

City of Norton
CHARTER REVIEW COMMISSION
Wednesday, May 3, 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 6:03 p.m.

ROLL CALL:

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

I. CONSIDERATION OF MINUTES:

The Commission reviewed the minutes from their Wednesday, April 5, 2006, meeting and Chairperson Vimont called for a motion. **Mr. Gene Becker moved to approve the minutes of Wednesday, April 5, 2006, as submitted; seconded by Ms. Sue Ringkor. ROLL CALL: Mr. Becker-Yea, Ms. Ringkor-Yea, Mr. Christopher Judge-Yea, Ms. Megan Booth-Yea, Mr. Robert Daymut-Yea, Mr. Charles Campbell-Yea, Ms. Vimont-Yea. The motion passed 7-0, approving the minutes as submitted.**

Chairperson Vimont noted that there were two members of the Norton Boards and Commissions present in the audience. The Board then decided to move out of order of the agenda and discuss New Business first.

II. NEW BUSINESS:

A.) Discussion regarding Article VI-Boards & Commissions:

Chairperson Vimont asked for the Boards and Commission members to approach the Commission.

Mr. Mark Spisak, 4051 Brookside Court, Norton, Ohio 44203; approached the Commission and stated that he was in his third year of serving on the Planning Commission (PC) and was currently the Chairman. He stated that the PC is an important step in processing resident's planning and zoning applications. Mr. Spisak stated that if were not for the PC, Council would have to consider the applications, so he felt that the PC was useful to Council.

Mr. Spisak stated that serving on the PC has been enriching, interesting and sometimes a little confrontational.

Chairperson Vimont wondered if Mr. Spisak had any suggestions for revisions to the Charter in regards to Section 6:02-Planning Commission and Zoning Procedure. Mr. Spisak said no. Mr. Becker stated that the City of Barberton's Charter specifically gives credit to their PC in regards to the Comprehensive Plan Citizens Working Group (CPCWG). He wondered if Mr. Spisak felt that Section 6.02(B) of the Norton's Charter should include similar language.

Mr. Spisak mentioned that each member of the Norton's PC is automatically on the CPCWG. He also mentioned that once it is completed, it would come before the PC for recommendation to Council. Mr. Becker read an excerpt of Section 6.01(b) of Barberton's Charter. Mr. Spisak said that possibly some language as to the PC reviewing the Comprehensive Plan periodically might be helpful, because if zoning or planning changes the plan should be updated. It also might be helpful in giving the PC more recognition in their recommendations to Council.

Mr. Daymut wondered if the allotted 90 days mentioned in Section 6.02(D)-Action By Council on Matters Proposed By Planning Commission, was sufficient. Mr. Spisak said that requiring Council to act is a good thing and that 90 days is sufficient. Any additional time might delay developers and cause them to develop in another city. Mr. Daymut wondered if that had ever been an issue. Mr. Spisak said that he only knew of one instance that was close to the 90-day allotted time because of holidays, however, it was resolved before the deadline.

The Commission thanked Mr. Spisak.

Ms. Dalia Spisak, 4051 Brookside Court, Norton, Ohio 44203: approached the Commission and stated that she was the newest member of the Norton Health Advisory Board (NHAB). She explained that in the past few years this Board has been growing in their advisory strength. She said that it was important to the City to have a Health Advisory Board. This Board can assist Council in understanding significant health issues that might come before them. Mr. Daniel Karant, NHAB Chairman, presented fiscal and health issues to Council this year regarding Norton's health issues that the NHAB believed should be considered while choosing a Health Department to service Norton.

Ms. Spisak stated that a Council representative serves on the NHAB along with two nurse practitioners, a pharmacist and a representative of the Barberton Board of Health (BBH). The NHAB is active on the BBH, but they do not have a vote. There are many decisions that the BBH can make for our citizens, and the NHAB is there to speak for our community. Ms. Spisak commented that politics has been involved in Health Department issues in the past so the NHAB is an avenue for Norton to be present and assist in making wise health choices for the community.

Mr. Daymut said that currently the NHAB is not mentioned in the Charter. Ms. Spisak explained that the NHAB was included in the contract with the BHD. Mr. Daymut wondered if Ms. Spisak felt that the NHAB should be included in the Charter. She said yes, because Norton's Health Department might change, so there needs to be a Board of health professionals to represent Norton.

Mr. Spisak agreed that the NHAB was established by the BHD contract with Norton, not by the Charter. Ms. Spisak stated that developing the NHAB was a wise thing for Norton. If the safe keeping of the NHAB would occur by including it in the Charter, then she would ask that the Charter Review Commission recommend that action.

There was discussion regarding the amount of septic systems still in Norton and the process of obtaining sewer lines, the connection to them and the involvement of the BHD in these matters.

Ms. Spisak concluded that Norton might not need it's own Health Department but it needs an NHAB.

After discussion, the Commission decided to review the Boards and Commissions section further at their meeting on June 7, 2006.

B.) Discussion regarding Timeline for November Ballot:

The Commission discussed meeting more frequently in order to meet the timeline for the November Ballot. They decided to meet again on Wednesday, May 31, 2006 at 6:30 p.m.

The Commission wondered who determined the language that appears on a voting ballot. The Secretary said that she would research that issue and inform them later.

C.) Article III-The Council:

There was discussion regarding Section 3.11-Council Rules and that Council was currently revising their rules. The Board said that the Charter should be flexible to Council so that they can do their job and remain in compliance with the Charter.

Mr. Daymut stated that there was an issue with Section 3.04-President and Vice-President, at the last Council meeting. He said that the Charter states that Council's organizational meeting should be held on the second day of January. If, however, January 1, falls on a weekend, then the City is closed on that Monday. After discussion, the Board believed that the Charter should possibly state that 'the organizational meetings should be held on the next business day after January 1, of each year'.

After further discussion, the Commission agreed they would discuss this matter later.

III. OLD BUSINESS:

A.) Discussion & Recommendation:

1.) Article V-Administrative Departments:

a.) Section 5.03(B)-Board of Control; Approval of Contracts:

The Commission agreed to discuss Section 5.03(B)-Board of Control; Approval of Contracts. They noted the comments made by the Administrative Officer, the Finance Director and the Council President and agreed that the dollar amount of an awarded contract requiring the Board of Control's approval was out of date. After discussion, the Commission decided that the current amount of five thousand dollars (\$5,000.00) needed to be updated to be more aligned with the Ohio Revised Code (ORC) amount, which was twenty-five thousand dollars (\$25,000.00).

Ms. Charlotte Whipkey, 4624 Albert Drive, Norton, Ohio 44203: approached the Commission and stated that she believed the residents would vote down an extreme change. She believed they should only recommend it be raised a portion of the ORC amount.

Mr. Judge suggested not including a specific dollar amount, rather a specific amount less than the ORC.

After further discussion, Chairperson Vimont called for a motion. **Mr. Becker moved to recommend replacing Section 5.03(B) with the following language: 'Any contract in excess of ten thousand dollars (\$10,000.00) less than the maximum set by the Ohio Revised Code in effect at the time of the contract shall not be awarded without the approval of the Board of Control.'** Ms. Booth seconded the motion. **ROLL CALL: Mr. Becker-Yea, Ms. Booth-Yea, Mr. Judge-Yea, Ms. Ringkor-Yea, Mr. Campbell-Yea, Mr. Daymut-Yea, Ms. Vimont-Yea. The motion passed 7-0, approving the motion to replace the language of Section 5.03(B), by CRC Resolution No. 01-2006. The resolution was sent to the Mayor for his action.**

The Commission thanked Ms. Whipkey for her comments.

b.) Section 5.02(B),(C)&(D)-Department of Finance and Finances; Duties of Director of Finance, Deputy and Assistant Directors of Finance, & Transfers of Appropriations:

Section 5.02-Department of Finance and Finances, was also a popular subject with the comments submitted to the Commission. Mr. Collins believed that ‘the Deputy and Assistant Finance Director position, if they are ever filled, should not require confirmation by Council’. Mr. Moss stated that ‘Section 5.02(B)(d) was no longer needed’. He also believed that ‘Section 5.02(D) provides the Finance Director with authority beyond the usual legal authority of a Finance Officer’. Mr. Zita commented that ‘disbursements of moneys as it relates to the President of Council’ needed clarification and Mr. Moss agreed.

Ms. Whipkey approached the Commission and stated that she was concerned that the public would want to know the exact duties of the Finance Director. If these are removed from the Charter, how could the public get that information. The Board thought that a notation could be made in the Charter as to where the public could get a detailed list of the Finance Director’s duties.

The Commission reviewed the Finance Department sections in a few local city Charters. After further discussion, Chairperson Vimont called for a motion. **Ms. Booth moved to recommend replacing Section 5.02(B) with the following language: ‘The Director of Finance shall be the fiscal officer of the Municipality and shall be responsible for the collection, disbursement, and custody of all funds. He shall establish and maintain those records and procedures necessary to perform his duties. The Director of Finance shall perform such other functions as may be assigned by ordinance or resolution or by order of the Mayor. He shall perform all other duties performed by city treasure and city auditors under the general laws of the State of Ohio. (A detailed job description may be obtained at the Administrative Building and/or viewed on the City’s website.)’** Also, remove Sections 5.02(C)&(D). Mr. Campbell seconded the motion. **ROLL CALL: Ms. Booth-Yea, Mr. Campbell-Yea, Mr. Judge-Yea, Ms. Ringkor-Yea, Mr. Daymut-Yea, Mr. Becker-Yea, Ms. Vimont-Yea. The motion passed 7-0, approving the motion regarding Section 5.02, by CRC Resolution No. 02-2006. The resolution was sent to the Mayor for his action.**

The Commission again thanked Ms. Whipkey for her comments.

c.) Section 5.06(C)-Department of Public Service; Municipal Engineer:

The Commission discussed Section 5.06(C) in regards to Mr. Collins’ comment that the Municipal Engineer’s position should not be a Charter position and should be removed from the Charter. They agreed to continue the discussion of this matter later.

d.) Section 5.04(A)-Department of Law; Solicitor:

The Commission discussed Section 5.04(A), specifically paragraph two as to the types of revisions the Solicitor could make to the Charter. They decided to make of list of items that might be possible for the Solicitor to revise as they review it, so that the Commission does not spend time on items that can be revised by the Solicitor.

2.) Charter Review Commission Information:

The Commission discussed the CRC information placed on Norton’s website by Ms. Ann Campbell, Website Master. Ms. Booth and Mr. Daymut explained that they met with Ms. Campbell and they were very pleased with the presentation of their information. The Commission agreed that Ms. Campbell did a wonderful job.

The Commission thanked Chairperson Vimont for presenting information to Council. They discussed the article in the West Side Leader that mentioned her presentation.

Mr. Daymut suggested that the Commission submit questions for a public survey that could be placed on the Norton Website. He felt that it would give them insight of the public's knowledge and thoughts on the Charter. The Board thought this would be a good idea and they would bring some questions to the next meeting.

IV. ADJOURNMENT:

After discussion, Chairperson Vimont stated that their next meeting was scheduled for Wednesday, May 31, 2006, at 6:30 p.m. at which time they would review the recommendations made and decide how to proceed. She also suggested that each Commission member be present at the Council meeting on Monday, May 15, 2006, at 7:00 p.m.

With no further business coming before the Commission, Chairperson Vimont adjourned the meeting at 8:22 p.m.

Barbara Vimont

Charter Review Commission
Chair/Vice-Chair

Sue Pad

Charter Review Commission
Vice Chair/Member

5/31/06

Date

**CHARTER REVIEW COMMISSION
RESOLUTION**

MAY 3, 2006

CRC RESOLUTION NO.: 01-2006

RE: Section 5.03(B)-Board of Control; Approval of Contracts

The Norton Charter Review Commission does hereby make the following recommendations on the above.

Replace Section 5.03(B) with the following language:
'Any contract in excess of ten thousand dollars (\$10,000) less than
the maximum set by the Ohio Revised Code in effect at the time of
the contract shall not be awarded without the approval of the Board
of Control.'

Votes: FOR 7 AGAINST 0 ABSTAIN 0

Therefore this resolution is:

APPROVED X DENIED TABLED

This resolution shall be sent to the Mayor for his action.

Barbara Viment
Charter Review Commission
~~Chair/Vice-Chair~~
5/3/06
Date

Gene C. Becker
Charter Review Commission
~~Vice-Chair/Member~~

X Agree Disagree

Joseph Kern 5/10/06
Mayor Joseph Kernan Date

**CHARTER REVIEW COMMISSION
RESOLUTION**

MAY 3, 2006

CRC RESOLUTION NO.: 02-2006

RE: Section 5.02-Department of Finance and Finances; (B)-Duties of
Director of Finance; (C)-Deputy and Assistant Directors of Finance;
& (D)-Transfers of Appropriations.

The Norton Charter Review Commission does hereby make the following
recommendations on the above.

(See attached.)

Votes: FOR 7 AGAINST 0 ABSTAIN 0

Therefore this resolution is:

APPROVED DENIED TABLED

This resolution shall be sent to the Mayor for his action.

Barbara Vimond
Charter Review Commission
Chair/Vice Chair

5/3/06
Date

Gene C. Becker
Charter Review Commission
Vice-Chair Member

Agree Disagree

Joseph Kernan 5/10/06
Mayor Joseph Kernan Date

Replace Section 5.02(B) with the following language:

'The Director of Finance shall be the fiscal officer of the Municipality and shall be responsible for the collection, disbursement, and custody of all funds. He shall establish and maintain those records and procedures necessary to perform his duties.

The Director of Finance shall perform such other functions as may be assigned by ordinance or resolution or by order of the Mayor. He shall perform all other duties performed by city treasurers and city auditors under the general laws of the State of Ohio.

(A detailed job description may be obtained at the Administrative Building and/or viewed on the City's website.)'

Also, Remove Sections 5.02 (C) & (D).

