

City of Norton
CHARTER REVIEW COMMISSION
Wednesday, November 29, 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 6:00 p.m.

I. ATTENDANCE:

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

ABSENT: Charles Campbell

ALSO PRESENT: Mike Lyons, Law Director

II. ANNOUNCEMENTS:

Chairperson Vimont welcomed Mr. Lyons, Law Director, to the meeting. She then announced that a few issues have been circulating within Norton that needed clarification. The first issue was regarding the way the Charter Review Commission (CRC) works. She explained that CRC recommendations have to be submitted for approval and then voted on by the public in an election.

Ms. Vimont stated that the next issue was to inform the public and remind the Commission that when a member of the CRC speaks outside of the Charter Review forum, they are speaking as an individual resident. She added that this should be stated clearly when a member speaks in public to eliminate confusion.

Ms. Vimont continued by stating that if any of the audience was present because of the police department issue, it would not be discussed that night. If they wanted to leave, that would be fine, but they could stay and give input to items on the agenda.

Ms. Vimont stated that the final issue to announce that night was that the recommendation regarding the Parks and Cemetery Board could not be rescinded, because it has already gone before Council. Therefore, if anyone wanted to voice their opinion in regards to that issue, they can do so at Council. She noted that the Commission believes that consolidation of the two Boards would give the cemeteries more protection and representation. Ms. Vimont then read an excerpt of a memo from Mr. Claude Collins, Administrative Officer, dated November 28, 2006, regarding this issue. (See attached.)

III. CONSIDERATION OF MINUTES:

A.) Minutes from Wednesday, November 1, 2006, Meeting:

The Commission reviewed the minutes from their Wednesday, November 1, 2006, meeting and Chairperson Vimont called for a motion. **Mr. Gene Becker moved to approve the minutes of Wednesday, November 1, 2006, as submitted; seconded by Ms. Sue Ringkor. ROLL CALL: Mr. Becker-Yea, Ms. Ringkor-Yea, Mr. Robert Daymut-Yea, Ms. Megan Booth-Yea, Mr. Christopher Judge, Ms. Vimont-Yea. The motion passed 6-0, approving the minutes as submitted. The minutes were signed and processed accordingly.**

IV. PUBLIC COMMENTS:

Ms. Brenda Anderson, 3272 Weber Drive, Norton, Ohio 44203, approached the Commission and requested clarification of which Cemetery Board duties and powers would be changed by combining it with the Parks and Recreations Boards. Ms. Vimont stated that all duties would remain the same and that there would be five members representing the cemeteries instead of three members.

Ms. Anderson asked if she could comment on the Council meeting tapes. Ms. Vimont said yes, but informed her that the CRC had no authority in regards to that issue. Ms. Anderson commented that the tapes are not released to the public in a timely manner and she wondered why they could not be mailed to Time Warner Cable instead of being hand delivered.

Ms. Charlotte Whipkey, 4624 Albert Avenue, Norton, Ohio 44203, approached the Commission and stated that she wanted the Parks and Recreations Board and the Cemetery Board to stay separate. She felt that combining them would decrease the power of the people and give the power to the Parks and Recreations Board. Ms. Vimont stated that the members of both boards are appointed by the Mayor. Ms. Whipkey said that the Parks and Recreations Board still has members that were appointed by Ms. Amy Addis, former Mayor. Ms. Vimont noted that the Historical Society could still be involved with the cemeteries.

Ms. Whipkey stated that if the Cemetery Board needed to be combined with another entity, then combine it with the Historical Society.

Mr. Judge commented that he believed the main thought of combining the Cemetery Board with the Parks and Recreations Board was for better protection of city land, which are the parks and cemeteries.

Ms. Violet Carr, 3185 Weber Drive, Norton, Ohio 44203, approached the Commission and stated that she agreed with Ms. Anderson that the Council meeting tapes should be mailed and not hand delivered. She commented that the Pony Express ended years ago and that the city should arrive into the 21st Century. The Commission informed the audience that this issue needed citizen's representation in Council.

Ms. Mary Stein from the Barberton Herald mentioned that from past experiences, she knew that sometimes there is no possible way to mail a tape due to mitigating circumstances. Another problem is that television stations place tapes on a rotation, which means that it might take a while to televise.

Ms. Anderson said she just wanted to keep current with the actions in Council because she can not always attend the meetings.

Ms. Whipkey approached the Commission and asked them to consider her comment that the Charter has not been followed in regards to the issue of Mayoral residence and that Mr. Lyons overstepped his duties by interpreting the Charter. Ms. Vimont stated that she researched the Charter in regards to this issue and found that one of the duties of the Solicitor was to be a legal advisor to the Mayor. She, therefore believed that Mr. Lyons did not overstep his duties by giving his recommendation to the Mayor. Ms. Whipkey wondered if the Mayor's situation would not have been disclosed, how long would he have resided outside of Norton. She believed that the mayoral position should have been temporarily turned over to the Council President so that the Mayor could have concentrated on his personal problems, instead of allowing Norton to be distracted by them. She felt that the citizens should have been made aware so that they could have voiced their opinion before legal advice was given and taken. Mr. Judge interjected that Mr. Lyons simply performed his duty. There was further discussion and Ms. Vimont asked Mr. Lyons if he wanted to comment.

Mr. Lyons stated that 'continuous residency' is different from 'temporarily absent'. Specific definitions and/or precise time spans would be an endless debate because the two phrases serve the intent of that provision within the Charter. They are more of a functional definition rather than a physical definition. Mr. Lyons said that the courts would ultimately define residency and they have found that it was composed of two elements, one is physical location and the other is a person's intention. He gave a couple of examples of each element. Ms. Booth volunteered to review Sections 2.02-Qualifications and 2.03-Acting Mayor, in regards to the language 'continuous resident' and 'temporarily absent' for discussion at the next meeting.

Mr. Alex Stavarz, 3077 Clark Mill Road, Norton, Ohio 44203, approached the Commission and suggested that the CRC keep in mind that it may do more harm than good to replace a person that is knowledgeable about their job position with someone that is not.

Ms. Anderson again approached the Commission and stated that the CRC was the voice for the citizens because the Charter is their constitution. She said that Norton citizens have lost their power and unfortunately have a very weak Council and Mayor. She believed the City's employees are running the City and the people of Norton want their power back. Ms. Anderson noted that the Charter was the only avenue for them to get their power back. She then thanked the Commission.

Ms. Whipkey stated that the Charter needs to clearly define the residency requirement for the mayoral position because state law does not address it. She then thanked the Commission.

V. OLD BUSINESS:

A.) Review of Article III-The Council:

Mr. Judge presented a proposed Section 3.20-Executive Session, that could be added to the end of Article III-The Council. After review of the proposed addition, Chairperson Vimont called for a motion. **Ms. Booth moved to recommend the addition of Section 3.20-Executive Sessions to Article III-The Council, to state the following: Council may hold closed executive sessions in accordance with the laws of the State of Ohio and specifically in accordance with ORC 121.22, as it may be amended. The Mayor, the Administrative Officer, and Directors of the Administrative Departments established in Article V of the Charter shall be permitted to attend all executive sessions of Council. In the event ORC 121.22 is repealed, Council shall establish by ordinance the criteria to be followed for Executive Sessions. Mr. Becker seconded the motion. ROLL CALL: Ms. Booth-Yea, Mr. Becker-Yea, Mr. Daymut-Yea, Ms. Ringkor-Yea, Mr. Becker-Yea, Ms. Vimont-Yea. The motion passed 6-0, approving the recommendation by CRC Resolution No. 09-2006. The resolution was sent to the Mayor for his information and to Council for it's action.**

B.) Article I-Names, Boundaries, Wards and Powers; Sections 1.02-1.05 & Article III-The Council; Section 3.03:

Mr. Becker presented a proposed revision of Article I-Names, Boundaries, Wards and Powers; Sections 1.02-1.05 & Article III-The Council; Section 3.03. He said that he attempted to make it simpler and clearer and in accordance to the ORC. Mr. Becker then explained each section and the revisions thereof. Mr. Daymut thought that the wards should be divided in respect to zoning districts rather than population. After further discussion, Mr. Becker said that the last time Council considered reconfiguring the wards was in 2001.

With no further discussion on this issue, Chairperson Vimont called for a motion. **Mr. Judge moved to recommend the following amendments to Article I-Names, Boundaries, Wards and Powers; Sections 1.02-1.05; and Article III-The Council; Section 3.03: 1.) 1.02-Boundaries; changed by adding the following statement as the last sentence of the section: Any territory which may be annexed shall immediately become subject to the provisions of this Charter.; 2.) 1.03; Change title to "Form of Government"-and should be worded as follows: 'The Municipality shall be governed and administered under this Charter by the Municipal Mayor-Council form of government. All powers provided by the Constitution of the State of Ohio and this Charter shall be vested in the elected Mayor and Council who shall execute the laws and administer the government of the Municipality.'; 3.) Section 1.04; Change title to "Wards"-with the following language: 'The Council shall subdivide the Municipality into Wards equal in number to the members of Council to be elected from Wards in accordance with the Ohio Revised Code. Each Ward shall be as nearly equal in population as practicable but shall not differ by more than twenty percent.'; 4.) Add Section 1.05-Powers-The Municipality shall have all the powers, general or special, governmental or proprietary, that may now or hereafter lawfully be possessed or exercised by Municipality shall be exercised in the manner prescribed in this Charter, or, to the extent that the manner is not prescribed herein, in such manner as shall be provided by ordinance or resolution of Council.; 5.) Change Section 3.03-Qualifications, to remove the words "continuous resident" from the first sentence and the words 'resident and' from the same sentence, remove the word 'also' from the second sentence. Add to the last sentence the words 'or shifted from one Ward to another.' Ms. Booth seconded the motion. ROLL CALL: Mr. Judge-Yea, Mr. Daymut-Yea, Ms. Ringkor-Yea, Ms. Booth-Yea, Mr. Becker-Yea, Ms. Vimont-Yea. The motion passed 6-0, by**

CRC Resolution No. 10-2006. The resolution was sent to the Mayor for his information and to Council for it's action.

C.) Review of Article IV-Administrative Officer:

The Commission discussed the earlier comment of Mr. Collins regarding the residency requirement of the Administrative Officer in Article IV and they concluded not to revise it.

D.) Review of Article V-Administrative Departments:

1.) Section 5.03-Investments:

Ms. Vimont stated that she researched the Ohio Revised Code (ORC) in regards to Section 5.03-Investments. She said that this section refers to an ORC section that describes investment rules in detail. For this reason, the Commission believed that this section did not need revised.

2.) Section 5.05-Department of Public Safety:

The Commission reviewed the comments of Mr. Collins pertaining to Section 5.05-Department of Public Safety. He believed that the maintenance and charge of police, fire and EMS equipment should be transferred from the Director of Public Service duties and inserted within this section. The Commission, however, decided not to change this section.

3.) Section 5.06-Department of Public Service:

The Commission discussed Mr. Collins' recommendation that the Director of Public Service should have 'engineering' added with the responsibilities for clarification that the Municipal Engineer works for and reports to the Director of Public Service. They concluded not to change this section.

4.) Section 5.07-Personnel Department:

The Commission briefly discussed that the title to Section 5.07-Personnel Department, should be changed to Human Resources.

5.) Section 5.07 (C)-Personal Interest:

The Commission reviewed Section 5.07(C)-Personal Interest, and decided that no revisions were needed for this section.

E.) Article VI-Boards and Commissions:

The Commission discussed the request from Ms. Dalia Spisak, Norton Health Advisory Board (NHAB) Member, at one of their earlier meetings, that the NHAB should be added to the Charter. Ms. Vimont said that she believed this request was so that no matter which Health District Norton contracts with the NHAB would remain for the health safety of Norton residents. After further discussion, the Commission agreed not to add this Board to the Charter.

1.) Section 6.02(B)-Powers and Duties

Ms. Vimont said she would review Section 6.02(B) in comparison to the Subdivision Regulations as requested by Mr. Jeff Pritchard, Director of Planning and Community Development, and they could discuss it at the next meeting.

F.) Article VII-Special Boards and Commissions and Article X-Charter:

1.) Section 7.01-Charter Review Commission and Section 10.01-Amendments to Charter:

Mr. Becker presented a proposed revision of Section 7.01-Charter Review Commission and Section 10.01-Amendments to Charter, for the Commission's review.

There was discussion regarding petitions and Mr. Lyons commented that the ORC defines how petitions are to be written. He pointed out that Council 'shall' submit any petitions to the voters, which means they have to submit it to the voters.

There was also discussion regarding the language in the proposed revision. Mr. Becker decided that he would consider all the comments given that night and bring another revision of this section to the next meeting.

VI. NEW BUSINESS:

General Elections:

Mr. Alex Stavarz approached the Commission and suggested waiting until the November 2007, election to place the CRC recommendations on the ballot. He explained that more people vote at the general elections than the primary elections, so there would be a better turn out. After discussion, Chairperson Vimont said she would contact Ms. Karla Richards, Clerk of Council, regarding this matter.

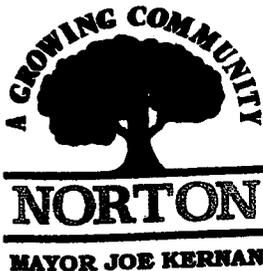
VII. ADJOURNMENT:

Chairperson Vimont announced that the next meeting was scheduled for January 3, 2007, at 6:00 p.m. The topics on the agenda will be as follows: 1.) The Commission will discuss Section 10.01 in regards to whether or not to stipulate a specific election to submit Charter amendments to the voters; 2.) Ms. Booth will review Sections 2.01 and 2.02; 3.) Mr. Becker will continue the revision of Sections 7.01 and Article 10; and 4) Ms. Vimont will research ORC 210.01 and Section 6.02(B). With no further business coming before the Commission, Chairperson Vimont adjourned the meeting at 8:30 p.m.

Barbara Vimont
Charter Review Commission ~~Chair~~ Vice-Chair

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

1/3/07
Date



City of Norton
4060 Columbia Woods Drive
Norton, Ohio 44203

Administrative Officer Claude Collins' Memo

Claude Collins

TO: Charter Review Board
DATE: Tuesday, November 28, 2006
SUBJECT: Charter Information – Cemeteries & Parks Boards

Recently, I realized I needed to make some further comments pertaining to the consolidation of the Cemetery and Park and Recreation Boards into one single *advisory* board (with five members). This change to the Charter was recommended by your Board and now may be up for your reconsideration. I support the consolidation of these two Boards into one advisory Board. From my July 18, 2006 memo to your Board, I wrote the following: *As the Administrative Officer, I have formed an opinion on the value of the Parks and Recreation and the Cemetery Boards. Both Boards serve valuable and necessary purposes—I do not want to see either Board abolished! In order to be successful, the Mayor and the administration needs the guidance, help and input from diverse members of the community to oversee the needs in those areas. Though I favor keeping the actual Boards, I do not believe the Parks and Recreation's and Cemetery Boards' creation or jurisdiction should be a formal part of the Charter.*

I also noted in your minutes from the Wednesday, November 1, 2006 meeting that some statements, I consider misinformation, was presented and discussed with your Board. Additionally, Council now is considering Ordinance #95-2006 on their agenda, which pertains to this consolidation of the two Boards. I wish to offer my clarification and understanding of the "facts" presented to your Board recently.

Our two City-owned cemeteries (Norton Center and Western Star) are not considered "parkland". These publicly owned cemeteries are cared for by the Norton Service Department and with city funds. The Norton Center Cemetery is closed to any burials and the other has available plots for purchase and burials within. As City-owned grounds any future decisions concerning these lands and their preservation is not the total responsibility (or at the whims) of any one public official. *Because of that fact, it is highly unlikely our cemeteries will ever be sold, considered for removal, made into parking lots or disturbed for commercial development!* Even if someone did even consider any of these actions, our City Council and our citizens would be actively involved in stopping any such attempt.

The plans for a future widening of Cleveland Massillon Road does not impact the Norton Center Cemetery's grounds. How our cemeteries are currently zoned has absolutely nothing to do with their future "protection". These cemeteries are part of our history. They are and will always be preserved as cemeteries.

cc: Mayor
Directors
Council Members and Clerk
Files

**CHARTER REVIEW COMMISSION
RESOLUTION**

NOVEMBER 29, 2006

CRC RESOLUTION NO.: 09-2006

RE: Executive Sessions of Council

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

Add Section 3.20-Executive Sessions as stated in the attachment.

Votes: FOR 6 AGAINST 0 ABSTAIN 0

Therefore this resolution is:

APPROVED X DENIED TABLED

This resolution shall be sent to the Mayor for his action or for his information X, and to Council for its action X or for its information .

Barbara S. Vivart
Charter Review Commission
Chair ~~Vice-Chair~~

[Signature]
Charter Review Commission
Vice-Chair ~~Member~~

11/29/06
Date

SECTION 3.20. EXECUTIVE SESSIONS.

Council may hold closed executive sessions in accordance with the laws of the State of Ohio and specifically in accordance with ORC § 121.22, as it may be amended. The Mayor, the Administrative Officer, and Directors of the Administrative Departments established in Article V of the Charter shall be permitted to attend all executive sessions of council. In the event ORC § 121.22 is repealed, Council shall establish by ordinance the criteria to be followed for Executive Sessions.

**CHARTER REVIEW COMMISSION
RESOLUTION**

NOVEMBER 29, 2006

CRC RESOLUTION NO.: 10-2006

RE: Article I-Names, Boundaries, Wards and Powers; Sections 1.02-1.05
Article III-The Council; Section 3.03

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

(See attached 'Exhibit A', 2 pages.)

Votes: FOR 6 AGAINST 0 ABSTAIN 0

Therefore this resolution is:

APPROVED X DENIED ___ TABLED ___

This resolution shall be sent to the Mayor for his action ___ or for his information X, and to Council for its action X or for its information ___.

Barbara D. Vinant
Charter Review Commission
Chair/Vice-Chair

[Signature]
Charter Review Commission
Vice-Chair/Member

11/29/06
Date

SECTION 1.02 BOUNDARIES changed by adding the following statement as the last sentence of that section:

Any territory which may be annexed shall immediately become subject to the provisions of this Charter.

Change SECTION 1.03 to "Form of Government

SECTION 1.03 FORM OF GOVERNMENT

The Municipality shall be governed and administered under this Charter by the Municipal Mayor-Council form of government. All powers provided by the Constitution of the State of Ohio and this Charter shall be vested in the elected Mayor and Council who shall execute the laws and administer the government of the Municipality.

Change Section 1.04 to "Wards"

SECTION 1.04 WARDS

The Council shall subdivide the Municipality into wards equal in number to the members of council to be elected from wards in accordance with the Ohio Revised Code. Each ward shall be as nearly equal in population as practicable but shall not differ by more than twenty percent.

Add section 1.05 for "Powers"

SECTION 1.05 POWERS

The Municipality shall have all the powers, general or special, governmental or proprietary, that may now or hereafter lawfully be possessed or exercised by municipal corporation under the Constitution and general laws of the State of Ohio. The powers of this Municipality shall be exercised in the manner prescribed in this Charter, or, to the extent that the manner is not prescribed herein, in such manner as shall be provided by ordinance or resolution of Council.

Change Section 3.03 to remove the words "continuous resident" from the first sentence and the words "resident and" from the same sentence, remove the word "also" from the second sentence. Add to the last sentence the words "or shifted from one Ward to another."

Section 3.03 QUALIFICATIONS

Each Councilperson shall have been a ~~continuous resident and~~ qualified elector of the Municipality for at least two years prior to the date of his or her election or appointment

and shall continue to be a resident and qualified elector of the Municipality during his or her term of office. Each ward Councilperson shall also have been a continuous resident of the ward he or she represents for at least one year prior to the date of his or her election or appointment and shall continue to be a resident of such ward during his or her term of office. The period of residence hereby required shall include the period of residence in any territory which has been annexed to the Municipality or ward thereof or shifted from one ward to another.

**AUDIENCE ATTENDANCE RECORD
CHARTER REVIEW COMMISSION**

The following individuals were present at the Meeting of the Charter Review Commission held on Wednesday, November 29, 2006.

PLEASE PRINT

NOTE: PLEASE DO NOT USE A P.O. BOX FOR YOUR ADDRESS

NAME	ADDRESS	CITY	ZIP
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<u>Brenda Anderson</u>			
<u>Charlotte Whippley Jr</u>			

The following spoke at the meeting but did not sign in:

<u>Ms. Violet Carr, 3185 Weber Drive, Norton, Ohio 44203</u>
<u>Mr. Alex Stavarz, 3077 Clark Mill Road, Norton, Ohio 44203</u>

Signed Barla Fisher
Stenographer

A SIGNED ORIGINAL OF THIS DOCUMENTATION SHALL BE FILED WITH THE CLERK OF COUNCIL.

**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, November 29, 2006**

Barbara Vimont

Barbara Vimont

Gene Becker

Gene Becker

Megan Booth

Megan Booth

Charles Campbell

Robert Daymut

Robert J. Daymut

Christopher Judge

[Signature]

Sue Ringkor

[Signature]

Signed

Paula Fisher

Stenographer

**Distribution: Mayor
CRC Files**