



## **CANAL WINCHESTER CHARTER REVIEW COMMISSION**

### **COVID-19 ANNOUNCEMENT**

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

To access the September 30, 2020 meeting, click the following link.

<https://attendee.gotowebinar.com/rt/7310194726423542283>

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

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

[Submit a Comment](#)

# Canal Winchester

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



## Meeting Agenda

September 30, 2020

7:00 PM

## Charter Review Commission

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

*Alternate  
Rick Deeds*

- A. Call To Order
- B. Roll Call
- C. Approval of Minutes
  - i. [9-23-20 Meeting Minutes](#)
- D. **Public Comments** - *Due to COVID-19, Charter Review Commission meetings will not be open to the public until further notice. Those wishing to address the Commission are asked to submit written comments. Comments received by 3:00 p.m. the day of the meeting will be acknowledged at that evening's meeting. Comments can be submitted using the form available on the City's website.*
- E. Legal Counsel Report
- F. Items for Discussion
  - i. [Charter Article V - Mayor](#)
  - ii. [Charter Article VIII - Finance, Taxation, and Debt](#)
- G. Next Meeting - *Wednesday, October 14, 2020 at 7:00 p.m.*
- H. Adjournment

# Canal Winchester

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



## Meeting Minutes - DRAFT

September 23, 2020

7:00 PM

## Charter Review Commission

*Michael Stobart - Chair*

*Marilyn Rush-Ekelberry - Vice-Chair*

*Jim Bohnlein*

*Charles Carpenter*

*Pat DeWitt*

*Steve Donahue*

*Nick Franklin*

*Amy Giesecke*

*Jackie Marion*

*Liana Obert*

*Ryan Rose*

*Alternate*

*Rick Deeds*

**A. Call To Order**

*Vice Chairman Rush-Ekelberry called the meeting to order at 7:00 p.m.*

**B. Roll Call**

*Present 9 – Bohnlein, Carpenter, DeWitt, Donahue, Franklin, Marion, Obert, Rose, Rush-Ekelberry*

*Absent 3 – Deeds (Alternate), Giesecke, Stobart*

*Also in attendance – Jesse Shamp, Legal Counsel*

*Amanda Jackson, Finance Director/Clerk*

**C. Approval of Minutes****i. 9-16-20 Meeting Minutes**

*A motion was made by DeWitt to approve the minutes from the March 11, 2020 meeting, seconded by Carpenter. The motion carried with the following vote:*

*Yes 9 – Carpenter, Donahue, Bohnlein, DeWitt, Franklin, Marion, Obert, Rose, Rush-Ekelberry*

**D. Public Comments - Due to COVID-19, Charter Review Commission meetings will not be open to the public until further notice. Those wishing to address the Commission are asked to submit written comments. Comments received by 3:00 p.m. the day of the meeting will be acknowledged at that evening's meeting. Comments can be submitted using the form available on the City's website.**

*Rush-Ekelberry: Were any comments received from the public? Jackson (clerk): No comments were received.*

**E. Legal Counsel Report**

*Shamp: two items to pass around; first is what we talked about last time; how a citizen could potentially initiate an ordinance; city of Columbus has a method; intense but printed it out for everyone to read; involves a certain percentage of the electors of the city coming to council with an ordinance and signatures; almost like a ballot initiative but for an ordinance rather than an initiative or referendum; second is a very simple diagram on the different forms of government; strong mayor, weak mayor, hybrid mayor, council manager; Mr. Stobart sent around several examples as well; have started a running memorandum tracking the changes talked about at each meeting; let me know if you want it sent out every week or once through it one time and send out all proposed changes.*

*Carpenter: could we vote on everything we discussed last week to approve it; rather than waiting until very end; will forget everything we talked about in February/March; vote on each section when we're done; Shamp: up to you; have the authority to set it up how you want; Rush-Ekelberry: didn't vote on any articles we looked on in the past, have we?; Carpenter: no; can add to the agenda next week to vote on article V; understand what we've just discussed; put to rest for a while; Marion: not sure I'm prepared to do that; haven't studied the issues again and could make a decision tonight; Carpenter: not saying tonight; going forward; next week or following week vote on everything discussed already; then vote on a weekly basis going forward; Marion: thought decided to wait until end to vote; Rush-Ekelberry: don't recall any discussion about it; going to review everything again before voting on recommendations; Carpenter: think we'd lose a lot of the discussion we've had if wait until very end; Rush-Ekelberry: discussions are appearing in our minutes; up to rest of commission; like to start doing that next meeting; Franklin: good either way; thought we were trying to get this knocked out; Shamp: see both points; only though on waiting until the end and doing final review; something we come across in the next several meetings triggers something makes you want to go back; also take point*

*everything isn't as fresh in your mind as the week after discussed; Obert: haven't done forms of government yet; if we change, whole thing will have to change; if vote on each section and change form of government; have to go back and do it again; Carpenter: still have opportunity to change anything before submitted to council; fresher in our memory to vote on it; can go back and changed based on future meetings; DeWitt: go ahead and say we suggest this; make sure have consensus this is what we want to put in and vote at the end; is that not acceptable; Shamp: this week can update memo from last week and six months ago with tonight; review again next meeting; DeWitt: have discussed things but haven't said ok; have a consensus of opinion; Rush-Ekelberry: personally need time to digest this; want to go through review of Article V; as we've had it for past ten years; look at some other communities;*

## **F. Items for Discussion**

### **i. Charter Article V – Mayor**

*Marion: like to make a statement before we start; probably one of most critical things to talk about during course of this charter review; one of most critical provisions of charter; one that will profoundly impact future of Canal Winchester; all have personal friends that are elected officials of current government; come to this article with preset ideas of what future should look like; encourage all to open minds to what is best for city and not what is best for friends; charged with formulating plan for government for 10 years; heavy responsibility; must be taken seriously; need to consider current mayor and council have been elected by residents of city; should honor that by delaying implementation of recommending changes until expiration of current term or impacted elected official; alleviate potential concerns or personal conflicts; allow focus on what have been charged with accomplishing; ensure have best government for Canal Winchester;*

*Rush-Ekelberry: 5.01 Election; Carpenter: what does qualified person mean?; Bohnlein: qualifications are in 5.02; DeWitt: date has to change; election held in 2020; assuming; Rush-Ekelberry: and every four years thereafter; maybe that was the beginning; Obert: put any term limits on that; president has term limits; Carpenter: part of qualifications; Rush-Ekelberry: no; Marion: no lengthy of residency; Bohnlein: coming up; DeWitt: discussed being here a year last week; Marion: that was city council; where does it say residency; Bohnlein: first sentence of next one; DeWitt: shall have been an elector of Canal Winchester at the time he or she files for office and during his or her term; same thing as council; must be an elector for a year; Bohnlein: do same thing done with Council; make wording the same; qualifications to become council and qualifications to become mayor; Marion: does an elector mean have to vote in an election in Canal Winchester; or are registered to vote; Shamp: would mean you are a resident; can't be an elector unless you are resident; have to be within the city; certain think we should clarify like did with council; Rush-Ekelberry: should probably insert how long a resident; Bohnlein: it's in Council; saying do same wording for mayor that did for council; Rush-Ekelberry: something need to put in there; 2 years; Carpenter: what was council; Group: one year; Rush-Ekelberry: one year for mayor and for council; Obert: talk about term limits for mayor; DeWitt: don't have term limits for council; Franklin: what do you suggest; like president; two terms; Obert: yeah; Bohnlein: make sure say consecutive terms or two terms divided by term not that person; Mayor A runs in 2020, loses in 2024, can come back and be mayor in 2028?; Franklin: don't see why not; not consecutive; Carpenter: what's significant with two terms; Obert: just bring it up; Shamp: if someone serves two terms, doesn't serve for a term; limiting to two terms for life or two consecutive or broken up and can come back; need to figure out which; DeWitt: don't have many people falling over themselves to be mayor; going to continue that way; why need term limits; small city; Carpenter: not sure why that would be either; Marion: not a small town anymore; DeWitt: it's not Columbus; Marion: putting cart before the horse; what you have to do with way it's written; need to talk about kind of government we want; affects everything talking about now; way it's written we are going in proper order; anyone want to talk about city manager and mayor who is ceremonial head than administrator; no one is interested in that?; Bohnlein: followed other cities with strong mayors; seems things run smoother with someone in charge for four year term rather than city manager that come and go; city managers start out in city like Canal Winchester with population of 8,000; do fabulous job; Upper Arlington comes; city manager isn't*

doing such a good job; like you to come be our city manager for extra \$35,000 a year; so either pay extra \$35,000 more or he leaves; start over; gets own people; every two years or year, have different people running different departments; gets to be bidding war; unless having a lot of money to spend; bidding war gets involved in breaking up a city; breaks up continuity; Marion: been very fortunate; had a strong mayor that is capable; don't think always happens; if have city manager have opportunity to have someone competitive; way market it; person that is skilled in all areas needed to govern Canal Winchester; been around since 1909; more than half US cities have city managers; has to be something for it to be that strong; Carpenter: average length that city manager stays; Marion: can't tell you that; DeWitt: have no control over city manager; could live in Columbus; Marion: that could be put into charter; Donahue: could put a residency requirement; Obert: city manager answers to council who answers to the people; Marion: more direct reporting; Donahue: city manager similar to superintendent of schools; has board of education that oversees them; city manager is overseen by city council; a plus to city managers, most have masters in public administration; thing not so good, not elected by residents of city; residents elect mayor who just cuts ribbons; neither one is wrong; just what you want; Marion: intrigued by city where president of city council is acting ceremonial mayor; interesting concept; Rush-Ekelberry: Groveport is similar situation; have city manager; Lance Westcamp has been mayor; Donahue: first thing though of is city council president better not have full time job; not cutting ribbons and getting out of a job to do things; Marion: right; already a big job to be city council member; realize that too; DeWitt: why wouldn't city administrator be in charge; Donahue: difference is city administrator is run by mayor; city manager is run by council; Carpenter: mayor and council work together anyways; Donahue: city council has no recourse; Carpenter: if mayor vetoes, council can override; Donahue: neither is wrong; what fits community best; been fortunate; charter doesn't have how many hours mayor has to work; mayor would haven't to show up; mayor is strong mayor; can pick them apart; just what you thinks best; Carpenter: discussed one year residency for council and mayor; city manager have to live here one year before; Donahue: depends on what council puts in job description; Bohnlein: might not have someone qualified to be city manager in Canal Winchester; have to go out and find someplace out; cannot be residency requirement for city manager; Rush-Ekelberry: generally don't live within city limits; Marion: might not be necessary; going to manage administrative and physical things of community; mayor going to be more involved in listening to the people; find out what they want for city; city manager is like CEO; dealing daily with functions of city; Carpenter: what mayor does now; functions as CEO on day to day basis; Marion: correct; Carpenter: with no ties to community; except paycheck; Donahue: remember they are underneath city council; city council directs them; DeWitt: mayor would wave at Labor Day and cut ribbons; Donahue: some do; mayors salary isn't same as strong mayor; Bohnlein: would have to cut mayor salary down; DeWitt: have to pay city manager quite a bit; have to have staff; more layers; Bohnlein: read city manager brings own secretary; maybe another person; its expensive; Marion: also controlled by city council; is control; can't fire anyone; Donahue: would make recommendations; approved by city council; Obert: why would city manager have more staff than mayor does now; Bohnlein: bring their own people in; Obert: wouldn't need any more; same amount as running town now; Bohnlein: have to fire person doing that position; or find another job with city; Marion: didn't get that; could bring in own people and fire existing people; what was given to us; didn't see it at all; survey done by man in Cleveland; often end up saving money; not sending more; what's reluctance to change; Bohnlein: just that; change; Marion: in midst of change; more people than ever working from home in next how many years; wear these silly masks all the time; change is going to happen; inevitable; Bohnlein: are you unhappy with how it is now; Marion: could be improvement; Donahue: never going to satisfy everybody; do what thinks best for community; DeWitt: do we have to decide tonight; Bohnlein: article is about mayor; do we want a city manager; could change that tonight; or suggest a change; Carpenter: not reluctant to change; don't think city manager brings much value to city; past mayors have lived in community; cared about community; not looking to move on to become mayor of Columbus for another \$35,000 per year; city managers stay in job for three years and move on; can't back that up; bet they don't stay in job very long; Marion: like to see that; Donahue: elected mayor, strong mayor have four years; not going anywhere; city manager with masters in public administration; something comes up nicer with more money, have the availability to take that; city manager doesn't have security; for any reason council could say they are done; Marion: just because mayor has

security doesn't mean he's doing a good job; what if get bad mayor; Bohnlein: vote him out next term; Carpenter: just like any other election; Marion: got him for four years; city manager not doing good job, no limit; Rush-Ekelberry: had bad mayors during my time; two different situations; one realized once in office wasn't qualified; stayed two years and resigned; president became mayor; another wasn't well liked; council didn't work well with him; wasn't re-elected; are ways of handling it; city manager can be hired and fired; can leave on own more easily; had good ones and so-so ones; still grown; normally mayor lives here; knows and gets to know people working for; same as council; Marion: city manager would be nice change for community; Facebook has lot crap; more and more people discontented with community; don't know if it comes to city council; is it addressed; can't tell you; hear a lot of discontent never heard four years ago; Donahue: didn't hear about it because didn't have Facebook four years ago; people wouldn't say things to your face; will get on computer and type it up; Marion: grousing always gone on; never heard it as extreme as now; Bohnlein: opening for city manager in Hilliard; nominate you to go; how would feel first day on job; no nothing about Hilliard; city manager hiring from Louisville, KY or Dallas, TX doesn't know anything about our city; take how long to learn that need viaduct painted but railroad says no; Marion: can't agree with that at all; never different than a business; you go because of your qualifications; what can offer to job; yes personal side is important; still have mayor that works with city manager and conveys what's important; don't agree at all; no one agrees with me; DeWitt: Mayor has excellent staff; do all things put together city manager can do; any one I've dealt with has responded, been helpful, done their job; attend or listen to most city council meetings, can't believe work these people do; Marion: agree; but do we want town run by staff or mayor; DeWitt: is run by mayor; he supervises; pulled this staff together; Obert: no one saying staff doesn't do well; just entertaining idea of city manager; city manager is groomed to do; education is; background; doesn't matter town go into they know how to run a city; doesn't matter which city; DeWitt: that's where we disagree; Carpenter: assuming have strong council that can control city manager; sometimes city council isn't as strong; wasn't on agenda to vote on this; rather keep going through 5; Donahue: can keep investigating and bring examples; Marion: how can we do that when decided earlier wouldn't vote tonight; DeWitt: this is different; if put that in there, going to have to vote and say this is what we are going to do; Marion: have two members missing; should they not have input; Donahue: not voting on anything until end; Bohnlein: not voting tonight; decided to vote on previous articles we have made changes to; ask representative to print out changes to go over at next meeting; vote on those changes had already talked about; Marion: why talking about voting tonight on this particular article; DeWitt: just saying if going to have city manager, its fruitless to go through this article as written; Donahue: whole thing going have to be rewritten; then goes to council; say yay or nay;

Shamp: one way to keep going tonight; keep two tracks in mind; one keep as is; other to put words city manager anywhere mayor is; looking at powers listed in 5.04; are you comfortable with city manager having those; comfortable with mayor having those; wait to get everyone back; Franklin: not everyone here tonight; put a footnote; have two tracks; just keep moving; Carpenter: if have two tracks, already put one year residency requirement for mayor; same for city manager?; say can't do that; Shamp: several cities have city managers; can't have requirement before appoint them; many have within 6 months must become resident; one way to hook them into not wanting to leave in 8 months; have to buy house and move; something you can entertain; Bohnlein: can we have vote says all those in favor of changing wording to city manager say aye, those opposed nay; if can't, could draw thing out until midnight; Shamp: I'm hearing preference is for everyone to be here to make decision; certainly can walk through it; draft up everything; biggest part you'll talk about so spending two meetings on it it's a poor choice; can draft up options and distribute that; Rush-Ekelberry: so go ahead and do review of what we have before us; you will draft something similar but for city manager; Shamp: yes; propose go over it next week so everyone can see it; Rush-Ekelberry: alright with the commission; Group: Yes; Obert: does nobody thing term limits are important; Group: they are; Franklin: said two different things; consecutive or not; can only run twice; can only run twice consecutively; Bohnlein: two consecutive terms or two lifetime terms; Donahue: two terms of office period; Rush-Ekelberry: two consecutive terms; Bohnlein: two terms of office;

Rush-Ekelberry: 5.03 Vacancy, Temporary Absence or Disability; Obert: question on B; if president of council is acting mayor; is there conflict of interest there; DeWitt: president of council only conducts meetings; Obert: right; president of council becomes acting mayor; or does vice president become president of council; Rush-Ekelberry: president of council on temporary basis becomes mayor, he or she serves in two positions according to charter at this time; Shamp: is your question if council passes something and council president didn't vote for it, is acting mayor and vetoes it, is that a problem; Obert: right; Carpenter: says here doesn't have power to veto; can vote; just can't veto as acting mayor;

Rush-Ekelberry: 5.04 Powers, Functions, and Duties of the Mayor; Carpenter: if have a city manager, who does the law enforcement; Shamp: my experience, chief of police answers to city manager; in theory city manager is still chief law enforcement officer; chief of police is boss for all intents and purposes; runs through city manager; Carpenter: on B, where they promote doing away with goods or services; falls under the city manager; would recommend to council; council would vote on that; Donahue: Yes; Shamp: can say they have power to dismiss employees; nothing stopping you from doing that; given city manager that power without council approval; Donahue: do that, might as well keep strong mayor; just took council out of the mix; Carpenter: in 6, "submit to council and make available to the public a complete report on the finances and administrative activities of"; fall to the city manager or council; through council I'm assuming; Marion: number 8 would be a joint responsibility; Donahue: city manager may oversee but have director of finance making reports and recommendations; all directors would make recommendations to city manager; Marion: number 8 says "make recommendations to the Council concerning the affairs of Canal Winchester; depends on your definition of affairs; would be joint responsibility of city manager and mayor; DeWitt: if have city manager, mayor wouldn't have anything to do with these; Donahue: sure they would; mayor would be involved in some; Marion: city manager is operational part; mayor is pulse of community; what they like don't like; Donahue: some examples sent to us, mayor was policy developer; Carpenter: with city manager, who does mayor report to; Marion: don't know; good question; to the people; DeWitt: totally different communication thing; someone come to him with problem; go to manager; manager says no problem; has to answer for the manager says; Marion: over 50% of city in the United States have city manager; it must work; might decide not to do it; throwing out logs isn't productive; DeWitt: need to know what we are getting in to; Marion: Marsha Hall was mayor of Canal Winchester; city manager of Groveport; Rush-Ekelberry: Baltimore and Groveport; Marion: might be person of interest to talk to; have her share her experiences; good about one, bad about one; more knowledge we have better off we will be in making a selection; read these things; don't give us all the information we want; how often city manager goes to another job; would be good to know; if 50% of cities in United States have this kind of government; shouldn't just throw it out the window without investigating it; Rush-Ekelberry: other side of coin; other 50% have strong mayor; Marion: no; have a combination; Rush-Ekelberry: all kinds of hybrids; many ways we can govern;

Rush-Ekelberry: 5.05 Mayor's Veto Power; Donahue: has there every been a mayor veto; don't remember any; Rusk-Ekelberry: never had that; Donahue: ordinances and resolutions come from lot of work from directors on staff; from attorneys of the city; where recommendations come from for contracts; not very often something would be way out there; Shamp: definitely agree; draft city manager language would lose that power; doesn't have power to veto anything; Carpenter: council would be able to pass it; no veto; Donahue: have so many council members is checks and balances;

Rush-Ekelberry: 5.06 Administrator; Bohnlein: that's what we been talking about; Carpenter: Administrator is something different; Donahue: administrator works under mayor; manager works under council; Shamp: it's figure 3 on handout; called hybrid mayor system; Carpenter: every have a city administrator; Rush-Ekelberry: not to my knowledge; Mayor, ever had an administrator; Mayor Ebert: no; Obert: why is section in here; if have a strong mayor; Marion: because of the work load; Obert: has his directors; Marion: always been here; no one in last 10 years chosen to have one; Rush-Ekelberry: when charter was revised wanted to cover all bases; not that it will be used but it's there; Shamp: I read it as a safety valve; in case mayor is in over their head; doesn't have time they should have had; have chance to do

that; Carpenter: if city administrator was doing good job; would next mayor be able to hire them; says may not exceed current term of mayor; or let that person go and rehire as new employee; Shamp: they'd do that; Carpenter: up to the mayor then;

Rush-Ekelberry: anyone print out different models Michael sent out; printed out Gahanna, Upper Arlington, and Hilliard; Donahue: looked at those on my iphone; didn't print them; Rush-Ekelberry: all similar but not the same; all over the place; whatever works for that particular city; not saying one is better than other; what we feel will work for us; Jesse, you will be sending additional information about tonight's discussion; Shamp: will look at those you mentioned; what Mr. Stobart sent around; draft couple options of city manager; make suggested changes to mayor discussed tonight; discuss in detail; have few options in front of us; Rush-Ekelberry: Gahanna still has strong-mayor; some are partisan politics; Canal Winchester been non-partisan; prefer it that way; don't think we're there; don't feel it's necessary for Canal Winchester; Carpenter: like to see numbers attached to a budget; city manager gets paid x dollars; mayor gets paid x dollars; how does it compare; Donahue: in those readings, it was brought out in there; Rose: lot of those city were bigger; like to see examples of smaller cities; more comparable to us; don't have much in common with city with million people; structure and functions; day to day is lot different; Donahue: be interesting to see turnover at smaller ones; Rush-Ekelberry: can we get Groveport's charter; see what it has for mayors and council; Bohnlein: maybe Obetz too; Shamp: have very strong city administrator; not sure if it's call hybrid; city administrator does quite a bit of work; pull both; roughly comparable to size here; Bohnlein: can ask Mayor if anything he would suggest to make his job more successful or need to run city better; suggest any changes; Mayor Ebert: my recommendation between administrator or manager would be administrator; manager are not direct employee; contract employee; come in and negotiate everything; might get 5 weeks vacation off the bat; negotiate everything; city council part time position; aren't in every day; most not in every week; they would work for part time council; administrator works for mayor; finance director works for mayor; all directors; administrator becomes another director but is over other directors; Bohnlein: any changes like to have; Mayor Ebert: personally, I'd leave it as administrator; Obert: thinking back about so-so mayor's; one quit after two months; other stuck it out; in charter no way to get rid of so-so mayor; had to keep them for four years; Rush-Ekelberry: recall; Obert: didn't see that in there; Shamp: section 11; Rush-Ekelberry: ever seen that done; Shamp: not personally but do know they happen; Obert: what does that mean; Rush-Ekelberry: where would you insert that; Shamp: 11.01 is more hearing in front of council; as opposed to full recall in front of city; almost certain law in Ohio Revised Code provides for recall of elected official; percentage of previous electors in gubernatorial election; get 10% of previous electors, can get on ballot a recall election; will get code section for us for next time; Jackson (clerk): it's section 10; 10.02 is recall; Shamp: it's 15%; what we have now; last regular municipal election; Obert: can happen any time; Shamp: have to give them 6 months;

Rush-Ekelberry: Commission wish to take another article next week; one won't take too long; Donahue: thought we were off next week; Jackson (clerk): next meeting is September 30<sup>th</sup>; take a week off; meet again on October 14<sup>th</sup>; do not meet on October 7<sup>th</sup>; Rush-Ekelberry: feel like we should take one more article next week; Donahue: Jesse, how much material are you getting us for next week; Shamp: quite a bit; looking ahead at what might make sense to talk about; Article 8 may be logical tie in; has to do with mayor's contracting powers; DeWitt: Article 6 next week too; Rush-Ekelberry: no, just 8; Shamp: do 5 again and add 8; Rush-Ekelberry: Jesse is going to bring additional information; Rose: going to have anyone speak; city manager experience; Bohnlein: someone mentioned Marsha Hall; Marion: I know her; Bohnlein: are well allowed to do that; Shamp: think so; advisory body; has to go through council and back to the people; up to you to get as much information as you can; Marion: will contact her and let Mike know; Carpenter: when will we take a vote on it; know which direction we are going to go; Rush-Ekelberry: when we're comfortable; get all the information; tonight is not the night; next meeting next Wednesday the 30<sup>th</sup>.

#### **G. Next Meeting - Wednesday, September 30, 2020 at 7:00 p.m.**

H. Adjournment @ 8:16 p.m.

*A motion was made by Donahue to adjourn, seconded by Bohnlein. The motion carried with the following vote:*

*Yes 9 – Donahue, Bohnlein, Carpenter, DeWitt, Franklin, Marion, Obert, Rose, Rush-Ekelberry*

DRAFT

## **ARTICLE V MAYOR**

### **5.01 Election.**

At the regular municipal election to be held in 1999 and each four years thereafter a qualified person shall be elected mayor for a four year term. The term for the Mayor shall commence on the first day of January next following her or his election.

### **5.02 Qualifications.**

The person who holds the office of Mayor shall have been an elector of Canal Winchester at the time he or she files for office and during his or her term of office. The Mayor shall not hold any other public office or position of employment with Canal Winchester during a term, except he or she may hold office in a political party or be a delegate to a political party convention, serve as a notary public, serve as a member or officer in the military reserve or national guard, serve in any office position or capacity to represent Canal Winchester or to further intergovernmental cooperation, and may hold any office or position of employment permitted by this Charter or the laws of Ohio.

### **5.03 Vacancy, Temporary Absence or Disability.**

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

(B) If the Mayor is temporarily absent from Canal Winchester 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.

### **5.04 Powers, Functions and Duties of the Mayor.**

(A) The Mayor shall be the chief executive, administrative and law enforcement officer of Canal Winchester. 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, remove or otherwise discipline all municipal employees and appointive administrative officers, except as otherwise provided 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 Canal Winchester, 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 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 Canal Winchester 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 Canal Winchester.

(9) Require reports and information of subordinate officers and employees of Canal Winchester as he or she deems necessary in the orderly operation of Canal Winchester, or when requested to do so by the Council or any board or commission of Canal Winchester.

(10) Execute on behalf of Canal Winchester all contracts and agreements, except as otherwise provided in this Charter.

(11) Affix to official documents and instruments of Canal Winchester the Mayor's Seal, which shall be the seal of Canal Winchester, but the absence of the seal shall not affect the validity of any such document or instrument.

(12) Perform such other powers, duties and functions as are conferred or required by this Charter, by any ordinance or resolution of the Council, or by the laws of the State of Ohio.

#### **5.05 Mayor's Veto Power.**

(A) Each ordinance or resolution passed by the Council shall be presented to the Mayor for his or her approval or rejection. The Mayor shall have ten days after an ordinance or resolution was adopted to veto any ordinance or resolution and to return and file it with the Clerk of Council. The Mayor shall include the date of and reasons for his or her veto in writing addressed to the Council. The Mayor may veto the whole or any part of any ordinance or resolution authorizing the expenditure or appropriation of money. If the Mayor shall neither approve nor veto an ordinance or resolution within the ten day period described herein above, the ordinance or resolution shall take effect in the same manner as if the Mayor had approved it.

(B) The Council may override the Mayor's veto by motion passed by a two-thirds majority at a regular or special meeting of the Council held not sooner than six days nor later than fifteen days after the date of the Mayor's veto. If the Mayor's veto is overridden by the Council, the ordinance or resolution shall take effect in the same manner as if the Mayor had not vetoed the measure.

(C) The Mayor shall have no authority to veto an ordinance or resolution proposing to amend this Charter or establishing or calling for an election authorized by this Charter, the Constitution or laws of Ohio.

## **5.06 Administrator**

The Council may at the request of the Mayor, by ordinance, create or abolish the Office of the City Administrator (hereinafter referred to as the "Administrator"). The Administrator shall be appointed by the Mayor pursuant to Section 5.04(B)(1) of this Charter to serve at the pleasure of the Mayor and may be removed by the Mayor pursuant to Section 5.04(B)(1) of this Charter without cause. The Administrator shall assist the Mayor in the day-to-day operation of Canal Winchester and shall perform duties delegated to him or her by the Mayor, including but not limited to awarding contracts in an amount not exceeding the limits as established by the Ohio Revised Code Section 731.141. The Mayor may delegate, modify or revoke, the authority to supervise department and division heads to the Administrator. Until revoked, the delegation or modified delegation shall be effective, but may not exceed the current term of the Mayor or the period the person making the delegation or modified delegation holds the Office of Mayor.

The Administrator shall, in all respects, be subject to the control, direction, and supervision of the Mayor. The Administrator shall not hold any public office, unless authorized by Council, except he or she may hold office in a political party or be a delegate to a political party convention, serve as a member or officer in the military reserve or national guard, serve in any office, position or capacity to further intergovernmental cooperation, and may hold any office, other than Council Member, Director of Law or Director of Finance, as permitted by this Charter and the laws of Ohio. The Administrator may serve as a department head under this Charter.

**ARTICLE VIII  
FINANCE, TAXATION AND DEBT**

**8.01 General.**

The laws of Ohio relating to budgets, appropriations, taxation, debts, bonds, assessments and other fiscal matters of Canal Winchester shall be applicable to Canal Winchester, except as modified by or necessarily inconsistent with the provisions of this Charter, or when provision therefore is made in the Constitution of Ohio, regardless of whether the provision is specific or by way of general language or pursuant to court decision interpreting the Charter or the Constitution of Ohio.

**8.02 Contracting Powers and Procedures.**

(A) Except as otherwise provided in this Section, the Mayor, or his designee, shall award and execute all contracts on behalf of Canal Winchester.

(B) Council, by ordinance, shall establish a threshold amount, notice provisions and other procedures for competitive bidding. When any contract for the construction of a public improvement or the purchase of equipment, supplies, non-professional services or materials is estimated to exceed the threshold established by Council, the contract shall be competitively bid unless exempted under 8.02(C). Council shall award a contract to the lowest and best bidder, provided that Council may reject any and all bids in whole or by items. No contract shall be divided to avoid the requirements of competitive bidding.

(C) By a vote of no less than five members, Council may waive the competitive bidding requirement if Council determines that an item is available and can be acquired only from a single source or if Council determines that a waiver of the competitive bidding requirement is in the best interest of the City.

(D) The Mayor shall select the project delivery method that in the Mayor's sole discretion is in the best interest of Canal Winchester and may include without limitation design-build, single-prime contracts, or any other method of project delivery.

(E) Notwithstanding any provision of general law, contractors and vendors shall not be entitled to receive interest on funds temporarily retained on a contract pending final acceptance of work performed or goods supplied, nor shall Canal Winchester be required to maintain a separate escrow account from which to pay any contractor or vendor.

(F) Contracts for professional services, including design and engineering contracts, shall not be subject to the competitive bidding requirements of this Section and shall not require authorization by Council if the current operating budget provides sufficient funding for the scope of services in any such contract.

(G) Council shall establish procedures for alterations or modifications of contracts. Modifications or alterations of contracts shall not require competitive bidding.

(H) No contract involving the expenditure of money shall be entered into or authorized by the Mayor unless the Director of Finance or designee shall first certify that:

- (1) funds required for the contract are in the Village's treasury or in the process of collection; and
- (2) funds have been appropriated by Council and remain unencumbered.

(I) The Director of Finance shall file and record the certification of availability and appropriation of funds in the accounting records of the Village and shall furnish a copy to the vendor or contractor. Without the certification, a contractual obligation shall be void and unenforceable against the Village unless recognized by Council as a moral obligation.