

City of Norton
CHARTER REVIEW COMMISSION
Wednesday, April 11, 2007

The Charter Review Commission (CRC) 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, Megan Booth, Sue Ringkor

ABSENT: Charles Campbell

II. CONSIDERATION OF MINUTES:

A.) Minutes from Wednesday, March 7, 2007, Meeting:

The Commission reviewed the minutes from their Wednesday, March 7, 2007, meeting and Chairperson Vimont called for a motion. **Ms. Megan Booth moved to approve the minutes of Wednesday, March 7, 2007, as submitted; seconded by Mr. Robert Daymut. ROLL CALL: Ms. Booth-Yea, Mr. Daymut-Yea, Ms. Sue Ringkor-Yea, Mr. Christopher Judge-Yea, Mr. Gene Becker-Yea, Ms. Vimont-Yea. The motion passed 6-0, approving the minutes as submitted. The minutes were signed and processed accordingly.**

III. OLD BUSINESS:

Chairperson Vimont presented an outline of the Charter, which noted the sections they had reviewed thus far. (See attached.) As they reviewed the list, the following discussions and recommendations were made:

A.) Discussion regarding a full-time Mayoral position:

The Commission discussed the suggestion of Mr. Dennis McGlone, Council President, to add language in the Charter for a full-time Mayor. After discussion, the Commission decided that since the Charter does not specify full or part time then this issue should be handled by Council.

B.) Article IX-Initiative, Referendum, Recall and Removal; Adding Section 9.05-Disqualification of Service:

Chairperson Vimont presented a draft proposal to add the following to Article IX: 'Neither the Mayor nor any member of Council voted out of office at any election, or being removed by petition, shall be appointed to or serve on any board or commission, including advisory boards, for a period of two (2) years from the date of that termination. After discussion by the Commission and comments from the audience a few changes were made and Chairperson Vimont called for a motion. **Ms. Booth moved to recommend adding Section 9.05-Disqualification of Service, to state as follows: 'Neither the Mayor nor any member of Council voted out of office at any election, or being removed by petition, shall hold an appointed position within the City or serve on any Board or Commission, including Advisory Boards, for a period of two (2) years from the date of that termination.'** Mr. Daymut seconded the motion. **ROLL CALL: Ms. Booth-Yea, Mr. Daymut-Yea, Ms. Ringkor-Yea, Mr. Judge-Yea, Mr. Becker-Yea, Ms. Vimont-Yea. The motion passed 6-0, by CRC Resolution No. 03-2007. The resolution was sent to the Administration for it's information and to Council for it's action.**

C.) Article V-Administrative Departments; Section 5.09-Administrative and Department Removals:

The Commission discussed adding accountability language for the Administrative Officer position in Section 5.09-Administrative and Department Removals. Mr. Judge volunteered to review this section and prepare a draft proposal to review at the next meeting.

D.) Article VI-Boards and Commissions; Section 6.02(B)-Planning Commission and Zoning Procedure; Powers and Duties:

Ms. Booth presented a draft proposal for amending Section 6.02(B)-Planning Commission and Zoning Procedure; Powers and Duties. The Commission discussed the proposal and made a few changes. Chairperson Vimont called for a motion at this time. Ms. Booth moved to recommend adding a third paragraph to Section 6.02(B)-Planning Commission and Zoning Procedure; Powers and Duties, to state as follows: 'Any and/or all actions taken by the Planning Commission and approved by Council may be subject to citizen referendum.' Ms. Ringkor seconded the motion. **ROLL CALL:** Ms. Booth-Yea, Ms. Ringkor-Yea, Mr. Daymut-Yea, Mr. Judge-Yea, Mr. Becker-Yea, Ms. Vimont-Yea. The motion passed 6-0, by CRC Resolution No. 04-2007. The resolution was sent to the Administration for it's information and to Council for it's action.

E.) Discussion regarding public notifications:

The Commission discussed public notifications and various ways to notify more citizens of all applications and public hearings. They decided to review this issue and discuss it at their next meeting.

F.) Ordinance No. 95-2006 pertaining to merging the Park and Recreation Board and Cemetery Board:

The Commission discussed that when they recommended the merging of the Park and Recreation Board and the Cemetery Board, they intended for all members of both boards to merge. The ordinance, however, states that only the duties of the Cemetery Board were merged. Since Council already approved this issue, Chairperson Vimont requested that the Secretary speak with the Clerk of Council because they wanted to rescind it and amend it. The Secretary said she would.

G.) Article III-The Council; Section 3.04-President and Vice-President:

Chairperson Vimont mentioned that the Commission had discussed amending Article III-The Council; Section 3.04-President and Vice-President earlier in their review. She asked if they would like to bring it back to discussion. After discussion they agreed to amend this section. Chairperson Vimont then called for a motion. Ms. Booth moved to recommend changing the first sentence in the first paragraph to state as follows: 'At the time set by Council on the first business day of each year, Council shall meet in the Council Chambers for the purpose of organization.' Mr. Daymut seconded the motion. **ROLL CALL:** Ms. Booth-Yea, Mr. Daymut-Yea, Ms. Ringkor-Yea, Mr. Judge-Yea, Mr. Becker-Yea, Ms. Vimont-Yea. The motion passed 6-0, by CRC Resolution No. 05-2007. The resolution was sent to the Administration for it's information and to Council for it's action.

H.) Article VII-Special Boards and Commissions; Addition of Section 7.02-Assessment Equalization Board:

Chairperson Vimont presented a draft proposal to add a Section 7.02-Assessment Equalization Board to Article VII-Special Boards and Commissions. After reviewing it, Chairperson Vimont called for a motion. Mr. Judge moved to recommend the addition of Section 7.02-Assessment Equalization Board, to state as follows: 'A. Composition-A rotating board to have a minimum of six and a maximum of twelve people who are disinterested freeholders shall be established. Members will be selected randomly from the rolls of all eligible voters who are property owners in the Municipality. Selected citizens are expected to participate for the benefit of the community, but exceptions will be made for employment, health or family hardship reasons. Additionally, no elected or appointed officials, including members of other Boards and Commissions, will be eligible to sit on the Assessment Equalization Board. Once a citizen has served on a project, that citizen shall not serve again until three (3) additional projects have been completed. B. Duties-Members of the Board shall hear objections to estimated special assessments for particular projects in the Municipality. Each part to the objection shall have the opportunity to request replacement of up to two (2) Board members with or without cause. Any person making use of the Assessment

Equalization Board who is an eligible voter and property owner in the Municipality will be given the opportunity to serve on the next Board.' Ms. Booth seconded the motion. ROLL CALL: Mr. Judge-Yea, Ms. Booth-Yea, Mr. Daymut-Yea, Ms. Ringkor-Yea, Mr. Becker-Yea, Ms. Vimont-Yea. The motion passed 6-0, by CRC Resolution No. 06-2007. The resolution was sent to the Administration for it's information and to Council for it's action.

V. NEW BUSINESS:

Chairperson Vimont allowed the audience time to comment.

Ms. Violet Carr, 3185 Weber Drive, Norton, Ohio 44203, approached the Commission and stated that she took notes for the first Charter Commission. She said their main goal was to keep power in the hands of the residents. Ms. Carr trusted that this Charter Review Commission would allow the maintenance of the Charter to be in the resident's hands.

Ms. Brenda Anderson, 3272 Weber Drive, Norton, Ohio 44203, approached the Commission and commented on the reference to Council making a decision on a full-time Mayor. She felt they were afraid to act on anything at this time. She then commented that an Administrative Officer in the City of Norton was literally a Gestapo. Ms. Anderson believed that there was no one that the Administrative Officer had to answer to and nobody could remove him from his position, so there were no checks and balances on that position. She felt it might be time for a full-time Mayor because he will have to answer to the public. She wondered how this issue could be placed on a ballot for the citizens to decide. Mr. Judge noted that Section 5.09-Administrative Department Removals, explains that the Administrative Officer can be removed from office.

VI. ADJOURNMENT:

Chairperson Vimont announced that the next meeting was scheduled for Wednesday, May 2, 2007, at 6:00 p.m. The topics for the agenda will be as follows: 1.) Public Notifications; 2.) Council Ward meetings; 3.) Department of Law; and 4.) Comments from Mr. Alex Stavarz dated February 6, 2007. With no further business coming before the Commission, Chairperson Vimont adjourned the meeting at 8:05 p.m.

Barbara Vimont
Charter Review Commission Chair/Vice-Chair

[Signature]
Charter Review Commission Vice-Chair/Member

5/2/07
Date

Norton Charter Review Commission Summary
Prepared by Barb Vimont, Chair

- I. Names, Boundaries, Wards, Powers
 - 1.01 Names – No Change
 - 1.02 Boundaries – No Change
 - 1.03 Wards – Proposed Amendment “wards shall not differ by more than 20%” – rejected by Council
 - 1.04 Powers – No Change

- II. The Mayor
 - 2.01 Election and Term – No Change
 - 2.02 Qualifications – Proposed Amendment adding “physically reside” and “visible presence in the community” – currently before Council
 - 2.03 Acting Mayor - No Change
 - 2.04 Vacancy – No Change
 - 2.05 Judicial Powers – No Change
 - 2.06 Executive and Administrative Powers – No Change
 - 2.07 Veto Powers – No Change
 - 2.08 Removal – No Change

Request from Mr. McGlone to consider full time Mayor – Commission opted not to pursue this request

- III. The Council
 - 3.01 Legislative Authority – No Change
 - 3.02 Election – No Change
 - 3.03 Qualifications – Proposed Amendment, reworded, moving but not eliminating the “continuous resident” language; added language to prevent loss of length of residency if wards shift – rejected by Council
 - 3.04 President and Vice President
 - 3.05 Removal – No Changes
 - 3.06 Vacancies – No Changes
 - 3.07 Resignations – No Changes
 - 3.08 Compensation and Reimbursement – No Changes
 - 3.09 Bonds – No changes
 - 3.10 Clerk of Council – No Changes
 - 3.11 Rules and Journal of Council – No Changes
 - 3.12 Regular Meetings – No Changes; *Mr. Zita commented that Charter says Council shall hold at least one meeting per month, Council Rules state not more than two per month; wants the Charter made consistent*
 - 3.13 Special Meetings – Proposed Amendment to allow for Executive Sessions – rejected by Council; *request from Commission members, Mr. Collins and Mr. Zita to consider Executive Sessions; Mr. Zita asked that the Charter be made consistent with Council Rules that have been modified regarding notification process*
 - 3.14 Quorum – No Changes

- 3.15 Rights in Council of Executive Officers – No Changes
- 3.16 Opening Prayer at Meetings – No Changes
- 3.17 Ordinances and Resolutions – No Changes
- 3.18 Legislative Procedure – No Changes
- 3.19 Public Notice – No Changes

Request for not appointing Council members voted out of office to boards, commissions, etc. until the passage of one election period – proposed amendment developed

IV. Administrative Officer

- 4.01 Appointment – No Changes
- 4.02 Qualifications – No Changes; ***Mr. Collins asked us to remove the residency requirement***
- 4.03 Powers and Duties – No Changes
- 4.04 Removal (repealed) – No Changes
- 4.05 Replacement – No Changes

V. Administrative Departments

- 5.01 General Provisions – No Change
- 5.02 Department of Finance and Finances

A. Director of Finance – No Changes

******Mr. Moss requested that a window of opportunity be provided for removal of a person's name from a referendum if the person discovers that they were lied to, suggested wording = "Any person who has signed a referendum petition relative to any Norton law, Ordinance or other matter subject to a petition filed with the City Finance Director for the City of Norton before the petition is forwarded to the Board of Elections or other government office"***

B. Duties of Director of Finance – Proposed Amendment

simplifying language – passed by citizens November 2006; ***Mr. Moss requested wording change ("signed" to "authorized"), send to Mr. Lyons; Ms. Tompkins provided comments, but they were received after Council approved amendment and sent to ballot

C. Deputy and Assistant Directors of Finance – No Changes; ***Mr. Collins wanted Council approval of these positions removed;***

******Mr. Moss requested wording change ("signed" to "authorized"), send to Mr. Lyons***

D. Transfer of Appropriations

E. Competitive Bidding – No Changes

F. Limitation on Rate of Taxation – No Changes

5.03 Board of Control

A. Composition and Duties – No Changes

B. Approval of Contracts – Proposed Amendment raising the dollar amount to \$10,000 less than state allowed amount before Board approval required; change made based on comments from Mr. Collins, Mr. Moss and Commission members

C. Investments – No Changes

- 5.04 Department of Law
 - A. Solicitor – **Proposed Amendment withdrawn to be reworked by Commission**
- 5.05 Department of Public Safety
 - A. Director of Public Safety – **No Changes; Mr. Collins asked the Commission to move maintenance, and Police, Fire and EMS Equipment from Director of Public Service to Director of Public Safety**
 - B. Duties of Director of Public Safety – **No Changes**
 - C. Police Division – **No Changes; Mr. Zita asked that this section be revised or removed to allow for contracting with Summit County Sheriff**
 - D. Fire and Emergency Medical Services Division – **No Changes**
- 5.06 Department of Public Service
 - A. Director of Public Service – **No Changes**
 - B. Duties of Director of Public Service – **No Changes**
 - C. Municipal Engineer – **No Changes; Mr. Collins asked that this position be removed from Charter; add “engineering” to responsibilities of Director of Public Service position**
- 5.07 Personnel Department – **No Charter Changes, did request Mr. Lyons change name to Human Resources Department to make terminology current**
 - A. Director of Personnel – **No Changes, did request Mr. Lyons change the name to Director of Human Resources to make terminology current**
 - B. General Provisions – **No Changes**
 - C. Personal Interest – **No Changes; Mr. Moss stated this section is no longer needed – drafted before establishment of state ethics commission**
- 5.08 Department of Community Development – **No Changes; requested Mr. Lyons add the word “Planning” to Department name so it reads “Department of Planning and Community Development**
- 5.09 Administrative Department Removals – **No Changes; asked to streamline appointments and removal of Directors by Mayor appointing with Council able to reject within 30 to 60 days, no Council confirmation; allow Mayor to remove without Council being involved – Laws of state/feds cover and protect**

VI. Boards and Commissions

- 6.01 General Provisions – **No Changes**
- 6.02 Planning Commission and Zoning Procedure
 - A. Composition and Term – **No Changes**
 - B. Powers and Duties – **Proposed Amendment to recognize Comprehensive Plan; returned from Council; Mr. Pritchard has comments on this section, but through discussion discovered two different processes involved and comments withdrawn**

- C. Public Hearings by Council – No Changes
 - D. Action by Council on Matters Proposed by Planning Commission – No Changes
 - 6.03 Board of Zoning and Building Appeals
 - A. Composition and Term – Proposed Amendment adding additional at large member to Board who votes only when less than 5 members are available, approved by Council, will be on November 2007 ballot
 - B. Jurisdiction – No Changes
 - C. Appeals to the Board – No Changes
 - 6.04 Civil Service Commission – No Changes
 - 6.05 Park and Recreation Board – Proposed Amendment merging the Parks and Recreation Board with the Cemetery Board, approved by Council, will be on November 2007 ballot
 - 6.06 Cemetery Board – see above; *request from Chair of Cemetery Board to consider merger with Parks Board; originally Mr. Collins against, once he heard explanation, supported*
 - 6.07 Removal from Boards and Commissions
- VII. Special Boards and Commissions
- 7.01 Charter Review Commission – No Changes
 - 7.02 Assessment Equalization Board – Proposed Amendment adding this to the Charter based on citizen request
- Request from Dalia Spisak of the Health Advisory Board to raise Health Advisory Board to Charter level Board; Commission opted not to do this*
- VIII. Nominations and Elections
- 8.01 Regular Municipal Elections – No Changes
 - 8.02 Primary Election – No Changes
 - 8.03 Nominations – No Changes
 - 8.04 Independent Candidates – No Changes
 - 8.05 Other Elections – No Changes
 - 8.06 General Provisions – No Changes
- ***Request to address possibility of Mayor being elected by minority of citizens when more than two people run for Mayor*
- XI. Initiative, Referendum, Recall and Removal
- 9.01 Initiative – No Changes
 - 9.02 Referendum – No Changes
 - 9.03 Recall – No Changes
 - 9.04 Removal – No Changes
- X. Amendments to Charter – Proposed Amendment to merge some of these sections with section VII, allow Council input, but remove need for Council approval to take proposed amendments to citizens on ballot – rejected by Council

**CHARTER REVIEW COMMISSION
RESOLUTION**

April 11, 2007

CRC RESOLUTION NO.: 03-2007

RE: Article IX-Initiative, Referendum, Recall and Removal;
Addition of Section 9.05-Disqualification of Service

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

Add Section 905 -Disqualification of Service, to state as follows: 'Neither the Mayor nor any member of Council voted out of office at any election, or being removed by petition, shall hold an appointed position within the City or serve on any Board or Commission, including Advisory Boards, for a period of two (2) years from the date of that termination.'

Votes: FOR 6 AGAINST 0 ABSTAIN 0

Therefore this resolution is:

APPROVED DENIED TABLED

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

Barbara Vimond
Charter Review Commission
Chair/Vice-Chair

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

4/11/07
Date

**CHARTER REVIEW COMMISSION
RESOLUTION**

April 11, 2007

CRC RESOLUTION NO.: 04-2007

RE: Article VI-Boards and Commissions
Section 6.02(B)-Planning Commission and Zoning Procedure;
Powers and Duties

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

Add a third paragraph to Section 6.02(B)-Planning Commission and Zoning Procedure; Powers and Duties, to state as follows: 'Any and/or all actions taken by the Planning Commission and approved by Council may be subject to citizen referendum.'

Votes: FOR 6 **AGAINST** 0 **ABSTAIN** 0

Therefore this resolution is:

APPROVED **DENIED** **TABLED**

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

Barbara Viment
Charter Review Commission
Chair/Vice-Chair

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

4/11/07
Date

**CHARTER REVIEW COMMISSION
RESOLUTION**

April 11, 2007

CRC RESOLUTION NO.: 05-2007

RE: Article III-The Council
Section 3.04-President and Vice-President

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

Change the first sentence in the first paragraph to state as follows:
'At the time set by Council on the first business day of each year,
Council shall meet in the Council Chambers for the purpose of organization.'

Votes: FOR 6 AGAINST 0 ABSTAIN 0

Therefore this resolution is:

APPROVED DENIED TABLED

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

Barbara Vinord

Charter Review Commission
Chair/Vice-Chair

4/11/07

Date

Rene C Becker

Charter Review Commission
Vice-Chair/Member

**CHARTER REVIEW COMMISSION
RESOLUTION**

April 11, 2007

CRC RESOLUTION NO.: 06-2007

RE: Article VII-Special Boards and Commissions
Addition of Section 7.02-Assessment Equalization Board

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

Add Section 7.02-Assessment Equalization Board, to state as follows:
(See attached 'Exhibit A'.)

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 Vinard
Charter Review Commission
Chair/Vice-Chair
4/11/07
Date

Gene C Becker
Charter Review Commission
Vice-Chair/Member

ARTICLE VII-SPECIAL BOARDS AND COMMISSIONS

SECTION 7.02-ASSESSMENT EQUALIZATION BOARD.

A. COMPOSITION.

A rotating board to have a minimum of six and a maximum of twelve people who are disinterested freeholders shall be established. Members will be selected randomly from the rolls of all eligible voters who are property owners in the Municipality. Selected citizens are expected to participate for the benefit of the community, but exceptions will be made for employment, health or family hardship reasons. Additionally, no elected or appointed officials, including members of other Boards and Commissions, will be eligible to sit on the Assessment Equalization Board. Once a citizen has served on a project, that citizen shall not serve again until three (3) additional projects have been completed.

B. DUTIES.

Members of the Board shall hear objections to estimated special assessments for particular projects in the Municipality. Each party to the objection shall have the opportunity to request replacement of up to two (2) Board members with or without cause. Any person making use of the Assessment Equalization Board who is an eligible voter and property owner in the Municipality will be given the opportunity to serve on the next Board.

**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, April 11, 2007**

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

Signed Cynthia J. Hughes
Stenographer

**Distribution: Mayor
CRC Files**