

City of Norton
CHARTER REVIEW COMMISSION
Wednesday, April 5, 2006

The Charter Review Commission of the City of Norton, Ohio, convened for a public meeting in the Norton City Council Chambers. Chairperson Barbara Vimont called the meeting to order at 6:05 p.m.

ROLL CALL:

PRESENT: Barbara Vimont, Gene Becker, Christopher Judge, Sue Ringkor, Megan Booth, Robert Daymut, Charles Campbell

ALSO PRESENT: Claude Collins, Administrative Officer

Chairperson Vimont stated that they would move out of order of the agenda in order to accommodate their guest for the evening.

I. NEW BUSINESS:

Discussion Regarding Article V, Administrative Departments:

(Mr. Claude Collins, Administrative Officer-Guest)

The Charter Review Commission welcomed Mr. Claude Collins and thanked him for being present to answer their questions regarding Article V of the Norton City Charter.

Mr. Collins presented the Commission with an organizational chart of the Administration Departments and a list of suggestions that the Commission might want to consider during their review of the Charter. (See attached.)

Mr. Collins explained the organizational chart in more detail. He stated that the Mayor is directly responsible for the following departments: Solicitor, Mayor's Court, Director of Planning Community Development, Administrative Officer, and Director of Finance. The Administrative Officer supervises Mayor's Court and is directly responsible for the Municipal Engineer, Building Department, Fire Division, Administration Office, Police Division, Public Service Department and Summer Recreation Program. The Mayor and the Administrative Officer share an Administrative Assistant. The Administration Office employees are to assist the Mayor and Administrative Officer when needed. The Director of Planning and Community Development does not have an assistant so the Administration Office also assists him when needed. He stated that the Director of Finance was responsible for the Finance Department, which consists of four Account Clerks. He explained that the Mayor's Court had a full-time Clerk of Courts and a part-time Prosecutor and Magistrate.

Mr. Collins addressed the list of suggestions presented to the Commission and stated that he believed the Charter was workable in it's present form, but that it had some rough edges.

Section 3.12 Regular Meetings and Section 3.13 Special Meetings:

Mr. Collins stated that Section 3.12 was important because it is dysfunctional to try to conduct certain types of business, such as purchasing/selling property, union negotiation matters and/or civil suits in a public meeting. He said it was not a good way for the City to have to conduct business. Mr. Collins added that the Ohio Revised Code (ORC) recognizes that Executive sessions are needed and permits them in limited matters. Chairman Vimont said that the Commission would consider these sections.

Section 4.02 Qualifications of the Administrative Officer:

Mr. Collins said that the Administrative Officer, his position, serves as Director of Public Safety, Public Service and Personnel. Consequently, the majority of people working for the City fall within his responsibility. He said that he had good department heads so everything usually runs smoothly.

Mr. Collins stated that one of his suggestions was regarding the residency requirement for the Administrative Officer. He felt it was too restrictive because if Norton ever needed to fill the position, they might have difficulty finding someone. Mr. Collins said he understood the need for this requirement for elected officials, but he does not believe appointed officials should have that requirement. He added that the Administrative Officer was the only Department Head position with the residency requirement.

Section 5.02 Deputy and Assistant Finance Director:

Another one of Mr. Collins' suggestions was that some positions, such as the Deputy and Assistant Finance Director, mentioned in Section 5.02 of the Norton Charter, should not be included as Charter level positions because they are lower level positions. Mr. Gene Becker agreed.

Section 5.06 Director of Public Service:

Mr. Collins stated that he believed that the Municipal Engineer's position within Section 5.06 needed clarification because the Engineer works for and reports to the Director of Public Service. This issue has caused confusion in the past because of not being stated more clearly in the Charter. It is a lower level position that, in his opinion, should not be included as a Charter position. This position is equal to the Building Superintendent and Public Service Superintendent positions. In his opinion, it creates a more cumbersome process to where the Mayor has to appoint and then Council has to confirm. He therefore recommended deleting the Municipal Engineer position from this section.

Mr. Collins stated that the references to Police, Fire and Emergency Medical Service (EMS) equipment mentioned in Section 5.06, should be located in Section 5.05, Director of Public Safety. There was discussion and Mr. Collins stated this was a minor issue and has never caused a problem, but it needed clarification.

Section 5.03 Board of Control:

There was brief discussion regarding Section 5.03 and the Commission decided to discuss this issue later.

Section 5.08 Department of Community Development:

Mr. Becker stated that the Administrative Officer position is clearly described in the Charter. The Director of Planning and Community Development's position, however, does not seem to do justice to its responsibilities. He wondered if that position was an addition to the Charter. Mr. Collins said he believed so. The position was never filled until Mr. Jeff Pritchard was hired. Before this there were problems because the duties of the position was distributed between the Administration Officer, the Building Department and the Engineer. Mr. Collins said that he and Mr. Pritchard are in close communication. Mr. Becker wondered if more of his responsibilities should be added to this section. Mr. Collins felt that the Charter should be simple and straightforward. He said the individual job descriptions describe their responsibilities; he will submit those job descriptions to the Commission.

There was discussion regarding whether or not zoning responsibilities could be added to the Planning Department's duties. Mr. Collins explained that zoning matters involve enforcement, which is under the Director of Public Service and Safety, because there are policing powers. He stated, however, that the Building and Planning Departments work intimately together. Mr. Collins explained that their offices were next to each other and they converse frequently. He said it is a working system.

The Commission asked Mr. Collins to explain the process that an individual would have to go through to get a building permit. He explained that an individual would apply for a building permit, if it does not comply with the zoning requirements, the Building and Zoning Inspector would deny it. The individual would then be advised that they could appeal the decision to the Board of Zoning and Building Appeals (BZA). Ms. Sue Ringkor said that she does not understand why there are zoning requirements if the BZA is there to override them. Mr. Collins stated that the zoning requirements are the problem. A revised code was proposed a few years ago that was more user friendly, but it was rescinded by a residents referendum. If you have a number of residents wanting to build and have to ask for variances, and they are granted, then the code needs to be investigated. Variances should be rare. He further explained that the Building and Zoning Inspector has to uphold the code. The BZA, however, has to follow the Duncan Rules, but they are allowed to review each variance on its own merit. There was further discussion regarding the zoning code and the Comprehensive Master Plan.

Chairperson Vimont thanked Mr. Collins for attending the meeting and answering their questions. Mr. Collins left the meeting at 6:45 p.m.

Public Awareness:

There was discussion regarding various ways to inform the public of their meetings. Ms. Vimont mentioned having their meetings announced in Council. The Secretary said she would contact Ms. Karla Richards, Clerk of Council, regarding that matter.

The Committee also discussed the fact that when the recommendations were sent to Council, the public would have an opportunity to give their opinions at that time.

Section 3.12 Regular Meetings and 3.13 Special Meetings:

The Committee discussed adding language to allow Executive sessions in accordance with Section 121.22 (G) ORC. The Secretary left the meeting to retain copies of this legislation for the Committee's review. Upon returning, she presented a copy to each member. After they reviewed the legislation, they decided to add this issue to their revision list.

Overview:

Chairperson Vimont mentioned that the Committee agreed tonight to simplify the language, continue to focus on the Charter items previously agreed to, try to announce their meetings in Council and submit their revisions to Council one section at a time.

Chairperson Vimont suggested that members make their suggestions for changes to Article V-Administrative Departments and bring them to the next meeting. They can then make a recommendation to the Mayor regarding that section. She also suggested they review Article VI-Boards and Commissions, so they can start on it at their next meeting. The Committee agreed to write an explanation for each revision to present with their recommendations.

II. CONSIDERATION OF MINUTES:

The Commission reviewed the minutes from their Thursday, March 2, 2006, meeting and Chairperson Vimont called for a motion. **Mr. Charles Campbell moved to approve the minutes as submitted; seconded by Mr. Robert Daymut. ROLL CALL: Mr. Campbell-Yea, Mr. Daymut-Yea, Ms. Megan Booth-Yea, Ms. Ringkor-Yea, Mr. Christopher Judge-Yea, Mr. Becker-Yea, Ms. Vimont-Yea. The motion passed 7-0, approving the minutes as submitted. They were signed and processed accordingly.**

III. OLD BUSINESS:

Review of Local Cities' Charters:

Mr. Becker stated that upon reviewing the Charters from other local communities, he noticed that they were simpler. He contacted the Mayor of Barberton and was informed that they used simpler language because they deal with the issues by ordinance. He believed that sections within Norton's Charter could be simplified by using this same method.

IV. ADJOURNMENT:

Chairperson Vimont announced that the next meeting was scheduled for Wednesday, May 3, 2006, at 6:00 p.m. With no further business coming before the Commission, Chairperson Vimont adjourned the meeting at 8:00 p.m.

Barbara Vimont
Charter Review Commission Chair ~~V.-Chair~~

Gene C Becker
Charter Review Commission V.-Chair ~~Member~~

5/3/06
Date



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April 3, 2006

Charter Review Commission:

With my preparations for attending your meeting and to assist you with the Administrative Departments (and Divisions) of the current Charter, I have prepared some issues I believe should be considered. **My Charter revision suggestions are:**

1. **Section 3.12 Regular Meetings (Council) and 3.13 Special Meetings (Council).** These Charter sections should be rewritten to permit some Council meetings to be held in accordance with Ohio Revised Code (Section 121.22G). Some examples of those type of meetings where the issue is considered very important by Ohio law in carrying out the normal duties of the City are: a) Disciplinary matters; b) Legal strategy matters; c) Purchase of property; d) Contract negotiation matters; e) Security or emergency response protocols; f) Etc. Language could be incorporated thusly: "Council shall meet _____ in accordance with the Ohio Revised Code and shall be open to the public, except for executive sessions as permitted herein."
2. **Section 4.02 Qualifications of the Administrative Officer.** The residency issue should be eliminated or at least changed to reflect a 12-mile radius, which is what is required of the police and fire members. A residency restriction may make it harder to find a qualified person to take the job. *(Note for my later suggestions, the Administrative Officer position serves as the Director of Public Service and Public Safety.)*
3. **Section 5.02 Deputy and Assistant Finance Director.** These jobs (if they are ever filled) should not require confirmation by Council. These positions are not Directors, only assistants to a Director.
4. **Section 5.03 Board of Control.** The current lower limit of spending over \$5,000 requires Board of Control approval for each such expenditure. This amount is too low and incorporates too many issues of routine budgeted business. It should be set at over \$10,000, or even over \$15,000. Currently, the Ohio Revised Code sets the *maximum* at \$25,000, which was set at \$15,000 about three years ago. Expenditures over \$25,000 must have Council ordinance approval.
5. **Section 5.05 (A & B), Director of Public Safety.** The maintenance and charge of the police, fire and EMS equipment should be removed from the Director of Public Service duties, (5.06 [B]) and inserted within the *Director of Public Safety* duties.
6. **Section 5.06 (A & B), Director of Public Service.** The Director of Public Service position should have "*engineering*" added with the responsibilities. This is necessary for clarification that the Municipal Engineer works for and reports to the Director of Public Service. Additionally, the Director of Public Service should **NOT** be listed as responsible for the maintenance and charge of the police, fire and EMS equipment. Those items are the responsibility of the *Director of Public Safety* and should be noted as such in Section 5.05 (A).

7. **Section 5.06 (C), Municipal Engineer.** The Municipal Engineer (ME) position should be removed from the Charter for the same reasons I believe the Deputy and Assistant Finance Director should be removed (suggestion #3 above). Currently, Section (C), **Municipal Engineer**, is under **Section 5.06 Department of Public Service**, but it appears to stand alone with the language in that Section. Also, the ME should not need confirmation of Council for the same reasons stated elsewhere. The ME is not a Director, but works for the Director of Public Service and both are responsible to the Mayor.
8. **Section 5.09 Administrative Department Removals.** The Mayor should appoint and Council should have the power to reject the appointment of a Director within 30-60 days after appointment. Council should not need to confirm those appointments. This would streamline the process and make it more efficient. Directors report to the Mayor and are responsible directly to the Mayor. They also represent the Mayor and his/her administration. Therefore, if the Mayor wants any or all of them they should have the job unless specifically rejected by Council. Conversely, if the Mayor wants to remove one of the Directors—the Director should be gone—with no removal-confirmation vote of Council. Department Heads (like the Police and Fire Chiefs) are generally Civil Service *classified* employees. Hiring and removal of *classified* employees are covered by Civil Service laws, or other administrative laws. Appointments of *unclassified* employees who work for and report to Directors, should serve at the pleasure of the Mayor and the Director involved.



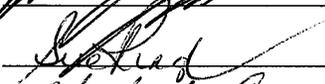
CLAUDE COLLINS
Administrative Officer

cc: Mayor
Directors
Files

**CITY OF NORTON, OHIO
CHARTER REVIEW COMMISSION
ATTENDANCE RECORD**

The following members were present at the Hearing of the Board of Building & Zoning Appeals,

Held on: **Wednesday, April 5, 2006**

Barbara Vimont	<u>Barbara Vimont</u>
Gene Becker	<u>Gene Becker</u>
Christopher Judge	<u></u>
Sue Ringkor	<u></u>
Charles Campbell	<u>Charles Campbell</u>
Megan Booth	<u>Megan Booth</u>
Robert Daymut	<u>Robert Daymut</u>

Signed


Stenographer

**Distribution: Mayor
CRC Files**

BZA.Attendance(Members & Audience)
Created: 6/00