

# Canal Winchester

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



## Meeting Minutes - FINAL

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*

*Michael Ebert, Mayor*

**C. Approval of Minutes****i. [9-16-20 Meeting Minutes](#)**

*A motion was made by Carpenter to approve the minutes from the September 16, 2020 meeting, seconded by Donahue. 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 thought 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 think 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 head 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*