

City of Norton
CHARTER REVIEW COMMISSION
Wednesday, February 7, 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 6:02 p.m.

I. ATTENDANCE:

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

ABSENT: Sue Ringkor, Charles Campbell

ALSO PRESENT: Jeff Pritchard, Director of Planning & Community Development

II. CONSIDERATION OF MINUTES:

A.) Minutes from Wednesday, January 3, 2007, Meeting:

The Commission reviewed the minutes from their Wednesday, January 3, 2007, meeting and Chairperson Vimont called for a motion. **Mr. Robert Daymut moved to approve the minutes of Wednesday, January 3, 2007, as submitted; seconded by Mr. Gene Becker. ROLL CALL: Mr. Daymut-Yea, Mr. Becker-Yea, Ms. Megan Booth-Yea, Mr. Christopher Judge-Yea, Ms. Vimont-Yea. The motion passed 5-0, approving the minutes as submitted. The minutes were signed and processed accordingly.**

III. OLD BUSINESS:

A.) Article VI-Boards and Commissions: Section 6.02(B) vs. Subdivision Regulations-Section 1232.03(c)(3):

Chairperson Vimont stated that Mr. Jeff Pritchard was present to discuss modifying Section 6.02(B) of the Charter to reflect Section 1232.03(c)(3) of the Subdivision Regulations. The Charter states that if an application is not acted on within an allotted amount of time it shall be deemed 'approved'; the Subdivision Regulations state that the application will be deemed 'disapproved'.

Mr. Pritchard stated that if the default is approval then inappropriate developments could be constructed within the City. He explained that there is an application process within the Subdivision Regulations for submission of preliminary plats. When an inadequate preliminary plat is submitted it will not be forwarded to the Planning Commission (PC). Some developments require rezoning of a property and/or redesigning of the plan. When an application passes the Administration's review process, the PC then has the opportunity to approve, deny or table the application. Mr. Pritchard said that if tabled, an extension of up to 60 days for any action is applied. He said that if the PC does not act within that time, the application will be deemed approved, whether or not it is a good development for the City, which could cause significant problems. Mr. Pritchard gave an example of an application that did not take into consideration the environmental issues and it had bad design criteria, floodplain issues, utility issues, etc. He said that if an application has all the required criteria then it forces the PC and Council to process and act. In addition, the applicant has a process available for possible legal action. Mr. Pritchard requested that the CRC consider modifying the Charter to reflect the Subdivision Regulations pertaining to this matter.

Mr. Daymut said that since there has to be a specified list of reasons/requirements for modification of a plan, there should be no reason that action should not be taken within sixty days. He said the approval is to protect the people that fill the requirements. Why penalize the applicant if the PC does not act in the allotted time? Mr. Pritchard gave an example of a previous major subdivision application that exceeded the required criteria and yet lingered in Council. He said that in this case, the default of approval would have been in favor of the applicant.

Mr. Pritchard said that because there was a good application process in effect at this time, he did not think there would ever be an issue with this matter. He thought, however, that the Charter should be modified just in case an issue arises in the future.

Mr. Daymut said that if an application is undesirable to the City and/or flawed, then the application should be denied with reason(s) listed.

After further discussion, Ms. Vimont stated that an application being deemed approved if action is not taken within an allotted time ensures checks and balances are in place and forces action. Mr. Pritchard agreed.

After continued discussion, the Committee decided that they would not recommend modification of this Section. They thanked Mr. Pritchard for his time. Mr. Pritchard said that after discussing this with the CRC he was satisfied to leave the default in favor of the applicant. He extended his thanks to the CRC for the work they have done.

(Mr. Pritchard left the meeting at this time.)

B.) Review of Article II-The Mayor; Section 2.02-Qualifications:

Ms. Booth presented a draft modification of Section 2.02 regarding mayoral qualifications. She explained that the second sentence was modified to state, 'During the term of office, the Mayor shall continuously and physically reside within the Municipality.' An additional sentence, 'Notwithstanding vacations, the Mayor is expected to be a visible presence in the Municipality.', would be the third sentence. After review, Ms. Vimont called for a motion. **Mr. Becker moved to recommend the modification of Article II-The Mayor; Section 2.02-Qualifications. (See attached.) Mr. Daymut seconded the motion. ROLL CALL: Mr. Becker-Yea, Mr. Daymut-Yea, Ms. Booth-Yea, Mr. Judge-Yea, Ms. Vimont-Yea. The motion passed 5-0, by CRC Resolution No. 02-2007. The resolution was sent to the Administration for it's information and to Council for it's action.**

Ms. Brenda Anderson, 3272 Weber Drive, Norton, Ohio 44203: approached the Commission and stated her opinion of the proposed Comprehensive Plan, various Department Heads, Boards and Commissions, Council and a past Mayor. (None of which pertained to that evening's agenda.)

Mr. Becker asked the audience if they believed the modification to this section made an improvement.

Ms. Charlotte Whipkey, 4624 Albert Avenue, Norton, Ohio 44203, approached the Commission and stated that she would uphold the modification. Ms. Whipkey also gave her opinion of the proposed Comprehensive Plan, Mr. D.B. Hartt, President of D.B. Hartt, Inc. Planning and Development Consultants, and the Comprehensive Planning Group. (None of which pertained to that evening's agenda.)

C.) Special Assessment Equalization Board:

Chairperson Vimont reported that she researched local governments' Special Assessments Equalization Boards and how they appoint the members. She said that the City of Kent has a rotating board with a minimum of six (6) members and a maximum of twelve (12) members who are chosen by lots and have to be property owners.

Ms. Violet Carr, 3185 Weber Drive, Norton, Ohio 44203, approached the Commission and stated that it would be nice if all the residents had a choice of who sits on that Board.

Chairperson Vimont said that she would prepare a draft revision for discussion at the next meeting.

V. NEW BUSINESS:

A.) Amending of CRC Resolution No.'s 06-2006 and 07-2006:

Chairperson Vimont stated that Council sent CRC Resolution No's. 06-2006 regarding Section 6.02(B) and 07-2006 regarding Section 5.04, back to the Commission for amendments. She said this would be discussed at the next meeting.

B.) Charter Violation?:

Ms. Whipkey said that at the last Council meeting she mentioned a violation of the Charter. Ms. Booth was appointed to two separate Boards, the Comprehensive Planning Group and the Charter Review Commission. She believed that this invalidated the Comprehensive Plan and all the Charter revisions made thus far. There was further discussion.

C.) CRC Resolution No. 10-2006:

The Commission discussed CRC Resolution No. 10-2006 regarding Section 3.03 that was submitted to Council. The Commission then decided it needed amending. Ms. Vimont said that she would work on the amendment for the next meeting.

VI. ADJOURNMENT:

Chairperson Vimont announced that the next meeting was scheduled for Wednesday, March 7, 2007, at 6:00 p.m. The topics for the agenda will be as follows: 1.) Amendments of CRC Resolution No. 06, 07 & 10-2006; & 2.) Special Assessment Equalization Board. With no further business coming before the Commission, Chairperson Vimont adjourned the meeting at 8:00 p.m.

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

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

3/7/07
Date

**CHARTER REVIEW COMMISSION
RESOLUTION**

February 7, 2007

CRC RESOLUTION NO.: 02-2007

RE: Article II-The Mayor;
Section 2.02-Qualifications

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

(See attached 'Exhibit A'.)

Votes: FOR 5 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 or for its information X.

Barbara Viment

Charter Review Commission
Chair/Vice-Chair

[Signature]

Charter Review Commission
Vice-Chair/Member

2/7/07

Date

2.02

The Mayor shall be a qualified elector of the Municipality and shall have been immediately prior to the date of election a continuous resident of the Municipality for three years. During the term of office, the Mayor shall continuously and physically reside within the Municipality. Notwithstanding vacations, the Mayor is expected to be a visible presence in the Municipality. The Mayor shall not conduct any business with, nor be otherwise employed by, the Municipality, or hold any other public office, except as otherwise provided in this Charter. The Mayor may be a Notary Public or a member of the State Militia or Reserve Corps of the United States. If the Mayor shall cease to possess any of these qualifications for such office, the Mayor shall forfeit the office.

**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, February 7, 2007**

Barbara Vimont

Barbara Vimont

Gene Becker

Gene Becker

Megan Booth

Megan Booth

Charles Campbell

Robert Daymut

RD

Christopher Judge

[Signature]

Sue Ringkor

Signed

Cynthia J. Hughes
Stenographer

**Distribution: Mayor
CRC Files**