

NORTH CANTON, OHIO
CHARTER ADVISORY BOARD

TRANSCRIPT OF
MARCH 14, 2022, MEETING

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Transcript of Proceedings of the North Canton
Charter Advisory Board, taken by me, the undersigned,
Laurie Maryl Jonas, a Registered Merit Reporter and Notary
Public in and for the State of Ohio, at the North Canton
Civic Center, 845 West Maple Street, North Canton, Ohio,
on Monday, March 14, 2022, at 5:00 p.m.

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APPEARANCES:

- Benjamin R. Young, Chairperson
- Miriam Baughman, Vice Chairperson
- Jina E. Alaback, Member
- Ronald Feltz, Member
- Zachary Fettman, Member
- Kristina Hostetler, Member
- Charlie Grandjean, Member

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1 MR. YOUNG: I will now call to order the
2 North Canton Charter Advisory Board. It helps if I
3 hit the "go live" button.

4 North Canton Charter Advisory Board on
5 March 14, 2022. The time is 5:01 p.m.

6 I will call the roll. Member Alaback.

7 MS. ALABACK: Here.

8 MR. YOUNG: Member Grandjean.

9 MR. GRANDJEAN: Here.

10 MR. YOUNG: Member Baughman.

11 MS. BAUGHMAN: Here.

12 MR. YOUNG: Member Hostetler.

13 MS. HOSTETLER: Here.

14 MR. YOUNG: Mr. Feltz.

15 MR. FELTZ: Here.

16 MR. YOUNG: And Member Young is here and
17 Member Fettman has not joined us yet.

18 First item on the agenda, approval of minutes
19 from February 14, 2022, our second meeting. Is there
20 a motion to approve as presented?

21 MS. BAUGHMAN: So moved.

22 MR. YOUNG: Is there a second?

23 MR. FELTZ: Yeah.

24 MR. YOUNG: Ron seconds. All in favor, say
25 "aye."

1 ("Aye" in unison.)

2 MR. YOUNG: All opposed, say "nay." Motion
3 carries.

4 All right. Before we get into our regular
5 business, I didn't put it as its own section on the
6 agenda this time, but if anybody from the audience
7 would like to claim their five minutes and talk to us
8 about anything on the agenda today, the podium is
9 available. Going twice.

10 All right. Seeing none, 4A, Amendments to
11 Section 3.01 and 3.02. This was submitted by a
12 member of the public, and their suggestion was to
13 eliminate the director of administration and instead
14 make the mayor a full-time employee. This would
15 effectively change the form of government from a
16 mayor, administrator, council to just a mayor and
17 council. Personally I like having a professional
18 administrator and I think that that is a valuable
19 asset to the city. I think if we just had the mayor
20 running everything who is an elected official there
21 is a great risk that that person has no idea of what
22 they're doing.

23 MS. ALABACK: I agree with you.

24 MR. FELTZ: I agree.

25 MS. BAUGHMAN: I guess I don't understand the

1 purpose of this amendment. Our city government is
2 not in conflict with the Ohio Revised Code. Our
3 city's running well; the police, the fire, the roads,
4 the water, economic development are all superior.
5 There's no complaints in the survey on working at
6 government function and I thought this review
7 committee was to fix things and I don't think that
8 this needs fixed. If it's not broken, don't fix it.

9 MS. HOSTETLER: Ben, I just had one comment
10 related to the first paragraph, just given our last
11 meeting. One of the amendments is related to the
12 first day of city council members starting on the
13 first day of January and I didn't know -- I guess I
14 just wanted to bring it up, is that something that we
15 want, do we want to align the first day for the mayor
16 to align with the first day of the council. So that
17 it would be in January as opposed to right now it's
18 in December. I think I'm agnostic, honestly, but I
19 just wanted to bring that up since right now they
20 would be in December and city council would be in
21 January.

22 MR. YOUNG: When I had Legal draft amendments
23 from the last meeting, it was my understanding it
24 would match the mayor. So I had them write it as if
25 we were matching the mayor as well. So, you know,

1 next meeting if we decide that isn't actually, we can
2 change it then.

3 MS. HOSTETLER: To be clear, the next draft
4 would in fact say January then to match the -- what
5 we just voted on last week.

6 MR. YOUNG: Yes. The draft I had Krugliak
7 prepare for our next meeting when we review true
8 draft amendments changes the mayor's start date to
9 January 1.

10 MS. HOSTETLER: Perfect.

11 MR. YOUNG: Any other comments on this
12 amendment?

13 MR. FELTZ: I would imagine that if we made
14 the mayor a full-time job it would change his pay
15 rate.

16 MR. YOUNG: It would probably have to, yes.

17 MR. FELTZ: Okay. And if we don't have a
18 mayor that's a good businessperson, we're in trouble.

19 MR. YOUNG: Potentially, yeah.

20 MR. FELTZ: Okay.

21 MR. YOUNG: I would move that this amendment
22 not be recommended for drafting.

23 MS. BAUGHMAN: So moved.

24 MR. YOUNG: I take that as a second. All in
25 favor, say "aye."

1 ("Aye" in unison.)

2 MR. YOUNG: Opposed? Motion had carries.

3 All right. Our second item on the agenda
4 today, I'm going to let Jina take the lead.

5 MS. ALABACK: This is for the budget.
6 Currently in the charter it says that the revenue
7 budget will be presented by the mayor -- prepared by
8 the finance director and presented by the mayor by
9 May 15 and I believe the expenses are July?

10 MR. YOUNG: June 15.

11 MS. ALABACK: June 15. Ohio Revised Code
12 normal budget is August. Any time after August. The
13 tax budget is due by August 20 to the county auditor.
14 No way by May 15 do I have any idea what next year's
15 revenues or expenses are going to be as far as
16 staffing levels, supplies, as far as capital
17 purchases. A lot of those things are even seasonal,
18 so we haven't gotten through the full summer season
19 of this year. So I would like to just eliminate
20 those arbitrary dates and follow the Ohio Revised
21 Code that are due like everybody else.

22 Our budget is passed in October and November
23 with a second and third reading, so it's usually
24 passed before Thanksgiving, so that has a 34-day
25 effective, and that way it's effective on January 1.

1 So we do go through a really lengthy process starting
2 in August with the tax budget and we're two or three
3 months in and then present it to council afterwards.

4 MS. HOSTETLER: So this -- so would this
5 paragraph -- so would this eliminate like Paragraph 3
6 altogether or is it just amending Paragraph 3 to say
7 to be presented in alignment with finance calendar or
8 something to this effect?

9 (Mr. Fettman entering room.)

10 MS. ALABACK: We're required to prepare the
11 budget so I'm not sure why it is in here as a
12 separate requirement. I guess I would need to
13 understand why it was in here to -- it would work for
14 me to just simply eliminate it unless there was
15 another purpose that I'm not aware of.

16 MR. YOUNG: Let the record reflect that
17 Mr. Fettman has joined us.

18 I think what's important about the
19 paragraphs, or at least what we would want to keep in
20 the paragraphs is that the mayor has to prepare the
21 budget and that it's a mayor's budget.

22 MS. ALABACK: The mayor does not effectively
23 prepare the budget. He's involved, he's included,
24 there's lots of people included, but I don't believe
25 he's ultimately responsible for it. It's actually

1 council's function. Council does the appropriation
2 and they have legal-level authority over
3 appropriations. I don't know that the mayor does
4 except vicariously.

5 MS. BAUGHMAN: Interesting. Maybe we should
6 fix that, too.

7 MS. HOSTETLER: So is it -- I guess looking
8 at Paragraph 3, is it really just the very last
9 sentence is the only thing that states the mayor
10 shall be responsible for the proper execution of
11 appropriations? Is that the only thing that's
12 applicable then?

13 MS. ALABACK: But the mayor is not.

14 MS. HOSTETLER: Okay.

15 MS. ALABACK: I'm not understanding even how
16 that responsibility is given to the mayor. It's not
17 his function. The mayor can't approve
18 appropriations. Council actually has to legally do
19 that.

20 MS. HOSTETLER: Got it. How did this get
21 there then?

22 MS. ALABACK: I feel like these were just
23 extra steps. And I believe because the election term
24 started so early, a month earlier than most other
25 places on the calendar year, which is our fiscal

1 year, maybe they wanted to have that information
2 before the filing deadline before the elections, I
3 don't know. And by eliminating the two-year terms, I
4 think that would be information you could grow into
5 as you elected anyway. Even council now, our budget
6 is done before the terms begin for the first year,
7 which could be amended through the year if need. We
8 can have Legal review these, but if possible, I would
9 just suggest to eliminate those two paragraphs.

10 MR. YOUNG: Well, to Kristina's point, I read
11 the last sentence of 301.3 as like the mayor's
12 responsible for spending money in accordance with
13 appropriations set by council, not that he is
14 creating the appropriation.

15 MR. FELTZ: I read as what you got here it
16 says that the mayor is responsible, but what you have
17 there it says you want to get rid of the dates. Is
18 that basically what we're trying to do, just
19 eliminate those two dates and make it a different
20 date? The way this reads here. Remove the
21 deadlines. It doesn't say anything about who's in
22 charge of it, it just says remove the deadlines.

23 MR. YOUNG: That was the initial amendment as
24 submitted to me, yeah, was just remove the deadlines
25 and follow like, we have to have a budget to

1 function. There's no way of getting around.

2 MS. HOSTETLER: Well, I wonder -- okay. So
3 reading, The mayor shall be responsible for
4 preparation of a schedule. So are we getting too
5 stuck in the dates and like what the schedule is? I
6 mean, is that more accurate, Jina, or does that still
7 not even make sense from your perspective?

8 MS. ALABACK: No. Appropriations have -- by
9 Ohio Revised Code, they have a legal level of
10 authority and is a function object so it has to be
11 personnel and all other is our legal level for our
12 council. So the schedule, I think you're thinking
13 more of a time line schedule; right?

14 MS. HOSTETLER: I'm just reading what it
15 says, that the mayor shall be responsible for
16 preparation of a schedule. And the schedule is of
17 anticipated expenditures for the next succeeding
18 fiscal year to be presented annually. So I don't
19 even know if that really means that the mayor is the
20 one that presents it, or what have you, I guess I'm
21 just stopping at that very first, that the mayor
22 shall be responsible for preparation of a schedule.
23 But if that doesn't even make sense with how things
24 are supposed to be done, I don't know. I'm trying
25 to --

1 MR. FELTZ: The way this reads, we just want
2 to change the deadlines. That's what it says. To
3 remove the existing budget deadlines. Nothing about
4 who has to do it or anything. Remove the existing
5 deadlines.

6 MS. ALABACK: Well, these are in the section,
7 301 is the section of responsibilities for the mayor
8 and 303 is the responsibility for the director of
9 finance. But Ben, to Ben, back to his statement,
10 he's absolutely right, we can't function without --
11 an annual budget is a requirement. So I don't know
12 that the charter is going to tell us anything above
13 and beyond. I think that's what this was trying to
14 do is give them something above and beyond what was
15 required.

16 MS. BAUGHMAN: Does the Ohio Revised Code
17 speak to you have to have a budget?

18 MS. ALABACK: Oh, yeah. Yeah. 5705.39.

19 MS. HOSTETLER: Then by the Ohio Revised Code
20 it covers it all?

21 MS. ALABACK: It does.

22 MS. BAUGHMAN: And so if we don't have
23 anything in our charter that we default to Ohio
24 Revised Code so we don't even have to put anything
25 into.

1 MS. ALABACK: Right. Right.

2 MS. BAUGHMAN: So you just want to eliminate
3 that.

4 MS. ALABACK: I do.

5 MS. BAUGHMAN: And default to Ohio Revised
6 Code.

7 MS. ALABACK: Correct.

8 MR. YOUNG: Any other comments? Do we have
9 any motions on this? I will --

10 MS. ALABACK: I'll make a motion to amend
11 Section 301 and 305 to remove Section 3 in both of
12 those.

13 MS. BAUGHMAN: Second.

14 MR. YOUNG: Motion and a second. All in
15 favor?

16 ("Aye" in unison.)

17 MR. YOUNG: Any opposed? Motion carries.

18 All right. Amendment No. 3 for today is
19 Section 5.06, Paragraph 3. This is to alter the
20 standard for removal from office due to absence from
21 missing three meetings a row to missing five meetings
22 in a calendar year. And I just want to start by
23 addressing the question that I've been asked four
24 times already. I'm not -- my understanding is that
25 this amendment is not seeking to change the wording

1 relating to excused versus unexcused because there
2 are provisions already in there for, as it reads now,
3 is for absence without justifiable excuse from three
4 consecutive meetings. It is just to change that from
5 three consecutive meetings to read from five meetings
6 in a calendar year. And where that five meetings
7 came from is that over the past five years council
8 has had roughly an average of 50 meetings a year, so
9 if you miss five, you've missed 10 percent of the
10 meetings for that calendar year.

11 MS. HOSTETLER: Should that be changed then
12 to missing 10 percent of the meetings? I mean, if
13 that's what this is based on or --

14 MR. YOUNG: Well, but if it's January and
15 you've already missed five, how do we know that
16 that's 10 percent of the meetings for the year.

17 MS. HOSTETLER: Aren't the meetings already
18 prescheduled?

19 MS. ALABACK: They schedule new meetings when
20 they need them, or emergency meetings. The number
21 could change. I agree. I think five in a calendar
22 year is more reasonable than three consecutive, and
23 it is "relieving without justifiable excuse" in
24 there.

25 MR. YOUNG: Yes.

1 MS. ALABACK: So it's not just I missed five
2 meetings. I've missed five unexcused absence
3 meetings.

4 MR. YOUNG: Yeah.

5 MS. ALABACK: Okay.

6 MR. YOUNG: And it would also still not be an
7 automatic removal from office. This is just the
8 threshold at which the other members of council can
9 now consider whether or not you should be removed for
10 excessive absence. So there is some discretion in
11 there. Like, you know, say you had a very sick
12 family member and you had to take care of them and
13 missed five meetings because of that. The other
14 members of council have discretion not to remove you.

15 Any other questions, comments?

16 Then I will move we recommend this amendment.
17 Is there a second?

18 MR. FETTMAN: Second.

19 MR. YOUNG: Zak seconds. All in favor, say
20 "aye."

21 ("Aye" in unison.)

22 MR. YOUNG: All opposed? Motion carries.

23 Amendment 4 is Paragraph -- or Section 5.07,
24 Paragraph 2, which is referendum. And this is to
25 amend that section to add a stipulation that any

1 power granted by this charter may be exercised
2 through the people of the municipality through
3 referendum. This was requested by one of your
4 council members. Apparently there was a legal
5 dispute in the city's past about whether or not a
6 specific power granted to council could be exercised
7 through referendum, and council wants to make it
8 clear that yes, the people can exercise that power
9 through referendum.

10 MS. ALABACK: Can you give us an example?

11 MR. YOUNG: Well, I'll use the historic
12 example. So the issue in question at the time was
13 there is a provision in this charter that says
14 council shall have the power to set compensation of
15 public employees. And the city passed a referendum
16 to change some employees' compensation, and then
17 council passed an ordinance contrary to that and it
18 went to the court to decide which ordinance would
19 stand. And the court, with our current language,
20 ruled that council's ordinance would stand over the
21 referendum ordinance because our charter says council
22 has that power, not the public. But our current
23 council feels that, you know, if the public voted,
24 council's power's from the public, so the public
25 should have that power. Does that make sense?