

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

The Charter Review Commission of the City of Norton, Ohio, convened for a public meeting in Norton City Council Chambers. Chairperson Barbara Vimont called the meeting to order at 6:08 p.m.

I. ATTENDANCE:

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

ABSENT: Megan Booth

II. CONSIDERATION OF MINUTES:

A.) Minutes from Wednesday, June 7, 2006 meeting:

The Commission reviewed the minutes from their Wednesday, June 7, 2006, meeting and Chairperson Vimont called for a motion. **Mr. Gene Becker moved to approve the minutes of Wednesday, June 7, 2006, as submitted; seconded by Ms. Sue Ringkor. ROLL CALL: Mr. Becker -Yea, Ms. Ringkor-Yea, Mr. Charles Campbell-Yea, Mr. Robert Daymut-Yea, Mr. Christopher Judge-Yea, Ms. Vimont-Yea. The motion passed 6-0, approving the minutes as submitted.**

II. OLD BUSINESS:

A.) Review of Article VI-Boards and Commissions:

1.) Section 6.03: Chairperson Vimont introduced Mr. Richard Easterling, Board of Zoning and Building Appeals (BZA) Chairman. She thanked him for accepting their invitation and explained that the Commission was reviewing Article V-Boards and Commissions. She stated that the Commission wanted his input on the BZA.

Mr. Easterling approached the Commission and stated that the BZA consists of five members. He explained that a majority vote for the BZA was a four-member vote and when one member is absent this could create an issue with the application before them. The applicants are advised that they could choose to continue their application to the next meeting, however, they usually choose to go forward that night. Mr. Easterling suggested that the BZA could have an alternate member to serve when one member is absent. He explained that there is one BZA member from each of the four wards and one is at large, so the alternate would also have to be at-large.

Mr. Easterling stated that another issue is the notifications of a variance application. He said that currently the Board and Commissions Secretary sends notification to adjacent property owners. He explained that some variance requests are controversial and more people need to be made aware of the request. Mr. Easterling stated that recently a few residents were at a Council meeting and were concerned that they were not aware of a past variance. He felt that if variance signs are placed in the applicant's yard, more people would be aware. Mr. Becker wondered who would place the sign on the property. Mr. Easterling explained that it could be part of the application, so the applicant would place the sign. He did not know if the Charter or if Council would control this issue. There was further discussion regarding the language that could be placed on variance signs and the location of where they would be placed.

Mr. Easterling asked the Commission if they were sending Charter proposals to Council in one package or separately. The Commission said that they were sending them separately. Mr. Easterling commended the Commission for their work..

Mr. Becker asked Mr. Easterling if the Commission could share his comments and suggestions with the Comprehensive Plan Citizens Working Group (CPCWG). Mr. Easterling said that would be fine. Mr. Becker said that the CPCWG is trying to put something together to keep so many variances from having to be requested. Mr. Daymut said they were not addressing the appeals process; they were trying to modify the regulations to decrease the amount of variances. Mr. Easterling said he did not agree with the suggestions made during one of the CPCWG meetings in regards to sending small footage variances to the Planning Commission (PC). He explained that the BZA is a judicial branch and any variances, large or small, need to stay with the BZA. Legislative and judicial duties should not be mixed.

The Commission thanked Mr. Easterling and he left the meeting at 6:20 p.m.

The Commission discussed the alternate member suggestion by Mr. Easterling. Mr. Judge said that this issue was definitely one for the Commission to consider. He felt, however, that the variance sign issue was more of a Council issue. The other members agreed. They, however, felt it would be a good idea for each member to write a letter of support regarding this matter to the Mayor or the Administrative Officer.

2.) Section 6.02(B)-Planning Commission; Powers & Duties: Mr. Becker said that the Comprehensive Plan should be mentioned generally in Section 6.02 (B)-Planning Commission, Powers and Duties. Such as the Planning Commission shall review the Comprehensive Plan periodically and any changes shall be subject to Council's approval. He said it was mentioned this way in the Barberton Charter. There was further discussion regarding what language would be best. The Commission agreed to continue discussion regarding this matter at the next meeting.

3.) Section 6.06-Cemetery Board: Ms. Vimont stated that she received a verbal suggestion from someone that perhaps the Cemetery Board (CB) was not needed because the board has little, if any, impact on the Norton cemeteries. After discussion, the Board discovered that according to Section 5.06(B)-Director of Public Service, the City maintains the cemeteries. The Commission contemplated removing Section 6.06-Cemetery Board and modifying Section 6.05-Parks and Receptions Board (PRB) to include the responsibilities of the CB. They requested the Secretary invite the PRB and CB Chairpersons to the next meeting. She said she would.

B.) Article VII; Section 7.01-Charter Review Commission:

The Commission also discussed Section 7.01-Charter Review Commission. They wondered why the recommendations for revision needed to be approved by Council since the public had to vote on them. There was discussion regarding checks and balances and they agreed this section would need further discussion.

C.) Charter Review List of Reviews and Actions:

Mr. Becker presented a draft of the summary of their reviews and actions thus far. He said he would add to it as they proceeded in their review. The Commission agreed this was a good idea because it would be informative to the next CRC.

D.) Section 5.04-Department of Law:

The Commission discussed Ms. Ringkor's revision of Section 5.04-Department of Law. (See attached.) Chairperson Vimont asked the Secretary to again request Mr. Mike Lyons, Law Director, to comment regarding this section. She said she would. The Commission will also discuss this section further at the next meeting.

E.) Section 5.07-Personnel Department:

Chairperson Vimont referred to a memo from Mr. Claude Collins, Administrative Officer, dated Monday, June 19, 2006, regarding Section 5.07-Personnel Department. (See attached.) The Commission discussed whether or not to remove item (B). They agreed that leaving it did not cause confusion and it provides good control.

IV. NEW BUSINESS:

A.) Comments from Norton Residents:

Ms. Vimont stated that she received comments from Ms. Elaine Tompkins, resident, regarding Ordinance No.'s 56 and 57. (See attached.) The Commission appreciated Ms. Tompkins comments and considered them further. They decided to make a resolution amending Section 5.02(D) in regards to Ms. Tompkins comments. Chairperson Vimont called for a motion. Mr. Judge moved to recommend striking the language 'toward the end of the fiscal year' and add 'as approved by Council' at the end of Section 5.02(D). The Section would then read, 'The Director of Finance may transfer an unencumbered appropriation balance or portion thereof between general classifications of expenditures within the various accounts for which a specific fund was established by the original or revised appropriation, under limits set by ordinance as approved by Council.' Mr. Daymut seconded the motion. ROLL CALL: Mr. Judge-Yea, Mr. Daymut-Yea, Mr. Campbell-Yea, Ms. Ringkor-Yea, Mr. Becker-Yea, Ms. Vimont-Yea. The motion passed 6-0, approving the amendment of Section 5.02(D), by CRC Resolution No. 03-2006. (Please Note: Upon further review, it was noticed that the Commission's recommendation agreed with Ordinance No. 57-2006. Therefore, it will be held until the next meeting where the members will rescind it. Then it will be attached to that meeting's minutes.)

V: ADJOURNMENT:

Chairperson Vimont announced that the next meeting was scheduled for Wednesday, August 2, 2006, at 6:00 p.m. They would continue to review Sections 5.04, 5.07, 6.02, 6.03, 6.05, 6.06 and 7.01. Mr. Daymut stated that he would be out of town for that meeting. Ms. Vimont suggested that he could submit to her any comments or suggestions regarding the sections to be discussed. There being no further business coming before the Commission, Chairperson Vimont adjourned the meeting at 8:03 p.m.

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

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

8/2/06
Date

Remaining information is attached as PDF Files.

Charter Review Commission Approved/Signed Minutes 07.05.06
Respectively Submitted by Cindy Hughes, B.C. Secretary/Stenographer
3 pages + attachments

SECTION 5.04 DEPARTMENT OF LAW.

A. SOLICITOR.

The Solicitor shall be the head of the Department of Law and shall be appointed by the Mayor with the concurrence of a majority of the members elected and appointed to Council. The Solicitor shall be an attorney-at-law, admitted to the practice of law in the State of Ohio.

B. DUTIES.

The Solicitor shall be the legal advisor on all legal matters coming before the City and shall represent or direct the representation of the City in all litigation cases, or suits coming before the City. He/She shall prepare or review all contracts, ordinances, resolutions, and other documents or instruments as required by the Mayor and Council. He/She shall have other powers and duties performed by directors of law of general statutory plan cities under the general laws of the State of Ohio.



City of Norton
4060 Columbia Woods Drive
Norton, Ohio 44203

Administrative Officer Claude Collins' Memo

TO: Charter Review Board
DATE: Monday, June 19, 2006
SUBJECT: Charter Section 5.07 - My Suggestions

Ms. Cindy Hughes, Boards and Commission Secretary, has asked me to comment on Charter "Section 5.07 Personnel Department" for your Board. Thank you for the opportunity to again offer my suggestions to the Board members pertaining to "Section 5.07 Personnel Department".

1. **ADMINISTRATIVE OFFICER DUTIES RECAP:** The Administrative Officer serves as the Personnel Director (in addition to the other duties of Safety Director and Service Director) and this includes the responsibilities of the Personnel Department. The Administrative Officer's job is full-time. The individual works directly for the *executive head* of the City (the Mayor, who is paid *part-time* wages: \$11,250 a year) and works with the seven Council Members, who are also paid *part-time* wages. The Administrative Officer serves as the full-time *day-to-day operations head* for the majority of the operations of the City. The Finance Director and the Community Development Director are on the same "Director" level. The Finance Director controls the Finance Department (consisting of four other employees) and the Community Development Department consists of only the Director. The Administrative Officer has the responsibility for personnel duties for those six employees also. Other than these six employees, the remainder of the City's employees fall under the responsibility and authority of the Administrative Officer. There is so much needing to be done that the three Directors must work together as a "team" in order to accomplish their basic tasks. Overwhelmingly, the Personnel Director's and the Service Director's duties and responsibilities consume the majority of the Administrative Officer's time.
2. **PERSONNEL DEPARTMENT:** A Personnel Department (or called a Department of Human Resources by some entities) is **absolutely necessary for the City of Norton—whether required by the Charter or not.** "Personnel management" is such an expertise that the City's personnel matters (for the 54 full-time employees and another 40 plus part-time employees) must be coordinated, handled uniformly and done so in a legal manner. The Director of Personnel must do all that can be done to assure fair and equitable treatment of all our employees. Additionally when job openings exist within the City, the Director of Personnel must work with the elected officials, department heads and the Civil Service Commission to seek, find, evaluate and hire qualified employees to fill those jobs. Ongoing education, training and experience in personnel matters is imperative!

To: Norton Charter Review Commission
From: Elaine B. Tompkins - Property Owner - Ward 3
June 19, 2006

Ordinance #56: Charter change says Norton Board of Control \$10,000 LESS than state bid limitation of \$25K (e.g. if/when Charter change approved by voters Norton Council shall 'rule' on any city expense over \$15K.)

Installing a cap on Norton BOARD OF CONTROL expenditures is timely if not overdue. Review of existing Charter clause 5.03B suggests past/current practice of Norton B/C approval of invoices over \$5K has been out of compliance with the intent of the clause. However, sans specific direction from varied Councils (past and present), the Administration can hardly be held accountable for its use of the current Ohio limitation of \$25K....the same amount used in major cities e.g. Cleveland, Columbus, Cincinnati, Toledo, Dayton. Therefore to ensure total Charter compliance in the future this recommended change is a welcome tool for better Norton financial controls.

Ordinance #57- Two items for consideration:

1) Accounting 101 stipulates the basic principle of any internal financial control of any entity is: no 'one' person should handle all phases of a transaction from beginning to end. Transactions include the Budget process in Norton. Once an annual Budget is approved for the city it takes on a second identity as a tool for Council as well as the Administration to measure progress toward goals and determine the general monetary effectiveness of the period plan called the Budget. As such it is used to:

- 1) Review resources against waste, fraud, inefficiency.
- 2) Ensure accuracy in the operating data.
- 3) Secure compliance of policies
- 4) Evaluate the level of performance in all departments/divisions.

To those ends, it appears the original designers of Norton's Charter attempted to address those age-old concepts. In Finance Clause 5.01D the Charter states 'unencumbered funds' may be moved

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

The following members were present at the Hearing of the Charter Review Commission,

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

Barbara Vimont

Barbara Vimont

Gene Becker

Gene Becker

Megan Booth

[Signature]

Charles Campbell

Charles J. Campbell

Robert Daymut

Robert J. Daymut

Christopher Judge

[Signature]

Sue Ringkor

Sue Ringkor

Signed

Cynthia J. Hughes
Stenographer

**Distribution: Mayor
CRC Files**