

City of Norton
CHARTER REVIEW COMMISSION
Wednesday, May 2, 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, Christopher Judge, Robert Daymut, Megan Booth, Sue Ringkor

ABSENT: Gene Becker, Charles Campbell

ALSO PRESENT: Ken Braman, Councilperson, Ward 4

II. CONSIDERATION OF MINUTES:

A.) Minutes from Wednesday, April 11, 2007, Meeting:

The Commission reviewed the minutes from their Wednesday, April 11, 2007, meeting and Chairperson Vimont called for a motion. **Mr. Robert Daymut moved to approve the minutes of Wednesday, April 11, 2007, as submitted; seconded by Ms. Sue Ringkor. ROLL CALL: Mr. Daymut-Yea, Ms. Ringkor-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 III-Council:

Chairperson Vimont stated that Mr. Gene Becker submitted (prior to that evening) a drafted recommendation regarding a new section titled Ward Meetings. The Commission reviewed the draft and believed that this amendment would help keep the residents more informed. They decided that the proposed section would be best if inserted between Sections 3.13 and 3.14. Therefore the current Sections 3.14-3.19 should be renumbered accordingly. At this time, Chairperson Vimont called for a motion. **Mr. Judge moved to recommend inserting a new section titled 'Ward Meetings' between the current Sections 3.13 and 3.14. Therefore renumbering the current Sections 3.14-3.19 to 3.15-3.20. This new section would include the following language: 'Each ward Councilperson shall hold a public ward meeting at least once every three (3) months for the residents in their respective wards. A one (1) week notice shall be posted in at least one (1) public place within the ward. Minutes shall be provided on the Municipality's website within one (1) week of the meeting.'** Ms. Booth seconded the motion. **ROLL CALL: Mr. Judge-Yea, Ms. Booth-Yea, Ms. Ringkor-Yea, Mr. Daymut-Yea, Ms. Vimont-Yea. The motion passed 5-0, by CRC Resolution No. 07-2007. (See 'Item E' for continued discussion.)**

B.) Article V-Administrative Departments:

Chairperson Vimont presented a drafted amendment to Section 5.04-Solicitor, for the Commission's review. There were comments from the audience and Chairperson Vimont called for a motion. **Ms. Booth moved to recommend the following amendment to Section 5.04-Department of Law: '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. The Solicitor shall be the legal advisory of and attorney and counsel for the**

Municipality and for all officers and divisions thereof in all matters relating to their official duties, and shall, when requested, give legal opinions in writing. **If such a request is made outside of any City Council meeting, the Solicitor shall respond within 30-days. If such a request is made during any City Council meeting the Solicitor shall respond by the next City Council meeting, or, when that is not possible, Council may grant one 30-day extension.** The Solicitor shall represent the Municipality in all suits or cases in which it may be a party and shall prosecute all offenses against the ordinances of the Municipality and such offenses against the laws of Ohio as may be required. The Solicitor shall on request of the Council prepare contracts, legislation, bonds and other instruments in writing in which the Municipality is concerned, and shall endorse on each approval of the form and corrections thereof.

The Solicitor shall make necessary editorial corrections and changes in the form of the Charter, ~~but such changes shall relate to matters of form only, shall in all cases to resolve contradictions and ensure consistency.~~ **The form changes must be approved by resolution of Council and shall in no event not affect the construction, meaning, substance or intent of the Charter as adopted and amended by the people.**

- (a) The Solicitor shall correct obvious misspellings and typographical errors **and make other changes necessary to clarify but not change the content of the Charter. The Solicitor shall make changes to Charter sections to enforce Charter amendments.'**

Mr. Daymut seconded the motion. **ROLL CALL: Ms. Booth-Yea, Mr. Daymut-Yea, Ms. Ringkor-Yea, Mr. Judge-Yea, Ms. Vimont-Yea. The motion passed 5-0, by CRC Resolution No. 08-2007. The resolution was sent to the Administration for it's information and to Council for it's action.**

C.) Article II-The Mayor:

The Commission discussed the letter from Mr. Alex Stavarz dated February 6, 2007, regarding Mayoral elections. (See attached.) After discussion regarding a drafted addition to Article II-The Mayor, Chairperson Vimont called for a motion. **Ms. Booth moved to recommend inserting the following language as a third paragraph in Section 2.01-Election and Term of Article II-The Mayor: 'In the event that no candidate for Mayor receives over 50% of votes cast in the November election, a run-off election shall be held between the two candidates receiving the highest number of votes. Said run-off election shall be held on the first Tuesday following the first Monday in December.'** Ms. Ringkor seconded the motion. **ROLL CALL: Ms. Booth-Yea, Ms. Ringkor-Yea, Mr. Daymut-Yea, Mr. Judge-Nay, Ms. Vimont-Yea. The motion passed 4-0-1, by CRC Resolution No. 09-2007. The resolution was sent to the Administration for it's information and to Council for it's action.**

(Ms. Booth left the meeting at 6:30 p.m.)

D.) Norton Charter Review Commission Summary:

The Commission continued the review of the Norton Charter Review Commission Summary that was prepared by Ms. Vimont. It listed every article and section in the Charter and each action taken or not taken by the CRC.

1.) Ms. Ringkor wondered if they were going to amend CRC Resolution No. 04-2006-Merging of the Park and Recreation Board and the Cemetery Board. Ms. Vimont said that Mr. Judge was going to present a draft of that amendment. Mr. Judge said that he was not aware that they could make that recommendation until Council sent it back to them. Ms. Vimont said that they would possibly address this matter in June, 2007.

2.) The CRC also discussed the Charter items that they believed Council could address. One of the items was making a full time mayoral position. After discussion, the CRC decided that language could be placed in the Charter to facilitate that option for resident voting. Mr. Judge volunteered to prepare a draft proposal to review at the next meeting.

E. Continued discussion regarding Item A. Article III-The Council:

The audience commented on Item A from earlier that evening. The Commission then brought Item A back to the floor for discussion. The Commission discussed revising the language of CRC Resolution No. 07-2007. After revising CRC Resolution No. 07-2007, Chairperson Vimont called for a motion. **Mr. Daymut moved to recommend that a new section titled 'Ward Meetings' be inserted between the current Sections 3.13 and 3.14. Therefore renumbering the current Sections 3.14-3.19 to 3.15-3.20. This new section would include the following language: 'Each ward Councilperson shall hold a public ward meeting at least once every three (3) months for the residents in their**

respective wards. At a minimum, each at-large Councilperson will attend eight (8) of the sixteen (16) ward meetings, attending at least one (1) meeting in each ward in a year. A one (1) week notice shall be posted in at least one (1) public place within the ward. Minutes shall be provided on the Municipality's website within one (1) week of the meeting.' Mr. Judge seconded the motion. ROLL CALL: Mr. Daymut-Yea, Mr. Judge-Yea, Ms. Ringkor-Yea, Ms. Vimont-Yea. The motion passed 4-0, by CRC Resolution No. 07-2007. The revised resolution prevails over the previous CRC Resolution No. 07-2007 motion of earlier in the meeting and was sent to the Mayor for his information and to Council for it's action.

V. NEW BUSINESS:

Chairperson Vimont allowed the audience time to comment at this time.

Ms. Charlotte Whipkey, 4624 Albert Avenue, Norton, Ohio 44203, approached the Commission and stated that she presented a complaint regarding Mr. Judges's candidacy for Council to several Councilpersons and the Mayor. She said that she received a copy of his voter registration application from the Board of Elections, which she believed proved that he was not a qualified elector in the City. Ms. Whipkey said that due to this, he should have been disqualified along with another candidate, so the Charter was violated. Mr. Judge said he believed he was a qualified elector and that there was no Charter violation. Ms. Vimont said that in her perspective of the matter, just considering Mr. Judge's application did not violate the Charter. However, if he had been appointed, his appointment could have been questioned as a violation. Mr. Judge said that according to the State of Ohio rules, if a person changes residence within the same County, they could vote with a provisional ballot at their new precinct on Election Day.

VI. ADJOURNMENT:

Chairperson Vimont announced that the next meeting was scheduled for Wednesday, June 6, 2007, at 6:00 p.m. The topics for the agenda will be as follows: 1.) CRC Resolution 04-2007; 2.) Article II-The Mayor; and 3.) Schedule meeting for publicizing any amendments that go to ballot. With no further business coming before the Commission, Chairperson Vimont adjourned the meeting at 8:10 p.m.

Barbara Vimont

Charter Review Commission Chair/Vice-Chair

[Signature]

Charter Review Commission Vice-Chair/Member

6/6/07

Date

**CHARTER REVIEW COMMISSION
RESOLUTION**

May 2, 2007

CRC RESOLUTION NO.: 07-2007

RE: Article III-The Council.

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 x or for its information .

Barbara Vinant

Charter Review Commission

Chair/Vice-Chair

5/2/07

Date

[Signature]
Charter Review Commission
Vice-Chair/Member

ARTICLE III-THE COUNCIL

The following be inserted between the current Sections 3.13 and 3.14. Therefore renumbering the current Sections 3.14-3.19 to 3.15-3.20:

'SECTION 3.14-WARD MEETINGS

Each ward councilperson shall hold a public ward meeting at least once every three (3) months for the residents in their respective wards. At a minimum, each at-large Councilperson will attend eight (8) of the sixteen (16) ward meetings, attending at least one meeting in each ward in a year. A one (1) week notice shall be posted in at least one (1) public place within the ward. Minutes shall be provided on the Municipality's website within one (1) week of the meeting.'

**CHARTER REVIEW COMMISSION
RESOLUTION**

May 2, 2007

CRC RESOLUTION NO.: 08-2007

RE: Article V-Administrative Departments:
Section 5.04-Department of Law

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 X or for its information .

Barbara Vinard

Charter Review Commission

Chair/Vice Chair

5/2/07

Date

[Signature]
Charter Review Commission
Vice Chair/Member

ARTICLE V-ADMINISTRATIVE DEPARTMENTS
SECTION 5.04-DEPARTMENT OF LAW

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. The Solicitor shall be the legal advisory of and attorney and counsel for the Municipality and for all officers and divisions thereof in all matters relating to their official duties, and shall, when requested, give legal opinions in writing. **If such a request is made outside of any City Council meeting, the Solicitor shall respond within 30 days. If such a request is made during any City Council meeting the Solicitor shall respond by the next City Council meeting, or, when that is not possible, Council may grant one 30-day extension.** The Solicitor shall represent the Municipality in all suits or cases in which it may be a party and shall prosecute all offenses against the ordinances of the Municipality and such offenses against the laws of Ohio as may be required. The Solicitor shall on request of the Council prepare contracts, legislation, bonds and other instruments in writing in which the Municipality is concerned, and shall endorse on each approval of the form and corrections thereof.

The Solicitor shall make necessary editorial corrections and changes in the form of the Charter, ~~but such changes shall relate to matters of form only,~~ **shall in all cases to resolve contradictions and ensure consistency. The form changes must** be approved by resolution of Council and shall ~~in no event~~ **not** affect the construction, meaning, substance or intent of the Charter as adopted and amended by the people.

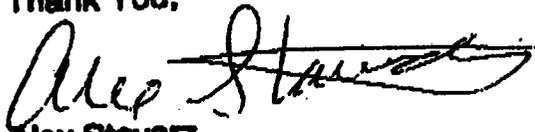
(a) The Solicitor shall correct obvious misspellings and typographical errors- **and make other changes necessary to clarify but not change the content of the Charter. The Solicitor shall make changes to Charter sections to enforce Charter amendments.**

February 06, 2007

To: The Charter Review Commission

A situation has just recently presented itself and may deserve some consideration for a possible change in how we elect our mayor and council. At this time there is one candidate running for mayor as an independent and possibly one more. This could set up a scenario by where we have four or more people running for mayor which could result in 70% of the voters not voting for the winner! Cleveland as well as some local communities have non-partisan elections. This may deserve some consideration by your committee. Keep in mind that when 3 or more people run usually more than half of the voters did not vote for the winner.

Thank You,



Alex Stavarz
3077 Clark Mill Road
Norton, Ohio 44203

**CHARTER REVIEW COMMISSION
RESOLUTION**

May 2, 2007

CRC RESOLUTION NO.: 09-2007

RE: Article II-The Mayor; Section 2.01-Election and Term

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

(See attached 'Exhibit A'.)

Votes: FOR 4 AGAINST 1 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 Vincent

Charter Review Commission
Chair/Vice-Chair

6/2/07

Date

[Signature]

Charter Review Commission
Vice-Chair/Member

ARTICLE II-THE MAYOR
SECTION 2.01-Election and Term

The following language be inserted as a third paragraph:

'In the event that no candidate for Mayor receives over 50% of votes cast in the November election, a run-off election shall be held between the two candidates receiving the highest number of votes. Said run-off election shall be held on the first Tuesday following the first Monday in December.'

**AUDIENCE ATTENDANCE RECORD
CHARTER REVIEW COMMISSION**

The following individuals were present at the Meeting of the Charter Review Commission held on Wednesday, May 2, 2007.

PLEASE PRINT

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

NAME ADDRESS CITY ZIP

CHARLOTTE Whippley 4624 Albert Ave Norton 44203
Velma Violet Carr 3185 Weber Dr Norton, OH 44203

Signed

Paula Fish, Acting Stenographer
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, May 2, 2007**

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

Signed Paula Fisher, Acting Stenographer
Stenographer

**Distribution: Mayor
CRC Files**