

MINUTES FROM SPECIAL COUNCIL MEETING
CITY OF NORTH CANTON
MONDAY, JUNE 5, 2017

1. Call to Order

COUNCIL PRESIDENT PETERS: I'd like to call to order the Special Council Meeting Monday, June 5, 2017 at 7:35pm.

2. Roll Call

COUNCIL PRESIDENT PETERS: Clerk, please call the roll?

Roll call found the following council members in attendance: Cerreta, Foltz, Fonte, Griffith, Kiesling, Peters and Werren. Thus having 7 in attendance.

COUNCIL PRESIDENT PETERS: Thank you very much. At this time, if you wish to address council please step forward state your name and address.

3. Recognition of Visitors

LARRY TRIPP: 1127 East Maple, North Canton. Last Monday, this nation observed Memorial Day. A day set aside to remember those who lost their lives defending the Constitution of the United States of America. Men and women who took an oath to honor, preserve, and defend the many freedoms this country has and enjoys today. These are people who lost their lives with honor and dignity. They chose to honor their oath and not run from their duties. I'm sure that every councilmember as well as every other city official has taken an oath to honor the City Charter. Preserve the well-being of North Canton, Ohio, and apply sound, ethical practice to their decision making process. Tonight, you have the first reading of Ordinance No. 56 and 58 - 2017. Which are as flawed, tainted, and downright disgusting as any ordinance finding its way to chamber halls. A yes vote, to either of these puts a dagger into those who are resting in peace who gave their ultimate preserving our freedoms. It's a complete slap in the face to those original Charter members some 60 years ago, plus subsequent review committee members. You, I, others in this in room as well as other members of this community know these proposed ordinances are only there to appease two councilwomen, who simply, simply has chosen not to honor their oath, the City Charter, and now are dragging you to disregard your commitment taken under oath. Think of it members of Council, as you vote tonight and citizens of North Canton, as you monitor their vote. What if those who gave their ultimate had walked around from honoring their oath? Where would this country be today? What would those who had walked away from their oath, be known as? No, they chose to do the right thing. Honor their oath, and today they are heroes. You too, have a chance tonight to do the right thing, and vote no to the two aforementioned ordinances. I was a member of the 2017 Charter Review Committee, and can assure you that Mr. Osborne, was totally, and I said totally correct, when he said a couple weeks ago this committee was flawed from the beginning. Two weeks ago, there were questionable remarks made to Ms. Baughman, as to Ms. Baughman's decisions and her capabilities of chairwoman. She was undoubtable the right person for the job, and should be thanked, and not in any shape or form be criticized for her efforts. Again, her hands were tied from the get go. I don't believe there was one meeting, where we had all 15 members of the review committee. However, your hand chosen law director made up for this lack of attendance by offering his comments on whatever, or whenever he chose. He got caught, and had to change the voting rules on the last night. He stated the vote on Section 3.07 of the Charter had to come from 15, not 13. So as I said, there were never 15 members at any voting meeting. So in my mind, every ordinance voted on tonight regarding the Charter Review Committee should be invalid, and voided. Think of it, every day we read or watch on TV people who make the right choice. Just last Sunday, we read an article about a Mr. McCluskey, a World War II Navy pilot, who chose to follow his oath. Though it may have cost his life. His decision was made and it wound up changing history. Then here comes North Canton government, having editorial written on them as questionable government ethics, regarding council pay increase and Housing Committee meetings. Now, questionable ordinance have been presented to you to vote. My, the Repository could have a field day writing on the Charter Review Committee and its flaws. Perhaps that day will come. Thank you.

COUNCIL PRESIDENT PETERS: Thank you, Larry. Anyone else wishing to address council, please step forward state your name and address.

CHUCK OSBORNE: 307 Fairview Street SE, North Canton, Ohio. We have a document that's been serving the City well for nearly 60 years. And I can't believe we're so quickly and frivolously tossing out many of the requirements of the Charter. As far as I'm concerned every amendment that you're getting ready to put on the ballot is needless. There is one problem that should be solved. And that's regarding residency. I tried to explain it to Mr. Cerreta, and I think Mr. Griffith. I think Mr. Cerreta's comment is publicly or he said that everybody should live in the city, two years before they run for office. With a two year residency requirement, a resident would have to live in the City almost four years. If the timing was wrong. We have an election this November, say somebody moved into North Canton after the election December, January, February, would they be able to run in 2019? Two years from now. No. They'd have to wait till 2021, nearly four years before they could run for any elected office. That is wrong. Its' getting to be pretty standard all over the country, one year residency requirement. Which would result in somebody living in the City almost two years. By the time, the election came around again. So that is a problem. We had a very viable candidate, a very strong candidate several years ago. That got thrown off because he didn't have the two years. Lastly, North Canton City government is operating as a mayoral/council form of government since its inception. And it's designed as a weak mayor, strong council form of government. The mayor has all the powers of a regular full-time mayor, but he just will not

execute it. He prefers to hide and stand behind his city administrator. That's just the way the system's been set up. It's like the Wizard of Oz, he's behind the curtain, when things go well he can come out and take his bows and give his speeches. But when they don't, he can step away and say "well, that was the city administrator, I have nothing to do with that." Given the way the North Canton City government has operated over the last several years, perhaps this council should submit to the voters a Charter amendment designating North Canton as a law director/mayor/council form of government. And will continue with a strong law director, a weak mayor, and a weak council form of government. Because that's what we've got up here. If you go back and look at any of these minutes of these meetings, the bulk of the time, Law Director Fox is speaking. He is not an elected representative of the people, he is not here to do your job. You are supposed to be thinking about these. Many of these recommendations should have been yours, with problems that you've seen in the past. And I'll echo what Mr. Tripp has said, nearly 60 years a councilmember has shown up at a Planning Commission meeting, a Zoning Board of Appeals meeting. Because that's the meat and potatoes of daily City business in this town. And after nearly 60 years, we have two people who don't want to come. And haven't come. And nobody up here has called that to anybody's attention. It's alarming. Now years ago, back in the '70's I've read through the minutes they would actually pass an ordinance designating somebody. And that individual doesn't have to come for the entire two year term they're on council. Mix it up every year. Zoning Board of Appeals is only on average, 1.5 to 2 meetings a year. Is that a burden? Why is the law director guiding, prodding, pushing everything that goes on up here. It is wrong. Thank you.

COUNCIL PRESIDENT PETERS: Thank you, Mr. Osborne. A couple comments to that, yeah, please give me a second. As it relates to the law director, we rely on him for legal advice. We have certain members of the community that sue us on many occasions. We want to make sure we're on good legal standing. And we have been, as we've won. As it relates to Planning and Zoning meetings, I would, the meetings that I was not in attendance to, I watched on live streaming, or archived. And former Council President Jon Snyder was there, and he was asked I believe, I can't remember who asked the question. Did a councilmember attend every meeting? And he couldn't say for sure for certain that they did. And they didn't. It wasn't until two, three years really until Mr. Osborne really had an ax to grind with these two councilmembers that attendance started being taken. You didn't take it five years ago, six years ago, seven years ago, 10 years ago. You know, I think Chuck was chairman of the Ordinance, Rules and Claims. I don't know if you went to every meeting. I mean I don't know, but I know that Snyder did say on the record that he could not say for sure. And I think he may have even said his opinion was, there may have been occasion where no councilmember did attend. So, and that was before live streaming and the advent of technology that we have today. You know, email we're in constant contact. So, that's all I have to say to that. So...

LAW DIRECTOR FOX: If I may follow-up on that.

COUNCIL PRESIDENT PETERS: Sure. Hold on one second, and I know you're throwing your hands up again. I'm allowing him to speak because, we appreciate what he has to say. Okay. He's a good law director, you may dislike him, but he's a good law director. Okay. So we'd like to hear what he has to say, Mr. Osborne. I know it upsets you, but law director, the floor is yours.

LAW DIRECTOR FOX: So, thank you, this is to the point of Mr. Osborne asking that the law director not advise those that enact law. Council, the legislative body. You refuse to acknowledge that the law director has the obligation to advise Council, you ask that the law director remain silent. Perhaps cause malpractice, and sit idly by and perhaps let something occur that may be contrary to the Charter, our ordinances, just simply contrary to law. Can you imagine being at a, say a Zoning Board of Appeals or Planning Commission meeting and making the same argument to our City's engineer? Telling the members for those that are watching, Osborne's leaving the room right now. So, can you imagine asking the members of the Planning Commission, the Zoning Board of Appeals on a technical issue, do not listen to the engineer? Do not be influenced by your engineer. Your engineer should not influence your decision, they should be your own. And have the engineer sit idly by, perhaps not even appear, or give any comments, recommendations. But indeed that is the role of the law director, and if the law director doesn't step up and at least put on the record of making members aware that absolutely, you make the decisions. I believe we ask the clerk to point to the record the number of times that she's called the law director to vote on an issue. That is going to be none. Because Council enacts law, they do that through an acting legislation. They vote on that. But contrary to what Mr. Osborne pushes forward, that is the role of the law director. Some of these occur outside the meetings, but if they occur on the floor, it's the obligation to simply make sure that members that will vote and enact law are aware that they receive an opinion, that they receive a recommendation. And indeed if you ask me a question and I don't know the answer, I'm not going to tell you something that I don't know. I'm going to tell you, "sorry I don't know." The law changes, can change daily. It changes on opinions. Decisions made by our appellate courts, by our General Assembly. And if you're asking something on the spot and that's going to make you decide one way on a piece of legislation, I'm going to ask you not to move forward if I can't give you the right answer. Let me research it and get back to you. And only then should you make that decision. Stating that a law director should be, it was stated once here before, and I do remember, but I don't wish to embarrass them. They said the law director should be seen and not heard. So you can put a cutout here and perhaps do that. But what I'm trying to bring forward is the research that I've done, the history that we're looking at. Pointing at things. This is what other, the things I'm showing you, this is what other Charter Review Commission has looked at. Take that into perspective. This is what the courts have stated in certain issues. And I take umbrage with stating that the reason there's a proposed amendment to the Charter to have the engineer, and the director of permits at the Planning Commission, and the Zoning Board of Appeals is because they're the technical experts. They absolutely should be there. And the fact that the Charter says a councilmember chosen by Council shall attend all meetings. And you don't have that provision for the members of the Planning Commission, you don't have that for the Zoning Board of Appeals members. You don't have it for Civil Service Commission. You don't have it for any other boards. That is then incongruent. It doesn't follow any other parts of the Charter. And it's unreasonable to think that no one is ever going to miss a meeting. Shall attend all meetings, is not a reasonable obligation. And that is something that absolutely you should consider,

and say that it shouldn't change because it's been there since 1960. Well, the very thing that he's asking you to change his argument eats itself on that very thing. Because the two year requirement for residency to be an elected official is from the 1960 Charter. So, that's all I have, thank you.

COUNCIL PRESIDENT PETERS: Okay, next up. Rita?

RITA PALMER: 307 Fairview Street, North Canton, Ohio. I would like to speak to the proposed amendment to the Charter, Article VI, Section 6.06, Corrections. That is to be voted upon by citizens on November 7th, 2017. I question the need for this amendment. The proposal would allow Council at the recommendation of the law director to make corrections to the Charter regarding matters of form, such as grammar, spelling, and typographical errors. This wording seems to suggest that you expect the newly revised Charter to be rife with errors. This amendment seems frivolous. It is as though you are saying to citizens, "may we have your permission to fix our inadvertent wording errors?" Do you expect us citizens to vote no? Further the amendment allows for the removal of "inconsistent language, structure, and correct language that violates Ohio law as it applies to Home Rule authority." Again, do you expect that the Charter Commission has not been able to recognize such errors and inconsistencies, and has presented to you the Council a faulty document, actually or potentially filled with language contrary to Ohio law? If you do expect Charter issues contrary to law to quickly arise, then what you need to do is have a Charter Review Commission meet every five years. Or establish an ad hoc commission to deal with such issues, if any should arise. Please do not place this amendment on the ballot in November. It is unnecessary. This amendment could make an unelected law advisor, a replacement for a citizen's Charter Review Commission. The power should be with the citizens in a Home Rule city. Not with an appointee. Thank you.

COUNCIL PRESIDENT PETERS: Alright, anyone else wishing to address Council, please step forward, state your name and address.

MIRIAM BAUGHMAN: 320 Weber Avenue. City Hall belongs to the residents. The Charter belongs to the residents. It's the role of the Council to uphold the Charter, and to look out for the best interest of the residents. That's why you were all elected. There's a provision in the Charter that says every 10 years, Council will appoint 15 electors to review the Charter. And make recommendations for changes. Recommendations, that's the key word. It also says that no appointed, or elected official shall be part of this commission. The commission's not perfect, it's just people that are electors. When it leaves the commission it's not going to be legally right, there's going to be errors. That's your role. You look at the recommendations, decide what you accept, decide what you reject. I hear you say tonight, that you wanted to set the rules for the commission. If you set rules for the commission, you take away the independence. Then it becomes Council run. It doesn't matter if the 15 members stand on their heads during each meeting. The goal is to look through the Charter and make recommendations. I also heard said tonight that you wanted to make the rule that to vote it has to be a majority of the members. Actually, Robert's Rules gives three choices. One choice is that you can vote and have a majority of those present. The other is you can vote and it has to be a majority of the whole commission. And I forget what the third one is, it must not have been important. If you dictate to the commission, who are supposed to be independent, how they vote, then you're micromanaging. And you're taking away their independence. Again, the role of the independent regular citizen 15 member is to make recommendations to you. It comes to you, you clean it up, you accept or reject. Please don't micromanage.

COUNCIL PRESIDENT PETERS: Thank you, Miriam. Alright, anyone else wishing to address Council please step forward, state your name and address. Okay, seeing none we will move onto old business. May I have a motion and a second to read by title only the second reading of Ordinance No. 51 – 2017?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 7 yes to read by title only the second of Ordinance No. 51 – 2017.

4. Old Business

5. Ordinance No. 51 – 2017 Finance and Property Committee

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, to be appropriated from the unappropriated resources of the General Trust Fund to the General Trust Police Account in the amount of \$18,800.00 for the current expenses during the fiscal year ending December 31, 2017.

COUNCIL PRESIDENT PETERS: Thank you, Chairman Griffith.

COUNCILMAN GRIFFITH: As we've discussed the police were lucky enough to get a grant for body cameras. And we're simply moving the grant dollars from the General Fund into the Police Trust Fund. For the purchase of those cameras. Any questions? I would move its approval.

COUNCIL PRESIDENT PETERS: Okay, before we do that, may I have a motion and a second to suspend the rules of Council for three readings for Ordinance No. 51 – 2017? Appropriations we're going to do just one reading.

LAW DIRECTOR FOX: You had second, because it was read one other time. But, because it's an appropriation it doesn't require

three readings. If you waive the rules for the three readings and you don't require an emergency. And that's for...

COUNCIL PRESIDENT PETERS: 51, 52 and 53.

COUNCILMAN GRIFFITH: So it's appropriate to suspend the rules before it's passed?

COUNCIL PRESIDENT PETERS: Yeah.

COUNCILMAN GRIFFITH: Alright, I would move to suspend the rules.

COUNCIL PRESIDENT PETERS: And I want to do that for the next two as well, Dan.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to suspend the rules of Council for three readings for Ordinance No. 51 – 2017.

COUNCIL PRESIDENT PETERS: Alright, now do we have a motion and a second to adopt second reading of Ordinance No. 51 – 2017?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to adopt second reading for Ordinance No. 51 – 2017.

ORDINANCE NO. 51 – 2017 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the second reading of Ordinance No. 52 – 2017?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to read by title only the first reading of Ordinance No. 52 – 2017.

6. Ordinance No. 52 – 2017 Finance and Property Committee

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, to be appropriated from the unappropriated resources of the General Fund to the Professional Services Account in the amount of \$21,000.00 for the current expenses during the fiscal year ending December 31, 2017.

COUNCIL PRESIDENT PETERS: Thank you, Chairman Griffith.

COUNCILMAN GRIFFITH: This is a supplemental appropriation for additional technology needs that we found. We have some just hardware needs that needed to be done. I think Pat DeOrio was really good about reaching out to each of us to explain it in detail. So are there any other questions? I would move to suspend the rules then.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to suspend the rules of Council for three readings for Ordinance No. 52 – 2017.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt the second reading for Ordinance No. 52 – 2017?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to adopt the second reading for Ordinance No. 52 – 2017.

ORDINANCE NO. 52 – 2017 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of the rules Ordinance No. 5 – 2017?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 7 yes to adopt the second reading of Ordinance No. 52 – 2017.

ORDINANCE NO. 52 – 2017 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the second reading of Ordinance No. 53 – 2017?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 7 yes to read by title only the second reading of Ordinance No. 53 – 2017.

7. Ordinance No. 53 – 2017 Finance and Property Committee

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, to be appropriated from the unappropriated resources of the Capital Improvement Fund to the Professional Services Account in the amount of \$21,000.00 for the current expenses during the fiscal year ending December 31, 2017, to repair water damage to the foundation of City Hall.

COUNCIL PRESIDENT PETERS: Yes, thank you, Chairman Griffith.

COUNCILMAN GRIFFITH: As it states in the ordinance itself. Obviously we've had some major foundation issues in the front of the building. And this is the emergency fund necessary to move forward with that. And obviously there's been some work that's already been done out there, as it's visible to anybody who goes by. Any questions? I would move for suspension of the rules.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to suspend the rules of Council for three reading for Ordinance No. 53 – 2017.

COUNCIL PRESIDENT PETERS: Thank you. Motion to adopt?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to adopt the second reading for Ordinance No. 53 – 2017.

ORDINANCE NO. 53 – 2017 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Alright, now onto new business. Motion and a second to read by title only the first reading of Ordinance No. 54 – 2017?

COUNCILWOMAN WERREN: This was the one with the voice vote, as opposed to the roll call vote. We've been talking about this.

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to read by title only the first reading of Ordinance No. 54 – 2017.

8. New Business

9. Ordinance No. 54 – 2017 Ordinance, Rules and Claims Committee

An ordinance to provide for an election on the proposed amendment to ARTICLE II, Section 2.05, Legislative Procedure, of the Charter of the City of North Canton.

COUNCIL PRESIDENT PETERS: Thank you, Chairwoman Werren.

COUNCILWOMAN WERREN: We've talked about this and I think we've been frustrated with some of us just having to repeat after she does the roll call. So this would just be a voice vote. If someone still says no it would be recorded. It would just make

it a little more efficient. Again, everything is video, it's all audio. And that's it. So I move to adopt.

COUNCILMAN FOLTZ: So let me ask you this, so we would voice vote the reading itself, and you would voice vote the actual vote on the ordinance? So there'd be two roll call votes usually.

COUNCILWOMAN WERREN: To read it and then to vote on it.

COUNCILMAN FOLTZ: To read it, to vote on it, and if it's on emergency, a third one. So anybody would say nay, or just speak up afterwards would be identified.

COUNCILMAN CERRETA: That would be recorded once if opposite. Second then.

COUNCIL CLERK BAILEY: You wouldn't hear me as often.

Roll call vote of 7 yes to adopt the first reading of Ordinance No. 54 – 2017.

ORDINANCE NO. 54 – 2017 WAS GIVEN FIRST READING.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the first reading of Ordinance No. 55 – 2017?

COUNCILWOMAN WERREN: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 2 yes, 5 no to read by title only the first reading of Ordinance No. 55 – 2017. Fonte and Werren voted yes, Cerreta, Foltz, Griffith, Kiesling and Peters voted no.

ORDINANCE NO. 55 – 2017 WAS NOT READ.

10. Ordinance No. 55 – 2017 Ordinance, Rules and Claims Committee

An ordinance to provide for an election on the proposed amendment to ARTICLE III, Section 3.02, The Director of Administration, of the Charter of the City of North Canton.

ORDINANCE NO. 55 – 2017 FAILED TO MOVE FORWARD.

COUNCIL PRESIDENT PETERS: Okay, may I have a motion and a second to read by title only the first reading of Ordinance No. 56 – 2017?

COUNCILMAN CERRETA: What is this one?

COUNCILMAN FOLTZ: Council serve as a non-voting member of the commission in an advisory capacity.

COUNCILMAN GRIFFITH: And engineer and director of permits.

COUNCILWOMAN WERREN: This puts the engineer and director of permits on it, and really it just takes out that last sentence. So people can still attend, and it makes it current with every other piece of legislation. It makes everybody even.

COUNCILMAN CERRETA: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 7 yes to read by title only the first reading of Ordinance No. 56 – 2017.

11. Ordinance No. 56 – 2017 Ordinance, Rules and Claims Committee

An ordinance to provide for the an election on the proposed amendment to ARTICLE III, Section 3.07(2), PLANNING COMMISSION, of the Charter of the City of North Canton.

COUNCIL PRESIDENT PETERS: Thank you, Chairwoman Werren?

COUNCILWOMAN WERREN: So this is with 3.07(2) and 3.07(3), so before there was never included the director of permits, and engineering. So that is now in there. Everybody still serves as non-voting members of commission in an advisory capacity. And then it takes out "shall attend all meetings." It's understood that you can attend, and that you may attend. It just takes that provision out. And as Tim stated it makes it concurrent with every other piece of legislation. There wasn't anything else that

made it "shall" for any other participant. So now it puts everybody on the playing field.

COUNCILMAN FOLTZ: One comment, if I may. I think we still should try to set some type of schedule. That if some of us can make it, we should be there. I mean obviously we've talked about this.

COUNCILWOMAN KIESLING: Yeah, we talked about that.

COUNCILWOMAN WERREN: And we've been doing that. I mean thing that hasn't been noted, is that because you're in an advisory position. Marcia's been here many times, I've sat in the back. You don't have to sit up here. And that isn't noted, and we have some people that think they're taking attendance when people have been here. There's been many councilmembers at many events. For example, when the cellphone tower was going up. I went to both phases, I was at many of those. But my attendance was recorded by some people. And you certainly never have the clerk or any of the council people on those commission caring about our attendance.

COUNCILMAN FOLTZ: Right, and obviously you're going to be there if it's important to you in your neighborhood, or your ward. We all have different interests, besides from trying to make it be there to be, you know, an advocate for good government. So, okay.

COUNCIL PRESIDENT PETERS: Well, the last Planning Commission meeting had an issue in my ward, and Steph's ward.

COUNCILWOMAN WERREN: We had four of us there.

COUNCIL PRESIDENT PETERS: And me, Steph, Dom and Mark were there.

COUNCILWOMAN WERREN: The cellphone tower when it had an issue. I was there every time, I just sat in the back. So I move to adopt.

COUNCILWOMAN KIESLING: I'll second.

Roll call vote of 7 yes to adopt the first reading of Ordinance No. 56 – 2017.

ORDINANCE NO. 56 – 2017 WAS GIVEN FIRST READING.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the first reading of Ordinance No. 57 – 2017?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to read by title only the first reading of Ordinance No. 57 – 2017.

12. Ordinance No. 57 – 2017 Ordinance, Rules and Claims Committee

An ordinance to provide for an election on the proposed amendment to ARTICLE III, Section 3.07(3), ZONING AND BUILDING STANDARDS BOARD OF APPEALS, of the Charter of the City of North Canton.

COUNCIL PRESIDENT PETERS: Thank you, Chairwoman Werren?

COUNCILWOMAN WERREN: So in this one, I think we would just clarify and maybe you can talk about it a little bit, Tim.

COUNCIL PRESIDENT PETERS: The appeals?

COUNCILWOMAN WERREN: Yeah, on where that goes. And really making it in a much orderly kind of fashion with that.

LAW DIRECTOR FOX: That's correct. And in fact the chair had pointed out that to the average reader, what was placed in there seemed a bit confusing. And I had made a change to that, and offered it to her. And she said "make it clearer in this too." And so we made it I think a little bit clearer. We put some, some...

COUNCILWOMAN WERREN: So will the one, two and three, those will actually be in there? Because I think that helps a lot. Quite honestly.

LAW DIRECTOR FOX: Yes, we put the very specific things. One, is to challenge those, those decisions from employees, or the members of commissions, or the commissions themselves. It's to hear appeals and other things directed by council. So...

COUNCILWOMAN WERREN: Yeah, no nice job.

COUNCILMAN GRIFFITH: I think this is a great example of how the process works really well. You get a technical correction, you get thought and input from all the people who are involved to make it even more-clear. This is a polishing of the process.

COUNCILWOMAN WERREN: Yes. Nice job. So I move to adopt.

COUNCILMAN GRIFFITH: Second.

Roll call vote of 7 yes to adopt the first reading of Ordinance No. 57 – 2017.

ORDINANCE NO. 57 – 2017 WAS GIVEN FIRST READING.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the first reading of Ordinance No. 58 – 2017?

COUNCILWOMAN WERREN: So moved.

COUNCILMAN FOLTZ: Second.

Roll call vote of 7 yes to read by title only the first reading of Ordinance No. 58 – 2017.

13. Ordinance No. 58 – 2017 Ordinance, Rules and Claims Committee

An ordinance to provide for an election on the proposed amendment to ARTICLE III, Section 3.07(3), ZONING AND BUILDING STANDARDS BOARD OF APPEALS, of the Charter of the City of North Canton.

COUNCIL PRESIDENT PETERS: Thank you, Chairwoman Werren

COUNCILWOMAN WERREN: So, we pretty much talked about this in 56 – 2017. Kind of the same standard, where it put in the director of permits and engineer... I'm sorry what?

COUNCIL PRESIDENT PETERS: It added admin too, didn't?

COUNCILWOMAN WERREN: The admin was already in there, I believe.

COUNCIL PRESIDENT PETERS: Oh was it? Okay.

COUNCILWOMAN WERREN: Yeah, they would serve as non-voting member in an advisory capacity as well. And brought the other language concurrent with other members of those commissions. So I move to adopt.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to adopt the first reading of Ordinance No. 58 – 2017.

ORDINANCE NO. 58 – 2017 WAS GIVEN FIRST READING.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the first reading of Ordinance No. 59 – 2017?

COUNCILMAN CERRETA: So moved.

COUNCILMAN GRIFFITH: Second.

Roll call vote of 7 yes to read by title only the first reading of Ordinance No. 59 – 2017.

14. Ordinance No. 59 – 2017 Ordinance, Rules and Claims Committee

An ordinance to provide for an election on the proposed amendment to ARTICLE IV, Section 4.03, Fiscal Year and Tax Budget, of the Charter of the City of North Canton.

COUNCIL PRESIDENT PETERS: Thank you, Chairwoman Werren?

COUNCILWOMAN WERREN: Dan, do you want to say anything about this one?

COUNCILMAN GRIFFITH: Well I just wanted to out, obviously, and I think carefully considering to make sure that we're not doing things that we shouldn't. Laura, this is no longer required by the statute, and creates an additional burden on your office?

FINANCE DIRECTOR BROWN: They gave the County Budget Commission the choice to do the tax budget that existed in the statute or an alternative. Stark County chose to do an alternative, shortly after our last Charter review. And so since then we've been doing that. So the requirements are not there anymore in this county.

COUNCILMAN GRIFFITH: So essentially then we are, because of the Charter, and I'm not sure why this would have been in the Charter to start with, right? We're essentially eliminating that requirement and align with the statute to govern us. I guess, we, tonight I think we're all talking about making sure we're really thoughtful about not throwing too much at the voters. But this seems to be pretty necessary, because it requires extra time and effort, and burden on you and your staff. Is that right?

FINANCE DIRECTOR BROWN: Right, and its requiring something that the county doesn't hold us to. So if I do the statutory tax budget, Stark County's going to say "well, wait a minute, we do the alternative." And it's not going to make sure sense. So...

COUNCILMAN GRIFFITH: So you essentially have to prepare both, cause the county has a different requirement.

FINANCE DIRECTOR BROWN: I think to the letter of the law I probably would have to.

COUNCILMAN GRIFFITH: So, I think it is necessary.

COUNCILWOMAN WERREN: Well, if Laura says that and she's the one doing it, then I would move to adopt.

COUNCILMAN CERRETA: I'll second.

Roll call vote of 7 yes to adopt the first reading of Ordinance No. 59 – 2017.

ORDINANCE NO. 59 – 2017 WAS GIVEN FIRST READING.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the first reading of Ordinance No. 60 – 2017?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 5 yes, 2 no to read by title only the first reading of Ordinance No. 60 – 2017. Foltz and Peters voted no.

15. Ordinance No. 60 – 2017 Ordinance, Rules and Claims Committee

An ordinance to provide for an election on the proposed amendment to ARTICLE VI, Section 6.0, Corrections, of the Charter of the City of North Canton.

COUNCIL PRESIDENT PETERS: Thank you, Chairwoman Werren?

COUNCILWOMAN WERREN: You know I'd like to talk about this a little bit. I think Rita brought up some good points on this. And again, thinking about overloading the public, and the constituents, and thinking what they might think about this. So, Tim, if we don't put this, because this was something that the Charter Commission recommended. And initially we thought it was a good suggestion, let's just say we don't put it in, and there are errors. How does this affect us? And what steps have to be taken after that?

LAW DIRECTOR FOX: Indeed, the chair had recommended this as the City of Green had this type of provision. And I believe the reason that the City of Green had this type of provision is that years ago, Green made somewhat of a large change in its Charter. And there were errors, typographical errors, grammatical errors, of such. And because it didn't have this type of provision where what was on the legislation, and what was on the ballot, if something was incorrect grammatically, typographical, went on the Charter. And so they had to do Charter amendments to fix that. And eventually it got to the point where they decided we'll put that in the Charter, that it's a provision to permit those types of things. And it's actually the law director makes the recommendation. Of course, it wouldn't be on the law director's decision, but would point those things out. That perhaps this is a grammatical error, sometimes. And we have those right now, we just simply live with those.

COUNCILMAN CERRETA: How often have we had a problem with this?

COUNCILMAN FONTE: Have we had a big issue with typographical?

LAW DIRECTOR FOX: No.

COUNCILWOMAN WERREN: Remember its every 10 years.

COUNCILMAN FONTE: Okay, so that solves that problem.

COUNCILMAN FOLTZ: The only changes is what we're presenting right now?

COUNCILMAN CERRETA: So as you look at it, if you see anything else lets address it.

LAW DIRECTOR FOX: I see very, you know, minor things. It could be reworded, but no, I think it's... Ms. Palmer made a great recommendation there. It, when we find those things, if it really needs to be changed because it's not what is intended, then Council has the authority to do that. To place it on the ballot, to point out this is not doing what Council and the taxpayers intended it to do. But if it's just a typographical error, you can live with that. It's embarrassing, but you can live that and you can remedy that at some other point. We have those in there. I mean sometimes it happens with the printer. That when they print those things, they make the mistake because they're human.

COUNCILMAN GRIFFITH: Let's be clear, when the Charter is printed; if it's printed incorrectly then it's printed incorrectly. The Charter isn't incorrect, the printing is wrong.

LAW DIRECTOR FOX: Right, and we can fix that.

COUNCILMAN CERRETA: Okay, do you need a motion? Or did you motion?

COUNCILWOMAN WERREN: We still need a motion, and if we defeat it, we defeat it. So...

COUNCIL PRESIDENT PETERS: Do you want to motion to adopt?

COUNCILMAN GRIFFITH: I think it's a very thoughtful piece, but...

COUNCILWOMAN WERREN: I'll motion to adopt, and then see where it goes.

COUNCILMAN GRIFFITH: Yes.

COUNCIL PRESIDENT PETERS: Is there a second?

COUNCILMAN GRIFFITH: I'll second.

Roll call vote of 7 no to adopt the first reading of Ordinance No. 60 – 2017.

ORDINANCE NO. 60 – 2017 WAS DEFEATED BY A ROLL CALL VOTE OF 7 NO.

16. Upon a motion, second, and a sufficient number of favorable votes, Council shall move into executive session with the Mayor and the Director of Law to discuss a dispute involving the City that is the subject of imminent court action. The executive session will not be open to the public.

COUNCIL PRESIDENT PETERS: Okay, to that may I have a motion and a second to move into executive session with the mayor and director of law. This is to discuss a dispute involving the City that is the subject of imminent court action. The executive session will not be open to the public.

COUNCILMAN FOLTZ: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to adjourn into executive session.

COUNCIL PRESIDENT PETERS: For those that inquired about the meeting. Next meeting will be next week, June 12th at 7:00pm, will be a regular Council meeting. There may or may not be a special Committee of the Whole meeting, I'm not sure yet. The following meeting there will be a special Council meeting on the 19th as to have the third reading of the amendments to, proposed amendments to the Charter. That will be the 19th at 7:00pm. And that's really all I can commit to, we may have to do a meeting on the 26th because of the two.

COUNCILMAN CERRETA: I won't be here on the 19th.

COUNCILWOMAN KIESLING: I will not be here on the 26th.

COUNCILWOMAN WERREN: And I won't be here next week.

LAW DIRECTOR FOX: You need two-third to vote.

COUNCIL PRESIDENT PETERS: We'll have a quorum. Alright, so the 12th and the 19th, next Monday and the Monday after... Alright, we are in executive session.

Council adjourned into executive session.

COUNCIL PRESIDENT PETERS: Alright, motion and a second to come out of the executive session.

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

COUNCIL PRESIDENT PETERS: Clerk, please call the roll.

Roll call vote of 7 yes to adjourn from executive session.

17. Adjourn:

COUNCIL PRESIDENT PETERS: Alright, let the record reflect Member Cerreta and Kiesling adjourned the meeting 10 minutes prior. Let the record also reflect no action was taken. May I have a motion to adjourn?

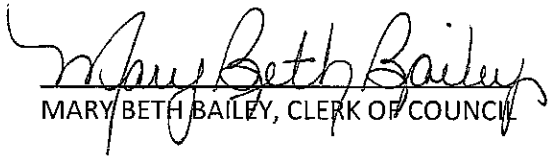
COUNCILWOMAN KIESLING: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 7 yes to adjourn.

COUNCIL PRESIDENT PETERS: We are adjourned.

[Let the record reflect Charles Osborne set up a tripod and appeared to videotape the Council meeting.]


MARY BETH BAILEY, CLERK OF COUNCIL


DANIEL JEFF PETERS, PRESIDENT