORC does not apply to the Village since we have our own Charter.

Discussion continued regarding the pros and cons of reducing the number of Council members from five to four and allowing the Mayor to break a tie vote.


After all questions and discussion had been concluded, it was moved by Ms. Griggs and seconded by Mr. Smith to approve Proposal No. 3. On the vote: Commission member Oglesby voted aye, and Commission members Griggs, Anderson, Troutman, Smith, Lark and Love voted nay. **Proposal No. 3 fails to advance to Council by a vote of 6 – 1.**

NEW BUSINESS: None.

PUBLIC COMMENT: Mayor Michael Booker, Law Director Thomas O'Donnell and Council Members Mills and Wright thanked the Commission members for their diligence in completing the review of the Village Charter.

ADJOURNMENT: There being no further business, it was moved by Ms. Oglesby and seconded by Mr. Love to adjourn the meeting. All voted aye and the meeting concluded at 7:05 p.m.

Respectfully submitted,


Margaret Sikon
Commission Secretary

Attachments:

Proposal No 2A
Proposal No. 3

**PROPOSAL NO. 2A
REQUIRING THE PRESIDENT OF COUNCIL TO RUN FOR RE-ELECTION IF
APPOINTED TO SERVE AS MAYOR IN EVENT OF MAYOR INABILITY TO SERVE**

ORIGINAL TEXT

ARTICLE III, SECTION 3. VACANCY AND REMOVAL.

If the Council determines that the Mayor is temporarily incapacitated or is unable to perform his duties, the Council President shall be Acting Mayor. The time as Acting Mayor shall not exceed ninety (90) days without a vote by Council. When serving as Acting Mayor, the Council President shall not cease to be a Councilperson, but shall forfeit any of the duties of a Councilperson.

In case of the Mayor's death, resignation, removal or disqualification, the Council President shall immediately become Mayor for the remainder of the unexpired term and until a successor is elected and qualified. When the Council President assumes the Office of Mayor, such person's office as Councilman and as Council President are vacated.

The Council may remove the Mayor for gross misconduct, or malfeasance in or disqualification for office, or for the conviction while in office of a crime involving moral turpitude, or if adjudicated legally incompetent, or for a violation of the Mayor's oath of office. The removal shall require the unanimous vote of all Members elected to Council. The Mayor shall be notified in writing of the charge against such official at least fifteen (15) days in advance of a public hearing upon such charge, and the Mayor and Mayor's counsel shall have an opportunity at the hearing to be heard, present evidence and examine any witness appearing in support of the charge. (Amended 11-7-00)

PROPOSED REVISED TEXT

ARTICLE III, SECTION 3. VACANCY AND REMOVAL.

If the Council determines that the Mayor is temporarily incapacitated or is unable to perform his duties, the Council President shall be Acting Mayor. **Council shall follow the procedures set forth in this section.** The time as Acting Mayor shall not exceed ninety (90) days without a vote by Council. When serving as Acting Mayor, the Council President shall not cease to be a Councilperson, but shall forfeit any of the duties of a Councilperson.

In case of the Mayor's death, resignation, removal or disqualification, the Council President shall immediately become Mayor. ~~for the remainder of the unexpired term and until a successor is elected and qualified~~ **If the unexpired term is for more than one (1) year or if the next municipal election of officers will occur more than one (1) year after the vacancy, such office shall be filled by a vote of the people at an election for that purpose. Whenever possible, such election will be held on a date set aside for regular elections as defined by state law.** When the Council President assumes the Office of Mayor, such person's office as Councilman and as Council President are vacated.

The Council may remove the Mayor for gross misconduct, or malfeasance in or disqualification for office, or for the conviction while in office of a crime involving moral turpitude, or if adjudicated legally incompetent, or for a violation of the Mayor's oath of office. The removal shall require the unanimous vote of all Members elected to Council.

PROPOSAL NO. 3
REDUCING NUMBER OF COUNCIL PERSONS AND AMENDING MAYORS
POWERS AND DUTIES

ORIGINAL TEXT

ARTICLE II, SECTION 1. POWERS, NUMBER AND TERM.

The legislative power of the Municipality, except as limited by this Charter, and such additional powers as may be expressly granted by this Charter, shall be vested in a Council of five (5) members elected at large.

[Article X, Section 2](#) details the transition arrangements for the first government under this Charter. That section determines the first elections under the Charter. The members of the Council shall be elected for a term of four years, commencing on the first day of January next after such election and shall serve until their successors are elected and qualified. Three Council people shall be elected with the Mayor beginning with the November, 2019, election and every four years thereafter. Two Council people shall be elected in the November, 2017, election and every four years thereafter.

ARTICLE III, SECTION 4. GENERAL POWERS AND DUTIES.

(a) Judicial. The Mayor shall have all the judicial powers granted to Mayors by the laws of Ohio.

(b) Legislative. The Mayor shall have the power to veto as specified in [Section 5](#) of this Article. Neither the Mayor nor any director of any department shall have a vote in the Council. The Mayor shall have the right to introduce ordinances.

(c) Executive. The Mayor shall be the chief executive officer of the Municipality. Except as may otherwise be provided in this Charter, the Mayor shall:

(1) Supervise the administration of the Municipality's affairs;

(2) Except for committees of Council, appoint committees and their chairpersons as the Mayor deems necessary, subject to confirmation by a majority vote of the members of Council, and exercise control over all committees and departments of the Municipality, except Council and their committees;

(3) Be the chief conservator of the peace within the Municipality and cause all laws and ordinances to be in force therein;

(4) See that all terms and conditions imposed in favor of the Municipality or its inhabitants in any franchise or contract to which the Municipality is a party are faithfully kept and performed;

(5) Recommend to Council such measures as the Mayor deems necessary or appropriate for the welfare of the Municipality and keep Council advised of the condition and future of the Municipality;

(6) Act as the official and ceremonial head of the Municipal Government;

(7) Execute on behalf of the Municipality, along with the President of Council, as specified in [Article II, Section 2](#), all contracts, conveyances, evidences of indebtedness and all other instruments to which the Municipality is a party;

(8) Perform other duties as are conferred or required by this Charter, by any ordinance or resolution of the Council or by the general laws of the State of Ohio not inconsistent with this Charter.

(d) The Mayor shall be recognized as the official and ceremonial head of the Municipal Government by the Governor of Ohio for military purposes, and by the courts for the purpose of serving civil processes.

(e) The Mayor shall have the power and exclusive right to appoint, promote, transfer, reduce in rank or remove any officer or employee of the Municipality, except those required by this Charter to be elected subject to the following:

(1) With respect to the Police Chief, other ranking officers, police officers, patrolmen and civil employees within the police department; the Fire Chief, fire ranking officers, officers, firefighters, EMS personnel and civil employees within the fire department, the Police Chief and Fire Chief shall have authority to discipline said personnel within their respective departments limited to up to a three (3) day suspension with or without pay. Any officer may request a review of such decision of the Police/Fire Chief by the Mayor/Safety Director upon written request within ten (10) days of the effective date of said decision filed in the office of the Mayor with a copy to the Chief. The decision of the Mayor/Safety Director on said review shall be final. The Mayor shall have the right to promote, discharge from employment, suspend for more than three (3) days, transfer, reduce in rank or otherwise discipline said employees.

(2) With respect to department heads and assistants to the Mayor, they shall be appointed by the Mayor, subject to confirmation by a majority vote of Council, and shall serve at the pleasure of the Mayor. The Mayor shall have the right to promote, discharge from employment with or without cause, suspend, transfer, reduce in rank or otherwise discipline any department head or assistant to the Mayor. With respect to any discipline by the Mayor of department heads and/or assistants to the Mayor that is greater than a three (3) day suspension or demotion, the employee may request a review by the Personnel Review Board within ten (10) days of the effective date of the discipline by filing said request in writing in the Office of the Mayor. Any decision of the Personnel Review Board shall be final.

(3) With respect to all other non-elected employees below the level of department head, assistant to the Mayor: with respect to discipline of said non-elected employees, the department head shall have the right to discipline up to a three (3) day suspension. With respect to any discipline by the department heads, the employee may request a review by the Mayor within ten (10) days of the effective date of the discipline by filing said request in writing in the Office of the Mayor. The decision of the Mayor shall be final. The Mayor has the right to all other discipline including suspension beyond three (3) days, transfer, demote or discharge from employment.

(4) Any disciplinary action taken by the Mayor as to any employee that is greater than a three (3) day suspension, demotion, transfer or removal/termination shall be final unless the person so disciplined requests a review of the action in writing to the Village Personnel Review Board within ten (10) days of the effective date of the Mayor's action. The request for review shall contain all points on which the employee relies in support of his or her claim and shall be placed on the agenda of the Personnel Review Board within thirty (30) days of the date said request for review was received. Except as otherwise specifically provided herein, all actions taken or decisions made by the Personnel Review Board shall be final and conclusive, and no further right of appeal shall be available.

(Amended 11-3-15; 11-2-21)

PROPOSED REVISED TEXT

ARTICLE II, SECTION 1. POWERS, NUMBER AND TERM.

The legislative power of the Municipality, except as limited by this Charter, and such additional powers as may be expressly granted by this Charter, shall be vested in a Council of ~~five (5)~~ **four (4)** members elected at large.

Article X, Section 2 details the transition arrangements for the first government under this Charter. That section determines the first elections under the Charter. The members of the Council shall be elected for a term of four years, commencing on the first day of January next after such election and shall serve until their successors are elected and qualified. Three Council people shall be elected with the Mayor beginning with the November, 2019, election and every four years thereafter. Two Council people shall be elected in the November, 2017, election and every four years thereafter.

ARTICLE III, SECTION 4. GENERAL POWERS AND DUTIES.

(a) Judicial. The Mayor shall have all the judicial powers granted to Mayors by the laws of Ohio.

(b) Legislative. The Mayor shall have the power to veto as specified in Section 5 of this Article. ~~Neither the Mayor nor any director of any department shall have a vote in the Council. The Mayor shall have the right to introduce ordinances.~~ **Neither the Mayor nor any director of any department shall have a vote in the Council except that the Mayor shall, in addition to other responsibilities, have the duty of breaking all tie votes of Council. The Mayor shall have the right to introduce ordinances.**

(c) Executive. The Mayor shall be the chief executive officer of the Municipality. Except as may otherwise be provided in this Charter, the Mayor shall:

- (1) Supervise the administration of the Municipality's affairs;
- (2) Except for committees of Council, appoint committees and their chairpersons as the Mayor deems necessary, subject to confirmation by a majority vote of the members of Council, and exercise control over all committees and departments of the Municipality, except Council and their committees;
- (3) Be the chief conservator of the peace within the Municipality and cause all laws and ordinances to be in force therein;
- (4) See that all terms and conditions imposed in favor of the Municipality or its inhabitants in any franchise or contract to which the Municipality is a party are faithfully kept and performed;
- (5) Recommend to Council such measures as the Mayor deems necessary or appropriate for the welfare of the Municipality and keep Council advised of the condition and future of the Municipality;
- (6) Act as the official and ceremonial head of the Municipal Government;
- (7) Execute on behalf of the Municipality, along with the President of Council, as specified in Article II, Section 2, all contracts, conveyances, evidences of indebtedness and all other instruments to which the Municipality is a party;

(8) Perform other duties as are conferred or required by this Charter, by any ordinance or resolution of the Council or by the general laws of the State of Ohio not inconsistent with this Charter.

(d) The Mayor shall be recognized as the official and ceremonial head of the Municipal Government by the Governor of Ohio for military purposes, and by the courts for the purpose of serving civil processes.

(e) The Mayor shall have the power and exclusive right to appoint, promote, transfer, reduce in rank or remove any officer or employee of the Municipality, except those required by this Charter to be elected subject to the following:

(1) With respect to the Police Chief, other ranking officers, police officers, patrolmen and civil employees within the police department; the Fire Chief, fire ranking officers, officers, firefighters, EMS personnel and civil employees within the fire department, the Police Chief and Fire Chief shall have authority to discipline said personnel within their respective departments limited to up to a three (3) day suspension with or without pay. Any officer may request a review of such decision of the Police/Fire Chief by the Mayor/Safety Director upon written request within ten (10) days of the effective date of said decision filed in the office of the Mayor with a copy to the Chief. The decision of the Mayor/Safety Director on said review shall be final. The Mayor shall have the right to promote, discharge from employment, suspend for more than three (3) days, transfer, reduce in rank or otherwise discipline said employees.

(2) With respect to department heads and assistants to the Mayor, they shall be appointed by the Mayor, subject to confirmation by a majority vote of Council, and shall serve at the pleasure of the Mayor. The Mayor shall have the right to promote, discharge from employment with or without cause, suspend, transfer, reduce in rank or otherwise discipline any department head or assistant to the Mayor. With respect to any discipline by the Mayor of department heads and/or assistants to the Mayor that is greater than a three (3) day suspension or demotion, the employee may request a review by the Personnel Review Board within ten (10) days of the effective date of the discipline by filing said request in writing in the Office of the Mayor. Any decision of the Personnel Review Board shall be final.

(3) With respect to all other non-elected employees below the level of department head, assistant to the Mayor: with respect to discipline of said non-elected employees, the department head shall have the right to discipline up to a three (3) day suspension. With respect to any discipline by the department heads, the employee may request a review by the Mayor within ten (10) days of the effective date of the discipline by filing said request in writing in the Office of the Mayor. The decision of the Mayor shall be final. The Mayor has the right to all other discipline including suspension beyond three (3) days, transfer, demote or discharge from employment.

(4) Any disciplinary action taken by the Mayor as to any employee that is greater than a three (3) day suspension, demotion, transfer or removal/termination shall be final unless the person so disciplined requests a review of the action in writing to the Village Personnel Review Board within ten (10) days of the effective date of the Mayor's action. The request for review shall contain all points on which the employee relies in support of his or her claim and shall be placed on the agenda of the Personnel Review Board within thirty (30) days of the date said request for review was received. Except as otherwise specifically provided herein, all actions taken or decisions made by the Personnel Review Board shall be final and conclusive, and no further right of appeal shall be available.

(Amended 11-3-15; 11-2-21)