



**ANNUAL COUNCIL AND ADMINISTRATION WORKSHOP  
APRIL 29, 2013**

Roll Call: Dennis McGlone  
Charlotte Whipkey  
Scott Pelot  
Bill Mowery  
John Conklin  
Todd Bergstrom-Excused  
Don Nicolard

Also Present: Mayor Mike Zita  
Rick Ryland  
Laura Starosta  
Ann Campbell  
Karla Richards

Norton City Council and Administration gathered for the Annual Council and Administration Workshop on Monday, April 29, 2013 at approximately 6:00 PM in the Council Chambers of the Safety Administration Building.

**Mr. Nicolard-Council President-Opening remarks:**

Mr. Nicolard introduced Mr. Stan Umpleby from the Ohio Municipal League as our guest speaker.

**Presentation-Stan Umpleby-Ohio Municipal League Statutory & Charter Communities**

Mr. Umpleby gave an over view of the manual provided (see attached). Mr. Umpleby explained that He understood that you asked for the discussion on the differences from Statutory and Charter forms of government. Mr. Umpleby stated that under Statutory form of government, Cites are decided by the State of Ohio as far as how your City is established and set up and gives you little say on it. Mr. Umpleby discussed Home Rule as it relates to Charter communities. Without having Home Rule, the State decides the fate in your City. Mr. Umpleby stated that under a Village of 5,000.00 you automatically are under State Law, and we strongly recommend and encourage those Villages to make a switch over to a Charter community. Mr. Umpleby stated that under a Charter City you are not required to have an Administrative Officer, you can have a strong Mayor form of government. Your Charter determines that and the Charter is determined by the people and by the people. The electorate of Norton decides what the Charter will be. Mr. Umpleby discussed the Charter Review requirements and that it was good Norton reviews their Charter every 5 years. Mr. Umpleby discussed Brunswick's Charter where they have a provision that petitions may be placed on the ballot. The Charter is yours and you do not have to worry about what the state legislators are going to be doing that will affect your city. Mr. Umpleby discussed the potential impacts of the pending municipal income tax--House Bill 5 and that there is one provision that is just horrible. It states by January of 2014 you have to adopt legislation approving the States new policy, and that is something you need to be careful with. Mr. Nicolard stated that even Charter communities will have to comply with HB 5, and Mr. Umpleby concurred, although he thought if HB 5 passed it would probably be appealed. Mr. Nicolard asked if the City of Norton were to go to a Statutory City, and it passed by the voters, then there would be no petitions by the public and Mr. Umpleby concurred. Mr. Umpleby explained there a total of three (3) steps you must take to become a Charter community. The first step is that you have the public vote on if they want to have a Charter and in addition at the same time there would vote to establish a Charter Review Commission. Once those two (2) provisions are approved a Charter would be drafted and that is also sent to the residents to approve. Mr. Nicolard asked for an example, let's say what if the citizens decided to abolish the Charter and become a Statutory City and they discover there are certain provisions of the state they do not agree with; could they then circulate a petition to that?

Mr. Umpleby stated no; they have to abide by State law then. Ms. Whipkey asked if we could return to being a Chartered city and Mr. Umpleby concurred, but it was a lengthy process. Mr. Nicolard asked what is the process to revert to a Statutory City and Mr. Umpleby stated you would need to ask your Law Director because he does not believe it has ever been done. Ms. Whipkey asked if we are thinking of going from a Charter City to a Statutory City, and Mr. Nicolard stated that he is looking at whatever is best for the community and if he thought it would be best for the City he thinks it is what he would do. That's why he brought Mr. Umpleby in to look at our options. Ms. Whipkey stated she is strongly against this, and it is not even an option and that she would fight this to the end to keep our own control with a Charter form of government, otherwise, you fall under the control of the State because you don't have a Charter. Mr. Nicolard asked about becoming a Township and Mr. Umpleby stated you fall under the control of the State, Townships do not have Charters. Ms. Whipkey asked about what if enough people broke off and wanted to become a Village and having a Charter within a Village. Mr. Umpleby stated that back when Brunswick became a City in the late 60's it was placed on the ballot for the Township to become a municipality and that passed. Certain residents petition to be de-annexed from the municipality, and he understands that was not really legally permitted and although it passed, it really should not have. So in essence you have a very small island of a Township within the municipality and it was an automatic court battle. Mr. Umpleby discussed a small southern town in Fort Shawnee (4,000 residents) that had an issue of going back to a Township and that passed. It was very expensive to do at a cost close to \$1,000,000.00 to do so, and he would provide the Clerk of Council with some follow up details on that later. Mr. Nicolard discussed an old issue in the early 90's to de-annex parts of St. Rt. 21 because it is so expensive for us to maintain, and this was turned down by the voters. Mr. Umpleby strongly urged not doing away with your Charter form of government. Mr. Nicolard asked how many Charter cities are there in Ohio, and Mr. Umpleby stated he did not know the exact number but there are more Statutory than Charter cities. Mr. Umpleby stated that to the best of his knowledge he believes there have only been about four (4) or five (5) that went back to statutory communities since 1940 through mid 2000s. Mr. Nicolard stated he has met with the Wadsworth Council President often and they are a Statutory city. Mr. Conklin asked about House Bill 5. Mr. Umpleby stated that there are two (2) hearings on House Bill 5 for testimony from the opponents; 1 PM tomorrow and 3:00 on Wednesday, and the proponents hearings were already held last week. Mr. Umpleby suggested going to the website: [www.oml.org](http://www.oml.org) and check on Legislative Matters and the information on HB 5. Mr. Nicolard asked who are the proponents and Mr. Umpleby stated it's the Chamber of Commerce and the CPA Association. Mr. Umpleby stated that it has been the OML's opinion that this is not recommended and is bad news, although we do feel some uniformity is needed as long as it is revenue neutral, currently it is not. Mr. Umpleby stressed for the City to keep pressuring your State officials on how you feel about this. One provision is that you can carry a loss for the next 5 years. Another issue is how long people can work in your community before paying taxes, they want to extend the time. Another issue is the age for paying income tax, etc. Mr. Umpleby suggested sending any information you wish to submit to [www.info@oml.org](mailto:www.info@oml.org). Mr. Conklin stated that we have an income tax credit and was concerned if HB 5 passes, would we lose that and Mr. Umpleby replied yes, you would. Mr. Umpleby stated so far there has been no discussion on the tax rates. Mr. Umpleby stated when it was first introduced as HB 601 there was a provision that the State would collect your income tax for you, although that is not currently in HB 5, it is still on the back burner. Mr. Umpleby stated this is a tough issue, and a lot of time has been spent fighting this. Mr. Conklin asked Mrs. Starosta how much tax credit revenue we would lose if HB 5 passed? Mrs. Starosta stated that was a hard number to come with on the fly. Mr. Umpleby suggested members keep a watch on the activity from the OML-Legislative Bulletin.

Mr. Umpleby stated that there is organization of Ohio Mayors that have a lot of information on their website, [www.ohmuniadvocates.com](http://www.ohmuniadvocates.com). Mr. Pelot asked how does our local State Reps stand on this issue? Mr. Umpleby stated that there has been little activity on the Senate Floor on this. Some don't know much about it and others just don't want to talk about it all. Mr. Umpleby suggested that you talk with your local Chambers of Commerce and see where they stand, some are turning your back and some support. Mr. Pelot asked Mr. Umpleby on his opinion as to whether he felt this would pass or not and Mr. Umpleby stated if the opposition continues with the momentum, he does not see this passing. Local Governments already have taken a hit with the loss in the LGF, they cannot afford this hit. One Mayor in Cuyahoga County stated if HB 5 passes, in the first year their costs are over \$500,000 and another Mayor said it would cost over \$250,000.00. Mr. Umpleby stated this HB 5 has been assigned to the Ways & Means Committee with Chairman Beck being very helpful getting both sides of the issue out there. Mr. Umpleby stated they have moved the meeting room to a larger facility in expectation of a larger turnout for the hearings this week. Mr. Umpleby stated that if there was any further information he could provide to please let him know and again he urged all Council members and the Mayor to contact your State representatives to express your concerns.

**Adjourn:**

There being no further business to come before it, the Council and Administration Workshop ended at 6:39 PM.

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Don Nicolard, President of Council

I, Karla Richards, CMC-Clerk of Council for the City of Norton, do hereby certify the foregoing minutes were approved at a Regular Council Meeting on Monday, May 13, 2013.

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Karla Richards-CMC, Clerk of Council

**\*\*NOTE: THESE MINUTES ARE NOT VERBATIM\*\***

**All Committee Meetings will be held at the Norton Safety Administration Building, unless otherwise noted.**