



## **CANAL WINCHESTER CITY COUNCIL COVID-19 ANNOUNCEMENT**

Due to COVID-19 and social distancing requirements, Canal Winchester City Council Work Sessions and Regular City Council 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 21, 2020 meeting, click the following link.

<https://attendee.gotowebinar.com/rt/728498331304054796>

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 Ohio Attorney General Dave Yost and the Ohio Public Meetings Act, written public comments may be accepted prior to a council meeting. Comments regarding legislation or other topics will be accepted until 3:00 p.m. on the day of the meeting. To submit a comment to City Council, click the link below.

[Submit a Comment](#)

# Canal Winchester

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



## Meeting Agenda

September 21, 2020

6:00 PM

## Council Work Session

*Mike Coolman - Chair*

*Jill Amos*

*Will Bennett*

*Bob Clark*

*Patrick Lynch*

*Chuck Milliken*

*Mike Walker*

**A. Call To Order****B. Roll Call****C. Also In Attendance**

*Mayor Ebert, Matt Peoples, Lucas Haire, Amanda Jackson, Bill Sims, Sargent Hendershot*

**D. Reports**

*Bill Sims -*

*Sargent Hendershot-*

**E. Items for Discussion****F. Request for Council Action****RES-20-007**

*Development*

A Resolution Approving The Recommendations Of The Tax Incentive Review Council For The Franklin County Tax Abatement Areas Within The City Of Canal Winchester (**Resolution, Exhibit**)

*- Request to move to full Council*

**RES-20-008**

*Development*

A Resolution Approving The Recommendations Of The Tax Incentive Review Council For The Fairfield County Tax Abatement Areas Within The City Of Canal Winchester (**Resolution, Exhibit**)

*- Request to move to full Council*

**ORD-20-043**

*Council*

An Ordinance To Amend The Rules Of The Canal Winchester City Council (**Ordinance, Exhibit A, 2020 Rules Redlined**)

*- Request to move to full Council*

**ORD-20-044**

*Finance*

An Ordinance To Authorize The Mayor To Enter Into An Amendment To The Contract With The Fairfield County Sheriff For Police Protection (**Ordinance, Exhibit A**)

*- Request to move to full Council*

**G. Old/New Business****H. Adjournment**

**RESOLUTION NO. 20-007**

**A RESOLUTION APPROVING THE RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL FOR THE FRANKLIN COUNTY TAX ABATEMENT AREAS WITHIN THE CITY OF CANAL WINCHESTER**

WHEREAS, the City of Canal Winchester has the statutory authority to create or be a part of various zones that provide economic development incentives, which include Community Reinvestment Areas, Enterprise Zones, and Tax Increment Financing Districts; and

WHEREAS, upon their creation of such zones, the City Council may consider entering into agreements with private sector entities engaged in economic development which divert or abate tax revenues as an incentive to encourage particular economic development projects to occur; and

WHEREAS, in the creation of these zones, O.R.C. 5709.85 provides that a Tax Incentive Review Council (TIRC) shall be created for each of the zones as required to review these agreements between the City or County and the private sector entities to establish compliance to the terms of the agreements; and

WHEREAS, each TIRC is mandated to review and make formal recommendations as to the compliance of the terms of each agreement within its zone on an annual basis prior to September 1 for the preceding year that concluded on December 31; and

WHEREAS, the recommendations of each TIRC are required to be forwarded to the City Council within 60 days of making the recommendations and the Council is required to act upon those recommendations;

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO:

SECTION 1. That the Canal Winchester Tax Incentive Review Council for any zones located in Franklin County is required to review agreements as of December 31, 2019 has done so and has forwarded its recommendations to the City Council.

SECTION 2. The City Council has taken the recommendations under consideration within the 60-day time frame.

SECTION 3. The City Council accepts the recommendations of the TIRC to accept the report and continue the agreement for all the properties described below:

a. Canal Winchester Community Reinvestment Area #1

	<u>Parcel Number</u>	<u>Property Owner</u>
1.	184-000045	4 East Waterloo, LLC
2.	184-000123	4 East Waterloo, LLC
3.	184-000197	Waterloo High, LLC
4.	184-000227	RRCT, LLC
5.	184-000229	25 N High, LLC
6.	184-000241	Makdrew Development Co, LLC
7.	184-000258	Lynch Investment Properties, LLC
8.	184-000282	60 Elm, LLC
9.	184-000321	City of Canal Winchester
10	184-000733	Lark Enterprise Inc
.		
11	184-000789	Mark Caulk
.		
12	184-000855	BrewDog Columbus, LLC
.		
13	184-001376	MGD Investments, LLC
.		
14	184-002270	TS Trim Industries Inc

15 184-003240

Canal Winchester Holdings, LLC

b. Canal Winchester Community Reinvestment Area #2

	<u>Parcel Number</u>	<u>Property Owner</u>
1.	184-000426	Zealer, Carl C

c. Gender Road Public Improvement TIF – approve report and continue

SECTION 4. That this resolution shall take effect and be in force from and after its passage.

PASSED \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST \_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
MAYOR

DATE APPROVED \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

\_\_\_\_\_  
Finance Director/Clerk of Council

TAX YEAR 2019 STATUS REPORT FOR:

RES-20-007  
Exhibit

CANAL WINCHESTER C.R.A. #1

PARCEL #	OWNER'S NAME	TERMS	ABT TYPE	TOTAL APPRAISED VALUE	TOTAL ABATED VALUE	EST. FOREGONE TAX	TAX STATUS	ESTIMATED # OF JOBS	EFF. TAX YEARS	BUILDING STATUS	INSPECTION DATE
184-000045	4 EAST WATERLOO LLC	10 YRS / 100%	REMOD	200,000	43,000	\$ 1,425.63	Current	4	2016-2025	maintained	3/25/2020
184-000123	4 EAST WATERLOO LLC	10 YRS / 100%	REMOD	205,200	37,100	\$ 1,230.49	Current	2	2016-2025	maintained	3/25/2020
184-000197	WATERLOO HIGH LLC	10 YRS / 100%	REMOD	135,000	26,700	\$ 885.67	Current	8	2016-2025	maintained	3/25/2020
184-000227	RRCT LLC	10 YRS / 100%	REMOD	350,000	90,000	\$ 2,983.88	Current	27	2019-2028	maintained	3/25/2020
184-000229	25 N HIGH LLC	10 YRS / 100%	REMOD	182,000	98,900	\$ 3,279.41	Current	2	2017-2026	maintained	3/25/2020
184-000241	MAKDREW DEVELOPMENT CO LTD	10 YRS / 100%	REMOD	201,600	65,200	\$ 1,817.58	Current	0	2010-2019	maintained	3/25/2020
184-000258	LYNCH INVESTMENT PROPERTIES LLC	10 YRS / 100%	REMOD	92,300	32,500	\$ 1,077.98	Current	2	2017-2026	maintained	3/25/2020
184-000282	60 ELM LLC	10 YRS / 100%	REMOD	1,600,000	637,000	\$ 21,119.10	Current	15	2019-2028	maintained	3/25/2020
184-000321	BOB MCDORMAN REAL ESTATE LLC	15 YRS / 100%	NEW CONST	2,057,900	2,005,800	\$ 66,500.28	Current	0	2015-2029	maintained	3/25/2020
184-000733	LARK ENTERPRISES INC	10 YRS / 100%	REMOD	380,000	147,200	\$ 4,880.27	Current	22	2013-2022	maintained	3/25/2020
184-000789	CAULK MARK	5 YRS / 100%	REMOD	209,500	113,300	\$ 3,077.75	Current	0	2019-2033	maintained	3/25/2020
184-000855	BREWDOG COLUMBUS LLC	15 YRS / 100%	NEW CONST	13,770,700	12,435,400	\$ 412,283.18	Current	135	2017-2031	maintained	3/25/2020
184-000855	BREWDOG COLUMBUS LLC	15 YRS / 100%	NEW CONST				Current		2019-2033	maintained	3/25/2020
184-001376	MGD INVESTMENTS LLC	10 YRS / 100%	REMOD	110,200	31,900	\$ 889.69	Current	6	2017-2026	maintained	3/25/2020
184-002270	TS TRIM INDUSTRIES INC	15 YRS / 100%	NEW CONST	10,500,000	5,743,300	\$ 190,413.82	Current	394	2014-2028	maintained	3/25/2020
184-003240	CANAL WINCHESTER HOLDINGS LLC	15 YRS / 100%	NEW CONST	1,335,000	1,135,900	\$ 37,660.09	Current	26	2017-2031	maintained	3/25/2020
			<b>TOTALS:</b>	<b>31,329,400</b>	<b>22,643,200</b>	<b>\$ 749,524.82</b>		<b>643</b>	<b>1 EXPIRES</b>		

## Gender Road Tax Increment Finance District

created by Ordinance 13-34 on November 5, 2013  
amended by Ordinance 16-037 on December 19, 2016  
and Ordinance 17-059 on December 18, 2017  
30 year (non-school) TIF at 100%

Dollar Amount Deposited into the TIF in 2019:	\$230,211.05
Cumulative amount deposited:	\$649,924.05

Dollar Amount expensed from the TIF in 2019:	\$82,912.33
Cumulative amount expended:	\$271,701.33

Year first payment made	2015
Year of first expenditure	2015

	<b>Current TIF Agreements and Liabilities as of 2019</b>	<b>Outstanding</b>
CW Holdings ORD 15-040	\$380,589.50	\$ 260,589.50
Propero Canal Winchester	\$100,000.00	\$ -
City of CW -Hanners Park ORD 15-033	\$400,000.00	\$ 360,000.00
Central Ohio Transit Authority ORD 18-016	\$ 949,513.00	\$ 949,513.00
Opus - Winchester Blvd. ORD 19-024	\$600,000.00	\$600,000.00
Totals	\$2,430,102.50	\$ 2,170,102.50

**RESOLUTION NO. 20-008**

**A RESOLUTION APPROVING THE RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL FOR THE FAIRFIELD COUNTY TAX ABATEMENT AREAS WITHIN THE CITY OF CANAL WINCHESTER**

WHEREAS, the City of Canal Winchester has the statutory authority to create or be a part of various zones that provide economic development incentives, which include Community Reinvestment Areas, Enterprise Zones, and Tax Increment Financing Districts; and

WHEREAS, upon their creation of such zones, the City Council may consider entering into agreements with private sector entities engaged in economic development which divert or abate tax revenues as an incentive to encourage particular economic development projects to occur; and

WHEREAS, in the creation of these zones, O.R.C. 5709.85 provides that a Tax Incentive Review Council (TIRC) shall be created for each of the zones as required to review these agreements between the City or County and the private sector entities to establish compliance to the terms of the agreements; and

WHEREAS, each TIRC is mandated to review and make formal recommendations as to the compliance of the terms of each agreement within its zone on an annual basis prior to September 1 for the preceding year that concluded on December 31, 2019; and

WHEREAS, the recommendations of each TIRC are required to be forwarded to the City Council within 60 days of making the recommendations and the Council is required to act upon those recommendations;

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO:

SECTION 1. That the Canal Winchester Tax Incentive Review Council for any zones located in Fairfield County required to review agreements as of December 31, 2019 has done so and has forwarded its recommendations to the City Council.

SECTION 2. The City Council has taken the recommendations under consideration within the 60-day time frame.

SECTION 3. The City Council accepts the recommendations of the TIRC to accept the report and continue the agreement for all the properties described below:

a. CRA No. 2—Fairfield County

	<u>Parcel Number</u>	<u>Property Owner</u>
1.	0420376360	NIFCO American Corporation
2.	0420376230	8260 Industrial, LLC
3.	0420376240	Busey Road Office Venture 1 LLC
4.	0420376301	7895 Dove Parkway LLC
5.	0420376290	The Combs Group LLC
6.	0420376202	Tobin, Margaret E & Richard M
7.	0420376201	AK Athletic Equipment Inc
8.	0420376270	Prestifilippo Real Estate Ltd
9.	0420376203	Manifold Phalor Real Estate LLC
10.	0420376020	JS Winchester Enterprises
11.	0420376205	Lucky Bones Real Estate, LLC
12.	0420376010	7890 Robinett, LLC
13.	0420376206	Sebastian/Bohls Family Partnership

b. Diley Road TIF – accept report and continue agreement

c. Greengate TIF – accept report and continue agreement

SECTION 4. That this resolution shall take effect and be in force from and after its passage.

PASSED \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST \_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
MAYOR

DATE APPROVED \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

\_\_\_\_\_  
Finance Director/Clerk of Council

## TAX YEAR 2019 STATUS REPORT FOR:

## CANAL WINCHESTER CRAWFORD

## 2019 Tax Incentive Review Council for Canal Winchester Community Reinvestment Area #2

PARCEL NUMBER	CURRENT OWNERS NAME	TERMS	PROP CLASS	ANNUAL TAX PAID	TAX STATUS	CURRENT # OF EMPLOYEES	EFFECTIVE YEARS	DATE PROPERTY INSPECTED
0420376360	NIFCO AMERICA CORPORATION	100%/ 15 years	I		Current	701	2007-2021	3/25/2020
0420376360	NIFCO AMERICA CORPORATION	100%/ 15 years	I	\$131,756.73	Current		2018-2032	3/25/2020
0420376230	8260 INDUSTRIAL, LLC	100%/ 15 years	I	\$4,223.68	Current	24	<b>2005-2019 LAST YEAR</b>	3/25/2020
0420376240	BUSEY ROAD OFFICE VENTURE 1 LLC	100%/ 15 years	I	\$3,452.17	Current	40	2006-2020	3/25/2020
0420376301	7895 DOVE PARKWAY LLC	100%/ 15 years	I	\$3,725.36	Current	27	2007-2021	3/25/2020
0420376290	COMBS GROUP THE LLC	100%/ 15 years	I	\$2,597.04	Current	19	2009-2023	3/25/2020
0420376202	TOBIN MARGARET E & RICHARD M	100%/ 15 years	I	\$5,481.84	Current	27	2009-2023	3/25/2020
0420376201	AK ATHLETIC EQUIPMENT INC	100%/ 15 years	I	\$5,741.32	Current	30	2010-2024	3/25/2020
0420376270	PRESTIFILIPPO REAL ESTATE LTD	100%/ 15 years	I	\$2,851.78	Current	8	2010-2024	3/25/2020
0420376203	MANIFOLD PHALOR REAL ESTATE LLC	100%/ 15 years	I	\$12,390.92	Current	73	2011-2025	3/25/2020
0420376020	JS WINCHESTER ENTERPRISES	100%/ 15 years	I	\$2,494.42	Current	5	2015-2029	3/25/2020
0420376205	LUCKY BONES REAL ESTATE LLC	100%/ 15 years	I	\$2,035.82	Current	21	2015-2029	3/25/2020
0420376010	7890 ROBINETT LLC	100%/ 15 years	I	\$2,559.44	Current	12	2016 - 2030	3/25/2020
0420376206	SEBASTIAN/BOHLS FAMILY	100%/ 15 Years	I	\$8,545.94	Current	27	2017-2031	3/25/2020

**\$179,310.52****1014**

## **Diley Road Tax Increment Finance District**

created by Ordinance 73-07 on December 17, 2007

amended by Ordinance 45-08 on July 21, 2008

30 year (non-school) TIF at 100%

Dollar Amount Deposited into the TIF in 2019:	\$207,346.65
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Cumulative amount deposited:	\$1,569,041.16
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Dollar Amount expensed from the TIF in 2019:	\$2,704.20
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Cumulative amount expended:	\$22,339.20
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Year first payment made	2011
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Year of first expenditure	2011
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Current TIF Agreements and Liabilities as of 2019

Diley Ridge Medical Center Agreement	\$881,880.00
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**Greengate Public Improvements Tax Increment Finance District**

created by Ordinance 17-058 on November 20, 2017

30 year (non-school) TIF at 100%

Dollar Amount Deposited into the TIF in 2019:	\$28,789.16
Cumulative amount deposited:	\$28,789.16

Dollar Amount expensed from the TIF in 2019:	\$379.73
Cumulative amount expended:	\$379.73

Year first payment made	2019
Year of first expenditure	2019

Current TIF Agreements and Liabilities as of 2019	
Shrimangeshi LLC Agreement - ORD 17-061	\$980,000.00

**ORDINANCE NO. 20-043**

**AN ORDINANCE TO AMEND THE RULES OF THE CANAL WINCHESTER CITY COUNCIL**

WHEREAS, the Rules Committee of the Canal Winchester City Council has reviewed and considered several amendments to the Council Rules as adopted by Ordinance 14-040; and

WHEREAS, pursuant to Rule 27 of the Council Rules, the Rules Committee hereby recommends adoption of such amendments by City Council;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, OHIO:

Section 1: That the Council Rules be and are hereby amended to read as detailed in Exhibit A and incorporated herein by reference.

Section 2: That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

DATE PASSED \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST \_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
MAYOR

DATE APPROVED \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

\_\_\_\_\_  
Finance Director/Clerk of Council

**2020 Council Rules  
Adopted XX/XX/XX**

**Rule 1 - President**

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 regular meetings of the Council;
- (2) To perform or exercise such other powers, duties and functions as provided by the Charter of the City of Canal Winchester and the rules of the Council; to the extent such rules of the Council are consistent with the Charter of the City of Canal Winchester.

**Rule 2 - 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 Vice President of Council for a two year term of office. The Vice President of Council shall serve as a 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.
- B. If the Council chooses to establish Work Sessions, the Work Sessions shall organize at its first meeting of the year by electing a vice chair.

**Rule 3 - Succession**

If the office of Mayor shall become vacant, the President of Council shall succeed to the office of Mayor.

If the Mayor is temporarily absent from the Municipality or is temporarily unable to perform the duties of Mayor, the President of Council shall become the Acting Mayor and shall, during the period of absence or disability, perform all the powers, duties and functions of Mayor, except he or she shall not have the power to veto ordinances or resolutions. The Acting Mayor shall continue in his or her capacity as President of Council and as a voting member of the Council during the period of the Mayor's temporary absence or disability.

**Rule 4 - 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 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 or her 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.

**Rule 5 - Resignation.**

Any member of Council who desires to resign during his or her term of office shall submit his or her resignation in writing to the Mayor and Council of the City of Canal Winchester, Ohio and such resignation shall take effect when the same has been accepted by a vote of the majority of the members of Council, exclusive of the person tendering his or her resignation.

**Rule 6A - Powers of Mayor**

- A. The Mayor shall be the chief executive, administrative, and law enforcement officer of the Municipality. He or she shall be responsible for the administration of all municipal affairs placed in the Mayor's charge by or under this Charter, the ordinances or resolutions of the Municipality and state laws.
- B. The Mayor shall have the following powers, duties and functions to:
  - (1) Appoint, promote, and when he or she deems it necessary for the good of the service, suspend or remove or otherwise discipline all municipal employees and appointive administrative officers, except as otherwise provided for by or under this Charter, subject to the powers granted to the Council pursuant to Section 3.01(A) (4) of this Charter and subject to the provisions of this Charter pertaining to the Merit System.
  - (2) Direct and supervise the administration of all departments, offices and agencies of the Municipality, except as otherwise provided by this Charter.
  - (3) Attend all council meetings and shall have the right to take part in discussions but may not vote.
  - (4) See that all laws, provisions of this the Charter and ordinances and resolutions of the Council, subject to enforcement by the Mayor or by officers subject to his or her direction and supervision, are faithfully executed.
  - (5) Prepare and submit the annual budget and capital program to the Council.
  - (6) Submit to Council and make available to the public a complete report on the finances and administrative activities of the Municipality as of the end of each fiscal year.
  - (7) Make such other reports as the Council may require concerning the operations of municipal departments, offices, boards, commissions and agencies subject to his or her direction and supervision.
  - (8) Keep the Council fully advised as to the financial condition and future operating and capital needs of the Municipality and make recommendations to the Council concerning the affairs of the Municipality.
  - (9) Require reports and information of subordinate officers and employees of the Municipality as he or she deems necessary in the orderly operation of the Municipality, or when requested to do so by the Council or any board or commission of the Municipality.
  - (10) Execute on behalf of the Municipality all contracts and agreements, except as otherwise provided in this Charter.
  - (11) Affix to official documents and instruments of the Municipality the Mayor's Seal, which shall be the seal of the Municipality, but the absence of the seal, shall not affect the validity of any such documents or instrument.
  - (12) Perform such other powers, duties and functions as are conferred or required by this the Charter, by any ordinance or resolution of the Council, or by the laws of the State of Ohio.

**Rule 6B - Powers of Council**

All legislative power of the Municipality shall be vested in the Council, except as otherwise provided by the 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 the 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 the Municipality, including but not limited to administrative assistants to the Mayor, and to establish or authorize the establishment of a 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 the Municipality. The premium for said bonds shall be paid by the Municipality.
- (6) At the time this the Charter becomes became effective, the Municipality has contracted with the Sheriff of Fairfield County, Ohio for police services and Madison Township provides fire services. The arrangements currently existing for police and fire services shall continue under this Charter; however, the Council may 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 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 interest 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 the Municipality, 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 the Charter of the City of Canal Winchester and by the Constitution and laws of the State of Ohio.

**Rule 7 - Meetings.**

- A. Regular Meetings: Council shall meet in regular session on the first and third Mondays of each month at 7:00 p.m. official time, except as may be modified by a schedule adopted by Council. All regular Council meetings shall be adjourned at no later than 11:00 p.m. In the event that business has not been completed, Council shall adjourn on a day to day basis until the same is completed.
- B. Organizational Meeting: 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 the Charter of the City of Canal Winchester 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. Council may appoint members to various city organizations such as CWJRD, Human Services, CWICC and Destination Canal Winchester, etc. as provided by each organization's bylaws. However, no more than two members of Council shall be appointed to the same organization. All official appointments shall be made in the form of a Resolution.

- C. Special Meetings: Special meetings may be called, for any purpose, by the Mayor or any three members of the Council upon at least twenty-four (24) hours notice to the Mayor and each member of 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.
- D. Schedule of Council Affairs: The Clerk of Council shall maintain a schedule of Council affairs including therein the times, dates and places of all regularly scheduled meetings of Council, special meetings as they become necessary, regular meetings and public hearings of standing committees, and whenever practicable, meetings of special committees. The schedule shall also list the number and title of ordinances and resolutions set down for committee action and the date scheduled for the committee report.
- E. Recess: Council will take a recess on the third Monday in July.

## **Rule 8 - Committees.**

### **A. Committees.**

- (1) The Council may choose each year to establish Work Sessions or Standing Committees. Such choice should be made by the last meeting in November each year to avoid any delay in committee activity. If Council chooses to hold Work Sessions, a Rules Committee and Committee of the Whole shall be formed and composed as set forth in subsections (A) (2) (c) and (d) and (B)(2) herein.
- (2) If the Council chooses to establish individual committees, they should form the following Standing Committees by December 31, to avoid any delay in committee activity with the responsibilities as shown. (It is to be noted that this Section 1 is directory in nature and not mandatory and is subject to the discretion of Council.)
  - a. Finance/ Economic Development Committee
    - i. Review, investigate and recommend Council action in all fiscal matters before Council; including budgets, appropriations, taxes, assessments, employee wages and relations, insurance, expenditures and general monetary policy, including municipal insurance, and professional services as detailed in ordinance 40-11 and other special assignments.
    - ii. Review, investigate and recommend council action in all matters of economic development, annexation, zoning and subdivision regulations, Landmarks Commission, historical features and in all matters of downtown issues, building codes and inspection, Convention and Visitors Bureau and other special assignments.
  - b. Service/Safety Committee

- i. Review, investigate and recommend Council action in all matters of city infrastructure including public service, streets, storm sewers, sanitary sewers, water, and other special assignments.
    - ii. Review, investigate and recommend Council action in all matters of public buildings and grounds, traffic safety, police protection, fire protection, health, civil defense, building codes and inspection, beautification and public park lands, recreational facilities, street trees, information technology, act as liaison for the Canal Winchester Joint Recreation Board and other special assignments.
  - c. Rules Committee: Any resolution to amend the Rules of Council shall be referred to the Rules Committee where it shall be considered immediately, taking precedence over any other business before the committee, and the committee shall make a report on the resolution to amend at the next regular session of Council following its introduction. The Rules Committee shall meet at least once a year to review the standing rules of Council. The Rules Committee's authority shall include, but is not limited to, reviewing, investigating and recommending council action in areas involving eligibility for office and conflicts of interest. The Rules Committee shall also review, investigate and recommend council approval or disapproval of all candidates to fill vacancies for positions on City Council.
  - d. Committee of the Whole: Review, investigate and recommend Council action in all long range planning, potential capital improvement projects and any special topic as determined by Council. Committee of the Whole will be held as needed but no less than quarterly.
- (3) If the Council chooses to establish individual committees, the newly elected President shall appoint, with approval by the majority vote of Council, standing committees. The appointment should be done no later than the organizational meeting prior to the first regular scheduled meeting in January of each year.

B. Composition of Committees.

- (1) Work Sessions.
  - a. If the Council chooses to establish Work Sessions, the Work Sessions shall consist of all members of the Council. The Mayor shall be an ex-officio member of this committee.
  - b. The Vice President of Council shall serve as Chair of Work Sessions.
  - c. The Work Sessions will be divided into two areas of focus. One Work Session will focus on Finance/Economic Development and the second Work Session will focus on Service/Safety. While the Work Sessions will include an area of focus, other items may be brought before Council as needed.
- (2) Standing Committees
  - a. If the Council chooses to establish individual Standing Committees, the newly elected President shall appoint, with the approval by the majority vote of Council, standing committees.
  - b. Every effort shall be made by the President of Council to provide even representation on the standing committees. Each council person shall be asked to serve on two committees before allowing another council person to participate on a third committee or more.

- c. The standing committees shall consist of a minimum of three members of Council, with the exception of the Economic/Finance Committee which will include four members of council.
- d. Each standing committee shall select its own Chair; however, no member of Council shall serve as chairman of more than one committee. The Chair shall preside over all committee meetings and appoint a vice-chairman to serve in chairperson's absence. The Chair shall communicate with the Clerk of Council and staff in the preparation of the committee agenda and packet of information.
- e. If desired, the Chair may appoint as many citizen advisory members as may be necessary, however, no citizen advisory members shall vote on the recommendations of the committee but may concur in either the majority or minority reports.

C. Committee Meetings.

- (1) Meetings of all committees of Council shall be public meetings and whenever possible shall be held in public buildings, however, each committee by a majority of its voting members may elect to hold meetings wherever it deems necessary to properly further its assigned purposes. All committee meetings will be called by the Chair of the committee or two voting members giving notice of the date, time and place to all members of the committee and Clerk of Council. The Clerk of Council shall notify all members of Council of all committee meetings. Any member of Council shall have the right to sit with any committee; however, members of Council shall have a vote only when regularly assigned to such committee. Any committee meeting may be canceled or continued by majority vote of members of the committee. Each committee may adopt its own rules of order; however, in the absence of such rules the parliamentary procedure set forth in Robert's Rules of Order, newly revised, shall prevail.
- (2) Each committee, excluding the Rules Committee, shall have at least one monthly meeting; not held at the same time as another committee meeting. No regular committee meeting may be held on regularly scheduled Council meeting times. This prohibition may be temporarily suspended by an affirmative vote of a majority of the members of Council. The Chair of each committee, except the Rules Committee, shall establish regular monthly meeting times at the first committee meeting of each year, so as to not have any conflicting times and dates. The committee meetings are regularly scheduled meetings of Council members.

D. Special Committees of Council/Special Assignments.

- (1) The President of Council may from time to time appoint special committees for limited purposes, subject to the approval of the majority of Council. The statement of purpose for all special committees shall contain a section setting forth the length of time required to complete their special purpose. Special Committees shall not duplicate the function or purpose of the Committee of the Whole, Work Sessions or other Standing Committees.
- (2) Special Assignments: Temporary, special committees may be appointed by the President, with the approval of the majority of Council, to undertake some special task.

**Rule 9 - Order of Business.**

The business of regular Council meetings shall be transacted in the following order:

- (A) Call to Order
- (B) Pledge of Allegiance
- (C) Roll Call to determine if quorum is present
- (D) Reading and approval of prior meeting minutes
- (E) Communications/Petitions
- (F) Public Comments

- (G) Ordinances and Resolutions (Each is to be labeled as Ordinance or Resolution, assigned with an appropriate number and name of the Council person who is sponsoring it. All proposed legislation is to be listed in groups of third readings, second readings and first readings.)
- (H) Reports of City Officials and Staff
- (I) Council Reports
- (J) Old/New Business
- (K) Adjournment to Executive Session
- (L) Adjournment

The business of Work Session/Committee meetings shall be transacted in the following order:

- (A) Call to Order
- (B) Roll Call
- (C) Also in Attendance
- (D) Request for Council Action
- (E) Old/New Business
- (F) Adjournment

**Rule 10 - Attendance.**

Attendance at regular Council meetings shall ordinarily include the Finance Director, Director of Public Service, Development Director, Law Director, Sherriff Representative and such other staff and department heads as may be requested.

Meetings of Council are open to the public (RC 731.46).

**Rule 11 - Record of Proceedings; Meeting Agenda.**

- A. The Clerk of Council shall keep a record of all Council proceedings, rules, by-laws, resolutions, and ordinances passed or adopted, which shall be subject to inspection of all persons interested. In case of the absence of the Clerk of Council, Mayor shall appoint a staff member to perform the duties of Clerk of the Council.
- B. The Clerk of Council shall prepare an agenda for every meeting, attend to all correspondence incidental to his or her office, and perform such other duties as may be assigned by City Council President, the Mayor, or as required by law.
- C. The Clerk of Council shall be notified by Staff of matters to be presented, including ordinances and resolutions, in order that they may be listed on the meeting agenda by end of day Tuesday. A draft agenda shall be provided to Council and posted to the City's website no later than end of day Wednesday. The Mayor and the Clerk of Council will review and approve the final agenda no later than Friday at Noon prior to Council.
- D. Meeting packets consisting of the agenda, minutes to be approved, committee meeting minutes, staff and official reports, proposed ordinances and resolutions and any received communications will be provided by the Clerk of Council to Council, Mayor and Staff no later than end of day the Friday prior to the next Council meeting of the month. The agenda packet shall also be posted to the City's website for public review. For purposes of the agenda packet, a communication is defined as any public statements submitted through the City website or any other written communication containing the specific request to be included in an agenda packet. City staff may ask to include other written communications they deem necessary to ensure Council's awareness of various items.
- E. After an ordinance or resolution is adopted, it shall be accompanied by a statement that it has been reviewed by Law Director and is correct as to form.

- F. A change may be made to the published proposed agenda by the Clerk of Council if he or she shall deem a change necessary to add or delete any items. The Clerk of Council may make such changes to the proposed agenda at any time prior to the commencement of the Council meeting. After the Council meeting has commenced, any change to the published agenda shall not be made other than by a majority vote in Council on the motion to amend which shall not be debatable except for a brief statement of necessity by the maker of the motion. Such a motion shall require no second.

**Rule 12 - Hearings before Council.**

Council customarily accommodates visitors by providing a time of five (5) minutes to hear their concerns or requests, while under the main obligation of conducting its scheduled business within normal limits of time. The Presiding Officer may, in his or her discretion, allow visitors to speak more than five (5) minutes. Where electors, taxpayers, or any other person or persons desire a hearing which, in point of time, may exceed the time usually available, then Council shall schedule such public hearing by arranging for a special time and place thereof. Council shall adopt a Policy for Decorum at Public Meetings in order to impose reasonable guidelines for visitors attending and participating in hearings before Council.

In lieu of appearing in person, visitors may provide a written statement to Council. Written statements received by the Clerk of Council prior to end of day noon Friday shall be included in the agenda packet. Statements received after the publication of the agenda packet but before the commencement of the Council meeting shall be distributed to all Council members and receipt acknowledged verbally during the meeting.

**Rule 13 - Opening Procedure; Quorum.**

The President of the legislative authority shall take the chair at the time appointed for the Council to meet, and shall immediately call the members to order; he or she shall then determine if a quorum is present, call for the approval of the minutes from the previous Council meeting and continue on with the prescribed order of business.

A majority of all members elected shall be a quorum, but a less number may adjourn from day to day to compel the attendance of absent members in such matter and under such penalties as are described in Section 11.01 of the Charter of the City of Canal Winchester.

**Rule 14 - Order and Decorum.**

The President of the legislative authority shall preserve order and decorum, and confine members in debate to the question. He or she may in common with any other member, call any member to order who shall violate any of the rules. The Law Director shall serve as Parliamentarian with respect to all questions of order.

The presiding officer shall avoid any appearance of partisanship on any question. His or her function is solely to see that the business properly brought before Council is conducted in an orderly manner, and that the members of Council observe the rules of procedure. Council shall adopt a Policy for Decorum at Public Meetings in order to impose reasonable guidelines for visitors attending and participating in public meetings.

Council members are expected to devote their full attention to the discussion of Council business during Council meetings, and communications to others outside the public deliberations of Council are highly discouraged/forbidden. If a Council member must communicate with anyone using an electronic device during a Council meeting, they are expected to conduct those communications off the Council platform.

**Rule 15 – Removal of Council Member**

Council may punish or expel any member for disorderly conduct or a violation of its rules, in accordance with Section 11.01 of the Charter of the City of Canal Winchester.

**Rule 16 - Adjourned Meetings; Excusal during Meetings.**

When the business of Council is not completed within the available time for a given meeting, the meeting, by motion of Council, may be adjourned to a definite time. When the Council reconvenes at the appointed time, if a quorum is present, Council shall take up the business where it left off at its former meeting. An adjourned meeting is merely a continuation of the meeting from which it was adjourned and not for the introduction of new business.

No member shall be excused while Council is in session except upon permission of the Presiding Officer. No member shall be excused from attendance at a Council meeting, except upon roll call and by a vote of the majority of the members present.

It shall be the responsibility of the Council member to contact the Clerk of Council, Mayor or another Council member to provide notification of a pending absence.

**Rule 17 - Voting**

Every member present shall vote by a "yes", "no" or "abstain".

**Rule 18 - First Readings.**

When a sponsored ordinance is submitted to Council, it may be given a first reading at a regular meeting of Council or a special meeting called for such purpose. Resolutions shall be submitted to Council in the same manner however, per Charter 4.04 only require one reading for passage. At Council's request, an overview by the sponsoring Council member or staff must be given before the first reading of any ordinance or resolution.

**Rule 19 - Second and Third Reading of Ordinances; Emergency Ordinances.**

Each ordinance shall be given a second reading and a third reading at separate meetings; provided, however, Council may or may not, as Council so desires, suspend the rules requiring three readings by a vote of at least two-thirds of the members of Council, pursuant to Section 4.04 of the Charter. The ordinance is then ready for passage.

After a member moves for passage, a vote will be taken. If a majority of the members of Council approves the passage of the ordinance, it shall be signed by the Clerk of Council, and the presiding office of Council, Mayor and Law Director. Each emergency ordinance or resolution shall require an affirmative vote of at least two-thirds of the members of Council. Legislation passed as an emergency measure must have the reason stated for the emergency, and not in the more general terms that such action is "necessary for the peace, health, welfare and safety of the City".

In instances where a motion is made at the meeting to amend legislation to pass the ordinance as an emergency measure, the Presiding Officer shall allow visitors to speak in accordance with the Council Rules and Policy for Decorum at Public Meetings for a maximum of two minutes.

**Rule 20 - Amending Resolution or Ordinance.**

It shall be in order to amend a resolution or ordinance at any time, but if such ordinance is of a general or permanent nature, and such amendment is made after the second reading, a report shall be given by the sponsoring Council member and/or staff as to the nature of the amendment.

**Rule 21 - Majority Defined; Two-Thirds or Three-fourths Defined.**

Whenever the term "majority" is used herein, unless otherwise indicated, it shall be held to mean a majority of those elected to Council; likewise, whenever a two-thirds vote is indicated, it shall mean two-thirds of the members elected to Council. Thus, in a Council of seven members, a majority shall be four; two-thirds shall be five; and three-fourths shall be six.

No ordinance shall be passed by Council without the concurrence of a majority of the members.

**Rule 22 - Limitations on Debate.**

When an ordinance, resolution or motion is before Council, an adequate opportunity shall be provided for all members of Council to be heard. However, in order to expedite business and to assure that a minority cannot effectively abrogate the desire of the majority by dominating the floor and thus prevent a vote, the rules of discussion contained in the following requirements are set forth as the official policy of Council.

The Presiding Officer shall recognize members prior to such member taking the floor. No member shall be permitted to speak longer than five (5) minutes at any one time. No member shall be permitted to speak more than two times for or against the proposition under consideration. While members may yield to other members, the limitations set forth above shall prevail. No member shall be permitted to speak the second time until all members have been heard at least once or a member who has not been heard wishes the floor. The Presiding Officer, subject to challenge from the Council, may refuse the floor to any member when the tactics are obviously dilatory and not in the best interest of Council. The above rules may be suspended to permit unlimited debate by a vote of three-fourths majority of Council.

**Rule 23 - Motions; When Debatable; Withdrawal.**

When a motion is made and seconded, it shall be stated by the Presiding Officer before any debate shall be in order. Any such motion and any amendment thereto, may be withdrawn by the movers thereof at any time before the vote.

**Rule 24 - Division of Question.**

Any member may call for a division of the question, or the Presiding Officer may direct the same, and in either case the same shall be divided if it comprehends questions so distinct that one being taken away, the other will stand as an entire question for decision.

**Rule 25 - Adjournment.**

The motion to adjourn shall always be in order, unless Council is engaged in voting, and the motion to adjourn or lay on the table, or for the previous question, shall be decided without debate.

**Rule 26 - Roberts Rules of Order.**

In the absence of any rule upon the matter of business, the Council shall be governed by the current edition of "Roberts Rules of Order".

**Rule 27 - Amendments.**

These rules may be amended or altered or new rules adopted by a vote of the majority of all of the members elected at any meeting of the Council, on the report from the Rules Committee.

**Rule 28 - Minutes of Council.**

The Clerk of Council is responsible for keeping an accurate record of the minutes of all Council and Council committee meetings. All minutes of meetings shall be reduced in writing and a copy of the same shall be furnished to all Council members, Law Directors and Staff not later than three (3) days prior to the next regular meeting of Council, together with any available legislation.

**Rule 29 - Sunshine Law.**

- A. (1) To establish a reasonable method for any person to determine the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings;
- (2) Making provisions for giving advance notice of special meetings to the news media that have requested notification; and
- (3) Making provisions for persons to request and obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed.
  
- B. The Rule 29 is in addition to any applicable legal requirements as to notices to members of the municipality and to others in connection with specific meeting or specific subject matters.
- C. The Clerk of Council shall post all agendas noting the time and place of regular and committee meetings on the City's website at least twenty-four (24) hours prior to the day of the next regular or committee meeting.
- D. The Clerk of Council shall post a statement of the time and place of any organizational meeting of the municipal body at least twenty-four (24) hours before the time of such organizational meeting.
- E. Upon adjournment of any regular or special meeting to another day, the Clerk of Council shall promptly post notice of the time and place of such adjourned meeting.
- F. Except in the case of emergency special meetings, the Clerk of Council shall, if possible, at no later than twenty-four (24) hours before the time of a special meeting, post a statement of the time, place and purpose of such special meeting on the front of the Municipal Building (City Offices), Town Hall, and Community Center.
- G. Any news medium organization that desires to be given advance notification of special meetings of any municipal body shall file with the Clerk of Council a written request therefore. Except in the event of any emergency requiring immediate action, a special meeting shall not be held unless at least twenty-four (24) hours advance notice of time, place and purpose of such meeting is given to the news media requesting advance notification.
- H. News media requests for such advance notification of special meetings shall specify the municipal body that is the subject of such request; the name of the medium; the names, addresses and telephone numbers (during business hours) of two persons to either written or oral notification should be made and the name and telephone number of one person who can be reached by telephone at any hour for the purpose of notification. Each news medium shall be informed of such period of effectiveness at the time it files its request. Any notification provided herein to be given to the Clerk of Council or may be given under authority of the Clerk of Council, and a reasonable attempt of notification shall constitute notification in compliance with these rules.
- I. The Clerk of Council shall give such oral or written notification, or both, as the Clerk of Council determines, to the news media that have requested advance notification, of the time, place and purpose of such special meeting, at least twenty-four (24) hours prior to the time of such special meeting. In the event of emergency meeting a lesser time than twenty-four (24) hours may be given. The minutes or the call, or both, of any such special meeting shall state the general nature of the emergency requiring immediate official action.

~~2014 COUNCIL RULES~~  
~~FINAL DRAFT~~  
8/18/2014

**Rule 1 - President**

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 regular meetings of the Council;
- (2) To perform or exercise such other powers, duties and functions as provided by the Charter of the City of Canal Winchester and the rules of the Council; to the extent such rules of the Council are consistent with the Charter of the City of Canal Winchester.

**Rule 2 - 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 Vice President of Council for a two year term of office. The Vice President of Council shall serve as a 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.
- B. If the Council chooses to establish Work Sessions, the Work Sessions shall organize at its first meeting of the year by electing a vice chair.

**Rule 3 - Succession**

If the office of Mayor shall become vacant, the President of Council shall succeed to the office of Mayor.

If the Mayor is temporarily absent from the Municipality or is temporarily unable to perform the duties of Mayor, the President of Council shall become the Acting Mayor and shall, during the period of absence or disability, perform all the powers, duties and functions of Mayor, except he or she shall not have the power to veto ordinances or resolutions. The Acting Mayor shall continue in his or her capacity as President of Council and as a voting member of the Council during the period of the Mayor's temporary absence or disability.

**Rule 4 - 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 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 or her 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.

**Rule 5 - Resignation.**

Any member of Council who desires to resign during his or her term of office shall submit his or her resignation in writing to the Mayor and Council of the City of Canal Winchester, Ohio and such resignation shall take effect when the same has been accepted by a vote of the majority of the members of Council, exclusive of the person tendering his or her resignation.

**Rule 6A - Powers of Mayor**

- A. The Mayor shall be the chief executive, administrative, and law enforcement officer of the Municipality. He or she shall be responsible for the administration of all municipal affairs placed in the Mayor's charge by or under this Charter, the ordinances or resolutions of the Municipality and state laws.
- B. The Mayor shall have the following powers, duties and functions to:
- (1) Appoint, promote, and when he or she deems it necessary for the good of the service, suspend or remove or otherwise discipline all municipal employees and appointive administrative officers, except as otherwise provided for by or under this Charter, subject to the powers granted to the Council pursuant to Section 3.01(A) (4) of this Charter and subject to the provisions of this Charter pertaining to the Merit System.
  - (2) Direct and supervise the administration of all departments, offices and agencies of the Municipality, except as otherwise provided by this Charter.
  - (3) Attend all council meetings and shall have the right to take part in discussions but may not vote.
  - (4) See that all laws, provisions of this the Charter and ordinances and resolutions of the Council, subject to enforcement by the Mayor or by officers subject to his or her direction and supervision, are faithfully executed.
  - (5) Prepare and submit the annual budget and capital program to the Council.
  - (6) Submit to Council and make available to the public a complete report on the finances and administrative activities of the Municipality as of the end of each fiscal year.
  - (7) Make such other reports as the Council may require concerning the operations of municipal departments, offices, boards, commissions and agencies subject to his or her direction and supervision.
  - (8) Keep the Council fully advised as to the financial condition and future operating and capital needs of the Municipality and make recommendations to the Council concerning the affairs of the Municipality.
  - (9) Require reports and information of subordinate officers and employees of the Municipality as he or she deems necessary in the orderly operation of the Municipality, or when requested to do so by the Council or any board or commission of the Municipality.
  - (10) Execute on behalf of the Municipality all contracts and agreements, except as otherwise provided in this Charter.
  - (11) Affix to official documents and instruments of the Municipality the Mayor's Seal, which shall be the seal of the Municipality, but the absence of the seal, shall not affect the validity of any such documents or instrument.
  - (12) Perform such other powers, duties and functions as are conferred or required by this the Charter, by any ordinance or resolution of the Council, or by the laws of the State of Ohio.

### **Rule 6B - Powers of Council**

All legislative power of the Municipality shall be vested in the Council, except as otherwise provided by the 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 the 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 the Municipality, including but not limited to administrative assistants to the Mayor, and to establish or authorize the establishment of a 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 the Municipality. The premium for said bonds shall be paid by the Municipality.
- (6) At the time this the Charter becomes became effective, the Municipality has contracted with the Sheriff of Fairfield County, Ohio for police services and Madison Township provides fire services. The arrangements currently existing for police and fire services shall continue under this Charter; however, the Council may 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 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 interest 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 the Municipality, 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 the Charter of the City of Canal Winchester and by the Constitution and laws of the State of Ohio.

### **Rule 7 - Meetings.**

- A. Regular Meetings: Council shall meet in regular session on the first and third Mondays of each month at 7:00 p.m. official time, except as may be modified by a schedule adopted by Council. All regular Council meetings shall be adjourned at no later than 11:00 p.m. In the event that business has not been completed, Council shall adjourn on a day to day basis until the same is completed.
- B. Organizational Meeting: 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 the Charter of the

City of Canal Winchester 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. Council may appoint members to various city organizations such as CWJRD, Human Services, CWICC and Destination Canal Winchester, etc. as provided by each organization's bylaws. However, no more than two members of Council shall be appointed to the same organization. All official appointments shall be made in the form of a Resolution.

- C. Special Meetings: Special meetings may be called, for any purpose, by the Mayor or any three members of the Council upon at least twenty-four (24) hours notice to the Mayor and each member of 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.
- D. Schedule of Council Affairs: The Clerk of Council shall maintain a schedule of Council affairs including therein the times, dates and places of all regularly scheduled meetings of Council, special meetings as they become necessary, regular meetings and public hearings of standing committees, and whenever practicable, meetings of special committees. The schedule shall also list the number and title of ordinances and resolutions set down for committee action and the date scheduled for the committee report.
- E. Recess: Council will take a recess on the third Monday in July.

#### **Rule 8 - Committees.**

- A. Committees.
  - (1) The Council may choose each year to establish Work Sessions or Standing Committees. Such choice should be made by the last meeting in November each year to avoid any delay in committee activity. If Council chooses to hold Work Sessions, a Rules Committee and Committee of the Whole shall be formed and composed as set forth in subsections (A) (2) (c) and (d) and (B)(2) herein.
  - (2) If the Council chooses to establish individual committees, they should form the following Standing Committees by December 31, to avoid any delay in committee activity with the responsibilities as shown. (It is to be noted that this Section 1 is directory in nature and not mandatory and is subject to the discretion of Council.)
    - a. Finance/ Economic Development Committee
      - i. Review, investigate and recommend Council action in all fiscal matters before Council; including budgets, appropriations, taxes, assessments, employee wages and relations, insurance, expenditures and general monetary policy, including municipal insurance, and professional services as detailed in ordinance 40-11 and other special assignments.
      - ii. Review, investigate and recommend council action in all matters of economic development, annexation, zoning and subdivision regulations, Landmarks Commission, historical features and in all matters of downtown issues, building codes and inspection, Convention and Visitors Bureau and other special assignments.
    - b. Service/Safety Committee

- i. Review, investigate and recommend Council action in all matters of city infrastructure including public service, streets, storm sewers, sanitary sewers, water, and other special assignments.
    - ii. Review, investigate and recommend Council action in all matters of public buildings and grounds, traffic safety, police protection, fire protection, health, civil defense, building codes and inspection, beautification and public park lands, recreational facilities, street trees, information technology, act as liaison for the Canal Winchester Joint Recreation Board and other special assignments.
  - c. Rules Committee: Any resolution to amend the Rules of Council shall be referred to the Rules Committee where it shall be considered immediately, taking precedence over any other business before the committee, and the committee shall make a report on the resolution to amend at the next regular session of Council following its introduction. The Rules Committee shall meet at least once a year to review the standing rules of Council. The Rules Committee's authority shall include, but is not limited to, reviewing, investigating and recommending council action in areas involving eligibility for office and conflicts of interest. The Rules Committee shall also review, investigate and recommend council approval or disapproval of all candidates to fill vacancies for positions on City Council.
  - d. Committee of the Whole: Review, investigate and recommend Council action in all long range planning, potential capital improvement projects and any special topic as determined by Council. Committee of the Whole will be held as needed but no less than quarterly.
- (3) If the Council chooses to establish individual committees, the newly elected President shall appoint, with approval by the majority vote of Council, standing committees. The appointment should be done no later than the organizational meeting prior to the first regular scheduled meeting in January of each year.

B. Composition of Committees.

(1) Work Sessions.

- a. If the Council chooses to establish Work Sessions, the Work Sessions shall consist of all members of the Council. The Mayor shall be an ex-officio member of this committee.
- b. The Vice President of Council shall serve as Chair of Work Sessions.
- c. The Work Sessions will be divided into two areas of focus. One Work Session will focus on Finance/Economic Development and the second Work Session will focus on Service/Safety. While the Work Sessions will include an area of focus, other items may be brought before Council as needed.

(2) Standing Committees

- a. If the Council chooses to establish individual Standing Committees, the newly elected President shall appoint, with the approval by the majority vote of Council, standing committees.
- b. Every effort shall be made by the President of Council to provide even representation on the standing committees. Each council person shall be asked to serve on two committees before allowing another council person to participate on a third committee or more.

- c. The standing committees shall consist of a minimum of three members of Council, with the exception of the Economic/Finance Committee which will include four members of council.
- d. Each standing committee shall select its own Chair; however, no member of Council shall serve as chairman of more than one committee. The Chair shall preside over all committee meetings and appoint a vice-chairman to serve in chairperson's absence. The Chair shall communicate with the Clerk of Council and staff in the preparation of the committee agenda and packet of information.
- e. If desired, the Chair may appoint as many citizen advisory members as may be necessary, however, no citizen advisory members shall vote on the recommendations of the committee but may concur in either the majority or minority reports.

C. Committee Meetings.

- (1) Meetings of all committees of Council shall be public meetings and whenever possible shall be held in public buildings, however, each committee by a majority of its voting members may elect to hold meetings wherever it deems necessary to properly further its assigned purposes. All committee meetings will be called by the Chair of the committee or two voting members giving notice of the date, time and place to all members of the committee and Clerk of Council. The Clerk of Council shall notify all members of Council of all committee meetings. Any member of Council shall have the right to sit with any committee; however, members of Council shall have a vote only when regularly assigned to such committee. Any committee meeting may be canceled or continued by majority vote of members of the committee. Each committee may adopt its own rules of order; however, in the absence of such rules the parliamentary procedure set forth in Robert's Rules of Order, newly revised, shall prevail.
- (2) Each committee, excluding the Rules Committee, shall have at least one monthly meeting; not held at the same time as another committee meeting. No regular committee meeting may be held on regularly scheduled Council meeting times. This prohibition may be temporarily suspended by an affirmative vote of a majority of the members of Council. The Chair of each committee, except the Rules Committee, shall establish regular monthly meeting times at the first committee meeting of each year, so as to not have any conflicting times and dates. The committee meetings are regularly scheduled meetings of Council members.

D. Special Committees of Council/Special Assignments.

- (1) The President of Council may from time to time appoint special committees for limited purposes, subject to the approval of the majority of Council. The statement of purpose for all special committees shall contain a section setting forth the length of time required to complete their special purpose. Special Committees shall not duplicate the function or purpose of the Committee of the Whole, Work Sessions or other Standing Committees.
- (2) Special Assignments: Temporary, special committees may be appointed by the President, with the approval of the majority of Council, to undertake some special task.

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**Rule 9 - Order of Business.**

The business of regular Council meetings shall be transacted in the following order:

- ~~(A)~~~~(1)~~ Call to Order
- ~~(B)~~ Pledge of Allegiance
- ~~(A)~~~~(C)~~ Roll Call to determine if quorum is present
- ~~(B)~~~~(D)~~ ~~(2)~~ Reading and approval of prior meeting minutes
- ~~(C)~~~~(E)~~ ~~(3)~~ Communications/Petitions
- ~~(D)~~~~(F)~~ ~~(4)~~ Public Comments
- ~~(E)~~~~(G)~~ ~~(5)~~ Ordinances and Resolutions –(Each is to be labeled as Ordinance or Resolution, assigned with an appropriate number and name of the Council person who is sponsoring it. All proposed legislation is to be listed in groups of third readings, second readings and first readings.)
- ~~(F)~~ ~~(6)~~ Mayor’s Report
- ~~(G)~~ ~~(7)~~ Sheriff’s Report
- ~~(H)~~ ~~(8)~~ Law Director’s Report
- ~~(I)~~ ~~(9)~~ Finance Director’s Report
- ~~(J)~~ ~~(10)~~ Public Service Director’s Report
- ~~(K)~~ ~~(11)~~ Development Director’s Report
- ~~(L)~~~~(H)~~ ~~(12)~~ Staff Reports as neededReports of City Officials and Staff
- ~~(M)~~~~(I)~~ ~~(13)~~ Council Reports
- ~~(N)~~~~(J)~~ ~~(14)~~ Old/New Business
- ~~(O)~~ ~~(15)~~ New Business
- ~~(P)~~~~(K)~~ ~~(16)~~ Adjournment to Executive Session
- ~~(Q)~~~~(L)~~ ~~(17)~~ Adjournment

The business of Work Session/Committee meetings shall be transacted in the following order:

- (A) Call to Order
- (B) Roll Call
- (C) Also in Attendance
- (D) Request for Council Action
- (E) Old/New Business
- (F) Adjournment

**Rule 10 - Attendance.**

Attendance at regular Council meetings shall ordinarily include the Finance Director, Director of Public Service, Development Director, Law Director, Sherriff Representative and such other staff and department heads as may be requested.

Meetings of Council are open to the public (RC 731.46).

**Rule 11 - Record of Proceedings; Meeting Agenda.**

~~A. Council shall adjourn its regular meetings at the time indicated in Rule 7 and, in the event that business has not been completed, Council shall adjourn on a day to day basis until the same is completed. The regular Council meeting agenda will be published on the Friday before the next meeting. Any member of the public wishing to discuss matters of public importance with Council shall be allowed five (5) minutes.~~

- A. ~~B.~~ The Clerk of Council shall keep a record of all Council proceedings, rules, by-laws, resolutions, and ordinances passed or adopted, which shall be subject to inspection of all persons interested. In case of the absence of the Clerk of Council, Mayor shall appoint a staff member to perform the duties of Clerk of the Council.

- B. ~~C.~~—The Clerk of Council shall prepare an agenda for every meeting, attend to all correspondence incidental to his or her office, and perform such other duties as may be assigned by ~~City Council President, the~~ Mayor, or as required by law.
- C. ~~The Clerk of Council shall be notified by Staff of matters to be presented, including ordinances and resolutions, in order that they may be listed on the meeting agenda by end of day Tuesday. A draft agenda shall be provided to Council and posted to the City’s website no later than end of day Wednesday. The Mayor and the Clerk of Council will review and approve the final agenda no later than Friday at Noon prior to Council.~~
- ~~C.D. D.~~—~~Meeting packets consisting of the agenda, minutes to be approved, committee meeting minutes, staff and official reports, proposed ordinances and resolutions and any received communications will be provided by the Clerk of Council to Council, Mayor and Staff no later than end of day the Friday prior to the next Council meeting of the month. The agenda packet shall also be posted to the City’s website for public review. For purposes of the agenda packet, a communication is defined as any public statements submitted through the City website or any other written communication containing the specific request to be included in an agenda packet. City staff may ask to include other written communications they deem necessary to ensure Council’s awareness of various items. A written report must be submitted by the Mayor, Finance Director and staff no later than Noon the Thursday prior to the next week’s meeting. Council sponsored written reports are necessary only for items other than those covered by committee meeting minutes. Minutes of committee meetings must be provided as part of the Council agenda packet. Meeting packets consisting of the agenda, minutes to be approved, committee meeting minutes, staff and official reports, proposed ordinances and resolutions and any received communications will be provided by the Clerk of Council to Council, Mayor and Staff no later than Friday 4:00 p.m. prior to the next Council meeting of the month.~~
- ~~D. E.~~—~~The Clerk of Council shall be notified by Staff of matters to be presented, including ordinances and resolutions, in order that they may be listed on the meeting agenda by 4:00 p.m. Wednesday. The Mayor and the Clerk of Council will review and approve the agenda no later than Friday at Noon prior to Council.~~
- E. ~~F.~~—After an ordinance or resolution is adopted, it shall be accompanied by a statement that it has been reviewed by Law Director and is correct as to form.
- F. ~~G.~~—A change may be made to the published proposed agenda by the Clerk of Council if he or she shall deem a change necessary to add or delete any items. The Clerk of Council may make such changes to the proposed agenda at any time prior to the commencement of the Council meeting. After the Council meeting has commenced, any change to the published agenda shall not be made other than by a majority vote in Council on the motion to amend which shall not be debatable except for a brief statement of necessity by the maker of the motion. Such a motion shall require no second.

**Rule 12 - Hearings before Council.**

Council customarily accommodates visitors by providing a time of five (5) minutes to hear their concerns or requests, while under the main obligation of conducting its scheduled business within normal limits of time. The Presiding Officer may, in his or her discretion, allow visitors to speak more than five (5) minutes. Where electors, taxpayers, or any other person or persons desire a hearing which, in point of time, may exceed the time usually available, then Council shall schedule such public hearing by arranging for a special time and place thereof. Council shall adopt a Policy for Decorum at Public Meetings in order to impose reasonable guidelines for visitors attending and participating in hearings before Council.

In lieu of appearing in person, visitors may provide a written statement to Council. Written statements received by the Clerk of Council prior to end of day noon Friday shall be included in the agenda packet. Statements received after the publication of the agenda packet but before the commencement of the Council meeting shall be distributed to all Council members and receipt acknowledged verbally during the meeting.

**Rule 13 - Opening Procedure; Quorum.**

The President of the legislative authority shall take the chair at the time appointed for the Council to meet, and shall immediately call the members to order; he or she shall then determine if a quorum is present, call for the approval of the minutes from the previous Council meeting and continue on with the prescribed order of business.

A majority of all members elected shall be a quorum, but a less number may adjourn from day to day to compel the attendance of absent members in such matter and under such penalties as are described in Section 11.01 of the Charter of the City of Canal Winchester.

**Rule 14 - Order and Decorum.**

The President of the legislative authority shall preserve order and decorum, and confine members in debate to the question. He or she may in common with any other member, call any member to order who shall violate any of the rules. The Law Director shall serve as Parliamentarian with respect to all questions of order.

The presiding officer shall avoid any appearance of partisanship on any question. His or her function is solely to see that the business properly brought before Council is conducted in an orderly manner, and that the members of Council observe the rules of procedure. Council shall adopt a Policy for Decorum at Public Meetings in order to impose reasonable guidelines for visitors attending and participating in public meetings.

Council members are expected to devote their full attention to the discussion of Council business during Council meetings, and communications to others outside the public deliberations of Council are highly discouraged/forbidden. If a Council member must communicate with anyone using an electronic device during a Council meeting, they are expected to conduct those communications off the Council platform.

**Rule 15 – Removal of Council Member**

Council may punish or expel any member for disorderly conduct or a violation of its rules, in accordance with Section 11.01 of the Charter of the City of Canal Winchester.

**Rule 16 - Adjourned Meetings; Excusal during Meetings.**

When the business of Council is not completed within the available time for a given meeting, the meeting, by motion of Council, may be adjourned to a definite time. When the Council reconvenes at the appointed time, if a quorum is present, Council shall take up the business where it left off at its former meeting. An adjourned meeting is merely a continuation of the meeting from which it was adjourned and not for the introduction of new business.

No member shall be excused while Council is in session except upon permission of the Presiding Officer. No member shall be excused from attendance at a Council meeting, except upon roll call and by a vote of the majority of the members present.

It shall be the responsibility of the Council member to contact the Clerk of Council, Mayor or another Council member to provide notification of a pending absence.

**Rule 17 - Voting**

Every member present shall vote by a "yes", "no" or "abstain".

**Rule 18 - First Readings.**

When a sponsored ordinance is submitted to Council, it may be given a first reading at a regular meeting of Council or a special meeting called for such purpose. Resolutions shall be submitted to Council in the same manner however, per Charter 4.04 only require one reading for passage. At Council's request, an overview by the sponsoring Council member or staff must be given before the first reading of any ordinance or resolution.

**Rule 19 - Second and Third Reading of Ordinances; Emergency Ordinances.**

Each ordinance shall be given a second reading and a third reading at separate meetings; provided, however, Council may or may not, as Council so desires, suspend the rules requiring three readings by a vote of at least two-thirds of the members of Council, pursuant to Section 4.04 of the Charter. The ordinance is then ready for passage.

After a member moves for passage, a vote will be taken. If a majority of the members of Council approves the passage of the ordinance, it shall be signed by the Clerk of Council, and the presiding officer of Council, Mayor and Law Director. Each emergency ordinance or resolution shall require an affirmative vote of at least two-thirds of the members of Council. Legislation passed as an emergency measure must have the reason stated for the emergency, and not in the more general terms that such action is "necessary for the peace, health, welfare and safety of the City".

In instances where a motion is made at the meeting to amend legislation to pass the ordinance as an emergency measure, the Presiding Officer shall allow visitors to speak in accordance with the Council Rules and Policy for Decorum at Public Meetings for a maximum of two minutes.

**Rule 20 - Amending Resolution or Ordinance.**

It shall be in order to amend a resolution or ordinance at any time, but if such ordinance is of a general or permanent nature, and such amendment is made after the second reading, a report shall be given by the sponsoring Council member and/or staff as to the nature of the amendment.

**Rule 21 - Majority Defined; Two-Thirds or Three-fourths Defined.**

Whenever the term "majority" is used herein, unless otherwise indicated, it shall be held to mean a majority of those elected to Council; likewise, whenever a two-thirds vote is indicated, it shall mean two-thirds of the members elected to Council. Thus, in a Council of seven members, a majority shall be four; two-thirds shall be five; and three-fourths shall be six.

No ordinance shall be passed by Council without the concurrence of a majority of the members.

**Rule 22 - Limitations on Debate.**

When an ordinance, resolution or motion is before Council, an adequate opportunity shall be provided for all members of Council to be heard. However, in order to expedite business and to assure that a minority cannot effectively abrogate the desire of the majority by dominating the floor and thus prevent a vote, the rules of discussion contained in the following requirements are set forth as the official policy of Council.

The Presiding Officer shall recognize members prior to such member taking the floor. No member shall be permitted to speak longer than five (5) minutes at any one time. No member shall be permitted to speak more than two times for or against the proposition under consideration. While members may yield to other members, the limitations set forth above shall prevail. No member shall be permitted to speak the second time until all members have been heard at least once or a member who has not been heard wishes the floor. The Presiding Officer, subject to challenge from the Council, may refuse the floor to any member when the tactics are obviously dilatory and not in the best interest of Council. The above rules may be suspended to permit unlimited debate by a vote of three-fourths majority of Council.

**Rule 23 - Motions; When Debatable; Withdrawal.**

When a motion is made and seconded, it shall be stated by the Presiding Officer before any debate shall be in order. Any such motion and any amendment thereto, may be withdrawn by the movers thereof at any time before the vote.

**Rule 24 - Division of Question.**

Any member may call for a division of the question, or the Presiding Officer may direct the same, and in either case the same shall be divided if it comprehends questions so distinct that one being taken away, the other will stand as an entire question for decision.

**Rule 25 - Adjournment.**

The motion to adjourn shall always be in order, unless Council is engaged in voting, and the motion to adjourn or lay on the table, or for the previous question, shall be decided without debate.

**Rule 26 - Roberts Rules of Order.**

In the absence of any rule upon the matter of business, the Council shall be governed by the current edition of "Roberts Rules of Order".

**Rule 27 - Amendments.**

These rules may be amended or altered or new rules adopted by a vote of the majority of all of the members elected at any meeting of the Council, on the report from the Rules Committee.

**Rule 28 - Minutes of Council.**

The Clerk of Council is responsible for keeping an accurate record of the minutes of all Council and Council committee meetings. All minutes of meetings shall be reduced in writing and a copy of the same shall be furnished to all Council members, Law Directors and Staff not later than three (3) days prior to the next regular meeting of Council, together with any available legislation.

**Rule 29 - Sunshine Law.**

- A. (1) To establish a reasonable method for any person to determine the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings;
- (2) Making provisions for giving advance notice of special meetings to the news media that have requested notification; and
- (3) Making provisions for persons to request and obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed.

- B. The Rule 29 is in addition to any applicable legal requirements as to notices to members of the municipality and to others in connection with specific meeting or specific subject matters.
- C. The Clerk of Council shall post all agendas noting the time and place of regular and committee meetings on the City's website at least twenty-four (24) hours prior to the day of the next regular or committee meeting.
- D. The Clerk of Council shall post a statement of the time and place of any organizational meeting of the municipal body at least twenty-four (24) hours before the time of such organizational meeting.
- E. Upon adjournment of any regular or special meeting to another day, the Clerk of Council shall promptly post notice of the time and place of such adjourned meeting.
- F. Except in the case of emergency special meetings, the Clerk of Council shall, if possible, at no later than twenty-four (24) hours before the time of a special meeting, post a statement of the time, place and purpose of such special meeting on the front of the Municipal Building (City Offices), Town Hall, and Community Center.
- G. Any news medium organization that desires to be given advance notification of special meetings of any municipal body shall file with the Clerk of Council a written request therefore. Except in the event of any emergency requiring immediate action, a special meeting shall not be held unless at least twenty-four (24) hours advance notice of time, place and purpose of such meeting is given to the news media requesting advance notification.
- H. News media requests for such advance notification of special meetings shall specify the municipal body that is the subject of such request; the name of the medium; the names, addresses and telephone numbers (during business hours) of two persons to either written or oral notification should be made and the name and telephone number of one person who can be reached by telephone at any hour for the purpose of notification. Each news medium shall be informed of such period of effectiveness at the time it files its request. Any notification provided herein to be given to the Clerk of Council or may be given under authority of the Clerk of Council, and a reasonable attempt of notification shall constitute notification in compliance with these rules.
- I. The Clerk of Council shall give such oral or written notification, or both, as the Clerk of Council determines, to the news media that have requested advance notification, of the time, place and purpose of such special meeting, at least twenty-four (24) hours prior to the time of such special meeting. In the event of emergency meeting a lesser time than twenty-four (24) hours may be given. The minutes or the call, or both, of any such special meeting shall state the general nature of the emergency requiring immediate official action.

**ORDINANCE NO. 20-044**

**AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AMENDMENT TO THE CONTRACT WITH THE FAIRFIELD COUNTY SHERIFF FOR POLICE PROTECTION**

WHEREAS, the City of Canal Winchester has contracted with the Fairfield County Sheriff for police protection for the city as authorized by Ordinance 18-36; and

WHEREAS, Council hereby finds and determines that it is in the best interest of the City of Canal Winchester to amend the contract to include additional staffing;

NOW THREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO:

Section 1. That the Mayor be authorized to enter into and execute an amendment to the current agreement with the Fairfield County Sheriff for police protection in a form substantially similar to the agreement attached hereto as Exhibit "A" and incorporated herein by reference.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

DATE PASSED \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST \_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
MAYOR

DATE APPROVED \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

\_\_\_\_\_  
Finance Director/Clerk of Council

**FIRST AMENDMENT TO THE AGREEMENT WITH THE FAIRFIELD COUNTY  
SHERIFF FOR POLICE PROTECTION**

This First Amendment (the “Amendment”) amends a certain **Agreement** entered into between the Sheriff of Fairfield County, Ohio (the “Sheriff”) and the City of Canal Winchester, Ohio (the “City”) and dated \_\_\_\_\_, 2020.

**RECITALS**

- A. The City is a municipal corporation desirous of acquiring additional police protection for the property and residents of the City which is located in both Franklin and Fairfield Counties, Ohio; and
- B. The Sheriff is authorized to enter into a contract with a municipal corporation for the performance of police functions as set forth in Ohio Revised Code Sections 311.29 and 737.04.

**WHEREFORE**, the Sheriff and the City (the “parties”) hereby agree as follows:

1. Personnel – Pursuant to the terms of Paragraph 10 of the Agreement, “Additional Personnel,” Paragraph 1 in the Agreement is hereby amended to read as follows:

The Sheriff agrees to fund eleven (11) deputies to provide three hundred seventy-six (376) hours per week of police protection to the City to keep the peace, protect property, and to perform other necessary police functions of the city. The Sheriff will assign exclusively to patrol the City two (2) Deputy Sheriffs for twenty-four (24) hours a day, seven (7) days a week, and a third Deputy Sheriff to work a shift to be mutually agreed upon in writing by the Mayor of the City of Canal Winchester and the Sheriff.

Effective as of the date of this amendment, the Sheriff agrees to fund one additional Deputy Sheriff, in addition to those provided for in the above paragraph, to exclusively patrol the City and to work a shift to be mutually agreed upon in writing by the Mayor of the City of Canal Winchester and the Sheriff for a total of twelve (12) funded deputies.

The Sheriff also agrees that, subject to annual appropriation by Canal Winchester City Council beginning January 1, 2021, a second additional Deputy Sheriff will be funded to exclusively patrol the City and to work a shift mutually agreed upon in writing by the Mayor of the City of Canal Winchester and the Sheriff for a total of thirteen (13) funded deputies.

The Sheriff further agrees to make available to the aforementioned Deputy Sheriffs who are assigned to patrol the City all training programs, special equipment, and other regular facilities of the Sheriff’s Office. It is further mutually agreed between the parties hereto that the duties of the aforesaid Deputy Sheriffs will be determined from time to time by the best judgment of the Sheriff and the City, including, but not limited to, normal police duties, serving court papers, and duties in cooperation with other City functions.

2. Additional Payments – Pursuant to the terms of Paragraph 10 of the Agreement, “Additional Personnel,” the City will pay all costs associated with the addition of Deputy Sheriffs exclusively assigned to patrol the City under this agreement. The amount of this Additional Annual Payment shall be \$ \_\_\_\_\_ for each additional Deputy Sheriff added under this agreement. Such costs will be in addition to the payment agreed upon in Paragraph 5 of the Agreement, “Annual Payment.”
  
3. Effective Date – This First Amendment shall commence on \_\_\_\_\_, 2020 and shall terminate at \_\_\_\_\_ on \_\_\_\_\_.

IN WITNESS WHEREOF, the parties have hereto set their hands this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Dave Phalen  
Sheriff  
Fairfield County, Ohio

CITY OF CANAL WINCHESTER  
COUNTY OF FRANKLIN  
STATE OF OHIO

By: \_\_\_\_\_  
Michael Ebert  
Mayor