



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 October 14, 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

October 14, 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. [9-30-20 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.*
 - i. [October 10, 2020 R. Stemen Public Comment](#)
- E. Legal Counsel Report
- F. Items for Discussion
 - i. [Charter Article V - Mayor](#)
 - ii. [Charter Article XI - General Provisions](#)
- G. **Next Meeting** - *Wednesday, October 21, 2020 at 7:00 p.m.*
- H. Adjournment

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

Chairman Stobart called the meeting to order at 7:00 p.m.

B. Roll Call

Present 10 – Bohnlein, Carpenter, DeWitt, Donahue, Giesecke, Marion, Obert, Rose, Rush-Ekelberry, Stobart
Absent 2 – Deeds (Alternate), Franklin

Also in attendance – Jesse Shamp, Legal Counsel
Amanda Jackson, Finance Director/Clerk
Michael Ebert, Mayor

C. Approval of Minutes**i. 9-23-20 Meeting Minutes**

Stobart: I reviewed minutes from last meeting; have a date, the approval of the minutes; motion was made by DeWitt to approve the minutes from March 11th should be September 23rd; Jackson (clerk): So we are amending the minutes, is that what I'm hearing; Stobart: Yes; They were hard to follow; I'm not sure how the minutes get transcribed; do we use software; Jackson (clerk): No, I do it by hand; Stobart: It looked like a lot of people were talking over each other maybe, is that what caused; Jackson (clerk): I just don't do it in full sentences or you'd end up with 20 pages of notes; that typically just been the style that we've used; if you'd like us to go to more of complete sentences, we can; Stobart: No, it was just me trying to get back up to speed.

Obert: I wanted to note that the Mayor was in attendance; Jackson (clerk): Because he is a member of the public, per say, that's why I didn't include him on there but I can if the commission would like; Obert: I didn't know he was public so it doesn't matter;

A motion was made by Rush-Ekelberry to approve the minutes from the September 23, 2020 meeting as amended, seconded by DeWitt. The motion carried with the following vote:

Yes 10 – Rush- Ekelberry, DeWitt, Carpenter, Bohnlein, Donahue, Giesecke, Marion, Obert, Rose, Stobart

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.*

Stobart: Did we receive any public comments; Jackson (clerk): We did not;

E. Legal Counsel Report

Stobart: Legal counsel report; Shamp: I don't have anything except the handout I sent around; I assume that will be a topic of conversation

F. Items for Discussion**ii. Charter Article VIII - Finance, Taxation, and Debt**

Stobart: Two topics tonight; Mayor and Finance section 8; we have not voted on this; everyone still ok with two path approach; DeWitt: Vote at the end; but we vote on each section; Carpenter: So we are not going to vote the next week

on the previous week's so it's more fresh in our minds; wait until the end and vote on everything; Stobart: That's what I'm saying; that's my recommendation; and we keep a running red-lined version; I started a red-lined version; Jesse do you maintain one; Shamp: Yes I have both a red-lined version on my computer and running memo that goes in order by section; Stobart: Is that acceptable to the committee as we are capturing this at least and if you want we can periodically distribute it; Shamp: I can send it out every week; meant to do that and did not; I can send it out tonight; what we already have; you can review it by week; Stobart: That way it's fresh in our minds; Carpenter: That was my only point; it's still fresh in our minds what we talked about last week; next week we are not having a meeting; so it'll be a two week delay; Stobart: With red-line we can reflect on the next meeting; can say no, no that's not exactly what we agreed to; keeping it current; I would like to note that Mrs. Marion spoke at the beginning making a statement; I thought it was very insightful; we are looking at the future of the city; isn't about current positions; isn't about current council members; this is about the structure of what the city will look like in the future; most importantly just a reflection that we are just an advisory committee; not here making law; here advising council; council ultimately voting on whether to put this on ballot for city residents to vote on and approve; as we go through and review this just us saying here's some things to consider council; as they consider it, hey residents here's something for you to consider; we think this is advisable; it's not all sitting on our shoulder other than to evaluate what we currently have and what we would like to see as options; Rush-Ekelberry: We make recommendations; council makes the final decision; Carpenter: It says we have to do this for 10 years but with technology and everything changing so rapidly; is there a way to change this for five years; or could adopt it at 10 years and review it again in 5 years if council sees fit; 10 years seems like a long time anymore; Shamp: Yes, we have it in our charter that we've made it 10 years so we could make it every year if we wanted; Carpenter: We don't want to do that; 10 years is such a long time with the way things have changed tremendously; Rush-Ekelberry: Do you know how we chose 10 years; is that in the Ohio code; that you have to every 10 years; doesn't mean you can't do it sooner; Shamp: Right; Stobart: Council could of their own volition if they wanted;

Stobart: Any comments on section 8.01; hearing none, 8.02; Carpenter: The way I read this, it doesn't necessarily have to be the lowest bidder when it includes best bidder; part B; Council shall award a contract to the lowest and best bidder; best bidder gives council an out to go around the lowest bidder; Shamp: Yes; Stobart: Have there been any issues, Amanda, from a finance standpoint that you've seen over the years; concerns you have within provisions of this authority; Jackson (clerk): Nothing that I've come across in my years here; Stobart: Ever had any legal action related to this section; Shamp: No; Rush-Ekelberry: We need to change some wording; 3 places here; Village's treasury; that should be City; and in the very last paragraph; Village is in two places to be changed to City; DeWitt: It's in H1 and two of them in I; Stobart: Question on F; contracts for professional services shall not be subject to competitive bidding requirements and shall not require authorization by council; does that assume there is already a budget for those professional services that council has approved the professional services; or do we just have a bucket of money for professional services; Carpenter: It says if the current operating budget provides sufficient funding; Stobart: The way I read that is if we just put a bucket of money in there for professional services you don't need to bid any professional service, right; Carpenter: That's the way I read it but I don't know; Stobart: So only construction contracts are bid; so way I read that is anything other than construction does not require competitive bidding; Donahue: Amanda, can you give us an example; Jackson (clerk): Of what does not require competitive bidding; there is a section in the Ohio Revised Code that calls out certain things that do not require competitive bidding and that's where the professional services line in here comes from; things you can only get from one or two vendors kind of situation; I don't know the exactly code section but I can look it up for you; Stobart: What has been our practice for competitive bidding; Jackson (clerk): We have a threshold for one; anything over that competitive bidding threshold which is \$75,000 which is spelled out in here would have to be subject to competitive bidding unless council dispenses of that requirement which is also called for in the charter; Carpenter: Wo the \$75,000 that was in the original; Jackson (clerk): I believe it's in there; Carpenter: Do we have to review that since that was 10 years ago and I would think the cost of services have gone up; I didn't see it in this section; Shamp: I think in B they just establish a threshold amount; Carpenter: So council does every year; Shamp: That's how I read it; I don't think they have to do it every year but they could; that's in B Council, by ordinance, shall establish a threshold amount so I think we are at \$75,000 now but they have the right to change it if they need to;

Stobart: That makes complete sense; you have some charters that are literally 8 pages and others that are 30-40 pages; I don't have any other comments; so only have one change then in a few places.

i. [Charter Article V – Mayor](#)

Stobart: Do we want to start off with city manager forms of government; the memo that Jesse sent around on the 24th; I did send out copies of the Groveport charter as well as Obetz; saw there was a request for those; Rush-Ekelberry: Obetz appeared to be very close to our form of government at this time; Groveport is slightly different; I was thinking they had a city manager; I was incorrect; It's a city administrator which is different; Stobart: The mayor has the power to appoint today, doesn't he; Rush-Ekelberry: Oh yeah; DeWitt: I looked up job descriptions for City of Columbus; Mayor is Chief Administrator of the city; as far as I could see reading the job description for the city manager, he's really just an administrator; all he does is prepare the council agenda, does revisions and recommendations; never found who he reported to; don't know if he reports to the mayor or reports to council; Donahue: It's a strong mayor so he would report to the mayor; DeWitt: They actually have two city managers; both of them, their job descriptions are more like an administrator; Stobart: I saw when I was looking at Groveport; it's really the hiring and firing and overseeing; supervising all administrative departments and subdivisions thereof; Rush-Ekelberry: 5.03 in Groveport's; The Mayor shall be the chief executive and law enforcement officer of the municipality; so he is in control; Stobart: It's together with the administrator to administer and generally control, direct and supervise all administrative departments, divisions, and sub-units thereof; Rush-Ekelberry: As I read it, he supervises the administrator; Stobart: He does; Rush-Ekelberry: He or she does more of the operationally day to day; Stobart: That's true; One key thing is the administrator is appointed by the mayor but council actually confirms by a majority vote that qualified person; goes to the removal; one of the key things; there is exercise of control on the selection of that administrator; it's not solely dedicated by the mayor itself; Rush-Ekelberry: It's not an elected position; Carpenter: We aren't really discussing the administrator; we're talking about a city manager versus a mayor; we already have where we can get a city administrator based on the charter we currently have; Stobart: Right; then it'd be the question of what type of control do you want over the administration; powers of that administrator and council's oversight of that administrator; less of a ministerial role and more of an administrative role; similar to a manager but not with the full power; DeWitt: Like to ask Jackie, last week you brought it up saying that people are unhappy; what would a city manager do to make them happy; Marion: I can't answer for everybody; I think right now we have a very partisan government in Canal Winchester and that's what people object to; DeWitt: The people I talk to are very happy with the way things are; guess I'm talking to the wrong people; Marion: Not necessarily; there are different people that have different opinions; DeWitt: There's varied opinions, I agree with that; I know there are people that want us to be more like a big city government, most of the people I talk to, most have lived here a while and like things the way they are; Rush-Ekelberry: I think a lot of people in a city our size like to have the ability to elect their officials, whether it's the mayor or the council; they want to have that ability to do so; Stobart: For me is the control, the experience, and the professional nature; I'm happy with the way things are today; saw you guys talked about term limits; I can go into that in second; I worked at the state house as a legislative aide with term limits went into effect; I can tell you some of the ramifications of that and share some of the papers on that as well; for me, we have a mayor that's very tenured; he knows the job today, has experience; know it took some time to get there because it's experience; you learn it as you do it; will have people who are not necessarily qualified; come into the job brand new; don't have managerial experience necessarily; may not understand all the innerworkings of the departments; for me it's much more comforting to know that I have a professional in there that's being hired; and from day one is hitting the job running; and think about that if you put term limits in; DeWitt: And that's why we have a good staff over at city hall; Stobart: We do; staff isn't accountable to the public; DeWitt: They all know their job and do it; can't see it changing; Stobart: One other difference; get someone day one who is professional; you have the mayor who oversees that person or the council; either or; think about the accountability of that; with 7 council members I always have a person I can go to; one of the luxuries we have today is council members are holding meet-and-greets all the time so you can bend their ear; when you have one person, as the city gets larger and larger, the residents trying to make time with the mayor with one single person, you're less likely to have your voice heard on an individual basis; DeWitt: We also discussed that they won't necessarily live here; and then throw in maybe we should make them live here; you can't just pick from our community; there may be no one who is capable of doing it; so if you

go outside the city, if you put that on there that you're going to make them move here; not so sure that's a good idea; but yet if they don't live in our community, they are going to be operating unknown; Marion: I thought about that too Pat; I don't think we should make a manager live here; that position is not necessarily personal; it's more administrative; it's more business-like; it's not necessarily knowing Joe Blow down the street; that would be the mayor's function; so I don't think a requirement to live here is necessarily a good thing; for a manager or even an administrator; Stobart: Or the department heads; we don't that today; we have a Development Director and there's no requirement for residency here; he's building our community; making the recommendations; he does a fine job; Bohnlein: If the commission decides that we need a change; let's change and we go to an administrator and we do that; and two years down the road we say "my god that was a mistake"; how do we get out of it; Stobart: Amend the charter; Bohnlein: That's what I'm saying; have to go back and amend the charter; start from scratch again and we've lost two years; or had two years of problems; going to have to take another two years then to get back to where we were two years before; all kinds of problems can creep in to making changes go for the sake of making a change; has to be more accountability and reason to make a change then just to say it's time for a change; because we have some unhappy people so let's make a change; there's not a board outside here when you walk by city hall that says when everybody who walks by and is unhappy make a check mark; and everybody who is happy make a check mark; and at the end of two weeks we say "oh my goodness we need to have a change. There's been 16 people that say they're unhappy and only 8 people that say they are happy. We need to make a change."; the people who want to make the change say they are unhappy; they are the ones who put their checkmarks down; to me, it's a scary thing; it's a big decision that we might be making in the next few weeks to make a change; it's something that takes contemplation; Carpenter: We need to make sure we are understanding the distinction between a city manager and a city administrator; and that we are discussing a city manager that reports to the council; and the city administrator the mayor can appoint and reports to the mayor; make sure we have the distinction between city manager and city administrator proper; I have a question about how we're saying sometimes you get a new mayor in or someone who is not as capable as maybe the past mayor and it takes time to get up to speed; I'm more concerned about the council and their ability to make decisions and move forward; it seems to me that they have had one function to hire a council clerk and so far they can't even do that which is a part time employee for \$23/hour versus a city manager for over \$100,000; I have trouble in saying that I have enough confidence in council to make that change from a mayor to a city manager;

DeWitt: I have a question about what Jim said; I didn't think we could do anything with this after it's set for 10 years; you mean they can come it and change it half way through; Stobart: Sure, yeah the council could; you can give them authority; council could come through and say this isn't working out; we took on this power; we don't like this; this isn't working; we are going to revert back; they would essentially pass a resolution and put it back to the citizens to vote on it; DeWitt: I know they have to approve whatever we put in; I didn't know that in two years from now they could say they want to change it; Carpenter: But would council have to make a commission like this so it's not just council; Stobart: I don't believe so; Carpenter: So why are we doing this; why didn't council just update this; Stobart: Because they want the citizens input; it's the advisory; that's the beautiful role here; we serving in advisory capacity; we aren't making the decision; we can take this today and say "I'm really nervous about this. Council here's something for you to consider"; Council can say "No thanks. We don't want that power. We don't like that. In fact, we like the city administrator idea." And go that route; DeWitt: I feel very strongly that once you have a city manager, you will always have a city manager; there's no going back on that; it would be almost impossible; Marion: Maybe that's a good thing; city manager government is the fastest growing form of government in the United States at the local level; at least I read that; and to Jim's comments, what you said about the city manager, that same thing applies to a mayor; could get a bad mayor and you're stuck for four years; DeWitt: You can have a recall if he's that bad; Marion: We talked about this last week; we've had two kind of unfortunate mayors in this town and we've never had a recall; Bohnlein: No, but it did change at the election; Marion: Right; but that was four years later; so what you said about a manager is also true of a mayor; Carpenter: That goes back to if you have a city manager doing a poor job, it's up to the council to decide that; if council says he's not doing a poor job but all the citizens think that he is; you can't even vote them out except for the city council; you'd have to get city council out; it rotates; it would be tough to do that; Giesecke: I have a question; with a city manager are their qualifications, I'm assuming a job description with all of their qualifications listed, ultimately like you said the council would make the decision on how to hire; but could they be more stringent or

more detailed than the qualifications of someone to be able to run for mayor; so you could have a very inexperienced person that comes in and gets elected because they are well liked in the community but have very little experience and could be a very ineffective mayor; where as if it were a city manager, even though council has the decision to hire, they are bound by a job description and qualifications that that person has to meet before they could even be considered to be hired; so in essence, they could be a very experienced city manager and they could come in and really do well; Stobart: That's right; are there any qualifications for mayor; Marion: Has to be an elector; Stobart: Today a resident as of one day; and we are talking one year;

Rush-Ekelberry: One thing that Ms. Obert mentioned last week that I liked; mayor must be a resident for one year; I really like two but one year is okay; two consecutive terms only; so they can run for 8 years but then off say 4 years; if they wish to run again, then they can; Stobart: This was my experience in the statehouse; University of Akron put a research paper out on it; I'll share that as well; term limits in concept are good; there is actually a constitutional amendment they are putting up on this election as well that looks like it will be on the ballot on term limits; today it's two consecutive terms in the house and two in the senate; what they do is they just flip back and forth between house and senate or they will go into a judicial shift and then come back; Rush-Ekelberry: But that's a little different; they have the option to go back and forth; but our president is two terms; Stobart: What Ohio is trying to do today is put in a 16 year total Ohio legislature cap; so you can serve 16 years that's it, you're done; down side to that; my experience was that special interests and lobbyists became very powerful because every two years we got a new representative that we had to train and they didn't know anything; they didn't know the rules; they didn't know the budget process; so it was revolving door lobbyists in there constantly talking to the reps; getting their interests; what to talk about, stuff getting in bills real quick; they didn't even know what they were pushing through honestly; so one concern I have on terms limits on the mayor, if we are just going to leave it as the mayor and not have a manager or administrator professional there, by the time they get up to speed and have the experience to do the job and be effective, we are kicking them out; that's the one down side to the term limits; it can go either way; Carpenter: Other thing two we talked about there were a couple of bad mayors, ok; but we've had a lot of great mayors too; so again, why waste that experience and expertise by saying arbitrarily putting a two term limit on them; if they are doing a great job, let them keep running, if the people keep electing them; same way with a city manager; if they are doing a great job let them keep going; you're not putting a limit on a city manager; in my mind it be would be equivalent to putting a limit on the mayor, you should put a limit on the city manager then too; Rush-Ekelberry: You're right Chuck; the citizens will vote them out; if they do not like the job they've done, they'll vote them out; Carpenter: Or if they like the job they've done, they've vote them back on; Stobart: I used to be in support of term limits until I saw the ramifications of them; I started leaning against it for that reason; Rush-Ekelberry: So you've seen the other side of the coin; Stobart: You do lose experience; the counter to that always is it shouldn't be a professional job; George Washington two terms and he was out; we use that as the litmus test; he's the standard for this as well; some state legislatures are temporary in nature; they only sit three months in the year; for us we have a full time legislature here; don't know that's necessarily a good thing; DeWitt: My concern about council is that it's hard to find people that are willing; it pays next to nothing; to get people willing to run that are capable and you lose all this experience; but if you are going to do that with the mayor; you almost have to do it for council; Stobart: With council, practically speaking, it becomes more of a lift if you have a city manager; DeWitt: If they chose not to run again, that's their prerogative; sometimes in that last year when they know they can't run again things do go to good; Rush-Ekelberry: They become a lame duck; DeWitt: Yeah, every four years you're going to have a lame duck; Bohnlein: Are there any provisions for council pay in the charter; or how does that work; Stobart: It's set by council; Donahue: Council sets their pay as well as the mayor's pay; Carpenter: In the cities that have city managers, are their councils mainly full time councils or part time; Stobart: When you say full time, that being their job; like Hilliard's they are part time; Carpenter: I would assume so;

Stobart: You have the hybrid here that Jesse shared; strong mayor-city manager-council form; you still have the mayor in that role; the key thing, and this is what Groveport looks like, the mayor shall appoint with the concurrence of council; so it's council oversight of that administrative function that the mayor oversees; when you look at the qualifications, they have to have executive and administrative qualifications, council gets to review them, and the manager is responsible to the mayor for administration of all affairs within the city; the mayor has fewer duties than our mayor would today and the administrator would have those day to day functions; and have council oversight of

that administrator, not at the discretion of the mayor; Carpenter: But that's not the way our charter reads because the administrator reports to the mayor; DeWitt: On the hybrid the city manager reports to the mayor and would make more money than the mayor; that would make for a lovely working relationship; Stobart: Again, it's a political position; not a job in this form of government; DeWitt: I still like seeing the people at the top; Stobart: Making the most; DeWitt: (shakes head yes); Rush-Ekelberry: In Groveport, under 6.02 Powers and Duties of the Administrator; I believe it's a little bit different in that they are over the administrative officers; Stobart: The administrator is; yes; that's what Jesse shared as well in the hybrid, it's the mayor and council members shall not give orders to any subordinate of the city manager, either publicly or privately; the city manager really does run the day to day to operations; Rush-Ekelberry: City administrator; Stobart: What's funny is every one is saying administrator and manager; they can be functionally the same; Groveport you can call them a city manager, you can call them a city administrator; I can do the same thing in this one; Rush-Ekelberry: We have administrators of different departments within our government here; I think the mayor is over those administrators; Stobart: You would have a city administrator over department heads in Groveport; Rush-Ekelberry: But Groveport is a little different; Stobart: In the strong mayor-city manager-council form you could do the same thing; we can call it a city administrator; whether you call it manager or administrator, functionally it's just how the power gets divided up between the people; Shamp: The difference between Groveport and here now is that in Groveport there has to be a city administrator; here the choice is given to the mayor to tell council he wants an administrator;

Carpenter: Are we to talk about the financial impact of mayor versus city manager and the longevity of city managers; I looked up the longevity and they said, two articles that I read, one was 3.2 years on the average; the other was like 6.3 years on the average; so it's somewhere between 3 and 6 I guess; the length of stay of a city manager in any one position; and then the cost of the city manager was significantly more than the cost of a mayor; plus you would have still have to pay the mayor something; Stobart: I have not seen any pay break out on city managers versus administrators versus mayors; Carpenter: This is from the Mid-Ohio Regional Planning Commission; again they break it down mayor with no city manager; mayor with city manager and the city manager by themselves; the average just for the city manager which includes Delaware, Dublin, New Albany, Upper Arlington so the surrounding Central Ohio which is the market we would compete with I assume; is an average of \$170,000 plus benefits on top of that; probably talking close to \$200,000 I would think; plus if they brought in an administrative assistant for themselves; plus then you would have to pay the current mayor something plus benefits; so you're doubling the benefit package; maybe tripling if you're bringing in an administrative assistant; seems to me would impact the budget quite a bit; but I don't know if we are talking about that here; Stobart: Yeah appropriate forum to talk about that I would think; Rose: What was the mayor; Carpenter: Mayor with no city manager is \$78,000; if I'm not mistaken, we do not have an administrative assistant right now; so there wouldn't be that; some of the difference is the city manager negotiates their own salary and benefit package where the mayor, like we just said, the council sets that according to where they are at in the budgeting process; Stobart: Those are good averages, let's see if we could find other comps for cities our size; Dublin's budget is you know; Carpenter: I know but again that is the market we are competing against that's why I went with Mid-Ohio; Stobart: I can see that being for any administrative office though; Development Director; Director of Finance; same thought, those are all market positions; we are competing with that same talent everywhere; Carpenter: Sure;

Stobart: One difference I will note as I looked at the administrator today, in 5.06, council can request of the mayor to create an office of city administrator; council could do that today; only difference we see in Groveport and what Jesse brought about the strong mayor, the mayor has all the ability to hire or fire without cause; that's the key; the administrator is really just an administrative office; an admin, that's it; it's not really a true administrator in the sense of any responsibility to council or anyone else; it's the one difference; Rush-Ekelberry: So we have that already in our charter; Stobart: We do for an administrator; Rush-Ekelberry: At the mayor's request; Stobart: Council can actually request it by ordinance and say the mayor wanted an administrator; then the mayor is in complete control of the administrator; to your point of costs, you're just duplicating costs at that point of time; unless council wanted to cut the mayor's salary and have the administrator there but that goes to Pat's point; Donahue: That doesn't make a whole lot of sense; the Council tell him that he needs an administrator and the mayor is going to oversee the administrator; if there was a need for an administrator, the mayor would ask for it; Stobart: That's right; I come back to the qualifications; I'm electing a mayor for four years; If we get a bad Mayor, we are stuck for four years; we can do a recall

but we haven't; the more oversight we have over that position the better; that oversight is going to come from the council in my vote; they are more accountable to the citizens; again same problem, if you have a council you don't like, you're still in the position of having to vote them out to replace the city administrator if they want; two sides of a coin; Carpenter: If you look at history, we've had more good mayors than bad mayors; Stobart: Marsha Hall; I saw that in the notes as well; that someone had recommended reaching out to her; I did place a call to her and left her a voice message just said that it might be something to have her come in; she was city mayor of Canal Winchester back in the 90s, she has been city administrator of Baltimore, Ohio and she was the city administrator at Groveport; under the powers and duties of Groveport it might be helpful to have her perspective; she's seen it all; the good and the bad of every one of those; experience doesn't hurt to listen to; I would have the recommendation that we bring her in on October 14th and question her on what she's seen, her experiences, the goods and the bads; to your point on the salaries; has it cost more, what's it like; what are the difficulties you have had either in interacting with council or the mayor; I know there have been some political issues in Groveport; it would be interesting to see how they dealt with it; they have a different system than we have; that's just my recommendation; Bohnlein: Has anyone here, somebody mentioned last week that they were going to contact Marsha; Rush-Ekelberry: Jackie; Marion: I did and she's available on the 14th; Stobart: If no objections bring her in as, she's not a public individual at that point if we invite her; any problems with that Amanda; Jackson (clerk): You can invite whomever you want; Stobart: If anyone has any other thoughts of anyone that you would like to hear from or know of anyone; someone mentioned in that they know council members from other cities that have other forms of government; if there's someone else you guys want to bring in; this is going to be the most controversial provision; I don't see anything else in here that's of any concern or note; if I recall, this is something the charter commission back in 2010 wrestled with as well; so this isn't new; let's wrestle with it again; figure out where we are going next; Rush-Ekelberry: They did; plus we were going from a village to a city charter; so they were grabbing with a lot of different things at that time; we have so many things that we have looked at both you and Jesse have provided; and I've come to the opinion that every city or village are comfortable with whatever they have; and they are all different; just slightly different; DeWitt: The problem with this section is that we are stuck until we decide what we are going to do; so I don't know why we are even going over it; Donahue: All we are doing is making a recommendation; you have to remember that too; we aren't making the final decision; DeWitt: Right; it will have to be totally rewritten; Donahue: We can make recommendations and council can say "no we aren't going to do that"; Stobart: Even to your point, the two track way, we've already gone through it at least; and let's say we don't go down that path, we have the changes we'd be interested in making; the residency requirement; Marion: I think the suggestion that Chuck made has a lot of validity; things are changing so fast in our world that five years is a more reasonable time for a charter than ten;

Bohnlein: Mayor Ebert, when is your term up; Ebert: '23; Stobart: that's one other thing I did notice, when you look at these other charters, any changes they make, it's clear they try not to impact anyone currently in office so those changes occur later;

Stobart: I'm looking for it but I'm not seeing it Jesse; Shamp: What are you looking for; Stobart: the amendment; I see the effective date of the charter; Effective date of the 2010 amendment; there, 7.06. Shamp: Yep; Rush-Ekelberry: Would it have anything to do with governing under the statutes of the state of Ohio; Shamp: in 11.06 says this charter may be amended by the voters as provided by the constitution; I can look up what that provision is; but 7.06 has this Board, the Charter Review Commission, in the chapter on Boards and Organizations and has us meeting every ten years; that could be changed to five easily; Stobart: Do we want to have Jesse make that change now for the red-lined version at least; (consensus of yes by the group); that's another way, we can handle it five years from now;

Stobart: Let's talk about the two parts; if we want just as it stands today; we talked about a one year residency requirement; we talked about the possibility of term limits; I don't know if anyone wants to see language on that as an option in there; at least give us something to vote on; Rush-Ekelberry: I brought it up because Mrs. Obert brought it up last week and we were discussing it; Obert: I wanted to talk about it and see if it's something we should look at or now; I appreciate your comments about it; I didn't think of it that way; I think of it more as somebody might get complacent; Stobart: One thing for all us is that we don't have a voice in this; if you feel passionate about something you want a provision in there, at the very least let's get it in and then we can vote at the end; if nothing else your voice is heard and

there may be people behind you that really supports that; Marion: Are you just reviewing things that we discussed changing; Stobart: Yes, I just want to make sure Jesse gets them in the red-line that's why; Marion: One of the things, and I don't know if everyone was in agreement with this, but we talked about the election being non-partisan; We realize that on the ballot it's non-partisan but up until this last year, we've never had an endorsement from a political party in this town and now we've had that; I wonder if that's a good thing for the town or bad thing for the town; do we want to tighten that rule up or leave it as it is; Rush-Ekelberry: Jackie, at this point, the size of our community leaving it as a non-partisan is better; leave mayor and council non-partisan; Marion: Then we'd have to tighten up the language; because we did have a political election this past time; we had an endorsement from the Republican Party; Ebert: That doesn't make it a partisan race; Marion: It doesn't the way it's written now, correct; the way it's written now I understand that it's on the ballot it's not republican or democrat; but my question is do we even want that endorsement in our town; Bohnlein: I don't think you can stop that; Stobart: I don't think you can stop the endorsements; what you can stop though is the individual going out and seeking the endorsement; it did become partisan; Rush-Ekelberry: Seeking an endorsement is different; Stobart: So your key with that is what's the ramifications; Marion: How do you know the difference; how would you know; Donahue: You get something from the republican party with people running for office you're assuming the republican party is endorsing those people; normal person isn't going to know any different; other than that they are going to say they're republican, I'm republican so I'm going to vote for them; or they're democratic and I'm democratic; that's what's always been nice about Canal Winchester; it has been non-partisan; the people that ran for council ran to make this place a better place; not to go by guidelines and different parties; Stobart: Generally you won't get an endorsement, just a political process that I've experienced, they will send out questionnaires; your police union will send out a questionnaire, the local pipe fitters might send a questionnaire; your republican, all the local constituencies out there that want to endorse someone will send out a questionnaire and you can fill it out; they're not just going to give you an endorsement; you have to ask for the endorsement; that's how generally speaking you wouldn't have that happen ever, because that's not the process; they won't pick you out and say we're going to endorse you; the teachers union come out and say or the firefighters won't come out and endorse you unless you answer their questionnaire; and you answer it the way they want; and then they'll endorse you on that; DeWitt: There was a precedence for that; we had a mayoral candidate a couple years ago that applied to the republican party for an endorsement; before the election he had to drop out because of his work or something; he was prepared to go with an endorsement from the republican party; Stobart: That might be the way to handle that which is removal from office; you don't let the council member that seeks that endorsement be seated or you don't let the mayor who sought that endorsement be seated; because they have taken a non-partisan election and made it partisan; that's the problem; we need those teeth in here to say "If by the way, you are elected on a partisan basis you aren't allowed to serve;" Carpenter: What section is that in; I thought we were still on 5; Stobart: Five could be it; I'm looking for removal; Shamp: Removal is in 11; you make it a cause; Elected officials and members of Boards and Commissions shall be remove for cause; Section 11.01A; We have not reviewed 11, have we; Shamp: No, we did 10 and 12; we jumped over 11; Stobart: Let's use section 11 for the next meeting then; we'll do section 5 and 11; if that's ok; (consensus was yes by group); that would be the thing your eyes could be keyed in on as you review section 11 for the next meeting; I love the other charters; to Marilyn's point they are all different flavors of all different kinds here; hybrids and it's neat just to use that to see where we fit in the scheme of things; most of the time you see very consistent language with our charter and other charters; we are not out of the norm generally speaking; Carpenter: Can we take a quick show of hands on which we form we are at tonight; this is the second meeting we've spent a lot of time on 5; I think a lot of people have expressed their views and opinions; we've seen a lot of materials form other cities; just to kind of see do we need to continue down this road on 5 or is the majority of every body is okay with what we currently have; maybe we don't need to bring in outside speakers and get more research done; and we can move on down the line because I'm not sure when we're supposed to wrap this up; October 1st is tomorrow; Stobart: We can do that; straw poll; what forms do we want to talk about; let's be clear on this; city administrator means different things to different people; Carpenter: I think we're down to strong mayor; and then council and city manager; DeWitt: Or city administrator; Carpenter: No administrator because we can do that right now; basically it's a city manager which is controlled by council or strong mayor which is what we currently have; Stobart: There is an alternate for that; the strong mayor-city manager-council form; I view it as three options; I like the hybrid better honestly; all those in favor of the current strong mayor system that our charter currently operates under; 5; all of those in favor of strong council-city

manager; 1; all those in favor of strong mayor-city manager-council; 1; all of those open to further discussion; 4; Carpenter: I just wanted to see where we are at; if 8 out of 10 that said that; then let's move on; Stobart: I don't want to grind the hull on this; that's why we keep moving forward with the other sections; we will get to the point, probably could be next meeting, where we are like "yes, we like this, we want to hear more" or "we're done, we've heard enough;" Rose: I think it's important that we hear from someone that had the experience in another way of government not just everyone talking about it or reading an article online; someone that's actually done it I think that is important and can always help change someone's mind or give them a better perspective of what we are actually looking at or getting into; Stobart: Agreed; for me as well; I could see that person coming in and convincing me although I like it exactly the way it is;

Stobart: For section 5, I think what we've discussed today is we will look at section 11 October 14th; for section 5, Jesse I'm looking at you as to what changes we've captured, were their additional points you wanted to discuss on the existing section 5; I know we had residency requirement; we talked about the potential for term limits; would you like to see any alternative language on that; Donahue: I like to see after we hear the person next week, for everyone to write down what you think needs to be done; every 5 years, do we want that; do we want term limits; write it down; so everybody writes it down then you can share it; then you know what you want; instead of rehashing and rehashing; Stobart: And we'll have the red-line next week so we can do that too; Shamp: Yep; Stobart: The only one I would have assuming we don't change form is on the administrator point, 5.06; I wasn't hear last week; That was one I would like to see a change where the city may request of the mayor by ordinance; they don't have to; we don't have to create this by charter; we can leave it to the council to go ahead and establish this; but that the authority and review over that individual, the mayor would be responsible for overseeing that administrator but that it would require the concurrence of council to hire that person and/or fire that person; Donahue: That's they way it is today; Stobart: Not here; Donahue: But that's they way it is today; When the Mayor or staff recommends somebody, council then votes approval or disapproval; Stobart: I just want to see it in the charter;

Bohnlein: When Liana was talking about term limits, we had mentioned two consecutive terms only; and someone else mentioned two life time limit; that you could maybe run for 8 years, pass for 4, run for another 4 or 8 or something, so that needs to be disseminated exactly how we want that in the charter; or suggest that we want to put it in the charter; lifetime or 8 years and then you're done; Stobart: Anyone have a preference on that; Liana, would you like to see 8 years and then a 16 year cap or a 12 year cap; Bohnlein: There are fine points that we need to address; Ebert: Whatever you do with the mayor you should do for Council; Rush-Ekelberry: Yes, council has the same as the mayor; term limits for both council and mayor; Bohnlein: and how it should be written; Obert: Your comments today got me thinking that maybe there shouldn't be term limits; I didn't read any in the charter so I thought to bring it up; does anyone want them; are they good; are they bad; that was my thought; I didn't say I want term limits; I was just bringing it up as a conversation piece; Stobart: Is anyone passionate about term limits; DeWitt: I have mixed feelings on it; like I said, where are you going to get all these people to run every four years; Stobart: Do you want to at least have the alternative language to vote up or down on; DeWitt: I don't know; I need to know more about it; I don't think people are knocking on the door to run for council especially; Ebert: I think term limits could be considered after you've figured out form of government; DeWitt: Like if you go city manager, this group is going to fire them and then they're gone; Stobart: I think the thing is that we are running two paths; if that path we want term limits in it; I have a feeling we've vote against it but let's get it out there if people want it; and you want some more research on that; DeWitt: And council may vote that out;

Stobart: Any other suggested changes to the current section 5; other than the discussion on the 14th, we will be at the point to move on to the next section, decide what path and move to the next section; anything beside section 11 that you guys would like to review on October 14th as well as having Marsha Hall in; Obert: What sections are left; do we know that; Shamp: Articles 6, 7, 11; Stobart: We can do 6 and 7 together, Boards and Commission and Administrative Departments; we can nail that in one; the only thing I can think of in those sections, something to consider, is if you had other departments that you want; council can make and create departments at any time; we don't need to do that; but if there was a department in here; the one I reflected on was Parks and Rec; if anyone has any interest in that; by charter create a Parks and Rec one, if you feel that passionate; that's one to consider; but if you have other divisions or

departments or you see something else in another charter; Carpenter: Is there an end date when we have to have this by; Shamp: We need to have our recommendations to council by the end of the year; Stobart: I don't want to be anywhere near Thanksgiving; I don't think there's much more; I think it's more education; and then it'll be lets move forward with the red-lines and voting on the recommendations; everyone comfortable with that; (consensus of group was yes)

Rose: So 6 and 7 for next meeting; Stobart: Section 11 next meeting and Marsha Hall; have we set a meeting after the 14th; Jackson (clerk): We have not; Stobart: What does the 21st; anyone have problems on the 21st; So we will schedule out the 21st as well; we will put tentatively 6 and 7 on that; so that will be all the sections; Rose: Will we vote on that last day or do we have to come back for just a vote day; Stobart: Probably just a vote day; I'm being optimistic, you'll want to get the changes from 6 and 7 in; and this is your opportunity; your recommendation representing individuals in the community so if there is something you seeing pressing in here that you feel passionate about; you can closer to government than you are right now without being elected;

G. Next Meeting - Wednesday, October 14, 2020 at 7:00 p.m.

H. Adjournment @ 8:15 p.m.

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

Yes 10 – Donahue, Bohnlein, Carpenter, DeWitt, Giesecke, Marion, Obert, Rose, Rush-Ekelberry, Stobart

From: noreply@civicplus.com
To: [Clerk of Council](#)
Subject: [EXTERNAL] Online Form Submittal: Public Comment Submission
Date: Saturday, October 10, 2020 1:16:23 PM

Public Comment Submission

Public Comment

Comments regarding legislation or other topics will be accepted until 3:00 p.m. on the day of the meeting.

First Name	Randy
Last Name	Stemen
Street Address	22 Walnut View Ct S
City	Canal Winchester
State	OH
Zip	43110
Email Address	rsstemen@gmail.com
Meeting Date	10/14/2020
Subject/Topic	Independent Elections
Comment	<p>I prefer this comment be read aloud if that conforms with committee rules.</p>

I believe it is best for our elections to remain independent and non-partisan. If possible, I think we should add wording to our charter that discourages or prohibits candidates from holding joint political rallies or advertising together. Further, I think we need a way to discourage candidates from advertising political endorsements in our non-partisan elections.

While in a perfect world all voters would vote purely on attributes and stances of individual candidates, the reality is people are influenced by both incumbent candidate endorsement and political party endorsement. While co-advertising may be a more cost-efficient form of advertisement, it puts other candidates, especially those not invited to participate in the advertisement, at a disadvantage.

A second issue that needs to be addressed is that we have no wording stating that candidates must conform to all state and

federal election laws, as well as local election laws. While this may seem obvious, we did have one candidate last year who was determined by federal officials to have violated federal election law. Canal Winchester was not able to disqualify this candidate simply because we did not have wording that candidates must follow federal law.

Thank you in advance for your attention to both of these important matters.

Randy Stemen

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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 XI GENERAL PROVISIONS

11.01 Removal of Officials.

(A) Elected officials and members of Boards and Commissions shall be removed for cause as provided in this Section of the Charter.

(B) As used in this Section of the Charter, the "Charging Official" shall mean: the "Mayor" except where the person accused of a grounds for removal is the person holding the office of Mayor; or the "President of Council" where the person sought to be removed for cause holds the office of Mayor.

(C) The Charging Official, if he or she has reason to believe there is probable cause (as such causes are defined in this Section 11.01) for the removal of an elected official or member of a Board or Commission, shall give notice of the alleged cause for removal and the time, date and place of the commencement of hearing for removal, which shall not be earlier than ten days after the service of the notice, to the accused person by personal service, certified mail, or by leaving a copy of such notice at the person's last known place of residence in Canal Winchester. At such time, date and place and at any adjourned meetings, the Council shall hear, provide an opportunity to the accused person to be heard and present defenses, and determine whether the accused person shall be removed from his or her office. The Council shall remove an official for any of the following causes by a two-thirds vote of the members of the Council, provided that if the accused person is a member of Council, such person shall not vote on any matter during the removal procedure and shall not be counted in determining required majorities:

(1) Unexcused absences from any four consecutive regular meetings of the Council or the Board or Commission on which such person serves or any six regular or special meetings thereof in any year provided the accused person received notice of special meetings. An absence from a regular or special meeting may be excused by a majority vote of the members of the Council or the Board or Commission on which such person serves at any time, including the excusing of any absence after action is initiated but prior to the commencement of hearings for the person's removal under this Section.

(2) Failure to possess or maintain the qualifications of the office.

(3) A determination that the accused person is guilty of misfeasance, malfeasance or nonfeasance in office.

(D) Upon the removal of an official from office pursuant to this Section, the office of the offending person shall be vacant, subject to any appeal to and review by an appropriate court, and the vacancy shall be filled as provided in this Charter.

(E) The removal of an official or the occurrence of any of the causes permitting the removal shall not invalidate any action of the official or any body, including the Council, in which the member participated. The subsequent removal of a person who fills a vacancy created pursuant to this Section by the reinstatement by a court of a person previously removed by the Council, shall not invalidate any action of the person who filled the vacancy or any body, including the Council, in which such person who filled the vacancy participated.

(F) The Council shall be the judge of the qualifications of and of the grounds for removal from office and shall conduct the proceedings relative to removal. The Council shall have the power to subpoena witnesses, administer oaths and require the production of evidence, either on its own motion or through the process of any appropriate court or officer thereof. A person charged with conduct constituting grounds for removal from office shall be entitled to either a private or public hearing on demand, but in any case, a record of the proceedings shall be made and preserved. If a public hearing is demanded, a notice of such hearing shall be published in one

or more newspapers of general circulation in Canal Winchester at least one week in advance of the hearing, and in such an event, the Mayor, or other presiding officer of the Council, may reschedule the time, date and place of the hearing set by the Charging Official to accommodate the publication of the notice. If the hearing is rescheduled, the Mayor or other presiding officer, shall notify the accused person of such fact. Decisions made by the Council under this Section shall be subject to review by the Courts on matters of law and whether the Council acted arbitrarily and without probative evidence to support the grounds for removal.

(G) The Director of Law shall prosecute the removal proceedings before the Council and any review thereof by the Courts. If a person accused is not finally removed, the Municipality shall pay the reasonable costs of the defense of such person and any compensation withheld pending the appeal of the action of the Council.

11.02 Conflicts of Interest, Ethics, Campaign Financing.

The laws of Ohio pertaining to conflicts of interest, criminal misbehavior, ethics and financial disclosure by municipal officials and employees, and campaign financing and other election practices of candidates for municipal office shall apply under this Charter.

11.03 Succession.

The City of Canal Winchester under this Charter is hereby declared to be the legal successor of the Village of Canal Winchester under the laws of Ohio; and shall have title to all property, real and personal, owned by its predecessor, including all moneys on deposit and all taxes or assessments in process of collection, together with all accounts receivable and rights of action. Canal Winchester shall be liable for all outstanding orders, contracts and debts of its predecessor, and any other obligations for which it may be held liable by any court of competent jurisdiction. All contracts entered into by Canal Winchester or for its benefit prior to the effective date of this Charter shall continue in full force and effect.

11.04 Effect of Charter on Existing Laws and Rights.

(A) The adoption of this Charter shall not affect any pre-existing rights of Canal Winchester nor any right, liability, pending suit or prosecution, either on behalf of or against Canal Winchester or any officer thereof, nor any franchise granted by Canal Winchester nor pending proceedings for the authorization of public improvements or the levy of assessments therefore. Except as a contrary intent appears in this Charter, all acts of the Council of Canal Winchester including ordinances and resolutions in effect at the date this Charter becomes effective, shall continue in effect until amended or repealed.

(B) No action or proceeding pending against Canal Winchester or an officer thereof shall be abated or affected by the adoption of this Charter. All actions or proceedings shall be prosecuted or defended under the laws in effect at the time they were filed.

11.05 Retirement System - Health District.

The laws of Ohio governing the retirement of officers and employees of Canal Winchester and the organization of health districts shall be applicable under this Charter.

11.06 Amendment of Charter.

This Charter may be amended by the voters as provided by the Constitution of Ohio.

11.07 Effect of Partial Invalidity.

A determination that all or any part of any Article, Section or Division of this Charter is invalid shall not invalidate or impair the force and effect of any other part, except to the extent that the other part is wholly dependent for its operation upon the part declared invalid.