



CANAL WINCHESTER CHARTER REVIEW COMMISSION

COVID-19 ANNOUNCEMENT

Due to COVID-19 and social distancing requirements, Canal Winchester Charter Review Commission meetings will not be open to the public until further notice. The meetings will be hosted online using the GoToWebinar platform which can be accessed via computer, tablet, or smart phone. An email address is required to access the meeting.

To access the September 16, 2020 meeting, click the following link.

<https://attendee.gotowebinar.com/register/1183788504094916367>

Note: In this format, video and audio of the meeting will be available as the meeting takes place, however, viewers will not have microphone or webcam permissions.

Per the direction of the Ohio Attorney General Dave Yost and the Ohio Public Meetings Act, public comments may be accepted prior to a public meeting in lieu of public comments at the meeting. Comments regarding an agenda will be accepted until 3:00 p.m. on the day of the meeting. To submit a comment to the Charter Review Commission, please use the link below.

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Canal Winchester

*Town Hall
10 North High Street
Canal Winchester, OH 43110*



Meeting Agenda

September 16, 2020

7:00 PM

Charter Review Commission

*Michael Stobart - Chair
Marilyn Rush-Ekelberry - Vice-Chair
Jim Bohnlein
Charles Carpenter
Pat DeWitt
Steve Donahue
Nick Franklin
Amy Giesecke
Jackie Marion
Liana Obert
Ryan Rose*

*Alternate
Rick Deeds*

- A. Call To Order
- B. Roll Call
- C. Approval of Minutes
 - i. [3-11-20 Minutes](#)
- D. Public Comments - Five Minute Limit Per Person
- E. Legal Counsel Report
- F. Items for Discussion
 - i. [Charter Article III - Council](#)
 - ii. [Charter Article IV - Legislative Procedure](#)
 - iii. Future Meeting Dates
- G. Adjournment

Canal Winchester

*Town Hall
10 North High Street
Canal Winchester, OH 43110*



Charter Review Commission – Draft Minutes

March 11, 2020

7:00 PM

Town Hall

Members

Charles Carpenter

Pat DeWitt

Steve Donahue

Nick Franklin

Amy Giesecke

Jackie Marion

Liana Obert

Ryan Rose

Marilyn Rush-Ekelberry

Katy Santore

Michael Stobart

Alternates:

Jim Bohnlein

Rick Deeds

A. Call To Order

at 7:00 pm

B. Roll Call

Present 12 – Charles Carpenter, Pat DeWitt, Steve Donahue, Nick Franklin, Amy Giesecke, Jackie Marion, Liana Obert, Ryan Rose, Marilyn Rush-Ekelberry, Michael Stobart, Jim Bohnlein (alternate), Rick Deeds (alternate)

Absent 1 – Katy Santore

Also in attendance was Jesse Shamp, legal counsel from Frost, Brown, Todd, LLC

Chairman Stobart noted that we have a quorum.

Comment by Clerk to remind members to use their microphones when speaking so that they can be heard on the audio for transcribing minutes.

C. Approval of Minutes

*Motion to approve Minutes from 2-26-20 meeting made by DeWitt; seconded by Rush-Ekelberry
Motion carried by the following vote:*

Yes 10 – Pat DeWitt, Steve Donahue, Nick Franklin, Amy Giesecke, Jackie Marion, Liana Obert, Ryan Rose, Marilyn Rush-Ekelberry, Michael Stobart, Rick Deeds (alternate)

Abstain 2 – Charles Carpenter, Jim Bohnlein (alternate)

D. Public Comment – Five Minutes Per Person

Chairman Stobart – Let's move on to public comments and just a note from the last meeting that we are looking for public comments that are germane to the business that we are discussing today as well as bringing up any topics for the next agenda if anyone would like to mention those; and from what I recall in new business we are going to review sections one, two, nine, ten and twelve. Any public comments? (None) We can close public comments; do we need a motion or anything for that; Shamp said no.

E. Items for Discussion***City Charter of Canal Winchester******Articles I, II, IX, X, XII***

Stobart – I am hoping everyone had a chance to review those sections at the very least and also think about what sections we will be reviewing for the next meeting, as well; from what I recall we have six meetings scheduled, five after this is what we have scheduled to date, if we are able to cover these five today that will leave seven for the remaining five sessions, so with that being said, I would like to open up Article One for any discussion, comments or edits that the committee members deem necessary; and if you want I can go section by section. Any comments on section 1.01?

Marion – I have a comment; is this the proper place to discuss a city administrator? Or is that further back?

Stobart – From what I recall, and you can jump in Jesse, that would fall under the Mayor, article five

Shamp – I think it is article five. This is very top level, when we get into it in Article Five we may have to circle back to this if you decide to change some wording

Obert – Does this fall under 1.02 where it says charter shall be known as the strong mayor council plan?

Shamp – No, only because the appropriate place to discuss that would be article three and five where we already have those powers delegated, this is really naming what we later do, so it may require a change if we decide when we look at three and four and five for changes

Stobart – So a footnote to our parking lot we can go back to it, can address articles three and five together

DeWitt – They might go together

Stobart - With that do we want to continue with article one; just a technical piece Jesse, name and boundary, it says the municipal corporation existing as the Village of Canal Winchester since we are now a city, edit it to say city

Shamp – Yes, I was thinking the same thing, I marked it up, there are several sentences in there that aren't really necessary, if you like I can draft something for approval at the next meeting to sort of clean that up since we are a city and that's not changing

Stobart – Ok; section 1.02 form of government, Jesse you might be able to answer this, I am assuming this form of the concept is we have both a strong mayor and a strong council, we are indicating what type of governance we want

Shamp – Yes, the revised code provides four or five different plans, we don't have to stick to that because we have the charter and that's sort of the point, but they have commissioner plan, city manager plan, federal plan, strong mayor plan, so that is what we have termed it based on our later articles

Stobart – So this would be the section we would re-visit when we review three and five

Shamp – Correct

Stobart – Any additional comments on section one, article one? Any objection to moving to article two? (none) Any comments or concerns with article two, section 2.01, powers granted? (none) Now move onto section 2.02 exercise of powers.

Deeds - This is one I read and felt like an attorney needs to weigh in on this one 2.02 and 2.03

Stobart – Would you like to address that Jesse?

Shamp – Sure, let's start with 2.02, I looked at about six different charters today and almost all of them are exactly word for word what this is and that is really just the rubber stamp that you put on the charter so you are basically complying with home rule and that means you have power as a city to make your own resolutions and ordinances but that is in keeping with the constitution and not going beyond what the laws of the state of Ohio give us.

Stobart – The way I read it is taking all power away from the state to the extent we can, so we can rule ourselves.

Shamp – That's right, and not going beyond that so the state can't tell us we are doing something wrong

Stobart – Strong local government

Shamp – Right

Stobart – Any concerns with 2.03? comments or questions? (none) Section 2.04? Did you see anything about additional grants of power in any other charters...pretty standard?

Shamp – No

Stobart – These are pretty standard

Shamp – Very standard

Deeds - With the changing, it's been ten years right, are there any other entities or mechanisms we have to be careful of?

Stobart – This might be a good time before we move on to article three, just to ask from a home rule stand point are there any legislative activity or judicial activity that we should be aware of as we consider

these changes?

Shamp – So there hasn't been any since we talked last, and I requested a memo from our legislative team that does the lobbying to see where certain proposals stand. There is one big one coming up and our firm actually represents about 115 different municipalities around the state; at the supreme court in May we have an argument that cities have the authority to conduct their own taxation, conduct and collect their own taxation, the state passed legislation two years ago now that forced cities into using a statewide collection and 115 of them didn't want to do that and have to pay a cost back to the state and so we're at the supreme court on that in May, so that will be a big one, and not certain how that might affect what we do here, but I will definitely look into that for your though; that is the big home rule issue that's out there right now.

Marion – I have a question; Mike I am having trouble hearing you, did you already do 2.03? And I missed that

Stobart – We can revisit it right now

Marion – My question is what does it mean "construed liberally" I thought that was interesting and there is another place in here where it also lists that

Shamp – So that is a CYA to the village in that the laws as we write them later in our charter and as we enact them from council are meant to be read giving the city broad power, and that's because in a home rule analysis local government rule can exceed the general power that the state gives so we want to just make sure that we are covering ourselves when we write legislation it's construed liberally, widely giving the city broad powers

Stobart – There's a principal that anytime you are drafting it can be construed against the drafter, so if you had the opportunity to draft something in your legislation and then it's not specific enumerated then the courts can say well if you really wanted that you would have put it in, and this is our way of a catch all to say hey if it's not in here you still have to construe it in our favor.

Stobart - Any other questions as to form on article one or article two or any general questions as we move through this? Feel free to raise at anytime

Stobart – So what we have next is article nine, flying through this

Deeds - We didn't do 2.04 did we?

Stobart – We can, I thought we covered it but let's do 2.04 intergovernmental cooperation. Do you see any limiting factor on this where we couldn't contract with

Shamp – No, I've been trying to think of another government entity that isn't covered here and I can't think of one, so it gives us the power to contract with anyone, any government entity

Marion - I have a question about that, does that include the Madison Township Fire Department., or the police department?

Shamp – It should yes, townships are considered political subdivisions or they are considered other units of government of the state of Ohio

Marion – Number five okay

Shamp - And within those are fire and police departments

Stobart - And with the fire and police I believe we have...we'll cover in...just want to make sure...section three powers of council, I just wanted to see if that was in there as well...article six, powers of council relative to police and fire...so we can create a department or contract under article six as well which we'll revisit

Stobart – Any additional comments or questions or articles one and two? Before we move to article nine. And we can revisit these as we discuss other articles and touch back. Article nine covers nominations and elections for elected offices. Any specific comments on any section 9.01 through 9.04? I have a question,

in special elections under 9.03, council can call special elections by ordinance or resolution, is there ability of citizens to call a special election, I know they have the ability to recall.

Shamp – They do have the ability to recall

Stobart - And the ability of initiatives

Shamp – Right

Stobart - So I'm not sure what a special election would do

Deeds - Called by the public or

Shamp – That's a great question

Stobart – And maybe if we touch vacancies or something like that maybe later on we can address it; we don't have that capability today, could be something to look at. Are you aware of any litigation around election stuff, special elections or

Shamp – No

Deeds - Is it something you want to look at other municipality's charters or something where the public can call special elections

Bohnlein – Quick question, what about death of a councilman, would that require a special election, I know it hasn't before they have just appointed someone

Deeds - If you read the rules, the provision is the rest of the council people can appoint or nominate someone and if they don't the mayor gets to; it's in one of the sections

Obert – Section 3.08

Marion – I have a question about 9.01, I read it about fifteen times and it's not going through my head...equal in number to not less than one percent nor more than three percent of the electors; why not more than three percent of the electors, isn't that kind of redundant?

Shamp – It is, I believe the point or purpose of it is, and I will absolutely double check this, the purpose is to avoid people going out and getting or needing to get hundreds and hundreds of signatures to get on a petition and so it just sort of provides a cap so you know how much you have to get, that would be the only insight on it, don't think it's a legal requirement

Marion – Ok, thank you

Deeds – I think there is the other perspective to, you see how these petitions are done, they stand down here on the corner and get anybody walking by to sign and so you're just fishing to see if you can get on the ballot based on getting real electors

Stobart - And there is a period you have to validate the rules and you overwhelm them trying to verify the petition, I think that's a great point

Stobart – Anything else on section nine? Article ten, this may be interesting, initiative, referendum and recall; and it may generate the most questions as well. Only thing I know on recall is it requires fifteen percent of the electors voting in the last election; it's probably consistent with other jurisdictions

Shamp – It is

Deeds – Where is the section that talks about if you pass it as emergency you take away the ability for a referendum; maybe the real question is when we get to that section we may need to come back to this; section three or might be four

Obert – 4.06 emergency legislation

Stobart – 4.06? I am not sure I recall seeing that.

Shamp – I think we should put that in there; I think maybe what we have done in the past is fall back on the state code that says if it's passed by emergency you don't have the option to have a referendum on it, but it can't hurt to put that here for everybody to see

Deeds – And I think Gene also said certain legislation might not make sense so it might be worth having

us understand that too

Shamp – Sure

Stobart – Are you suggesting adding something in here either in the initiative, referendum or recall section for that emergency to limit the ability to have an initiative or referendum to

Shamp – I would think the most sensible place for it would be in 10.01 just because that governs all initiatives and referendums, but we can draft it and bring it to you guys to decide where you want it

Stobart – The only thing I will say is in my own opinion we have seen a lot of resolutions and ordinances be passed by emergency and we have also seen a lot as a method of just moving it through without three readings and I would hate to see that be the course of action that gets taken to avoid public comment, public discourse, it may be something we want to limit.

Deeds – From being on council, you cringe when you take away the public's right to discuss and review so I would...at the very minimum would should have an explanation as to why and maybe it some kind of explanation

Donahue – As to why it's an emergency

Deeds – Yes

Donahue – It's always given; the years I was on council, you had Matt Peoples saying the reason why a contract; I don't know of any that was thrown through just to get something

Rush-Ekelberry - But the outside public I think many times questions why there was emergencies for certain things; or they weren't here to hear the other side as to why we made the necessary decision to do so

Donahue – Maybe now with all these meetings being videoed and whatever you call it, I would think you would hear that, and in the past when you didn't have that, and the reporter didn't put it in and you didn't know the reason why, but if you were here and heard it said

Rush-Ekelberry - ...people thought you passed everything under emergency...

Donahue - And usually one of the council members would always say why are we not having three readings and that's how you would get your answer

Stobart – Is it possible to get some alternates, some alternate language on that

Shamp – Yes

Stobart – So section 10.01 is where we would look for

Shamp – The only thing I noticed, today I was looking, haven't had a chance to look at statutes anywhere but in 10.02C I did notice there is no reference to board of election verification of the signatures and I'm just not sure if that is...I don't know if that's ok, so I have that down to find...every other charter I saw referenced the board of elections verification; we very well may not need it, but it sort of jumped out to me that this was the only one I saw that didn't have it.

Donahue – As I look at that I see you have the clerk of council doing all this stuff, if all of a sudden you don't have a clerk of council you need to have a "or designee" in here

Shamp – Sure

Donahue - Cause there's been times when we didn't have a clerk

Stobart – Now who would be the successor to that? Or the temporary?

Donahue – Well it's a strong mayor, I think it would be up to the mayor...you know

Stobart – To appoint someone?

Donahue - Yea, I would think so, somebody on staff yea

Stobart – To your point, what's the clerk really looking for other than signatures at that point?

Donahue – They have to verify addresses and whether or not you can say Canal Winchester or not be in the city of Canal Winchester, you could be way out

Stobart – That’s why I think if it’s board of elections...maybe we can get out of that altogether

Donahue – I agree with you

Stobart - Maybe we can get out of that all together in this section

Donahue – If they will do that...that’s the question; if they’ll do it that would be the way to go

Stobart – Something to question. Other questions? On 10.01 or 10.02?

Rose – In D it mentions anything...that they should publish it in a newspaper on the same day in two consecutive weeks; I know a lot of people my age do not read the newspaper; should there be some provision about maybe adding it to the website as well, the city website that has to be made public on there as well, might make it more public knowledge

Stobart – posting in a public place

Deeds – Just taking a broader look there are several places in here about how to notify the public; reference here is how we notify the public; I agree because we are going to change it three or four times; council rules too

Donahue – Used to be law that you had to do this, not sure what it is now, that’s why we have you

Shamp – That’s right, this is the legal baseline

Donahue - If legally you could do that legally and put website you would get a lot of people, a lot of people don’t get the paper anymore

Stobart – Website and public places where we post ordinances

Clerk – Mr. Stobart, if I may interject, I am required to post ordinances, resolutions and notices of public meetings; there is a board in front of the municipal building, there is a board outside of town hall and a there is a board at the community center; so currently that is what I am required to do; there is no requirement for website posting, etc. because when the charter was done we didn’t have that yet, if that clarifies a little bit.

Stobart – And is it specific to those three public places or is it just three public places in general? Does that make sense

Clerk – It’s written two different ways, it’s specified in council rules as to those three locations

Bohnlein – Is there any place that says how long it has to be posted?

Stobart – I believe it’s two days

Bohnlein - Is there any stipulation on how long after the event that it has to still remain posted? Cause I think the board down here has had postings six months old or so; might put a limit on how long they are up, it has to be current, bugs me when items still posted but have the date has passed; would think a business or the city would not want this to happen, want to keep it fresh, maybe put in “no longer than” or week before and week after or something like that to keep things fresh

Marion – So are we suggesting or recommending that we do postings on the website, I still can’t hear very well down here

Stobart – Yes, I think we are recommending that we post at the very least on the website and three public places and put a time limit on it as well; trying to find how many days it needs to be posted; codification in section 4.13 as an example, council may cause ordinances and resolutions to be revised, codified, re-codified, rearranged or published one time in a newspaper at least seven days prior to council’s action and no further publication is necessary. Section 4.14 ordinances shall be published by posting copies in not less than three public places in not less than fifteen days after their adoption; we could put a cap on that if you wanted to

Bohnlein – where are you referencing again

Stobart – 4.13 and 4.14; these are examples of posting; what Mr. Donahue or Mr. Deeds mentioned we would be better off having a section dedicated to public notices and references

Donahue – I don't know how specific you want to get, in a ten year period, with new building coming, this building may not a place where you want it posted, I think that's in the rules, in council rules

Stobart – in 4.14 they actually specify the public places shall be determined by the council, we can leave that, it gives the flexibility to the public...we'll set it to a minimum number of places and council can determine where, that's an option

Stobart – we move back to section 11.01, no sorry, 10.02D we would look for a reference change there, too, maybe shall give notice of recall election to be published in accordance with, something along the lines of, with section 1.02, or whatever section we determine that to be; and since this is going to be in effect for ten years, are there any other avenues of public notification...technology changes so quickly, I don't know how you anticipate, but, a website seems like a minimum; could do a blast text, but, ten years from now there aren't going to be texts

Stobart – The only other section we have tonight for new business is section twelve which has even less to comment on; so I am assuming we'll just have an update for a section

Shamp – 12.03 and if approved take effect in 2021

DeWitt – Let me ask you a question, in 12.01 was the beginning of the charter and then they put 12.02 in, do we have to leave 12.02 in or can we just change that date or do we put a 12.03 in

Shamp - I think you have to put a 12.03 in, but I will double check; it would be tidier if we don't have for the next hundred years if we don't add another section

DeWitt - It will be way past our time so

Stobart – I think we'll start getting into the meat of additional changes in the upcoming meetings so we can go ahead and set the stage for that, sections that committee members would like to talk about and what we think the next agenda would be and maybe get any questions answered so we can get a kick start

DeWitt - We can discuss some but not take any action on them

Stobart - Yes

Giesecke - It seems we referenced three and four quite a bit tonight so maybe those would be the next two to start looking at

Stobart - And as we think about discussing that for the next meeting as well, are there specific things that you guys would like to call out now that we can get counsel pulling examples from so that we'll have something to speak to at the next meeting

DeWitt - So you're saying we'll do article three at the next meeting

Donahue – Three and four

Stobart – Can do three and four; any other sections anyone would want to address that goes with those

Marion - I notice it doesn't say anything about how long someone has to live in Canal Winchester before they file for office perhaps residency requirements should be something, or term of residency or length of residency

Stobart - 3.02B is what we are looking at; it has no length or residency, it just says you need to be an elector at the time that you file for office so there is no residency requirement; is it possible to see what others do, I think some have 180 days; there's probably a range that's out there, of other jurisdictions is it possible to get a sense of that; theoretically what you could have under 3.02B is when there are four council members coming up, the day of the time to file you could have four people move into the district from the outside and take over council, that's theoretically possible, as it's currently written

DeWitt - I would find it highly improbable

Donahue – I would, too

Stobart – If you get the right money from another

DeWitt - A lot of us know a lot of people we wouldn't recognize that; sometimes you can overrule yourself

Stobart - My advice is to have people who are invested in the community, who live here, running for office, that's the key for me...other sections or?

Deeds - Well we did touch on 3.04 the clerk of council, so just kind of curious, I don't know if it has, in case it's vacated what happens, it seems like council appoints that person, but it's not exactly, I don't know if it's a separate staff position or a staff position or somewhere else that a staff can serve as clerk of council; so it seems interesting that council can decide who it is but it might be someone that's already on staff so I don't know if that's a conflict

Stobart - Are you thinking for a person who is independent?

Donahue - For example a person can be a treasurer and if they had the time available and the clerk was gone that person could then be the clerk for the remaining of the meeting or whatever, I mean that has happened before

Rush-Ekelberry - Some have been doing the job for a long time

Donahue - Right, so that's where you get sort of where council supposed to be the person, people picking and overseeing, yet the person has their own half time job and the evaluation, who's evaluating...it gets a little touchy

Stobart - What would you be thinking on that, some sort of independence requirement or not serving any other position within the city

Donahue - Well that's easier said than done...finances and that type of thing, too

Stobart - Jesse, do know if there are any other cities if they have this and how they do it, larger cities maybe a full time position

Shamp - Dublin has a deputy clerk; I am seeing the clerk may hold other positions; I think theoretically you council have council appoint a deputy clerk who only serves in the event the current clerk is gone and that could be an interim and I don't know how you would structure the pay for that added duty but that would at least give a gap if we hire a full time clerk again

Carpenter - Why wouldn't council just appoint another clerk, they have the power to do that, if that person is gone

Shamp - Sure

Carpenter - If that person is gone, they would just appoint another clerk, I think it's covered in here

Stobart - I was just wondering if former council members, do you guys have any special experience with that that you could enlighten us on

Deeds - It's been a while; is it a separate position...is your position separate, because there was a point in time where we had dual duties, so

Clerk - Currently, as I was hired in September, I was hired by the seven council members, and I serve and work for the seven council members specifically

Deeds - So it's a separately funded position

Clerk - Now in addition to that, I also work with the finance director, Amanda Jackson, closely, so she is my direct contact with the Mayor and the directors for the city

Donahue - So the question is who does your evaluation

Clerk - The council members and most recently it was our new council president and vice president

Donahue - So the council hires you and or fires you

Clerk - Correct; I am an at will employee, so I don't have any, I always get the word wrong...I am not exempt or classified?

Shamp - You're non-exempt

Clerk – Non-exempt, so I don't have any what a lot of people call state employee protections, I am an at will employee of council

Donahue – So, for example council hired you and then you also took on another position within the city, right, half time or whatever with Amanda

Clerk – No, I am clerk to council only and I am hired for twenty hours a week

Donahue – Ok

Deeds – You just work closely with Amanda to do your job as clerk

Clerk – Yes, because she was fulfilling the clerk to council position and the finance director position so she has been instrumental in teaching me what I need to know as far as the administrative side of it; I consider her my link to...she's my contact for the Mayor and the city directors, the department directors

Stobart – So, for example 3.04 says the clerk of council may hold other office positions or employment within the municipality, but you do not today

Clerk – Correct; I think as it's written in prior clerks they were employees of the city and they did the clerking to council in addition to their city job duties; in my position I am clerk to council only and currently at twenty hours per week

Stobart – So I can see someone wanting to strike that provision and then I can see the detriment of that we could be losing talented resources to serve the clerk position, that's the counter balance to that as well if we don't have those people that can apply for the job we could be missing out on the right people for the job; any thoughts, edits or concerns with that? And again we'll be discussing this, 3.04 again, sections three and four next meeting so just getting a kick start on it

Stobart - Is there anything else we want counsel to look at in section three? He can bring us some options; council vacancies 3.08

Deeds – I'd have to read this again, I'm not sure it says how, so let's say someone on council leaves and you have six council members is it a free for all, do you go through the Roberts Rules or something and someone nominates and you vote cause it just says you can fill a vacancy

Stobart - And if you end up in a tie what happens then it falls to the mayor after

Deeds – Or it comes down to ... I will read that again

Stobart – You need four members is the way I read it, a majority; question, if you didn't have...a quorum would be four

Shamp – Right; I think maybe that's covered in B because if council is sort of at loggerheads then it kicks it to the mayor

Stobart – And so if I am reading it correctly, under A, if the vacancy occurs at least fifteen days prior to the date when a candidate for the office for council member must their nominating petitions and more than two years remain in the term of the incumbent the person elected by council shall serve until the next regular election

Deeds – That's so someone doesn't get elected in and leave the day after they can serve a four year term without being; so it really doesn't talk about how the council members come to ; it's only happened a couple of times

Stobart – So if you are at three years we would have at the next election cycle you would be up for election so if it was the normal three-person cycle you would have four for election

Deeds - The Unexpired term

Stobart - For a two year period and the others would be elected for four years as it is currently written; did you guys hear that down there? The way we are reading it, 3.08 council vacancies under A, that if you had a council person who served two days in office and then quit or moved it would be up to the council to elect a new council member to serve out the remaining term, they would serve until the next election

which would be a year and a half then

Deeds - Next general election, right

Stobart - Next general election, so if you had three years and nine months left that person would be appointed by council and serve until two years remained on that term and then in the next election they would elect for the two years remaining term as it stands today; I think there is concern right now though about how council elects that individual; you have the option of a special election

Bohnlein – It's expensive

Stobart – Other options? If it's not council or the mayor

Donahue - I would just think the council would announce it and give a deadline date, names would come in and remaining council members would review those, bring people in for interviews and select a person; that's what was done in the past

Stobart - Do we want something along those lines about how people come up before council, how they are selected by council

Donahue – Such as?

Stobart – You could set up or require a committee of the public; think about this, if you end up in a situation where you have a deadlock of three-three, you could set up a committee where the mayor appoints someone and each of those committee members appoints one or two and you get a community voice on making a recommendation of a council member, the proposed council members to be put to a vote of council

Donahue – I have no problem...we elect the council members, they are speaking for us

DeWitt - Well there are seven council members

Donahue - Yea, but if one is gone, you got three and if you can't come to a decision, then the best place is the mayor makes the decision

DeWitt – You don't want it to be so tight that you can't function under it

Donahue – We've had this in the past and there's never been a problem

Deeds – Is it in council rules?

Donahue – I can't remember

Rush-Ekelberry – I have a small request; in 3.08A in the very last line, shall take office on the first day of January following his election; shouldn't that be his/her election

Obert – Or their or the election

Giesecke - So another question in the discussion are we wanting to add language about how they are going to make that selection, does that become too cumbersome or should there be something in here about an interview selection process

Donahue - That to me is just common sense

Deeds – That comes to who is in service on council at that point in time; I'll look at council rules it might be in there, too

Stobart - If you find any alternatives, Jesse, that are interesting or easy to administer

Shamp – Sure

Stobart – I know this may have been easy in our community in the past but I know of all the municipalities within the state of Ohio they have run into the same issue and run into situations which we have not, so it would be helpful to just take their learnings in case that one situation pops up that we weren't prepared for; there may be nothing

Stobart – Anything else on article three? We can move onto things we want to explore next week for article four; I didn't know where this would go but I'll tell you from a personal previously attending council meetings I know when we have those moments of great public interest we have run into an issue

before of not having enough public space, I know we are working on solving that now with the additional building but there will be situations where that building won't be big enough if we have enough individuals who want to participate, it's something that we would love to have addressed either through technology or requiring a larger venue, I know we have run into the situation where people couldn't just come in and be heard; I think the actions that were taken by council were always appropriate but I don't want to leave people out from being heard.

Donahue – I think it's important when people who want to speak, at least when I was president, I didn't want it regurgitated over and over the same thing, if you had something new, because otherwise you can be there forever; and another thing we did, you had five minutes, and you only use two, you can't give somebody else your three minutes otherwise you are going to have a filibuster situation

Stobart – And I would say my concern is that others just want to be here to listen and participate and making sure we have the form or venue or requirement that anyone who wants to attend has that capability to attend

Donahue – I think I read about the new building don't you have places where people can watch from other rooms

DeWitt – Aren't there going to be fifty some seats or ninety some

Ebert (from audience) – about seventy-five

Marion – I agree that sometimes the speakers are redundant but I think people want to show by their presence that they are concerned about an issue and it would be unfortunate if they didn't have that opportunity, so I agree with Mike that we do need a space to have people really express their opinion by their presence

Obert – I think maybe the reason why people maybe say the same thing that the last person said was so that officials understand that it isn't just one person that thinks that way, it's two people or three people or four people, so I know you don't want to hear it over and over again but I think people just want you to know there is a whole group of people that feel the same way

Rose – How would we know even when to implement this special occurrence, do we have to have a number of signatures saying people are going to show up cause if you change the venue and five people show up

Stobart – My experience in the past has been the fire marshal or police officers would prohibit people from entering the building because you have reached capacity so that would be a triggering point for me; if people can't get in to be seen or heard we got a problem

Rose – So if that happens would we have to reschedule the meeting to a new date

Rush-Ekelberry – We ran into a problem with over-crowding, this room holds fifty people legally and when I served as president on a couple of occasions I had to have the deputy close the door; now that isn't something that council wishes to do

Stobart - Absolutely agreed

Rush-Ekelberry - But it's a necessity for safety to everyone that can legitimately can be inside this room

Stobart – Yep, that's fire code

Rush-Ekelberry – Fire code, correct

Stobart – But still it creates a situation where people feel left out or ostracized from public

Rush-Ekelberry - It makes people unhappy

Stobart - Yes

Carpenter – But I don't think that is this charter's task to say you have to go to a building that's going to hold 1500 people or whatever, that's up to council on any given ordinance

Stobart – We do have the capability though as a committee to make recommendations on when

ordinances can be passed, where certain business can be taken up by the council and so it would be one of these situations of hey, you are not allowed to vote on that unless the public has the ability to be heard and viewed; that would be something that we could propose to council; you are right, council has the right to approve or not these recommendations but it's our chance as a community to get that voice to council to say hey, we want to be heard and this is providing...we are really serious about wanting to be heard and given the opportunity for the public to heard when you are holding these council meetings; I don't have a solution for that either, but I know it's been a pain point

Bohnlein - I find it a little disconcerting sometimes when there is a five minute discussion period at the beginning of a council meeting and then after that the public is basically shut out; that if something does come up during council, try to give an example, during Lucas Haire's report he talks about a building that is going to be constructed and it's just kind of passed along, but there might be a question that the public might have that they would like to raise at that time and they are not allowed; the five minute discussion before a council doesn't necessarily lend itself to asking questions during council meetings

Donahue – That's where you hope you have three readings and you can come back at the second reading

Stobart – Unless you waive them

Donahue – Right, and the president of council has the right to recognize people at any point in the meeting

Bohnlein – Ok...and that was done

Marion – I think these new informal sessions are helpful in that regards, because you can ask questions and get answers, I think that is a very good format

Stobart – Agree; emergency ordinances...has been previously a concern and I know we are able to address most of that now through technology, I know there were concerns in the past and we're going way back now before you had the ability to post minutes so quickly and that's the one thing I commend council for doing is the minutes are getting posted fairly quickly, agendas are being posted ahead of time and people have that ability to see and it doesn't feel like it's being done in the secret, it feels like an open format now, and I have not seem how many times emergency ordinances or resolutions have been put through recently

Marion – I haven't either but I wonder how many pass the criteria of peace, health, safety or welfare, that's the criteria for emergency legislation, according to this they would have to fit into these categories; maybe there is another category that's not there

Donahue – When the president of council asks what is the emergency and your attorney will say that

Marion – I'm sorry Steve I am having a difficult time hearing you

Donahue – When the president of council asks why is there an emergency and Gene Hollins who is our counsel says to make sure we have blah, blah, blah and then you have it

Stobart – And Jesse may be able to help with this one in particular, the problem with peace, health, safety and welfare is that it is construed very broadly

Donahue – Yes

Ebert (from audience) – These are explained; most of the time it's a contract issue that has to be done in thirty days or something like that or a lot of times a road construction project and the bids might only be good for thirty days, might be a million and a half dollar bid, sometimes these kinds of things need to go through emergency process

Marion – Well maybe there needs to be another category

Donahue – And sometimes it can be a grant and it's not our fault they didn't get it to use in timely fashion but you have to have the grant turned in by this point in time and you don't have three readings available to do that and it has nothing to do with the city it's who is doing the grants

Ebert (from audience) – It's the outside world that we have to deal with is the reason for the emergency most of the time

Marion – So I guess it could be welfare; I think the comment came up earlier and I have heard comments about this too that people grouse about it after the fact because they don't understand what the parameters were and why it was an emergency so maybe that is communication and we need to figure out a way to communicate better

Bohnlein - I think every piece of emergency legislation that I have been able to listen to it has always been explained why; it's always asked why and it's always explained, especially by Amanda Jackson, she has a lot of dates that have to be adhered to and if it has to have three readings and the last council meeting is after when she is supposed to have the report in, so that's the time...it's always been done

DeWitt - And a lot of them saves a lot of money too by not dragging it out

Marion – So that's an issue of communication because it doesn't matter what the reality is, it is the perception that bothers people so if you communicate effectively and people understand then it's not an issue

Ebert (from audience) – ...with emergency issues...when the papers write it, the papers don't write an explanation, they only say emergency reading

Bohnlein - And it's not necessarily the paper, it's social media, and that's faster than the newspaper, it flies, and it's not always the case...it's always not the case

Rush-Ekelberry – Fake news

Donahue - In 4.06 at the end that sentence it says it shall contain a statement of necessity for the emergency, it's already in there

Stobart - I think what you run into is people disagree sometimes whether it's an emergency or not and it usually comes down to communication; development is one I have seen pop up, it's usually not the finance contracts on timeliness, it's the development issues, seems to working the background and all of a sudden a development issue pops up and everybody is like "surprise" and it's not an emergency if you have been talking about it for six months; just because it just got to council doesn't make it an emergency, we knew about the issue that is something that should have been communicated to the public at large so we are not surprised by it, that's the larger issue

Lynch (from audience) – Mr. Stobart, the charter does read that it takes two thirds or a super majority in order to eliminate the second and third readings so in other words one third of council can actually stop an emergency reading from going through that is only two votes so it could be very easily stopped if council felt it was not a prudent thing to do just a FYI

Stobart - One quick question on amendment for 4.10

Donahue - I didn't know we were going into four today

Stobart – Looking at three and four for any alternatives to sections that we will want to discuss next week, and I was going to ask Jesse to research this and it's a question more than anything else of me understanding it; so if you had an amendment to a pending ordinance or resolution and you had two readings of the ordinance and then on the third reading you amended it, you could theoretically replace the whole ordinance on the third reading

Shamp – Yes, in theory

Deeds - It's been done

Stobart - Just as an awareness for the committee

Obert – But not go back and read it three times again...even if it's totally new

Stobart – Correct; it kind of undoes the whole purpose of the three readings; I just wonder if that is consistent with what you have seen

Shamp – It is; I have never seen it as a whole sale change, but by this language it could be

Stobart - If you could just see if you find anything with limiting language on it

Shamp – Sure; something with general intent, substantially similar

Stobart - You don't want to read something that says police services contract and at the end of third reading it says contract for fire services; theoretically it can happen

Stobart - With that is there anything else in section four you would like to tee up for Jesse so that we can be prepared to discuss next committee meeting; not hearing anything; would you like to set agenda for the next meeting, I have heard discussion of articles three and four...any motion?

F. Items for Next Meeting Agenda

Motion to set agenda for 3-25-20 meeting to discuss Articles III and IV made by Donahue; seconded by Giesecke

Motion carried by the following vote:

Yes 12 - Charles Carpenter, Pat DeWitt, Steve Donahue, Nick Franklin, Amy Giesecke, Jackie Marion, Liana Obert, Ryan Rose, Marilyn Rush-Ekelberry, Michael Stobart, Jim Bohnlein (alternate), Rick Deeds (alternate)

Shamp – I am suggesting to add a section to the next agenda for me to discuss what you all asked about today on articles three and four

Motion to add section to agenda for city attorney to give responses to questions asked by commission members made by Obert; seconded by Stobart

Motion carried by the following vote:

Yes 12 - Charles Carpenter, Pat DeWitt, Steve Donahue, Nick Franklin, Amy Giesecke, Jackie Marion, Liana Obert, Ryan Rose, Marilyn Rush-Ekelberry, Michael Stobart, Jim Bohnlein (alternate), Rick Deeds (alternate)

G. Adjournment

Motion to adjourn made by Donahue; seconded by Deeds

Motion carried by the following vote:

Yes 12 - Charles Carpenter, Pat DeWitt, Steve Donahue, Nick Franklin, Amy Giesecke, Jackie Marion, Liana Obert, Ryan Rose, Marilyn Rush-Ekelberry, Michael Stobart, Jim Bohnlein (alternate), Rick Deeds (alternate)

Adjourned at 8:14 pm

ARTICLE III COUNCIL

3.01 Powers of Council.

(A) All legislative power of Canal Winchester shall be vested in the Council, except as otherwise provided by this Charter and the Constitution of the State of Ohio. Without limitation of the foregoing, the Council shall have and possess the following powers:

(1) The power to levy taxes and assessments and incur debts subject to the limitations imposed thereon by this Charter and the Constitution of Ohio.

(2) The power to adopt and to provide for the enforcement of local police, sanitary and other similar regulations as are not in conflict with the general laws.

(3) The power to provide for the exercise of all powers of local self-government granted to the Municipality by the Constitution of the State of Ohio in a manner not inconsistent with this Charter or the Constitution of the State of Ohio.

(4) The power, by ordinance or resolution, to establish or authorize the number of officers and employees in the various offices, departments, divisions, bureaus, boards and commissions of Canal Winchester, including but not limited to administrative assistants to the Mayor, and to establish or authorize the establishment of the rate of their compensation, hours of work, and to provide such other fringe benefits and conditions of employment as deemed proper by the Council.

(5) The power to require such bonds as in the opinion of the Council are necessary for the faithful discharge of the duties of the officers and employees of Canal Winchester. The premium for said bonds shall be paid by Canal Winchester.

(6) The arrangements currently existing for police and fire services shall continue under this Charter; however the Council is vested with the power to determine from time to time whether police, fire, utility or other services shall be provided pursuant to contracts with other qualified providers of services or whether any of the Departments of Public Service, Police or Fire shall be created.

(7) The power to establish, by ordinance or resolution, the rates or charges made of consumers of all municipal utilities and services.

(8) The power to acquire and to sell or otherwise convey interests in real property; and to lease, as lessor or lessee, or otherwise grant or receive interests in real property.

(9) The power to provide for an independent audit of the accounts and records of Canal Winchester, which may be in addition to audits by state offices and agencies as may be required under the general laws of Ohio.

(10) The power to require the Mayor, department heads, and Boards and Commissions to provide information and reports to the Council.

(11) To exercise all other powers granted to the Council by this Charter and by the Constitution and laws of the State of Ohio.

3.02 Composition, Term and Qualifications.

(A) At the regular municipal election to be held in 1997 and each four years thereafter,

four members of Council shall be elected for a four year term of office. At the regular municipal election to be held in 1999 and each four years thereafter, three members of Council shall be elected for a four year term of office. All terms of office of Council members shall commence on the first day of January next following their election.

(B) Members of Council shall be electors of Canal Winchester at the time they file for office and during their term of office. Members of Council shall not hold any other public office or employment with the Municipality during a term, except they may hold office in a political party or be a delegate to a political party convention, serve as a notary public, serve as a member or officer in the military reserve or national guard, serve in any office, position or capacity to represent the municipality or to further intergovernmental cooperation, and may hold any office permitted by the Charter or the laws of Ohio.

3.03 President-Vice President.

(A) At the first regular meeting of the Council in each even numbered year, the Council shall elect, by a majority vote of its members, one of its members as the President of Council for a two year term of office. The President of Council shall exercise the following powers, duties, and functions:

- (1) To serve as president of the Council and to preside at all meetings of the Council;
- (2) To perform or exercise such other powers, duties and functions as provided by this Charter and the rules of the Council, to the extent such rules of the Council are consistent with this Charter.

(B) At the first regular meeting of the Council in each even numbered year, the Council shall elect, by a majority vote of its members, one of its members as the Vice President of Council for a two year term of office. The Vice President of Council shall serve as the president pro-tempore of the Council. In the event of a vacancy in the office of President of Council, the Vice President of Council shall succeed to the office of President of Council to serve for the remainder of the unexpired term and the Council shall elect, by a majority vote of its members, another of its members to the office of Vice President of Council to serve for the unexpired term of office. In the event of the temporary absence or disability of the President of Council, the Vice President of Council shall exercise all powers, duties and functions of the President of Council.

3.04 Clerk of Council.

The Council shall appoint, by a majority vote of its members, a person to serve as the Clerk of Council. The Clerk of Council shall serve at the pleasure of the Council and may be removed without cause by a majority vote of the members of Council. The Clerk of Council may hold other office or position of employment in the Municipality. The Clerk of Council shall have those powers, duties and functions as are provided in this Charter, by the Rules of Council or by ordinance or resolution. Included in the duties of the Clerk of Council shall be the maintenance of a record of proceedings of the Council and a record of all ordinances and resolutions adopted by the Council. The Clerk of Council shall give notice of regular and special meetings of the Council to its members and to the public as may be provided by this Charter, the Rules of Council or by ordinance or resolution. The Clerk of Council shall be subject to the control of the officers of the Council. The Council may require the Clerk of Council to serve as the secretary of one or more boards and commissions provided for under this Charter.

3.05 Council Meetings.

(A) The Council shall determine, by a majority vote of its members, the frequency, dates and times of regular meetings in order to properly conduct its business, but it shall hold at

least one regular meeting in each month.

(B) Special meetings of the Council may be called, for any purpose, by the Mayor or any three members of the Council upon at least twenty-four hours notice to the Mayor and each member of the Council, which notice may be served personally or left at the usual place of residence. Members of the Council and the Mayor who attend special meetings of the Council or who are present at another regular or special meeting where a special meeting is announced by the presiding officer need not receive notice of the special meeting. Members of the Council and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting.

(C) Any regular or special meeting of the Council may be adjourned or recessed to another time, date or place without giving the notice required in Division (B) of this Section.

(D) All meetings of the Council and of other Boards and Commissions of Canal Winchester shall be held in accordance with the general laws of Ohio pertaining to requirements for open meetings of public bodies.

3.06 Council Organization and Rules.

The Council shall be a continuing body, but shall meet in the Council chamber at its first meeting in January of each year for the purpose of organization. Council shall adopt, by majority vote of its members, its own Rules which shall not conflict with this Charter and which shall remain in effect until amended, changed or repealed by a majority vote of the members of Council. The Rules shall go into immediate effect unless a later date is specified, and shall not be subject to initiative or referendum. The Rules of Council shall provide for the number, composition and manner of appointment of committees of Council, and such other matters as Council shall determine to be necessary for the proper functioning and government of Council.

3.07 Salaries of Elected Officials.

The salaries of all elected officials of Canal Winchester shall be established by Council by ordinance or resolution to be adopted no later than July 1, of each odd numbered year commencing in the year 1997. The salaries so established shall be effective for a two year period beginning January 1, of the year immediately following the adoption of the ordinance or resolution establishing them and shall apply to all elected officials whether they are beginning their terms or are in mid-term. In the event Council shall fail to establish salaries as required in this Section, the salaries in effect for the prior two year period shall remain in effect until changed in accordance with this Section.

3.08 Council Vacancies.

(A) A vacancy in the Council shall be filled by a majority vote of the remaining members of the Council. If the vacancy occurs subsequent to fifteen days before the date when candidates for the office of Council member must file their nominating petitions or if two years or less remain in the term of the incumbent who created the vacancy, the person elected by the Council shall serve for the unexpired term. If the vacancy occurs at least fifteen days prior to the date when candidates for the office of Council member must file their nominating petitions and more than two years remain in the term of the incumbent who created the vacancy, the person elected by the Council shall serve until a successor is elected at the next regular municipal election for the remainder of the unexpired term. The person elected for the unexpired term at the next regular municipal election shall take office on the first day of January following his election.

(B) If the Council shall fail to elect a person to fill a vacancy in the Council under Division (A) of this Section within thirty days after the occurrence of the vacancy, its power to do so shall lapse and the Mayor shall appoint a person to serve for the time as provided in Division (A) of this Section.

ARTICLE IV LEGISLATIVE PROCEDURE

4.01 Form of Action by Council.

Action by Council shall be by ordinance, resolution or motion. Motion shall be used to conduct the business of Council, in procedural matters, for elections conducted among and appointments made by Council members, to provide directions to and to make requests of administrative officers and employees and Members of Boards and Commissions, and as otherwise provided in this Charter. All other action shall be taken by ordinance or resolution. No action of Council shall be invalidated merely because the form thereof fails to comply with the provisions of this Section.

4.02 Introduction of Ordinances and Resolutions.

Any member of Council may introduce any ordinance or resolution, at a regular or special meeting, which shall be in written or printed form and shall contain a concise title.

4.03 Form of Ordinances and Resolutions.

(A) The form and style of ordinances and resolutions shall be determined by the Rules of Council.

(B) Each ordinance or resolution shall contain only one subject, which shall be expressed in its title; provided that appropriation ordinances may contain the various subjects, accounts and amounts for which monies are appropriated, and that ordinances and resolutions which are codified or re-codified are not subject to the limitation of containing one subject.

4.04 Reading Ordinances and Resolutions.

Each ordinance shall be read by title only on three separate days, unless this requirement is dispensed with by a vote of at least two-thirds of the members of the Council.

Each resolution shall be read once by title only and may be voted on the day of the reading.

4.05 Vote Required For Passage.

The vote on the question of passage of each ordinance, resolution and motion shall be taken by a roll call of members to be entered on the Journal, or other record of proceedings of the Council, and none shall be passed without concurrence of a majority of the members of Council. Each emergency ordinance shall require the affirmative vote of at least two-thirds of the members of Council for its enactment. If an emergency ordinance shall fail to receive the required two-thirds affirmative vote, but receives the necessary majority for passage as non-emergency legislation, it shall become effective as non-emergency legislation.

4.06 Content of Emergency Legislation.

Each emergency ordinance shall determine that the ordinance is necessary for the immediate preservation of the public peace, health, safety or welfare, and shall contain a statement of the necessity for the emergency.

4.07 Effective Date of Legislation.

(A) The following ordinances shall take effect upon passage unless a later time is specified therein:

- (1) Appropriation of money.

(2) An annual tax levy for current expenses.

(3) Improvements petitioned for by owners of the requisite majority of the front footage or of the area of the property benefited and to be assessed.

(4) Submission of any question to the electorate or the determination to proceed with an election.

(5) Approval of a revision, codification, re-codification, or rearrangement of ordinances.

(6) Any emergency ordinance.

(B) All other ordinances and resolutions shall go into effect thirty days after their passage by the Council or at such later effective date as set forth by Council in the ordinance.

4.08 Authentication.

Each ordinance and resolution shall be authenticated by the signature of a presiding officer of the Council and the Clerk of Council. The failure or refusal to sign shall not invalidate an otherwise properly enacted ordinance or resolution.

4.09 Recording Legislation.

Each ordinance and resolution shall be recorded in a book or other record prescribed by Council. The Clerk of Council or a duly authorized representative of the Clerk shall, upon request of any person and upon the payment of a fee if established by Council, certify true copies of any ordinance or resolution, which copies shall be admissible as evidence in any court.

4.10 Amendment.

(A) A pending ordinance or resolution may be amended at any time prior to its passage by the Council by a majority vote of the members of the Council present and voting on the amendment, and such amendment shall not require additional readings of the ordinance or resolution.

(B) Any ordinance or resolution, or the codified ordinances or resolutions of Canal Winchester, may be amended by the passage of subsequent ordinances or resolutions that: revise existing sections or parts thereof; enact new or supplemental sections or parts thereto; or repeal existing sections or parts thereof. This Division does not prevent repeals by implication.

4.11 Zoning Measures.

(A) Ordinances establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations shall be subject to the provisions of this Charter pertaining to their enactment and matters of initiative or referendum. Except as otherwise provided in this Charter, the Council shall, by ordinance, specify the powers of administrative officials, the relationship between the Council and the Planning and Zoning Commission, and any additional procedures or process with respect to zoning. The General Laws of Ohio which are not in conflict with this Charter shall be followed until such time as the Council shall determine, by ordinance, the powers of administrative officials, the relationship between the Council and the Planning and Zoning Commission, and any additional procedures or process with respect to zoning.

(B) A concurring vote of at least two-thirds of the membership of Council shall be necessary to pass any zoning ordinance which differs from the written recommendations of the Planning and Zoning Commission, but in no event shall an ordinance or resolution be considered

as having passed unless it receives at least a majority vote of the members of Council.

4.12 Adoption of Technical Codes.

(A) Council may, by ordinance, adopt standard ordinances and codes prepared by the State or any department, board or other agency or subdivision of the State, or any standard or model ordinance or code prepared and promulgated by a public or private organization, including but not limited to codes and regulations pertaining to fire, fire hazards, fire prevention, plumbing, heating, electrical, ventilation, air conditioning, refrigeration machinery, state pressure piping, piping, boilers, buildings standards, housing standards, and such other matters as the Council may determine to be appropriate for adoption by reference, by incorporation by reference.

(B) The ordinance adopting any such standard ordinance or code shall make reference to the date and source of such standard ordinance or code without reproducing the same at length in the ordinance. In such cases, publication of the standard ordinance or code shall not be required, but at least two copies of such code shall be kept at all times in the office of the Clerk of Council and available for reference by interested persons. If the standard ordinance or code is amended after its adoption by reference by the Council, the Council may adopt the amendment or change by incorporation by reference under the same procedure as is established herein for the adoption of the original standard ordinance or code.

4.13 Codification.

By a majority vote of the members of Council, the Council may cause the ordinances and resolutions of Canal Winchester to be revised, codified, re-codified, rearranged, or published in book form, and such action shall become effective immediately upon approval thereof by a majority vote of the members of Council and may contain new matter therein. The Clerk of Council shall cause a notice of such proposed action by the Council to be published one time in a newspaper of circulation in Canal Winchester at least seven days prior to Council's action, and no further publication shall be necessary. A current service supplementing the Municipality's codified ordinances and resolutions shall be maintained in the manner prescribed by the Council.

4.14 Publication of Ordinances and Resolutions.

(A) Ordinances and resolutions shall be published by posting copies thereof in not less than three public places in the municipal corporation for a period of not less than fifteen days after their adoption. The public places for such posting shall be determined by the Council. The Council may, by ordinance or resolution, require that ordinances and resolutions be published by other means either in lieu of or in addition to the posting as required by this Division.

(B) The Clerk of Council shall make and retain a certificate as to the times and places where such postings are done and other means, if any, by which an ordinance or resolution is published; and that certificate shall be prima-facie evidence that the copies were posted and otherwise published as required by Division (A) of this Section. Failure to make or retain the certificate required by this Division shall not invalidate any ordinance or resolution.

(C) Failure to publish by posting or to maintain such posting, or to otherwise publish, as required by Division (A) of this Section shall not invalidate an ordinance or resolution, and in such events, the Clerk of Council may authorize publication by posting, and publication by other means if any such other means have been required pursuant to Division (A) of this Section, at a later date.