

**City of Norton**  
**CHARTER REVIEW COMMISSION**  
**Wednesday, January 3, 2007**

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 6:03 p.m.

**I. ATTENDANCE:**

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

**ABSENT:** Charles Campbell

**II. CONSIDERATION OF MINUTES:**

**A.) Minutes from Wednesday, November 29, 2006, Meeting:**

The Commission reviewed the minutes from their Wednesday, November 29, 2006, meeting and Chairperson Vimont called for a motion. **Mr. Gene Becker moved to approve the minutes of Wednesday, November 29, 2006, as submitted; seconded by Mr. Robert Daymut. ROLL CALL: Mr. Becker-Yea, Mr. Daymut-Yea, Ms. Sue Ringkor-Yea, Ms. Megan Booth-Yea, Mr. Christopher Judge-Yea, Ms. Vimont-Yea. The motion passed 6-0, approving the minutes as submitted. The minutes were signed and processed accordingly.**

**III. PUBLIC COMMENTS:**

Chairperson Vimont opened the floor to the audience at this time and requested that their comments be limited, so that the Commission could have ample time to finish the items on their agenda.

**Ms. Charlotte Whipkey, 4624 Albert Avenue, Norton, Ohio 44203,** approached the Commission and asked if the Commission members had conferred with the Norton residents that helped write the Charter. She wondered if the present Commission was putting their own spin on the Charter. She said that the original intent was that the Mayor needed to be in this City, living, laying his head down, and actually being here. Ms. Vimont asked if she spoke with the actual writers of the Charter? Ms. Whipkey said that she spoke with some of the people that approved the Charter. She said she could contact the writers of the Charter, because she was tired of the new interpretations that were being put on things. Ms. Whipkey said that she meant no offense to the Commission, but she was beginning to wonder who they were and if they were trying to help. She said they were not listening to the residents, but they were listening to the Administration and how things should be rewritten. She said she brought copies of Ordinance No. 37-2006-Property Maintenance Code, because she was almost positive that the majority of the Commission members have not read it. She said they need to read this legislation and then maybe it would give them a better idea of how she could stand up and be so nasty about what is going on in Norton. The Commission would see the kind of legislation that our wonderful Law Director writes, and how our Mayor and all these other people just sit and said yes, this is a good piece of legislation. It will make the Commission think that maybe they are putting their trust in the wrong people who are telling them that this is the way it ought to be. Ms. Vimont said she read the legislation and while she also disagrees with it, she understands that the people who wrote it may have a different interpretation. Ms. Whipkey believed the legislation was not legal because it was against the Bill of Rights. Ms. Vimont said that she does not like some legislation, but it is still a legal document.

Ms. Booth interjected and stated for the record that there were suggestions from the Administration and the residents that after consideration, the Commission did not believe they were for the best for the Charter.

**Ms. Brenda Anderson, 3272 Weber Drive, Norton, Ohio 44203,** approached the Commission and said she appreciated each of the Commission members and she understood the horrendous position they were in. She said that whether or not she agreed with the present state of the Mayor does not matter; what matters is that she voted. Any time she votes, whether it is for a councilman, mayor, president, senator, or whomever, she looks to see if they understand her needs. She asks herself if they have a pulse on her community. How can they understand and/or know the residents' needs or see the human side if they do not live here, participate with their children, grandchildren, nieces or nephews; how do they know their community?

Mr. Daymut stated that when a person has many personal problems, that is where they place their focus. Although the Mayor's position is only a part-time position, he felt that a leave of absence would be in order. He thought that the Mayor could not possibly concentrate on his work while dealing with his present situation. He wondered if any individual in a mayoral position would be qualified to remain in that position while experiencing personal problems of the magnitude that our Mayor was experiencing. Mr. Daymut felt that changes were needed so that if the present situation happens again, the City will be prepared. Ms. Vimont asked who would determine whether or not a part-time Mayor is qualified to fulfill his/her functions? After discussion, Mr. Judge noted that Section 9.04 within the Charter addresses that Council determines the qualifications of the Mayor.

**Ms. Violet Carr, 3185 Weber Drive, Norton, Ohio 44203,** approached the Commission and stated that she was involved in the writing of the original Charter. She said that the intent of the language 'residency' was intended that the Mayor should physically live in the City, night and day, except for illness or emergencies. They expected the Mayor to live in Norton. She said this matter was discussed at length. There is no legal double-talk intended; it was simple and clear. They tried to make it completely clear that the Mayor was supposed to live here. If he was to be absent there would be notification to the President of Council. Ms. Carr said that apparently the current language must have left it open for legal double-talk. Ms. Vimont said it must have also been open for non-legal double-talk because her husband, who is not a lawyer, came up with a different interpretation. The Commission agreed that clarification was needed for this matter.

Ms. Whipkey stated that she wanted a draft of the proposed amendments before each meeting. After discussion, the Commission decided that they could stamp 'DRAFT' on the proposed amendments and the audience could have them for reference during the meeting and then turn them in to the Secretary after the meeting. Mr. Judge noted that the City of Fairlawn places their drafted minutes on their website. After further discussion, Mr. Judge said he would research the issue of notifications and bring the information to the next meeting for discussion.

#### **IV. OLD BUSINESS:**

##### **A.) Review of Article II-The Mayor:**

###### **1.) Sections 2.01 and 2.02:**

Ms. Booth presented information pertaining to the definition of 'residency'. She said that other local charters state that the Mayor shall be a continuous resident, the same as Norton's. She believed that the intent of the writer of these Charters was for the Mayor to live in the City in which he/she presides. Ms. Vimont wondered if the real intent was that the Mayor should face the consequence of his/her behavior in the City in which he/she presides.

There was discussion in regards to a better description of continuous residency. Ms Vimont stated that ORC 3503.02(D) was a good description for our Mayor's present situation. She suggested that the current language gave flexibility for possibly changing circumstances. It encompasses all spans of opportunities, so that any instance can be included. Ms. Vimont also stated that that the process of our government is that the

legislative body passes the laws, the judicial body helps interpret it and the attorney's help in that process and the executive body oversees it all. Ms. Booth stated that the language needed clarification.

The Commission discussed different language and Ms. Booth said she would work on this section for further deliberation at their next meeting.

The Commission wondered if a notification process should be addressed for Section 2.02. Mr. Becker said that according to Council rules, the President of Council has to inform the other Council members with information regarding the Mayor. Ms. Vimont said that since the President of Council is already obligated to inform the Council, this issue did not have to be addressed by them.

#### **B.) Review of Article VI-Boards and Commissions:**

##### **1.) 6.02(B)-Planning Commission and Zoning Procedure; Powers and Duties:**

After discussion, the Commission agreed that Section 1232.03(c)(3) of the Subdivision Regulations should be changed to reflect the Section 6.02(B) of the Charter with regards to an application being deemed approved within an allotted time of action.

#### **C.) 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. The Commission suggested a couple of revisions and then Chairperson Vimont called for a motion. **Mr. Judge moved to recommend the merger of Articles VII and X as stated in the attached 'Exhibit A'. Mr. Daymut 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, approving CRC Resolution No. 01-2007. The resolution was sent to the Administration for its information and to Council for its action.**

The Commission discussed a prior statement regarding the Assessment Equalization Board. Ms. Vimont noted that the Charter follows State Law in regards to appointing members of that Board. Ms. Carr suggested that a jury-type of selection be used to form the Assessment Equalization Board. The Commission discussed types of public notifications for gathering members for special Boards. After discussion, Ms. Vimont said that she would research this matter and the Commission could discuss it further at their next meeting.

The Commission also discussed changing the process of getting a proposed amendment on the ballot. Mr. Becker volunteered to research this matter for further discussion at their next meeting.

#### **V. NEW BUSINESS:**

##### **A. Charter Change List for the Law Director:**

Chairperson Vimont presented the members with a list of other charter changes for Mr. Mike Lyons, Law Director. (See attached.) She asked them for additional changes; there were no additional changes requested.

##### **B. Additional Public Comment:**

Ms. Anderson approached the Commission and read a speech that she wrote and presented to Council. It pertained to how she felt she was badly treated by the Administration, Council and a Planning Commission member.

**VI. ADJOURNMENT:**

Chairperson Vimont announced that the next meeting was scheduled for February 7, 2007, at 6:00 p.m. The topics for the agenda will be as follows: 1.) Sections 2.01 and 2.02; 2.) Article VII, 3)Article X; and 4.) Public Notifications. With no further business coming before the Commission, Chairperson Vimont adjourned the meeting at 7:34 p.m.

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

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

2/7/07  
Date

**CHARTER REVIEW COMMISSION  
RESOLUTION**

January 3, 2007

**CRC RESOLUTION NO.:** 01-2007

**RE:** Merger of Articles VII & X:  
\_\_\_\_\_  
\_\_\_\_\_

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

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

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

**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 Viment  
Charter Review Commission  
Chair/Vice-Chair

Gene C Becker  
Charter Review Commission  
Vice-Chair/Member

1/3/07  
Date

NORTON CHARTER

Article VII SPECIAL BOARDS AND COMMISSIONS

~~SECTION 7.01 CHARTER REVIEW COMMISSION MUNICIPAL CHARTER~~

**A. CHARTER REVIEW COMMISSION.**

In January, 1966, and each five years thereafter, the Mayor shall appoint, subject to confirmation by a majority of the members elected and appointed to Council, seven qualified electors of the Municipality holding no other office or appointment in this Municipality, as members of a Charter Review Commission to serve until their duties are completed. The members shall serve without compensation.

**The Charter Review Commission shall, in meetings open to the public, review the Municipal Charter. This Commission shall discuss changes to the Charter which are in the public interest of the municipality.**

**B. METHODS AND PROCEDURES.**

**Changes found to be in the public interest of the municipality will be provided to Council as proposed amendments to the Charter.**

~~ARTICLE X CHARTER~~

~~SECTION 10.01 C. AMENDMENTS TO CHARTER~~

~~A. SUBMISSION TO ELECTORS.~~

~~Council may shall, by affirmative vote of two-thirds of its members, submit to the electors any proposed amendment to this Charter, or, upon petition signed by not less than ten percent of the electors of the Municipality setting forth any proposed amendment to this Charter, Council shall submit such proposed amendment to the electors in accordance with the provisions of the Constitution and laws of the State of Ohio.~~

~~B. ADOPTION.~~

~~If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter, except that if two or more inconsistent proposed amendments on the same subject be submitted at the same election, only the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of the Charter.~~

~~SECTION 10.02 D. EFFECT OF CHARTER UPON EXISTING LAWS AND RIGHTS.~~

The adoption of this Charter shall not affect any pre-existing rights of the municipality. ~~Nor any right or liability or pending suit or prosecution, either on behalf of or against the Municipality or any officer thereof, nor any franchise granted by the Municipality, nor pending proceedings for the authorization of public improvements or the levy of assessments therefor.~~ Except as a contrary intent appears herein, all acts of the Council of this Municipality shall continue in effect until lawfully amended or repealed.

~~SECTION 10.03 SAVING CLAUSE.~~

The determination that any part of this Charter is invalid shall not invalidate or impair the force or effect of any other part hereof, except to the extent that such other part is wholly dependent for its operation upon that part declared invalid.

## CHARTER REVIEW COMMISSION

### MEMORANDUM

To: Michael K. Lyons, Law Director, City of Norton

From: City of Norton Charter Review Commission

Date: September 18, 2006

RE: Proposed language changes in Charter

According to the City of Norton Charter, the Law Director is responsible, among other things, for updating the language of the Charter and ensuring language consistency. In reviewing the Charter, the Charter Review Commission identified some changes that we believe should be made in the Charter. These changes do not rise to the level of Charter Amendments. We are providing our suggestions for your consideration and updating of the Charter.

- Wherever it occurs in the Charter, revise the term "Personnel" to the more current term, "Human Resource." The most frequent occurrence is found in Section 5.07, but the term is also used in Section 5.01.
- Revise the title of Section 5.08 to add the word "Planning" so that the title will read "Department of Planning and Community Development."

Thank you for your consideration of these changes.

If you have any questions, please contact any of the members of the Charter Review Commission or send comments to the Commission through Cindy Hughes, Boards and Commissions Secretary.

**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, January 03, 2007**

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

Signed Cynthia J. Hughes  
Stenographer

**Distribution: Mayor  
CRC Files**

**AUDIENCE ATTENDANCE RECORD  
CHARTER REVIEW COMMISSION**

The following individuals were present at the Meeting of the Charter Review Commission held on Wednesday, January 03, 2007.

**PLEASE PRINT**

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

NAME	ADDRESS	CITY	ZIP
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<u>Charlotte Whipkey</u>	<u>4624 Albert Ave</u>	<u>Norton,</u>	<u>44203</u>
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The following spoke at the meeting but did not sign in:

Brenda Anderson, 3272 Weber Drive, Norton, Ohio 44203

Violet Carr, 3185 Weber Drive, Norton, Ohio 44203

Signed

*Cynthia J. Hughes*  
Stenographer

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