

CITY OF NORTH CANTON, OHIO

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IN RE:)
)
SPECIAL COUNCIL)
MEETING) **TRANSCRIPT OF PROCEEDINGS**
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Transcript of Proceedings taken before North
Canton City Council, taken by the undersigned, Shannon
Roberts, a Registered Professional Reporter and Notary
Public in and for the State of Ohio, at the offices of
North Canton City Hall, 145 North Main Street, North
Canton, Ohio, on Monday, the 18th day of March, 2019,
at 6:45 p.m.

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APPEARANCES:

- Daniel Jeff Peters, Chairperson
- Douglas Foltz, Vice-President of Council
- Mark Cerreta, Member
- Daryl Revoldt, Member
- Marcia Kiesling, Member
- Stephanie Werren, Member
- Dominic Fonte, Member
- Timothy Fox, Director of Law
- Laura E. Brown, Director of Finance
- Patrick DeOrio, Director of Administration
- David Held, Mayor
- Robert G. Graham, PE

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1 MR. PETERS: I'd like to call the special
2 Council meeting, Monday, March, 18th, 2019,
3 6:45.

4 Tim, please call the roll.

5 MS. BROWN: I'm going to call it.

6 MR. PETERS: I'm sorry. Yes, go ahead,
7 please.

8 MS. BROWN: Peters.

9 MR. PETERS: Here.

10 MS. BROWN: Foltz.

11 MR. FOLTZ: Here.

12 MS. BROWN: Cerreta.

13 MR. CERRETA: Here.

14 MS. BROWN: Revoldt.

15 MR. REVOLDT: Here.

16 MS. BROWN: Kiesling.

17 MS. KIESLING: Here.

18 MS. BROWN: Werren.

19 MS. WERREN: Here.

20 MS. BROWN: And Fonte.

21 MR. FONTE: Here.

22 MS. BROWN: Seven present.

23 MR. PETERS: For the record, please state
24 your name and address.

25 MS. PLATT: Sue Platt, 801 Briar. I'm

1 sure that all of you know by now the March 11
2 Council meeting was not live streamed as
3 planned. When I contacted City Hall about
4 the problem, I was told that it was not
5 working. I do not know if it was not working
6 because of a human or mechanical error. What
7 I do know is that one cannot rely on
8 technology.

9 At past meetings, when Council members
10 discuss summarizing the minutes, rather than
11 reporting them verbatim, I heard repeatedly
12 that one could always go back to the live
13 stream video to verify the discussion. This
14 assumption was proven false at the March 11,
15 2019 Council meeting. I hope the live stream
16 is working tonight.

17 President Peters, please address the
18 problem in not live streaming last week's
19 meeting at the conclusion of the special
20 Council meeting tonight. Thank you.

21 MR. FONTE: Thank you.

22 MR. PETERS: Thank you.

23 Larry.

24 MR. TRIPP: Larry Tripp, 1127 East Maple,
25 North Canton, Ohio. North Canton Law

1 Director, Tim Fox, you have done yourself and
2 your profession well. Congratulations on
3 becoming a part-time clerk to the Council
4 Clerk of North Canton. Excellent. Well
5 done, North Canton City Council.

6 Four people to play -- to replace one
7 person. Four people to replace a one-person
8 City charter, authorized Council Clerk
9 position. Let's see. We will now have a
10 full-time finance, slash, Council Clerk based
11 on a salary of \$100,000 yearly, including
12 pension benefits, giving 25 percent of her
13 time to Council Clerk duties, costing the
14 City \$2,083.

15 A law director, part-time clerk, per
16 Council Clerk, same salary, but giving 15
17 percent of his time, costing the City \$1,250.

18 A clerk, spitting -- splitting her time
19 between finance and Council Clerk duties at
20 \$50,000 annually, costing the City monthly
21 for her part-time contribution to Council
22 Clerk, based on 50 percent, \$2,084.

23 Then a court reporter based on \$30,000
24 annually, a \$2,500 monthly charge.

25 Citizens of North Canton, that totals

1 \$7,917, versus a full-time Council Clerk, at
2 \$4,168.

3 You have now increased the cost of a
4 Council Clerk by \$3,749 monthly, or annually,
5 \$44,999.

6 Understand, this is a very basic, simple
7 estimate, but one that may reflect the clear
8 argument that the Council Clerk arrangements
9 discussed last week, may be a burden and may
10 be very costly to the City. A cost will
11 never be known, because of the real time
12 devoted to the Council Clerk's position by
13 the Finance Director, Law Director, and the
14 part-time clerk, because they'll never be
15 known.

16 Mr. Mayor, as brought to your attention
17 to the City a few weeks ago by Mrs. Roll,
18 both the Finance Director and Law Director
19 have been stripped of major duties for
20 whatever reason. Some good. Some bad.

21 What have they done with their free time
22 since then? Frankly, I believe there is no
23 accountability within the legislative branch
24 of North Canton. There is misinformation on
25 the City Web site as to duties performed by

1 these two individuals. There is no updated
2 job description for these two positions. I
3 would venture to say, probably never has
4 either had a performance appraisal conducted
5 by the Council President.

6 Thus, Mr. Mayor, I believe it's
7 imperative in your duty to the City that a
8 performance audit be conducted on the Finance
9 Director, Law Director, and Council Clerk
10 positions, looking into matters such as
11 efficiency and effectiveness.

12 The audits exist. I gave you, Mr. Foltz,
13 and the Finance Director, information that I
14 received from the auditor's office.

15 I believe it imperative.

16 This Council Clerk problem has been
17 brewing for the past three years. Boiled
18 over in mid-December, and lingered until now,
19 when you were probably forced to make some
20 type of decision, which resulted in what you
21 now have, one that could ultimately cost the
22 City thousands of dollars.

23 In my folder, I have a temporary
24 permanent recommendation that, in fact,
25 retains the Finance Director by title only as

1 a Council Clerk, one that, in fact, would
2 perhaps be less costly, more flexible, more
3 manageable. Because I may exceed my
4 five-minute time limit today by 25 or 30
5 seconds, it will have to wait until next
6 week.

7 As Council President told me last week,
8 rules are rules, and absolutely must be
9 followed.

10 MR. FONTE: Thank you.

11 MR. PETERS: Thank you, Larry.

12 Anyone else?

13 Chuck.

14 MR. OSBORNE: Chuck Osborne, 307 Fairview
15 Street, Southeast, North Canton, Ohio. I
16 wasn't going to speak tonight, because I'll
17 tell you, it's an utter waste of time. You
18 people do not want to hear from your
19 constituents. You are hostile to your
20 constituents, and many other kinds of
21 negatives. And for the last several years,
22 we are just reflecting back what you are
23 projecting onto us.

24 At any rate, I want to just back up
25 Mr. Tripp, something that hasn't been talked

1 about here in several years. I'm not sure
2 how long we have been in RITA now. How much
3 was income tax a part of your daily duties?
4 Because we have RITA now. You no longer
5 handle income tax, it's my understanding.
6 Was that 20 percent, 40 percent of your
7 duties?

8 We have all repeatedly talked about
9 utilities, how it has all been automated. So
10 I'll -- and I think you probably lost half of
11 your staff. So your duties and
12 responsibilities drop by a half.

13 Same thing for the law director. We no
14 longer have Mayor's court. The Law Director
15 is no longer pursuing delinquent tax
16 scofflaws. He's no longer handling the labor
17 negotiations. So how much of Mr. Fox's has
18 time been freed up by a reduction of these
19 duties and responsibilities?

20 Mrs. Brown, I think you're suggesting
21 that you take over as Clerk of Council is
22 kind of self serving, and maybe you are
23 trying to help Mr. Fox, as well, because
24 neither one of you have full-time duties as a
25 result of all these reductions in

1 responsibilities.

2 This is the wrong path to go to get rid
3 of a Clerk of Council. It's the heartbeat of
4 this City. It's the nerve center of this
5 very Council body.

6 And we have been up here several times in
7 the last four and a half years, and pointing
8 out the mistakes of the previous Clerk of
9 Council, which I can only assume you finally
10 relented and let her go at the end of
11 December. I don't know why we are not
12 getting someone to replace her. But you have
13 dug a hole for yourself for several years
14 here.

15 The poor lady that you just fired here in
16 December, she got absolutely no training.
17 You know, on one occasion, after she had been
18 here about a year, I pointed out some issues,
19 and she sat right here and looked up at me
20 and says, "I'm going to do it my way."

21 So in your defense, she was untrainable.
22 She was not going to do it anybody's way
23 except hers. And now, maybe by the letter of
24 the law, you're complying with it, but the
25 spirit of the law, outsourcing all the duties

1 of the Clerk of Council amongst at least
2 four, five other people.

3 And Mrs. Brown was talking about the new
4 voice over IP phone system. We don't
5 honestly know who is going to be answering
6 the phone when you call the Clerk of Council.
7 It could be anybody on -- that's up there at
8 City Hall.

9 This is the wrong way to go. So with all
10 the issues we saw with due process and
11 procedure and formatting that occurred under
12 the auspices of Mr. Fox now who has taken
13 over, they are obviously going to continue
14 and nobody is going to take ownership of this
15 position. Somebody is going to be given one
16 aspect of it, and they are not going to know
17 how it ties in with the whole big picture.
18 They are not going to be responsible. We are
19 not complying with records retention and
20 records. So I just see a continual decline
21 in the governance of this City.

22 So I think you ought to think long and
23 hard. You might not have gotten some
24 adequate applicants for that position.
25 Because the word was out there. Until you

1 correct the problem with a Law Director here,
2 who created a hostile work environment for a
3 prior Clerk of Council, you are not going to
4 find anybody who is going to walk into this
5 can of worms here. Thank you.

6 MR. FONTE: Thank you.

7 MR. PETERS: Thank you, Mr. Osborne.

8 MR. HELD: When will be a time we can
9 comment on the comments?

10 MR. PETERS: At the end of the meeting.

11 MS. KIESLING: This isn't a regular
12 meeting, so we are not doing reports.

13 MR. PETERS: We can only discuss in this
14 meeting this Ordinance Number 18-19, by law.
15 That's the only thing we can discuss.

16 MR. HELD: Okay.

17 MR. PETERS: Any questions?

18 MR. HELD: I'll handle it after.

19 MR. PETERS: Anyone else wishing to
20 address Council, state your name and address
21 for the record, please.

22 (No response.)

23 MR. PETERS: I see none. We will move on
24 to old business. I need a motion and a
25 second to read by title only second reading

1 Ordinance Number 18-19.

2 MR. FOLTZ: So moved.

3 MR. CERRETA: Second.

4 MR. PETERS: Those in favor?

5 MR. FOLTZ: Aye.

6 MR. CERRETA: Aye.

7 MR. PETERS: Aye.

8 MR. REVOLDT: Aye.

9 MS. KIESLING: Aye.

10 MS. WERREN: Aye.

11 MR. FONTE: Aye.

12 MR. PETERS: Opposed?

13 (No response.)

14 MR. PETERS: Motion carries.

15 MR. FOX: An ordinance repealing and
16 replacing Ordinance Number 27-2016 to
17 increase the rates for season memberships and
18 daily admissions at the City of North Canton
19 municipal swimming pool and repealing any and
20 all legislations inconsistent herewith
21 and declaring the same to be an emergency.

22 MR. PETERS: Chairman Foltz.

23 MR. FOLTZ: As we discussed last week,
24 contract has been modified rates -- excuse
25 me, the rate structure has been modified.

1 And I think there was a question about
2 the Y memberships. President Peters, you
3 want to weigh in on that for the record?

4 MR. PETERS: They are still offering a 25
5 percent discount for Y membership holders for
6 season passes.

7 MS. BROWN: That's correct.

8 MR. PETERS: Providing they are purchased
9 before -- well, 25 percent afterwards.

10 MS. BROWN: It would be the higher
11 in-season rate, correct.

12 MR. PETERS: Yes, that does apply. I had
13 to make a couple phone calls on that.

14 MR. FOLTZ: Any other comments from
15 Council?

16 (No response.)

17 MR. FOLTZ: I'd like to pass this on
18 emergency tonight. A few of the members will
19 be out of town next week, and it will just
20 hasten the process by 30 days. So we get the
21 rate structure out to the public, so they can
22 purchase at those rates.

23 MR. REVOLDT: I move we adopt the second
24 reading of Ordinance Number 18-2019.

25 MR. CERRETA: I'll second it.

1 MR. PETERS: All in favor?
2 MR. CERRETA: Aye.
3 MR. PETERS: Aye.
4 MR. FOLTZ: Aye.
5 MR. REVOLDT: Aye.
6 MS. KIESLING: Aye.
7 MS. WERREN: Aye.
8 MR. FONTE: Aye.
9 MR. PETERS: Opposed?
10 (No response.)
11 MR. PETERS: Motion carries. And a
12 motion and second to suspend the rules of
13 Council.
14 MR. REVOLDT: So moved.
15 MR. FOLTZ: Second.
16 MR. PETERS: All in favor?
17 MR. FOLTZ: Aye.
18 MR. CERRETA: Aye.
19 MR. PETERS: Aye.
20 MR. REVOLDT: Aye.
21 MS. KIESLING: Aye.
22 MS. WERREN: Aye.
23 MR. FONTE: Aye.
24 MR. PETERS: Opposed?
25 (No response.)

1 MR. PETERS: Motion carries. And,
2 finally, a motion and second to adopt under
3 suspension.

4 MR. CERRETA: So moved.

5 MR. FOLTZ: Second.

6 MR. PETERS: All in favor?

7 MR. REVOLDT: Aye.

8 MR. CERRETA: Aye.

9 MR. FOLTZ: Aye.

10 MR. PETERS: Aye.

11 MS. KIESLING: Aye.

12 MR. WERREN: Aye.

13 MR. FONTE: Aye.

14 MR. PETERS: Opposed?

15 (No response.)

16 MR. PETERS: Motion carries.

17 That concludes this meeting. Motion to
18 adjourn this meeting.

19 MS. WERREN: So moved.

20 MR. CERRETA: Second.

21 MR. PETERS: All in favor?

22 MR. FOLTZ: Aye.

23 MR. PETERS: Aye.

24 MR. CERRETA: Aye.

25 MR. REVOLDT: Aye.

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MS. KIESLING: Aye.

MS. WERREN: Aye.

MR. FONTE: Aye.

MR. PETERS: Those opposed?

(No response.)

MR. PETERS: Motion carries.

We are adjourned.

(This proceeding concluded at 7:00 p.m.)

C E R T I F I C A T E

STATE OF OHIO,)
)
STARK COUNTY.)

I, Shannon Roberts, a Registered Professional Reporter and Notary Public in and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within testimony so given was by me reduced to Stenotype, afterwards prepared and produced by means of Computer-Aided Transcription, and that the foregoing is a true and correct transcription of the testimony so given.

I further certify that this proceeding was taken at the time and place in the foregoing caption specified.

I further certify that I am not a relative of, employee of or attorney for any party or counsel, or otherwise financially interested in this action.

I do further certify that I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Canton, Ohio, this 25th day of March, 2019.

Shannon Roberts
Shannon Roberts, Notary Public
My commission expires February 2, 2023

Attest:

Laura Brown
Director of Finance

Daniel Jeff Peters
City Council President