

MINUTES FROM PUBLIC HEARING  
CITY OF NORTH CANTON  
MONDAY, MAY 22, 2017

1. Call to Order

**COUNCIL PRESIDENT PETERS:** Okay, I'd like to call to order the public hearing. The purpose of this hearing is to obtain the public's comments and concerns regarding the recommended revisions and amendments to the North Canton City Charter submitted by the Charter Review Commission. I'm going to start first off with the chair of the Charter Review Commission. Oh, I'm sorry, Clerk, would you please call the roll?

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

Thus having 6 in attendance.

**COUNCIL PRESIDENT PETERS:** Thank you. May I have a motion to excuse Member Kiesling, she's working late, and she'll join us in progress.

**COUNCILMAN FOLTZ:** So moved.

**COUNCILMAN CERRETA:** Second.

Roll call vote of 6 yes to excuse Councilwoman Kiesling.

**COUNCIL PRESIDENT PETERS:** Alright, thank you very much. Chairwoman Baughman?

**MIRIAM BAUGHMAN:** 320 Weber Avenue. The commission reviewed the Charter line by line. We discussed and debated changes in depth, there was a lot of good discussion; a lot of thought was put into it. So I'm just going to briefly go over our findings and tell you, you know, how we came to come to these recommendations. First is 1.01, the commission is recommending to strike the word "village", to bring the Charter up-to-date. Since North Canton was a village, we've had several annexations, and two large housing annexations. The 2010 census was 17,000. It's very doubtful if we'll ever get below 5,000 again. 2.04, recommending that Council may make public Council and Council of the Whole meetings to the residents. Surrounding communities all have Council meeting calendars for public knowledge. These calendars are not written in stone. They can be subject to change like any calendar. The calendars could be for a year, they could be for six months, they could be for three months. Currently, there is no advanced notice and the meetings are just week to week. Anybody new to the city that would get on the website has no idea when the Council meetings are. So it would be a public service. 2.04, paragraph 3, notice of special meetings. After a lot of discussion, the commission decided to strike the sentence that said "personally or leaving a copy at the member's residence". It was decided that it would only say "the Clerk of Council shall cause written notice to be served." And we decided not to put how it would be served. That it would be left up to the Clerk of Council and what the make-up of the Council is. Since there won't be another review for 10 years, and you know how fast technology goes. My granddaughter has a watch that she calls people, receives calls, gets her texts, gets on the internet, and that little watch is like a half inch by one inch. So you can imagine in the next 10 years what the technology would be. That's why the commission said no, we aren't going to say how you serve it, we'll just put shall be served. 3.02, remove the Director of Administration, since it's not in compliance that should be resident. Because that's not in compliance with the ORC. 3.07, Section 2, Planning Commission. I noticed when I looked at the legislation that a sentence was left out, that the commission had recommended. And that is Director of Administration, City Engineer, Director of Permits, and a member of Council, and what was left out was "may attend meetings." And it's important that be kept in because that's the verbiage that the voters will look at, and maybe they would decide no, they shouldn't say "may" they should say "shall." But if you don't leave that sentence in "may attend meetings", the voters won't know that there was a choice. Section 3, is for the ZBA, and that's the same verbiage. So I ask you please if you decide to put this on the ballot to let the verbiage "may attend meetings." 4.03 and 4.05, the verbiage is recommended to be changed on the recommendation of our finance director. The changes bring our charter up with Ohio Revised Code. 5.04, we're recommending that you change the residence require to run for office to one year instead of two. And that brings us in line with surrounding communities. 6.04, the commission recommend that there be a sentence added, this is the section on the charter review; to say "that they shall elect a chair, a vice chair, a secretary, and adopt their own rules." Since I was on the last Charter Review Commission, I knew to do that. Ten years from now, there may not be anybody from the current commission that would know that they should do that. And if you look at the Charter, at the past commissions for the last three commissions; which is over the last 30 years there was a chair, vice chair and a secretary, elected. There's a chair needed to organize and conduct the meetings, a vice chair is needed in case the chair is absent, and the secretary was very important. Even though we had the meetings recorded, and transcribed, our secretary did a lot. She also took notes, she collaborated with Mary Beth, she sent out the notices to all the members, kept everybody up-to-date what was happening. I think it's important that we keep the recommendation to adopt our own rules. Rules need to be, and I knew this from being on the last commission. You need to set the time and the date of the meetings, the length of your meetings, public speaks; when do you have it, before or after. How long does everybody speak. And there's something important that we did not set a rule for, and that's the rules for voting. Robert's Rules gives two options when you vote. One is the majority of those present, and the other is the majority of the entire commission. And there was some controversy over that, we did have one recommendation that passed because it was the majority of those present. But the law director decided without consulting the commission that it should be majority of the entire commission. Then we have 6.06, and this is the

section that's going to be added. And that is approval for Council to correct any typos in the Charter, and approval of Council to change sections to comply with the Ohio Revised Code. Okay, I want to publically thank Mary Beth for attending all of our meetings, transcribing them, sending them out, we appreciated it. And a special thank you to Jessica Stroia, who was our secretary. She did an outstanding job, she worked very hard. Thank you.

**COUNCIL PRESIDENT PETERS:** Thank you, Miriam. Alright, at this time if you wish to address council regarding the proposed amendments to the Charter, please step forward state your name and address. In the interest of time, we will do the 5 minute time limit. We'll go from there, sir?

**KEN SWICKARD:** 832 South Main Street. I was on the Charter Commission. I am in favor for keeping the line that says "such commission shall elect their own chairperson, vice chairman, etc., etc. For a number of reasons. It may seem mute on its face, but the future commission could benefit from that structure. We had to get that structure, in fact as it was told to us by I believe Law Director Fox that you select your own chairperson, you set your own rules, and everything else like that. So I think that it is an addition that provides structure for future commissions, like Miriam said. She might not be willing to chair it the next 10 years. Who knows? Additional, it does not hinder the Council to do this. And it also ensures the commission is not unduly influenced by the Council. It gives the commission actually more autonomy. Because this way the council, if the council could conceivably stack the commission and assign their own chairperson, secretary and vice chair. It seems like a very small thing, but I think it would lend great autonomy to that commission, whose charge is to make sure that the city is charting a decent course for the future. That was just my support. Thank you.

**COUNCIL PRESIDENT PETERS:** Thank you, Ken. Anyone else wishing to address? Mr. Osborne?

**CHUCK OSBORNE:** 307 Fairview Street SE, North Canton, Ohio. I have some handouts coming around the first one if you look at it, was the online version of the amendments as they appeared online. Just as well been on in Chinese. And what was actually published in the paper wasn't much better. Secondly, what was printed in the paper did not include the meeting date, and time and place. I don't know why there was four different publication times. They could have been, they should have been consolidated into one. These are the following amendments to be discussed and this is the time and date they're going to be discussed. This Charter Review has been screwed up since day one. And it's ironic as h\*\*\*, because you violated the Charter...

**LAW DIRECTOR FOX:** Point of order, Mr. Chairman, ask that we don't have any profanity.

**CHUCK OSBORNE:** Okay, Mr. Fox, I have the floor.

**LAW DIRECTOR FOX:** You don't have the floor when you use profanity.

**CHUCK OSBORNE:** That's not profanity, and you're eating up my time.

**COUNCIL PRESIDENT PETERS:** Mr. Osborne, let's keep it respectful.

**LAW DIRECTOR FOX:** You're eating your own time.

**CHUCK OSBORNE:** The Charter Review was not appointed in a timely manner as the Charter prescribed. The public hearing was not advertised in a timely and correct manner. One of the handouts I sent you is the agenda for back 10 years ago. Council has to authorize publication of the public hearing by ordinance. That hasn't happened. And there's an example of what was done 10 years ago. Another page in there, the actual ordinance, it was actual Ordinance No. 55 – 07, authorizing publication. Portion of the charter says "Council shall cause the recommendations of the Charter Review Commission to be published in a newspaper of general circulation." And that has not been done properly. The amendments that were published out of the clear blue, how are you going to read through that and understand what the heck is going on. It's, and I haven't actually looked at the cost, thousands of dollars was wasted publishing that Chinese list of whatever. And as I said, that's what appeared online in the Repository. What does it mean? Nothing. First publication was on May 9<sup>th</sup>, all it had was the recommendations. Four days later, oh, we forgot to tell you the publication from 4 days earlier there's going to be a public hearing to discuss that. Next week, on the 16<sup>th</sup> another publication of the recommended amendments. Then the next day, oh by the way here's the time and date for that discussion. Certainly some amendments that need to be put in the Charter Review shouldn't that be some qualifications. If I were to take any of one of you out to my former jet I used to fly and set you in the cockpit, and say "give me some recommendations on how I can be a better pilot." That's the exact look I would get from you. What the h\*\*\* are you asking me for, I have no idea. I've never been in a cockpit of a jet. And yet you appoint people to this commission, probably didn't even know where City Hall was. And certainly had never been to a Council meeting, a Planning Commission meeting, and a Zoning Board of Appeals meeting. And now we're getting down to the nitty-gritty. You had people on there who had no respect or trust and the true test of time. Fifty-Seven years, we have required a councilmember to appear at Zoning Board of Appeals. On average there's only two a year. Is that a huge burden? Planning Commission, you have on average about 8. That's the heartbeat of the City. That's when things that go on that really impact people on a day-to-day basis. Why wouldn't you want to have your councilmembers there hearing all the concerns? Women want to be treated equally, and fairly. Well, I think they should perform equally and fairly. You have two members of council here who don't want to go to those meetings. How can you people all sit up here and just eques and let that requirement be thrown out the window. So this meeting, the public hearing is coming up has not complied with the Charter, and you need to correct this and start all over. Advertise it correctly, schedule another public hearing, and comply with the Charter. And here a week ago you let Mr. Fox screen every recommendation, what's it say in the charter? No member of the City...

**COUNCIL PRESIDENT PETERS:** Mr. Osborne, you're time is up.

**COUNCILWOMAN WERREN:** Time's up, sir.

**CHUCK OSBORNE:** You're out of order, Mrs. Werren.

**COUNCILWOMAN WERREN:** No, you're out of order.

**COUNCIL PRESIDENT PETERS:** Please take your seat. Thank you.

(Mr. Osborne continued to speak from the gallery)

**COUNCIL PRESIDENT PETERS:** Mr. Osborne, please let's be respectful.

(Mr. Osborne continued to speak from the gallery)

**COUNCIL PRESIDENT PETERS:** Let's be respectful. Thank you. I, on the other hand appreciate all of the Charter Review Commission did. Each and every individual. Very competent, very competent. And I think it's shameful that you stand up here and disparage their efforts. They took time out of their busy schedules, away from their jobs, their families, to do that public, that service...

(Mr. Osborne continued to speak from the gallery)

**COUNCIL PRESIDENT PETERS:** Mr. Osborne, I'm talking, I let you talk. Please, again be respectful. They took time out of their busy schedules away from their families, and their jobs to do a service. And I think it's horrible and shameful that you disparage them like that. Shameful. Alright, anyone else wishing to address council, please step forward state your name and address.

**JESSICA STROIA:** 638 Portage Street. I served as the secretary on the Charter Commission Review. It was a wonderful experience, I do want to say thank you. I mean it was an honor to serve, and obviously review page by page, word for word what the Charter is. It's our Constitution for our City. And I think there's three main issue that were brought up that I really would hope that the council and also others do consider heavily. One of them is transparency in government, obviously this is our Constitution, and transparency between Council and its municipality is of the utmost importance. In order to do that, there needs to a be a little more better, there needs to be a better way to communicate when meetings are, and how they're conducted. When someone can speak and when not. Obviously, there's an easy way to point fingers as to why, but our goal as a Charter Commission I think, as a whole our goal is to say "how can we make the public know when they are?" And I think we came up with two really good options. One of them was saying "hey, maybe in January, keep us updated three months, six months, a whole year." Even if you just put it on it on there. I understand that Ordinance No. 33 – 2013 was a heavy subject that we did discuss. And it does say Monday night's 7:00pm Council Chambers. Which to the average citizen that is a little unknown. And how to find an ordinance can be a little tricky. So, also, at Council meetings in the past, somebody did bring up that maybe on the end of every agenda we say "hey, our next meeting is this date, this time, and there might be a special meeting right after." Simple things, just trying to see transparency in government. The second issue that the Charter Commission did review, was the matter of the ward representative only having to live in their ward for one year, instead of two. It was, the majority won, however, there were votes against it. And I was one of them. I do think that the individual living in their ward should live for two years. They can represent their community, they can stand behind what they're representing, and I do urge you to take that into consideration. Like the Charter Commission did as well. And third would be, sorry I wrote it all out and I left it at home. So... But I would like to bring up, we had so much help by the law director, by Mary Beth. It was a wonderful experience, however, in 20 minutes the law director did explain a lot of argues that took months. And I want to make sure that Council does take into consideration all of what we did. Not only how we said it, but the way we said it, the way that we voted. And I want to make sure that before you go forward and you vote, you take into consideration how we looked at the subject. And not just Tim, however, Tim is the one that is the legal representation for us. So we were very fortunate to have your expertise in the Ohio Revised Code, because I rely on the app for Ohio Revised Code. Because it's very in depth. So I do want to leave you with the fact that our Charter is our Constitution. It is what defines our City, and on top of that we have Home Rule advantage. We have the ability to shape our Charter in a way that not everybody can. And that way it can be modified to our specifications. So please take into effect what we did, and how we did it. And thank you so much.

**COUNCIL PRESIDENT PETERS:** Alright, anyone else wishing... Mr. Sarbach?

**GREG SARBACH:** My wife of 46 years Sheri, and I reside at 611 Northbury Cir NE, in North Canton. In my 70 years of shuffling through this life, I've had the opportunity to be involved in many organizations. From scouting and organizing the Jaycee chapter in Carroll County, to serving on the North Canton Community Intervention School PTOs, political action committees, Lions Club, and as most of you know, North Canton City Council. By the way, those 10 years I served, were 9.5 of the best years of my life. Recently, I had the honor of serving as a member of the 2017 North Canton Charter Review Commission. There I served with some old friends, and met many vibrant young members of our community. As we diligently reviewed the 2008 version of the Charter, we didn't always agree. But we had an open dialogue, and we arrived at conclusions as a group. One of those conclusions was to eliminate the Charter requirement for a delegated elected councilperson to attend Planning Commission meetings. That recommendation passed by a majority of the members present. After that recommendation was voted on, specifically the following scheduled meeting. The Commission had several community members, former office holders give

compelling public speaks that may have affected the vote if heard previously. It was then moved and seconded to revote the issue. The vote was 7 of the 12 members present to vote again with the updated information. Before that vote could be taken, the director of law interjected that the vote must be at majority of the total members 15, and not the members present 12. The law director's ruling was not challenged by our commission member attorney. So the recommendation stood. As you may have noticed from my previous life experiences, did not include any legal training. So debating one, or possibly two attorneys on Robert's Rules of Order is not in my wheelhouse. We will never know if a second informed vote would change the commission's recommendation. But I know at least two members would have rejected the proposed change. I'd like to thank you for this opportunity to speak, and I thank you for your service to our community. And just as an afterthought, if you were put in a jet and asked to give recommendations on how to make a previous speaker a better pilot, I'm sure all of you would remove the microphone.

**COUNCIL PRESIDENT PETERS:** Anyone else wishing to address council? Regarding the Charter? You've got five more minutes. Okay, seeing none we've got five minutes to go here. So do you guys want to talk about what we've heard, do you want to discuss anything? Any thoughts?

**COUNCILMAN GRIFFITH:** I would echo your thanks to the committee members. I thought, I was able to participate indirectly obviously in a number of the meetings and I thought I was impressed by the diligence that a lot of people took in asking good questions. And really thinking carefully about a lot of the issues. I thought people did a good job of listening to each other. Which was also excellent, so I also want to share my thanks to the people who no doubt got a lot of their friends who ask us the same thing. Why did you agree to do this? Right? So I appreciate each of you taking the time to do it.

**COUNCIL PRESIDENT PETERS:** A special thank you to Chairwoman Baughman, for chairing this commission and moving it along in an orderly fashion. She's got a lot of experience. And to her point, about the ever changing technology. It was interesting, I was at, I don't how many meetings I went to, and it was three or four of them. But the ones that I didn't, I was able to watch online. And the last one, I watched twice. Because as Jessica pointed out, I wanted to see what people were saying, and how they were said it. And that was important. So, you know, a shout out to us I guess a little bit for adding the live streaming to this chamber. And looking forward to, as a side note, adding Planning Commission and Zoning Board of Appeals. To this as well. Dom?

**COUNCILMAN FONTE:** You know, what you were saying Jessica about the schedule. You know, the calendar events and so forth. We've been talking, I mean not even about the Charter, just in general the communication online. And we're improving the, we're getting the IT, we're changing a lot of things so that you know we're gonna be, we want to be more transparent. And I believe that if you're watching there's a lot of big changes happening. We've been a lot of great things. And you know, it's just getting catch up with everything. So just be a little patient while we're working through it. And I think it's probably a good idea after the meetings to know mention when our next final meeting would be. So that we're informed. But, yeah, that's going to, we're going to continue to do that regardless of the Charter.

**COUNCIL PRESIDENT PETERS:** I've been trying to do that after the meetings announce when our next meetings are. I think I forgot to do it last, last week. But I think that was, was that's Sue's idea? And I have no problem with doing that as well. Putting it on the agenda when the meeting is going to be as well.

**COUNCILWOMAN WERREN:** I would only say that, I think some of the comments that were stated with the Planning Commission and the Zoning. You know, those came up because Mr. Osborne was trying to point that some members weren't here. Even though some members are not told that they're to attend the meetings. So he wanted to make an issue of this. And it was pointed towards, you know, Marcia and I. And I remember Jessica, you know at the end, kind of saying be careful about the fight you pick. Because members saw that and said "what is going on?" So then they talked to Planning, they talked to Zoning, they talked to the chairs of those committees. There was an email that was sent that Mr. Osborne had inquired from Mr. Cline about who should attend. And why it's important that certain people attend, and then why is it important to have boundaries so that people aren't swayed by different decisions. You know for the same reason of maybe it's not a bad idea for that Charter Commission to appoint their own president, vice president and secretary, and so on. And it was brought up. And there was letter that we can read from Mr. Cline that was to Mr. Osborne. It wasn't to me, it wasn't to anybody, stating these reasons. And there was thorough debate that night, because other people reached out and said "well, who is important to be at those meetings?" You know, plenty of us are already there whether we're required to be there or not required to be there. But that's what that came about. And it's interesting that became such a focal point when there's so much, you know, to look at. When he's talking about meetings that, like he says, are twice a year. Of course, no one would have a problem of being there if they were told to be there. So it's just, I think we have to look at that, and that was brought up, because of what people saw online and heard. And as far as there being plants, that's not true. Again, that's fabricated when someone doesn't get what they want. And I think its acting like a two year old, quite honestly.

**COUNCIL PRESIDENT PETERS:** As far as what? What did you say? As far as...?

**COUNCILWOMAN WERREN:** Plants, to call people plants on the commission. Is ridiculous and it dishonors them. And he should be ashamed for saying that. That isn't, some people didn't even know their people when they nominated them, and they heard they were good stewards of the community. And so to say that, it's disgusting, it's disrespectful. And nobody is plant on that commission.

**COUNCILMAN FONTE:** I just wanted to say, regarding the Planning and Zoning, you know, I've had a lot of conversations with

many of you, and the engineer, and the director of permits. Obviously, they're integral in that relationship. Because if you've been to a meeting, you know, how they communicate back and forth to get clarity. And they understand the ordinance. But they're critical to be there. Because they're the ones that help, you know, agree or disagree, or guide them on what changes would be. As like, that we're going to focus on the streaming, and the better communication with the technology. That does give us an opportunity to chime in and see what's going on. Obviously, I went to the last one. Because that was interesting to me, I wanted to PAVS and the Starbucks. There's certain things that I'm interested in, I'm going to go no matter if I have to or not. So I'm interested in these things. Also we have one, I think Wednesday, regarding the lights...

**COUNCIL PRESIDENT PETERS:** ACME.

**COUNCILMAN FONTE:** Yeah, ACME. I want to go to that one, because that's an important one, too. So that we can talk about the changes, which just brings me to the other subject. I think, you know, when we get through all this, we need to revisit some of the ordinances and talk about what recommendations we need to make as the times are changing. So, I mean, that's another big thing that I've been thinking about. Because this is what this is really about, is the modern changes, and do we need to make these changes. And then once it goes on the ballot, is it easy enough for people to get the jest of it to make those changes that we're hoping to improve the Charter? So that's it, it's a learning curve for all of us. We're not experts in law.

**COUNCILWOMAN WERREN:** I think the other interesting thing is, you know, this and I don't know if happened on time ten years ago or not. But the meeting date is Monday, May 14<sup>th</sup>, so, you know, we're right around the same timeframe of getting it done. And moving forward. That's what we're doing.

**COUNCIL PRESIDENT PETERS:** Dom, I'm glad you brought that up. You know, that meeting that we were at, there was four of us, you and I, Steph and Mark, I believe. Dan, were you there? (I think so) Yeah, Gary as director of permits, he was very integral, him and the law director, were very integral to that meeting. We sat in the audience watching, both of you got up and spoke during the public speaks portion, but you spoke as residents. As taxpayers, not as councilmembers. And you know even if you were speaking as a councilmember, they're not going to give any more credence to your word because you're an office holder as opposed to anyone else that got up and spoke. So, yeah, I agree with you, there are folks that they're integral to those meetings as director of permits, engineer, and law director. So I'm glad you brought that up. And it was very clear, because there's some hot button issues on that agenda.

**COUNCILMAN FONTE:** I mean, you know, when I don't understand stuff I go to the law director, I go to the engineer, or the permits. Because I don't really know all the rules, and I'm trying to get an understanding; because obviously our job is to try and see how we can solve problems. And come up with solutions instead of just be a road block all the time. And I'm really all about let's figure out a solution to some of these problems we have. And I do believe we're going to improve it, because I see we're really working hard towards updating the infrastructure, Mr. De Orio, thank you very much.

**COUNCIL PRESIDENT PETERS:** Okay, anyone else?

**COUNCILMAN GRIFFITH:** I was not in attendance for that, I'm sorry.

**COUNCILMAN FOLTZ:** Just a few comments. Yeah, great dialogue here. Thank you to everybody that served. I think we had a great mix of, Miriam was my pick, and Gary Wechter. I think we had a lot of experience there. But we also had Jessica and some people that are just getting started to being politically active. Which is awesome. And I think, you don't want everybody to be the same, have the same experience. You want new, fresh people to come in and look at the Charter, too. I think that's important. So I think we had a good mix from what I've seen. And as far as weighing in, I'm glad the commission members came in and weighed in, even if their vote didn't carry for some of the amendments, or they had a different view. I think that's always great to have other insight to us, as far as how that transpired. Because I wasn't able to make the meetings. So that's invaluable to me when I'm deciding how I'm going to vote next. And lastly, I think as long as there's a council representative in the Planning or Zoning Boards, I think that's important. It doesn't have to be a specific person. I think it's been kind of unfairly descript and unjust to our two councilmembers here, Member Werren and Member Kiesling, when they can't make the meeting. Not everyone can make the meetings. But as long as there's someone there to maybe stand in for them, or whoever's appointed or however we handle it. I'd be looking forward to modify that to say here's maybe a few people that can be appointed. So you know you have coverage there. Because there are family commitments, there are things that arise. That doesn't mean you don't want to go to the meetings. But it just mean you have other things to do. And I think there's been some unfair, just attitude and comments made to these two councilwomen. And I think they serve admirably, I just want to make that comment. I think, you know, everyone's welcome to come to the Park Board meetings, when I attend. But I try to get to the Planning Commission or Zoning when it affects someone in my neighborhood that calls me would like me there. Nevertheless, if we do it as more of a committee I think we have it covered, and then we can get through that. So there's not a sense of just being on one person's shoulders there. So let's look at that, to review that and maybe tweak that. That would be my opinion. And you guys can weigh in on that later. But, overall, I'm happy about how it went. Listen as far as it being in the paper, it's always dry reading. It's not an easy way to do this. As we know. But I think our voters have faith and our charter commission itself, and us elected officials to hopefully do the right thing. To put the language right on the ballot for them to vote. I think that goes without saying. There's nothing here that's very challenging, or controversial, in my opinion. So I think we can work with this. And move this forward as a community and be proud of what the efforts that everybody's made. Thank you.

**COUNCIL PRESIDENT PETERS:** Mark, do you have any comments?

**COUNCILMAN CERRETA:** No, everything was said well.

**COUNCIL PRESIDENT PETERS:** Alright, and I'd like to finish, I know we're running a little bit over... Yeah, Tim, go ahead.

**LAW DIRECTOR FOX:** Just to piggyback, what Member Foltz had stated. The part of attending all meetings, and the reason it really caught my eye, is as Jessica had mentioned. The concern of trying to summarize in 20 minutes what the commission did. But that's my role, that's my obligation. Here are the recommendations from the Charter Commission, and they then are forwarded to Council. Who Council is the gatekeeper, in making the determination from their experience and judgment what should be presented on the ballot. What may need to be amended, what may hinder our local government. But the, you know, the concern that they're summarized in 20 minutes, that's exactly what I was asked to do. Sum these up and how they correspond to what we have in place right now. And one of the items that I didn't really catch it until the last time I was looking at it, and it was last week. And isn't it ironic, that the only members of the Planning Commission or the Zoning Building Standards Boards of Appeals that must attend all meetings is the Director of Administration, and a member of Council? The actual members of the Commission, the chair, the vice, all of the members of the Planning Commission, of the Zoning Board of Appeals they're not required to attend all meetings. How about that? It's right in the ordinance. They're not required. Members of City Council are not required to attend all meetings. The Civil Service Commission, they're not required to attend all meetings. But the Director of Administration and a member of Council shall attend all meetings of the Planning Commission, and Zoning Board of Appeals. I don't know exactly when that come up, I can research that for you. I don't know if it was in the original Charter. However, it seems as though it's somewhat of a jab at a Councilmember. Or Councilmembers. Because it doesn't quite make sense that a Councilmember and the Director of Administration absolutely have to attend every one of those. But the actual members don't. So that in of itself, is contrary to the rest of the Charter. And in talking this over with the administrator, and the positions that absolutely are the advisors for those members for Planning, and especially for the Zoning Board. Because they're not selected so much for their technical expertise, they're selected for their willingness to serve. And want to be a part. So they absolutely rely on the Engineer for their expertise, for the Director of Permits, who will have been working with the applicant since that applicant came in and said "I'd like to get a variance, how do I do this?" And so, you can see at the recent meetings, Mr. Fry will brief the board. Here's how it began, here's what they're asking for, here's the standards, here's their obligation. And the Engineer as well. For those technical issues that come in with plans, and drawings, and, you know, myself included. I could be looking at those blueprints upside down and backwards and they don't make any sense to me. So we look to our Engineer and say "hey, explain what they're asking to do? And whether or not they meet our legal requirements. Whether or not they must obtain a variance. Help us with that." But no dispensations on Councilmembers, but that's not why councilmembers are there. And as Councilmember Werren had said, she presented that issue to the chairs of both boards. And they absolutely state, they don't look to Council for those things. Because that's not Council's expertise. Council's expertise is enacting law. Serving their constituents. So in speaking with the Administrator, in perhaps how to best place that in the Charter. Perhaps stating that the Director of Administration, the Engineer, the Director of Permits and a Councilmember, they serve in an advisory capacity. Non-voting members, period. You don't have to state that they attend every meeting, because then you may judge them if you wish on their attendance, their participation. And the Administrator is absolutely going to make certain that those advisors on the administrative side are going to be there. If Council wishes to have members there to rotate, or depending on which committee in which they serve, they can make that decision. But the part that says "shall attend all meetings", doesn't make sense if you're not going to make the members attend themselves. Or make Councilmembers attend all of their own meetings. You're only required if you miss three straight meetings without a justifiable excuse. So it really seems out of sorts with all the other obligations that place there. And the rationale for the review commission on why it's absolutely essential why a councilmember would be there. They just really didn't make sense, otherwise, they just should be there.

**MAYOR HELD:** If I could?

**LAW DIRECTOR FOX:** Yes, sir.

**MAYOR HELD:** If I could just add to that. The, first off all, I appreciate all the just as Council has already stated, we really appreciate the Charter Review Commission members taking the time to go through this. And I'm sure it's been a learning experience for all of you, as you get together and, you know, you start to look a document that very few people look at. You know, even as elected officials it's often times that it's not really reviewed until there's a problem. Or there's a challenge. And we start digging through it. And, but I think it's probably been a real reflection for all of you to see how the governmental process works. And how so much of it can be based upon issues that we have presently. And as some of you, like Miriam that chaired the committee, that you've been on this, and also Greg, you've been on other committees before. It's almost like Groundhog Day, you see the same issues, you know, coming up year after year. Or decade after decade. And they'll rise up, and some of them might change, and then some of them may just fall back into the background again. But as our law director and councilmembers were saying, if you look at the councilmembers serving, saying that they shall serve. I mean I always thought that was kind of an interesting statement. Because, you know, you can't ensure that every member on every committee, let alone the City Administrator is going to be able to be at every meeting. You know, for example, if we had recently with the PAVS. We had a special meeting for the Board of Zoning Appeals, right, just trying to get five members that were available, you know, within the next week was a challenge. As you can see with 12 members it becomes even more difficult. So trying to arrange for those five members, and then if you have individuals that are on vacation. So they might even be town, whether it's the City Engineer, or the City Administrator, the Permits Director. It's not an easy thing. So I don't think it was intended, every intended for the Charter to, it's almost like we're setting up officials as, you know, to fail. Because really it's what we want is their input. We want the input from the Engineer, we want the input from the Permits Superintendent, and we want the input from the Fire Chief, the Administrator. And sometimes that input is provided before. A great deal of that is provided before the meeting. So how that's reflected in the Charter, I mean all of you went through this. And I know it's not an easy thing, we know what the intention is, and Council, we understand they know what the intention is. But then how do you reflect that in the Charter, and

then also put in the format that is understandable by the voters that they approve it. They're not easy answers, but I can say the Councilwoman Werren and Councilwoman Kiesling have done an excellent job serving on this committee. And, you know, just as all of our councilmembers are. And it was never any intention not to show up, or not be available. Because it's clearly was, you know, there's the formal, the written rule, and then there's the accepted practice that we've had. So that's all I wanted to say.

**COUNCIL PRESIDENT PETERS:** Okay, thank you. And I would be in ending this, I would be remiss if I didn't touch on this again. There were allegations earlier by Mr. Osborne that certain councilmembers, maybe put certain commission members on the commission as plants. And it calls into question the integrity of the commission. And I know each and every one of them are of the highest integrity, and I would even, I would even counter that. My two appointments were Mr. Jon Zepp, who is a business owner in the City of North Canton. My family and my wife's family have known him for the better part of their entire lives. My other one was Mr. Larry Tripp. Who if anyone is paying attention, knows that Larry absolutely cannot stand me. From a professional, personal standpoint, it doesn't matter. Cannot stand me. He was absolutely stunned that I called him. And asked him to serve. I did that because I knew, I knew exactly where you were going to go, Mr. Osborne. So, a word of advice, people will take you a lot more serious if you stop making the outrageous allegations that you do. It's just crazy. Again, I thank the commission, you guys did a wonderful job. And I appreciate your time, your effort, so on behalf of Council and the Administration, thank you.

**COUNCILMAN FOLTZ:** For the record, Member Marcia Kiesling joined us during the public speaks section.

**COUNCIL PRESIDENT PETERS:** Thank you. Okay, well...

**COUNCILMAN CERRETA:** When do we add things, if we decide that we want to add something?

**COUNCIL PRESIDENT PETERS:** Address it in the committee. And we're having a Committee meeting directly after the Council meeting, where we discuss everything we've talked about more in dept. And we'll touch on what Jessica has talked about, and Ken, and whatnot. Okay, so with that I will entertain a motion to adjourn this public hearing.

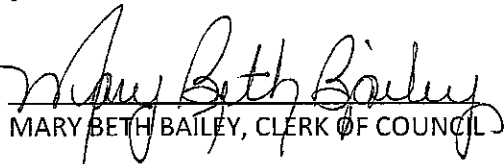
**COUNCILMAN FOLTZ:** So moved.

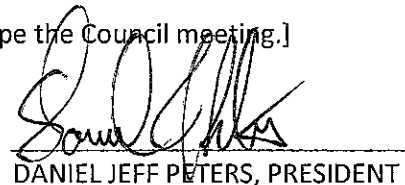
**COUNCILWOMAN KIESLING:** Second.

Roll call vote of 7 yes to adjourn.

**COUNCIL PRESIDENT PETERS:** Alright, 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