

CITY OF NORTH CANTON, OHIO
COMMITTEE OF THE WHOLE MEETING

**TRANSCRIPT OF
AUGUST 31, 2020, MEETING
VIRTUAL MEETING**

Transcript of Proceedings of the North Canton City Council, taken by me, the undersigned, Laurie Maryl Jonas, a Registered Merit Reporter and Notary Public in and for the State of Ohio, at North Canton, Ohio, on Monday, August 31, 2020, at 7:00 p.m.

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APPEARANCES:

- Daniel Jeff Peters, Council President, Ward 2
- Daryl Revoldt, Council Vice President, At Large
- Doug Foltz, Ward 1
- Stephanie Werren, Ward 3
- Dominic Fonte, Ward 4
- Mark R. Cerreta, At Large
- Matthew Stroia, At Large
- Patrick A. DeOrio, Director of Administration
- Jina Alaback, Director of Finance
- Robert G. Graham, Engineering Services
- Catherine A. Farina, Deputy Director of
Administration and Development
- Martin Van Gundy IV, Chief Building Officer
- Stephan B. Wilder, Mayor
- Benjamin R. Young, Council Clerk

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1 MR. PETERS: All right. At this time, I'd
2 like to call to order the North Canton City Council
3 committee of the whole meeting August 31, 2020,
4 7 p.m.

5 Ben, will you please call the roll.

6 MR. YOUNG: Member Foltz?

7 MR. FOLTZ: Here.

8 MR. YOUNG: President Peters?

9 MR. PETERS: Here.

10 MR. YOUNG: Member Werren?

11 MRS. WERREN: Here.

12 MR. YOUNG: Member Fonte?

13 MR. FONTE: Here.

14 MR. YOUNG: Member Revoldt?

15 MR. REVOLDT: Here.

16 MR. YOUNG: Member Cerreta?

17 MR. CERRETA: Here.

18 MR. YOUNG: Member Stroia?

19 MR. STROIA: Here.

20 MR. YOUNG: Seven present.

21 MR. PETERS: All right. Very good.

22 All right. First up on the agenda, Community
23 and Economic Development. Chairman Revoldt.

24 MR. REVOLDT: Thank you very much,
25 Mr. President.

1 We've got three items tonight. In the
2 interests of brevity, the first two deal with
3 technical corrections to make our process more -- to
4 proceed more smoothly. If you would look at our
5 present zoning ordinance -- and the clerk and Marty
6 will probably jump in here -- but we have merged both
7 the process for dealing with our -- our regulations,
8 which we call text, and then where it's applied,
9 specifically we do that through the map. So what
10 we're going to do tonight -- propose tonight is that
11 we split these two into their own separate chapters.
12 We're going to keep 1181 to deal with the text actual
13 amendments and then we're proposing, in Item B,
14 creating a brand-new chapter, 1182, which deals with
15 the amendments to the zoning map. And again,
16 amendments to the zoning map would be those
17 amendments where we go from a Residential 50 to an
18 OB, or we go from OB to a park and rec or something
19 like that.

20 So if you have in your packets, if you look
21 at 1181.03, this is a new piece that fits into some
22 of our existing legislation and it talks about how
23 we're going to fix what we've got, what we call a
24 loop, where we had an inadvertent step involving the
25 planning commission.

1 How am I doing, Ben? Am I doing okay so far?

2 MR. YOUNG: Yeah.

3 MR. REVOLDT: And so what we've got here on
4 1181.04 Submission Process, we've got three points
5 where we move through the process and this fixes that
6 loop, that extra step that we discovered the last
7 time we were -- we were tinkering with the actual
8 process.

9 Ben, what do you want to add to this?

10 MR. YOUNG: Yeah. As Chairman Revoldt said,
11 when we amended this earlier this year through
12 Ordinance 34-20, we gave the planning commission the
13 authority to initiate amendments. And in doing so,
14 we inadvertently created a loop where even if they
15 started the process, we had to send it back to them
16 even though they had already given their
17 recommendation. So to fix that, we realized that
18 having the two combined into one chapter was a little
19 confusing, and so, for the sake of clarity, we
20 decided to separate them.

21 MR. REVOLDT: Yes. Now, in this, if you go
22 to page 3 of the proposed 1181 amendment, we have a
23 brand-new section that has been drafted. This is
24 1181.08. And basically what I want to bring your
25 attention to is Section B. Or Part B of that

1 section. And it's going to work in this way: If the
2 planning commission sends us a recommendation -- here
3 he's got the chart. Ben did a chart for us. But
4 basically what we want to do is, if the planning
5 commission sends us a recommendation and we don't
6 accept it, we don't reject it but we slightly modify
7 it, we want to send it back to the planning
8 commission just to make sure that it's -- it agrees
9 with what we want to do. It's not going to have any
10 veto, obviously the authority still rests with
11 council, but what we thought is we would give the
12 planning commission a second look. And we think
13 that's probably a good step, just to make sure that
14 as we look at an issue, if there's something that we
15 missed in the discussion, the planning commission
16 can -- may have considered it, they can bring it up
17 to our attention.

18 So, Ben, Marty, does that pretty well cover
19 it?

20 MR. VAN GUNDY: It does, yes. And
21 essentially --

22 MR. REVOLDT: Go ahead, Marty.

23 MR. VAN GUNDY: Sorry about that.

24 Yes. This does put us in line with the
25 planning commission actions as well as city council.

1 It also allows for a member of the public to make
2 application and have the planning commission review
3 that action and prepare a recommendation for city
4 council's final approval and review.

5 MR. REVOLDT: Okay. Are there any -- are
6 there any questions or comments at this time?

7 MR. FONTE: Daryl, it's Dominic.

8 MR. REVOLDT: Yes.

9 MR. FONTE: So separating the text from the
10 map, is that just for the ease of finding it
11 electronically or just --

12 MR. REVOLDT: No. This is actually -- there
13 was -- you could say, Dominic, it's to make it easier
14 to read and understand.

15 MR. FONTE: Okay.

16 MR. REVOLDT: It's pretty much of a Mulligan
17 stew right now. It isn't very clear. We wanted to
18 pull these out so there was no misunderstanding about
19 how we handled -- and I'll give a perfect example.

20 If you look at this on amendments to the
21 zoning ordinances, we don't have any requirement, nor
22 should there be if we contact property owners
23 because, again, we're just creating something in the
24 zoning ordinance. This is between the public, the
25 planning commission, and the council. We're not

1 impacting any properties directly. We're not
2 rezoning anything. So this deals with just how we
3 amend the zoning ordinance to create a new use or
4 disallow a use.

5 MR. FONTE: Okay.

6 MR. REVOLDT: Fair enough?

7 MR. FONTE: Yeah.

8 MR. REVOLDT: Okay. If we can then, what I'd
9 like to do is put this on for a first reading only
10 for next week if the committee is agreeable.
11 Mr. President?

12 MR. PETERS: Yeah. I'll ask a question.
13 Ben, can we track this on AirTable or Granicus?

14 MR. YOUNG: Yes. So it's already linked to
15 the council's existing legislative processes so it
16 will be tracked on AirTable, and once Granicus is
17 fully implemented, on Granicus as well.

18 MR. FONTE: Ben, could you explain what that
19 means, briefly, for the people that are listening and
20 don't understand what you just described?

21 MR. YOUNG: So for members of the public,
22 AirTable and Granicus are two pieces of software that
23 the office of council uses on the back end to track
24 pieces of legislation as they go through all 15 steps
25 of the legislative process in order to make sure that

1 they followed the proper procedure.

2 MR. FONTE: Thank you.

3 MR. REVOLDT: Okay. I would assume that
4 we've got four votes to stick this on the agenda for
5 a first reading at our next meeting.

6 MR. PETERS: Yeah.

7 MR. FOLTZ: Yes.

8 MR. REVOLDT: Okay. If there are no
9 objections, then we'll go.

10 Let's move on then to Item B. Per Dom's
11 question, this is how we will amend the zoning map.
12 This is the actual application of the text to a
13 particular parcel. And we've got some new sections
14 here. This is entirely new. This is an entirely new
15 piece of language that's drawn from what we had
16 before. And you'll notice that in 1181.03 we talked
17 about the amendment application process. And if you
18 jump over to 1182.07, we're going to follow the same
19 procedure, but if we amend something we will send
20 this back to the -- we'll send it back to the
21 planning commission so it gets one final consult
22 before we take action.

23 As I discussed with Ben, here's a
24 potential -- here's a potential scenario. Let's
25 assume we've got five lots that are zoned R70. We

1 want -- the applicant comes in and says, Hey, I want
2 all these zoned OB.

3 MR. FONTE: Would you say what OB is? Say
4 OB. Like when you say the codes, let people know
5 what they are.

6 MR. REVOLDT: Office building.

7 So the planning commission says fine. They
8 kick it up to us, we look at it after public hearings
9 and what have you and say, Listen, we can give you
10 three of the lots office building but we want to keep
11 the other two residential. So that would be our
12 position. Before we can act, we would send that back
13 to the planning commission just to make sure it's
14 comfortable with that decision or if there was some
15 other fact that we had -- hadn't considered. Again,
16 it's just an extra step to make sure that we're
17 responsive and being transparent.

18 MR. FONTE: Hey, Daryl. Does this account
19 for just when council or administration want to bring
20 these forward, or if the public decides they want to
21 bring something forward with one of their parcels, is
22 the procedure exactly the same for the public?

23 MR. REVOLDT: It's all the same.

24 MR. FONTE: Okay. Fair enough.

25 MR. REVOLDT: It's going to move through,

1 Dominic, it's going to move through a standardized
2 public process. Application, discussion, planning
3 commission, then come to us.

4 MR. FONTE: Thank you.

5 MR. REVOLDT: And again, to go back to that,
6 that planning commission body, for one final look
7 before we make a decision. Okay?

8 MR. PETERS: All right.

9 MR. REVOLDT: Okay. So if there are no
10 objections, we'll put this on for a first reading for
11 next Monday.

12 Now, Item 3, and I will tell you I think this
13 is the first time in 20 years I've ever seen a memo
14 from a mayor asking for legislation for the planning
15 commission. You'll notice in your packets the mayor
16 has requested a number of amendments to our zoning
17 ordinance to permit outdoor -- expanded outdoor
18 dining. You'll notice in your -- in his memo to us
19 it contains a number of the changes he's seeking.
20 All of which will encourage outdoor dining here in
21 the city.

22 Mayor, do you want to add something at this
23 point?

24 MAYOR WILDER: Yes, thank you, Daryl and
25 council and the general public.

1 In conversations with our city administration
2 and other citizens in our community, and I just
3 thought from what I've seen and I've read about the
4 other communities that are offering outdoor dining
5 now to help food establishments and restaurants being
6 able to expand their operations. And I felt that, is
7 that something that we can do for our people here,
8 for our businesses. What opportunities can we have?
9 And I tried to outline some bullet points there for
10 us, again, that they can expand their operations.
11 Their seating would be more useful and properly
12 maintained and used and planned with what they have
13 to offer. And it allows them to do something more on
14 their property. And I just thought that this would
15 be an avenue that, if council would be considering
16 this, that I think it's another way that we can help
17 improve their economic --

18 MR. PETERS: Returns.

19 MAYOR WILDER: We're in this COVID-19 --

20 MR. REVOLDT: Pardon?

21 MAYOR WILDER: We're in this COVID-19 and can
22 we help them with their food establishments. So I
23 just outlined some things there. All knowing,
24 though, that they're going to comply with the social
25 and physical recommendations and distancing from the

1 health department, the CDC, and our Stark County
2 Health Department, but I just think it would be a
3 great advantage for our establishments to have this
4 opportunity to have some outdoor dining.

5 MR. REVOLDT: I think one of the things, and
6 this is kind of consistent with what we're trying to
7 do here, is we're trying to be more business
8 friendly. And part of this request is to remove the
9 requirement for a conditional use for outdoor dining.
10 Just let the guys go out and set something up as long
11 as it, you know, it meets health code, et cetera, it
12 doesn't violate any safety regulations. You know, we
13 could have people who have outdoor dining that might
14 be able to run, you know, into October or November.
15 It might be possible. So we think this is a great
16 way -- or I think it's a great way to sort of boost
17 our local -- our local food reputation. And more
18 importantly is, as we begin to work on this Main
19 Street activity, we've got the ability to offer to
20 prospective restaurants expanded outdoor dining.

21 Let me give you an example. We've got a
22 restaurant up on North Main that's for sale. It's a
23 large lot. It would be ideal for an expanded outdoor
24 dining site. And that's the kind of thing I think we
25 want to encourage. We may be able to get a

1 higher-end restaurant in one of these locations
2 because, again, they can go from whatever current
3 COVID is, 40 percent, they can grow that business
4 outside.

5 MR. CERRETA: What are our restrictions now?

6 MR. REVOLDT: Well, you've got to take it
7 through planning commission basically.

8 MR. DEORIO: Daryl, there's a limitation of
9 outdoor dining is restricted to 25 percent of the
10 indoor capacity.

11 MR. REVOLDT: That's right. Thank you. Yes.

12 MR. DEORIO: So as opposed to being able to
13 accommodate whatever their parcel will allow. So,
14 you know, places like -- places that don't have --
15 that serve food but don't have any indoor seating
16 capacity.

17 MR. FONTE: You mean outdoor.

18 MR. DEORIO: No. I'm saying any place that
19 has no seating capacity should therefore have no
20 outdoor seating capacity under the current
21 requirements.

22 MR. FONTE: Oh, okay.

23 MR. DEORIO: And then, you know, others may
24 have a smaller footprint inside but they have the
25 capacity outside to hold more clients. And I think

1 to Daryl's point, what he's referring to is that
2 there are other regulatory agencies that come into
3 play regarding the outdoor dining. You mentioned the
4 Stark County Health Department and the mayor
5 mentioned the CDC and the State of Ohio Health
6 Department, but also our local fire department has
7 regulations concerning the safety of this.

8 MR. CERRETA: Right.

9 MR. DEORIO: And then the building code of
10 Ohio or local building code regarding the safety and
11 the construction of, you know, outdoor dining sites.
12 So all those things come into play regardless of, you
13 know, what the planning commission would do. I mean,
14 the planning commission could approve that, but if
15 all of those other entities say no, then in effect
16 it's no. So I think what we're looking for is -- the
17 mayor's looking for is to provide some certainty to
18 businesses that, hey, this is a permitted use, and as
19 long as you meet with and craft your response to the
20 local codes that govern it, you should be able to
21 move forward without having to go to the -- to the
22 planning commission for that.

23 MR. FONTE: And this is Dominic.

24 I also think what's going along with the Main
25 Street theme, this is really what people are looking

1 for. So we want to have fast and flexible options
2 like this.

3 MR. REVOLDT: Again, I come -- this is Daryl.

4 I come back to this whole notion is we want
5 our businesses to be economically healthy. And if a
6 business has a relatively small physical footprint on
7 a lot or in a location but it has the ability to
8 expand, it can significantly increase its volume of
9 restaurant traffic by going outdoors. And let's give
10 it a try.

11 So what we need tonight is we just need
12 council's sense to send this to the planning
13 commission for its consideration, to have it make a
14 recommendation and come back to us then for the
15 ultimate determination. I'm told by my esteemed
16 clerk -- first of all, is there any other discussion
17 on this matter?

18 MR. STROIA: This is Stroia.

19 Is there a way to expedite this?

20 MR. REVOLDT: No. No. We've got to make
21 some changes to the text.

22 MR. STROIA: Okay.

23 MR. REVOLDT: To go through the process.

24 MR. STROIA: Okay.

25 MAYOR WILDER: I just think all the questions

1 Dom and Mark and Matthew, excellent, right on, and I
2 appreciate that this can go forward for us and help
3 our community. So thank you.

4 MR. FONTE: Absolutely, Mayor.

5 MR. REVOLDT: Here's what I'd like to do real
6 quick then is, because we're going to send this over
7 by -- esteemed clerk has suggested we do just a quick
8 voice vote. I'll make a motion that we send this to
9 the planning commission. If I can get a second and
10 clerk --

11 MR. FOLTZ: Foltz seconds.

12 MRS. WERREN: Yeah, Werren second.

13 MR. PETERS: All in favor, "aye."

14 ("Aye" in unison.)

15 MR. PETERS: Opposed? Motion carries.

16 MR. REVOLDT: Hey, Mayor. It's done. And
17 I'm done. As promised.

18 MRS. WERREN: Good job, Daryl, and thanks,
19 Mayor, for bringing that. I think that's just a
20 great piece.

21 MR. REVOLDT: You know, just as an aside, you
22 take a little restaurant like BOGO down on South Main
23 Street, one of my favorite carryout places, he's got
24 room out there for tables.

25 MRS. WERREN: That whole square does.

1 MR. FONTE: You got all kind of places. Mama
2 Guzzardi. Go up and down the whole area.

3 MR. REVOLDT: Yeah. It's really exciting to
4 think about it. So okay. We're done. Thank you.

5 MR. PETERS: All right. Thank you, Daryl. .

6 Okay. Next up, Finance and Property.

7 Chairwoman Werren. You're up.

8 MRS. WERREN: Are we good?

9 MR. PETERS: Yeah. Okay. Yeah.

10 MRS. WERREN: Okay. We're going to have to
11 amend the agenda because we do need to talk about the
12 CARES Act.

13 But the first thing we want to talk about is
14 looking at how we're going to handle our law
15 department. And I had a great conversation with Pat
16 last week, and the mayor, had a conversation with
17 Jeff, and I know Jeff has had conversations with
18 people, and I think the hard part is, you know, we've
19 been in this position where it falls under council,
20 but since we are all, you know, very part-time it's
21 hard to know what the mayor and what the director of
22 operations needs. And so we had some really very
23 honest and real conversations about that. And it's
24 helped to kind -- it's helped really to say what
25 direction we want to take in that. Which I think was

1 really important, and it shows the collaboration and
2 the working together and how both of us need to have
3 trust in that system and know how it works.

4 And I think one of the things we've done in
5 the past, and Patrick has done this and he's seen
6 this, is attorneys today, they're not all things to
7 all people. Attorneys are very specialized. So if
8 you get a divorce, you need a divorce attorney. If
9 you want real estate, if you want trusts, they're all
10 different people. And we have found with our many
11 different city needs that we need all those different
12 people to really give us the expertise that we need
13 to make the best decisions for the city.

14 So in that regard, Patrick, I'll let you -- I
15 don't want to overstep anything that you want to talk
16 about, but we've thought about it a couple different
17 ways we want to maybe go and I think a number of us
18 have kind of honed in on one way. So, Patrick, is
19 that a good enough introduction? And I just don't
20 want to steal any of your thunder or what you're
21 thinking.

22 MR. DEORIO: Oh, no. Please, you can steal
23 all the thunder that you like.

24 I do think that's a great introduction to it,
25 and having been around here and seen a number of

1 different ways that this has been handled and then
2 now having had the benefit of serving you as the
3 director of administration and understanding what we
4 really need, I think the -- the approach that I'm
5 interested in and in the administration is making
6 sure that we have a team that can present, you know,
7 a deep bench and that has the breadth of experience
8 in a number of different scenarios.

9 And I think, you know, given that, you know,
10 we're, by nature of that, looking at a firm that
11 would provide these -- these types of services. And
12 even in that, even though a firm may cover, you know,
13 ten of a dozen different specialized needs, there
14 could still be a further specialized firm that
15 handles a very niche thing that we find ourselves in.
16 Just theoretically. But by and large, I think a firm
17 provides us with the depth and the breadth that we
18 need to handle the specialization, and we do use
19 specialized legal services a lot. And, you know, a
20 long time ago when, you know, a generalist was
21 really, you know, the forefront of what you need, the
22 times were a lot simpler then and the types of
23 legislation that we were doing and things that we
24 were getting into weren't as sophisticated as they
25 are today.

1 So if we were looking at it from that
2 standpoint of a firm, to me then it looks like much
3 of what we do already with other service contracts,
4 this would be a service contract to provide legal
5 services. And like all of our other contracts, it
6 would fall into an administrative process that we go
7 through. And I don't know that everybody knows this,
8 but one of the processes that we introduced when I
9 became the administrator was all service contracts go
10 through a quarterly performance review. Where we
11 invite the service provider in, we have frank
12 discussions about how good it is or how bad it is.
13 And they get to offer their insight as to what they
14 like or don't like about the city and we come to an
15 understanding of what we need to do over the next
16 three months to get us to the next quarterly review
17 and keep us on track. So that doesn't matter whether
18 that's insurance, it doesn't matter if it's window
19 cleaning, floor cleaning, IT services. Whatever the
20 service agreement is for, it gets this in-depth
21 quarterly review.

22 I like that in this particular case with
23 legal services. We treat it like we would any other
24 service contract. As far as implementing that
25 service contract, talking, collaborating with the

1 finance department on their experience in that,
2 another benefit that a contract gives us is that if
3 we were to obtain these services and, in essence, buy
4 a bank of hours at a discounted rate from a -- from a
5 firm, and it allows us to spread those hours out to
6 each department based on their analysis from their
7 superintendents of how much legal service work they
8 need generally on an annualized basis.

9 Now, we did the similar approach with the
10 bank of hours when we went out and searched for our
11 IT team. If you recall, if you were here, we engaged
12 a firm in Cleveland that was not going to be the IT
13 provider but was going to be the firm that helped us
14 find the IT provider and qualify them and I think
15 that's been a large success. But we bought a bank of
16 hours from that firm that we could use on various
17 steps along that way and that seemed to work well.
18 Jina was reminiscing on some of her experiences with
19 that; that was a common history that we had had.

20 So we could then put in every department's
21 budget, when you see your budget for 2021 if we were
22 to go this approach, just as you see the line item
23 for IT services and telecommunication services and
24 the whole thing, there would be another line in there
25 for legal services. Not all departments need access

1 to legal services equally. You know, there are very
2 few instances, if any, in the street department where
3 they need access to legal service. But perhaps other
4 departments, you know, particularly nuisance
5 department needs a lot of legal service and we need a
6 lot of it, like, now. So we might load their
7 hours -- their hours might be loaded up a little
8 higher to kind of get things up and running. But
9 just like our contract with -- with AtNet for IT, you
10 know, it started out very heavy lifting that
11 gradually, as we put processes in place, it made it
12 more efficient. And I think that's what we would be
13 looking for here from a -- from a firm provider is
14 recommendations on then how to make the process more
15 efficient so that it's easier to administer as we go
16 along.

17 That line item per se also puts it into a
18 budgetary oversight so that, whether it's city
19 council or the administration or the finance
20 department that may be looking at those spreadsheets
21 that are printed out that shows each month how much
22 of a budget has been expended, we can monitor that
23 and say, wow, jeez, you know, you budgeted for this
24 many hours of legal service and it seems that you
25 have blown through your -- or you're blowing through

1 your budget at a faster pace than anticipated so
2 what's going on.

3 So it provides multiple levels of -- of
4 financial oversight to make sure that we're not
5 frivolously wasting and that we're getting our
6 money's worth. And each hour of service provided
7 would generate a -- eventually generate an invoice to
8 again further oversight to administration and finance
9 as to what is going on. So if there was something
10 simple and we thought, wow, I wonder why this took,
11 you know, two hours to do, it should look like it
12 only should have been a 30-minute job, it involves a
13 discussion. What happened here? What's going on?
14 And unless there's some sort of explanation as to
15 something that popped up that warranted a deeper
16 dive, you know, we would challenge that invoice.

17 The police department, as an example of this,
18 would be a good one to illustrate. So generally I
19 would say, from our discussions, the police
20 department, you know, doesn't use a lot of hours of
21 law services on a monthly basis. But where an
22 aberration would occur would be, say, take, like, for
23 instance, the incident that occurred with the Black
24 Lives Matter rallies in the city where someone
25 decided to try to drive through the crowd of -- crowd

1 of people in the street and an incident resulted and
2 there was a lot of video captured. Periodically that
3 video has been requested by news organizations for
4 release of that. Well, we would want to, you know,
5 have that reviewed for confidentiality prior to that
6 to make sure that we're not doing something that we
7 shouldn't be. That would be an example where you
8 couldn't budget for something like that. It just
9 pops up and you wonder why somebody may have used up
10 an overabundance of their legal service budget
11 because of an incident like that.

12 So on an interim basis, the administration
13 would like to approach a firm and talk about this and
14 see if we can structure something in agreement of
15 that and allow the mayor and the administrator to go
16 out, you know, for under \$50,000 and structure
17 something on an interim basis to try it and see what
18 the feedback is and how it works. That's my
19 overview. And, Mayor, if you would like to jump in
20 there from your observations, that would be welcome
21 as well.

22 MAYOR WILDER: Thank you. No, I appreciate
23 your presentation.

24 I think the opportunity to examine the
25 potential law firm, it would be a temporary process

1 for now but it could also be something that could
2 expand, let's say, into six months, which would allow
3 council to have an opportunity to be a part of the
4 review process and see how this is working for us.
5 So I think it's a good way to go in providing legal
6 services for us.

7 MRS. WERREN: Are there other questions?

8 MR. FOLTZ: Steph, or Jeff -- President
9 Peters, how do we envision the meeting right now as
10 far as a legal presence at the meetings?

11 MRS. WERREN: Yeah, it's funny you said that
12 because Jeff asked and I asked and we both kind of
13 weren't on the same page and then came around to the
14 first one. Really thinking --

15 MR. FOLTZ: Yeah, I'm sorry. Discussion has
16 been broken up. This is Foltz asking the question.

17 MR. DEORIO: Doug, I'm not sure what -- maybe
18 Stephanie's having some technical difficulties. Can
19 you hear me, sir?

20 MR. FOLTZ: Yeah.

21 MR. DEORIO: Yeah. One of the things I think
22 in those discussions that Stephanie had with the
23 mayor and that Jeff had with the mayor in talking
24 about that has given us an opportunity to, you know,
25 kind of to define the role for the -- for the, you

1 know, the 21st century and where is it that you truly
2 need legal service advice at? Is it during the
3 committee meetings when the legislation is being
4 talked about and what you're wanting and if you want
5 someone to find if it sounds like there's something
6 negative going on.

7 MR. FOLTZ: Okay.

8 MR. DEORIO: But if you are looking at it at
9 the regular meeting where you're pretty much just
10 reading ordinances and motion seconds, and there's
11 really not a lot of value there, you know, from what
12 I can see. So I think that that was the thought
13 process was -- was using the legal services where
14 they're needed the most. And, you know, maybe some
15 of your agendas it can go from week to week. I mean,
16 you might say, well, we have one thing on the agenda,
17 it's not really that big of a deal, doesn't really
18 require anything, there's no reason to have them
19 there and expend the service.

20 MR. FOLTZ: Right.

21 MRS. WERREN: I think -- and sorry, I don't
22 know what was going on with my phone.

23 I think that initially I thought the same --
24 we were on different pages, and I thought, well, we
25 need them there. But I think, too, with kind of the

1 different roles that everybody's playing, and that
2 includes the clerk, I think he's going to be taking
3 even a greater role there, we obviously don't need
4 the attorney to read the legislation and before that
5 the clerk had read it always, and so I think we need
6 to continue with some of those. But, Patrick, you
7 had also said that we could even maybe have them like
8 on hold for the evening. If something came up, we
9 were able to call them during the meeting. Is that
10 correct?

11 MR. DEORIO: That would --

12 MRS. WERREN: Or maybe not.

13 MR. DEORIO: -- that would be negotiated. I
14 would probably say not.

15 MRS. WERREN: We would pay them. Yeah.

16 MR. DEORIO: We would pay them. Right. So
17 you might as well, if you think you're going to have
18 to have them, you might as well have them there.

19 MRS. WERREN: I thought you had maybe said at
20 one point you called them, or maybe it was during a
21 zoning meeting or planning commission meeting to say
22 they were on hold. Did we talk about that?

23 MR. DEORIO: Well, I think related to that
24 but not exactly that, but what we had talked about
25 but let's say we were going through the, you know,

1 the regular order of business. There's a committee
2 meeting followed by three regular meetings in which
3 legislation is read, that perhaps not all the
4 questions that could have been thought of during
5 committee were asked during committee.

6 MRS. WERREN: Right.

7 MR. DEORIO: Maybe at that first reading a
8 question comes up and so -- you weren't anticipating
9 the need for legal service, then a question comes up
10 and there's a thought maybe we ought to pause until
11 we get clarification on that.

12 MRS. WERREN: Right.

13 MR. DEORIO: Then you just bring it up the
14 next meeting.

15 MR. FOLTZ: Okay. All right. So you're
16 saying, yeah, if there's a question, just get the
17 answer from a law firm if we go that route.

18 MRS. WERREN: And hold on.

19 MR. FOLTZ: And then that would be brought up
20 at second reading or the next commission -- or, I
21 mean, committee meeting. So we have two
22 opportunities to weigh in. Okay.

23 MR. DEORIO: That's right. You could refer
24 it back to committee, then hit it the next committee
25 meeting and then refer it out, you know, or you could

1 just schedule a special regular meeting following the
2 committee meeting to deal with that one item.

3 MR. FOLTZ: Yeah. All right.

4 MR. PETERS: Pat, to your point, I think what
5 it's important to note is that for the committee
6 meeting, you know, you can have your attorney sitting
7 there but we could have someone review that agenda on
8 a Friday. So they could look at the agenda and let
9 our clerk know, hey, you may have something here, you
10 may have a question here.

11 MR. DEORIO: That's exactly right.

12 MRS. WERREN: Because would it be mandatory
13 that he come? Or he or she.

14 MR. PETERS: Not at all.

15 MRS. WERREN: Right? So that -- that would
16 be -- okay. That's great.

17 MR. PETERS: I think we get more bang for our
18 buck on that one. I agree with Patrick and the
19 mayor, not only are lawyers more specialized, we
20 could be more specialized in how we utilize that
21 service. So --

22 MRS. WERREN: Well, and when we know that
23 they have a bank of hours, we will be timely and we
24 will be thoughtful in our conversations and really
25 pointed. Because they bill on the quarter hour.

1 MR. PETERS: It holds to a budget, and I like
2 that.

3 MRS. WERREN: So, Mayor, no extra talking.

4 MAYOR WILDER: I got my cue from Dominic.
5 Thank you.

6 MRS. WERREN: Right. Right. Exactly.

7 MR. REVOLDT: Steph, this is Daryl. Can I --
8 just a quick -- two quick points.

9 First of all is, about 85 percent of what we
10 do is routine. It's not controversial, it's not
11 complicated, it's just bread and butter government.
12 You don't need a lawyer for it. You really don't.

13 The second is for that 15 percent, remember
14 what we want that attorney to do is help draft and
15 review the legislation before it comes to us, to
16 anticipate any problems. And, our practice has been,
17 and you've already really touched on it, is that if
18 we have a technical issue, we have not hesitated in
19 the past to give it a first reading, don't adopt on
20 emergency, send it back to committee. We operate in
21 that fashion now, so I don't -- wouldn't see us
22 operating with any less care than we do now.

23 MRS. WERREN: Yeah.

24 MR. FOLTZ: Agreed.

25 MR. PETERS: And, you know, if we come upon

1 an issue that has an emergency clause in it and we
2 have to pause, we've proved in the past we can be
3 very responsive with a special meeting.

4 MRS. WERREN: Yes. Good point, Jeff.

5 MR. PETERS: We can respond in kind, there's
6 no doubt.

7 MR. REVOLDT: I hate to say this, but we've
8 also done one other thing, too, is that we've
9 acknowledged that occasionally we make a mistake and
10 we're not afraid to say, hey, we goofed, we're going
11 to have a technical correction here. And I think as
12 long as we approach it with that, this system that
13 Pat has outlined will work very well for us.

14 MR. PETERS: Agreed.

15 MRS. WERREN: Yeah. I just appreciate the
16 fact we could both talk and say what all our needs,
17 what's best for the city, and then come together on
18 this decision that works best for all of us.

19 MR. REVOLDT: Yeah. Let me add one more
20 point, and that is this: Is that, you know, there
21 are people who're going to read the charter and
22 they're going to say, well, what does this mean? It
23 doesn't mean that we have changed the meaning of the
24 charter and that the council -- the mayor can
25 contract it, but at the end of the day the council

1 rules the budget.

2 MRS. WERREN: Right.

3 MR. REVOLDT: So we, the council, has
4 preserved its prerogatives under this approach.

5 MRS. WERREN: Yes. Thank you for pointing
6 that out.

7 MR. DEORIO: And to that point regarding the
8 charter, you know, the provision in the charter is
9 that, you know, council shall appoint an attorney in
10 good standing as the director of law. And so this
11 approach has been done in the past. We can go back
12 20 years and Tom Treadon was an assistant law
13 director and he worked for Roetzel & Andress.

14 MR. REVOLDT: Roetzel.

15 MR. DEORIO: In Akron. Provided, you know,
16 the depth and the breadth. So, you know, whatever
17 firm that we contract with, someone would have to,
18 you know, be designated as the law director and, you
19 know, and various assistant law directors as needed.
20 It doesn't increase the cost. It's a contracted
21 service.

22 MRS. WERREN: Yeah.

23 MR. DEORIO: So we would just appoint someone
24 to fill that spot, and if such time would come that
25 we would want to, you know, terminate our contractual

1 relationship and switch to a different firm, or some
2 future council chose a different way to do it, you
3 would be able to exit that and just appoint somebody
4 else.

5 MR. FONTE: That's right.

6 MR. PETERS: That's right.

7 MRS. WERREN: Are there any other questions?

8 MR. PETERS: I think that's good stuff,
9 Steph.

10 MRS. WERREN: I think, according to -- with
11 Daryl, I like the way he always says it, I think we
12 have four votes to move it forward to next week.

13 MR. PETERS: Yes.

14 MR. REVOLDT: Yes.

15 MR. PETERS: Okay. Good.

16 MRS. WERREN: That's great.

17 Jeff, do we want to amend the agenda right
18 now to talk about the CARES Act?

19 MR. REVOLDT: Daryl is going to make a motion
20 to amend the agenda 2B, the CARES Act. Is there a
21 second?

22 MRS. WERREN: I will say "second."

23 MR. PETERS: All in favor?

24 ("Aye" in unison.)

25 MR. PETERS: Opposed? All right. Motion

1 carries.

2 Steph, carry on.

3 MRS. WERREN: Okay. So, as you know, we have
4 received money from the CARES Act, and some of the
5 things that we have spent it on are just those items
6 we've been talked about tonight, the Granicus system
7 and some of your different software systems. And we
8 have used the money, which was over 325,000, I
9 believe. Well, the government has come through
10 again, so I guess we all have, but we will be
11 receiving another approximately 175,000 to spend
12 hopefully by December 31. They had asked that if we
13 weren't using the monies to return so that they could
14 reallocate. And we will definitely be using the
15 monies.

16 Some of the other things we've used the
17 monies for are touchless systems in restrooms, and I
18 know Brian Hill -- and thanks, Brian, for working on
19 the touchless toilets. I know some bids came in a
20 little bit high, but working with some other vendors.
21 So updating all of those facilities and parks and our
22 main offices and things. So we definitely appreciate
23 the money and have used it, and thanks for the
24 administration and Jina and her team and being
25 creative in how we can use this to make the city even

1 better.

2 MR. PETERS: I like it.

3 MRS. WERREN: All right. So if there are --
4 and I think, Jina, we need that on emergency for next
5 week; correct?

6 MS. ALABACK: Yes, please.

7 MRS. WERREN: Okay. So I'm pretty sure we
8 have four people on that that want to move that
9 forward. And so we'll do that for next week.

10 MR. PETERS: Okay. Okay. Great.

11 MRS. WERREN: All right. Thank you.

12 MR. FONTE: Thanks, Steph.

13 MR. PETERS: Okay. Next up, Ordinance,
14 Rules, Claims. Chairman Stroia.

15 MR. STROIA: Thank you. We're going to
16 listen to a presentation from Ben here. He says 20
17 minutes. I'm going to time you, Ben, so take it
18 away, buddy.

19 MR. YOUNG: Yes. As Chairman Stroia said,
20 I'll try to keep it as short as I can.

21 So this is just a presentation to go with the
22 report you guys have all received at various
23 different times about the records maintained by the
24 office of city council. So I just want to talk about
25 the records as I inherited them when you all were

1 kind enough to select me as your interim clerk and
2 then in April as full clerk.

3 So, first, records were kept in five places.
4 The clerk's office, plus some cabinets in the hallway
5 that support the clerk's office, finance department
6 safe, the council cage, as we call it jokingly, but
7 it's really our records retention area in the
8 basement of city hall; the council's computer server,
9 and then the city's YouTube page. So each of these
10 locations had different records, as you can see on
11 screen, maintained in them but they all had kind of
12 similar themes of needing some organizational help.

13 So there are five main things that were
14 identified as issues with how records were kept. So
15 first was that when I came into the office I didn't
16 have a current RC-2 form, which is the retention
17 schedule, so the most current one I have is from
18 2005. So about 15 years old.

19 Second, there were a lot of duplicates,
20 obsolete, or unnecessary files.

21 Third, the filing system was dependent on
22 subjective identifiers. So to give you an example of
23 that, if I had a special assessment for sanitary
24 sewer on Main Street, it could be filed under special
25 assessments, it could be filed under sanitary sewer,

1 it could be filed under Main Street projects, and
2 finding it was kind of dependent on thinking the
3 scheme the person that filed it thought.

4 Fourth, there was a lack of referencing, so
5 related documents and folders were not
6 cross-referenced with each other. So it was
7 difficult to find other supporting documents.

8 And then finally, some tracking and
9 maintenance had been neglected. So an example of
10 that is like the RC-2. In conjunction with that
11 yearly, you should do a records audit and submit some
12 records for destruction, but that hadn't been done
13 for quite a few years.

14 So Step 1 was to identify all of the records
15 that I had. And that became five key records
16 categories. The fifth one is really kind of a
17 subcategory. So the first was legislative records,
18 which would be everything related to passing
19 legislation. So your agenda for tonight, your
20 council packet for tonight, this PowerPoint you're
21 looking at right now would all be legislative
22 records.

23 Second are office records. So these are
24 non-legislative things. So this includes the office
25 of council receives liquor permits or member files or

1 bankruptcy notifications.

2 Third is zoning or land records. So the
3 office of council is the recipient of petitions for
4 annexation or petitions for vacation. Or, as we just
5 talked about earlier tonight, zoning amendment
6 changes. So all the files related to those real
7 property things.

8 Fourth, and arguably most importantly, are
9 the permanent and historic records. Those include
10 council's journal, the codified ordinances, the
11 record of legislation. All those things that truly
12 document what the city did and why.

13 And then the fifth subcategory is clerk's
14 files, as I call them. So these are management and
15 operational things like templates, blank forms,
16 instructional pages. So, for instance, a blank
17 agenda request form that hasn't yet been filled out
18 would be a clerk's file. This led me to create a new
19 RC-2, which was actually just very recently approved
20 by our records and archives commission. And I
21 identified 26 record types that are maintained by the
22 office of council. There will be one change to that
23 RC-2, which is that union contracts are going to be
24 transferred to the department of administration to be
25 maintained with all other contracts that the city

1 has.

2 So the second step was creating a solid new
3 retention system so that, even if I got hit by a bus
4 tomorrow, all of you could find records you needed.
5 Or the public asked for.

6 So first, legislative files. These files are
7 now organized by year, and those years are titled not
8 just by the year but also by the council and the
9 session. So, for instance, as you can see here on
10 screen here, 2019 was the 89th council, and the
11 second session of the 89th council. So what that
12 naming system does, is it increases the potential for
13 cross-referencing. So not only can I find it by the
14 year 2019, but if I know I'm looking for 89th
15 council, I can find it that way, too.

16 Within each year, files are then organized by
17 document type. So there will be a file for agendas,
18 a file for legislation, file for legislation
19 requests, and that's because that's how they are
20 maintained on the records retention form, the RC-2
21 that we submit to the state. And then each type of
22 document has a uniform naming system. So if it's not
23 legislation, it's going to have an 8-digit numeric
24 code for the date it was on council's agenda, so our
25 example on screen is 06152020 Council. And then if

1 it is legislation, it's going to start with the
2 three-letter abbreviation for what type of
3 abbreviation it is. So here we have ordinance, then
4 the legislation number, so 37-1984, and then a
5 summarized title of that legislation.

6 So here we have a literary reference
7 authorizing the mayor to enter a contract for the
8 installation of Big Brother. So every document in
9 all these folders is named in this way so that you
10 can find it by date, you can find it by ordinance
11 number, you can find it by subject. And again, it's
12 all to increase that cross-referencing capability.

13 Office files are labeled fairly similarly, so
14 again, we have subfolders based on the type of
15 document because that's how the RC-2 maintains them.
16 So liquor permits, research, correspondence.
17 Correspondence, because it's referenced most often by
18 date, starts with the date and then kind of short
19 title and then the author. So our example here is
20 January 1, 1802, letter to Danbury Baptist and
21 Mr. Jefferson, of course.

22 And then all other files that don't
23 necessarily have a very specific date related to them
24 have descriptive naming, which is, I guess, a term I
25 have coined for including as many possible

1 cross-references in it as I can. So, for example,
2 our 2012 fire and EMS labor union contract. So that
3 has three potential cross-references. It has the
4 year, it has fire and EMS, and it has that it's a
5 labor union agreement. Or then for the liquor
6 permit, again, we have three cross-references. We
7 have Applebee's, we have that it's a liquor permit
8 and then we have the address that it affects.

9 Zoning or land files are filed much the same
10 way to office files. They're by type, so there's a
11 folder for annexations, a folder for vacations, and
12 they have descriptive names. So they include the
13 year, what type of land thing they are, and then a
14 short description of what area it relates to. So it
15 might be the 2014 Walsh University annexation. So
16 again, you have those three points of
17 cross-reference.

18 And then finally, permanent or historic
19 records. So records of legislation -- or I should
20 preface this with by law, all of these, or the most
21 of these must be kept in hard cover book form. So I
22 must have a paper version available in the office. I
23 can't just keep them digitally. So records of
24 legislation, which is the picture you can see
25 onscreen, those books are kept in a dedicated cabinet

1 under lock and key in the clerk's office at the
2 moment, and we currently use Wilson Jones archival
3 materials to produce those books. Each book is then
4 uniquely named with a volume number, the years it
5 covers and the -- or the time frame it covers and the
6 legislation it covers.

7 So, for example, this year's might end up
8 being record of legislation volume 40, Ordinances
9 1-2020 to 97-2020 covering January to December of
10 2020. Council's journal, commonly referred to as the
11 record of proceedings, was historically bound in much
12 the same way as the record of ordinances. But this,
13 for what the proceedings are, this is inefficient and
14 unnecessarily expensive because the minutes are much
15 more replicable than legislation. But that being
16 said, we are still binding them in semi-hard covers
17 on archival paper and then the -- they are again
18 uniquely labeled with record of proceeding, the
19 council, and the session it applies to and then the
20 time frame it covers. Currently these are still in
21 Finance's safe in a dedicated filing cabinet under
22 lock and key because their new home, which we'll talk
23 about later, is not yet ready for them.

24 So next I'd like to talk about what have we
25 accomplished already. And I'd like to preface this

1 by saying that almost all of these accomplishments
2 are not possible without input and help from members
3 of council, the mayor's office, and the many amazing,
4 talented people who work in other departments here
5 with me at city hall. And I think you'll be able to
6 see why as we get into some of these projects.

7 So first goal was organization. So I have
8 reorganized council's office. There's a lovely
9 picture there for you of my office currently.
10 There's all the contents of every drawer are now
11 posted on the drawer; the drawers are labeled with
12 alphanumeric identifying numbers and there's a
13 schedule posted of what's in each drawer by its
14 alphanumeric identifier.

15 Second, we did -- the former council intern,
16 Ed Walsh, helped me do a rough organization of
17 council's cage, the basement retention area. All the
18 boxes have been sorted roughly by what's in them and
19 we are now in the process of going through box by
20 box, file by file, auditing what's in it and where
21 should it properly be stored.

22 And then finally, we've -- or organization.
23 We've created the -- at least the rough scaffolding
24 of a master index for important council records. So,
25 so far what we have in this is all of the mayors of

1 the city and their terms, all of the council members
2 of the city and their terms, and the report says that
3 all legislation up to 1930 has been entered.

4 Unfortunately, we did have a computer unexpectedly
5 crash and we had to go back to a previous backup save
6 of the database so we're back down to just 1950. But
7 thankfully, because we have a built-in backup system
8 now, we were able to pull up an older version and
9 save half of our work.

10 Next, tracking the legislative process.

11 YouTube was fairly organized. All it needed was to
12 make some playlists to make it easier for people to
13 locate what year they're looking for. You can see on
14 the right-hand of your screen there's a picture there
15 of our new playlists. As we discussed earlier in the
16 meeting, we've adopted two softwares, AirTable and
17 Granicus, that help us track the legislative process
18 on the back end and help automate some of the more
19 time-consuming and potentially grammatical errorful
20 [sic] processes like making an agenda. So they help
21 us auto-populate an agenda so that there's no chance
22 that the clerk misnumbers it or that we forget
23 something.

24 And then finally, as has been tabled for now
25 but as you guys have seen that we've been working on

1 decodifying the rules of council. So currently
2 council's rules are part of the codified ordinances
3 and this makes them hard to amend, potentially
4 problematic to enforce, and gives the mayor undue
5 authority over how the legislature conducts its
6 internal business. Because if the legislature wants
7 to do something, in theory, the mayor could veto that
8 change. So with Council Member Stroia and Revoldt
9 and former Law Director Fox, we have been diligently
10 working to try to make new and improved rules of
11 council that will hopefully be coming back to you
12 guys sometime in the near future.

13 Next was improving the permanent records. So
14 as is the first big thing on the agenda that we'll
15 get to when I hand the meeting back over to Chairman
16 Stroia, we've completely redone the codified
17 ordinances of the city to save us money and bring
18 them under our direct control and allow us to more
19 constantly monitor them.

20 Second, for a brief period, legislation was
21 not being bound in archival materials and we have
22 since returned to using archival materials. That's
23 the top middle picture there for you is a picture of
24 this year's legislation book, actually.

25 And then third, we are improving the