

Canal Winchester

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



Meeting Minutes - FINAL

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

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

B. Roll Call

Present 11 – Bohnlein, Carpenter, DeWitt, Donahue, Franklin, Giesecke, Marion, Obert, Rose, Rush-Ekelberry, Stobart
Absent 1 – Deeds (Alternate)

Also in attendance – Jesse Shamp, Legal Counsel

Amanda Jackson, Finance Director/Clerk

Michael Ebert, Mayor

Marsha Hall, Invited Guest of Commission

C. Approval of Minutes**i. 9-30-20 Minutes**

Stobart: I did not have the chance to get through all of them; I got through about half;

A motion was made by Carpenter to approve the minutes from the September 30, 2020 meeting, seconded by Rush-Ekelberry. The motion carried with the following vote:

Yes 11 – Carpenter, Rush-Ekelberry, Bohnlein, DeWitt, Donahue, Franklin, 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.

i. October 10, 2020 R. Stemen Public Comment

Stobart: It's come to my attention we've received one public comment; The request was preferred that this comment be read out loud so that others viewing the meeting can see what comments were shared; The comment was from Randy Stemen, subject was "Independent Election";

I prefer this comment be read aloud if that conforms with committee rules. 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

Stobart: That was the only comment we received; DeWitt: Can I ask the candidates that have run for election before; When you go do and sign your little form, don't you have to agree to adhere to all federal and so forth election laws; Donahue: No; DeWitt: You don't, okay.

E. Legal Counsel Report

Shamp: I sent the "redlined version" with all the changes I think we discussed; If I missed anything we can always tidy it up before the next meeting as well as incorporate anything we come to today; That was it as far as the charter; Only other one was I received a comment that someone was concerned that the Mayor was here; Again I talked with Gene and read some ethics opinions; We don't see anything wrong with that because it is an advisory board that has to go through about three different layers; The Mayor has only chimed in if asked; But in the interest of totally addressing that concern, if the committee wanted to vote to invite the mayor to the meeting, I think that would be the appropriate thing to do right now;

A motion by Carpenter to invite the Mayor into the meeting, seconded by DeWitt. The motion carried with the following vote:

Yes 11 – Carpenter, DeWitt, Bohnlein, Donahue, Franklin, Giesecke, Marion, Obert, Rose, Rush-Ekelberry, Stobart

F. Items for Discussion

Stobart: We have Article 5 and Article 11; at the last meeting we voted to invite a guest in, Ms. Marsha Hall to talk as an expert in her experience in different forms of government; We'd like to thank you for coming; It's very nice of you to attend and be of help to us as well;

Stobart: If you could provide us some of your background and your experience in local government; Hall: I'm from Canal Winchester; I graduated from Canal Winchester High School; I moved away for a while; Back in 1991 I was asked to run for Council; I ran for Council and won my seat; The following year, the second year I was on Council, I had been elected to Council President; At that point in time, towards the end of the year, the mayor at that time gave up his seat; And because we didn't have a charter at that time, we followed the Ohio Revised Code; The Council President was the one who took over as mayor so I became mayor by default; I finished his term out for two years; I was then elected to two additional terms; Third term I lost, not by a lot, but I did lose the election and at that point in time I was asked to become the Village of Administrator for the Village of Baltimore in Fairfield County; I was there for six years; And I was asked to become the City Administrator for Groveport; I was there for six years; I retired at the end of last year; I would still be working there but I told myself that when I turned 70 that I would retire; I turned 70 last September and I finished out the year but then I retired; So the last several years I've been involved in government; It's always been in a small government situation; It has not be in a large city;

Stobart: We've had some discussions about the different forms of government in Ohio at the local level; And counsel has provided some other forms as well; This was really an education opportunity so I'll open the floor up to anyone on the committee;

Carpenter: Have you had an interactions or experience with a city manager versus a city administrator; Hall: No I have not;

Donahue: When you were city administrator for Groveport, who did you answer to; Hall: Actually, I answered to both the mayor and council; their charter requires council confirmation when I was hired; it also has the ability to terminate the administrator without the mayor's approval if they have a super majority which was 5 of 6 council members for that position; Or if the mayor determined that he wanted to replace, they had to confirm it as well; Although I reported to the mayor, he actually did my performance appraisals, I was in very close communications with council as well as the mayor;

Rush-Ekelberry: Since you've worn two different hats, one as the mayor and one as an administrator, which one did you enjoy the most; Which one did you feel is the best for Canal Winchester; Hall: I am hesitant about giving you my personal opinion; I will tell you a little bit about my experiences and what I saw as pros and cons of both and maybe that will help; I'll just start out with, I started out as mayor so I'll give you that take on it first; It's difficult as a strong mayor if you don't have background already in government; Government, whether it's government regulations, government accounting is different than the private sector; Especially believe it or not accounting is ridiculously different than the private sector; So it's difficult; You have to learn on the job and that makes it difficult; You also have two different positions; Almost opposing positions because during the day you are supposed to be a supervising and managing the day to day operations which is an entirely different function than the political side of being a mayor; those were the things that I found the hardest to deal with was changing back and forth from that; As an administrator, although I attended council meetings, I attended a lot of the ceremonial types of things that the mayor attended, I mainly was responsible for the operations in Groveport and Baltimore, the day to day operations; Just on a personal note, that's what I enjoyed doing the best; I'm not a political person by nature and it's difficult when you have people coming at you from all sides; Whether it's developers, residents, whomever and at the same time you're trying to make decisions based on business, best practices decisions, and not emotionally, political decisions;

Carpenter: How long would you say it took you to get up to speed on the accounting and the day to day to operations, the regulations when you were just becoming mayor; Would you say 6 months, a year; When you say it's hard to grasp that, would you give us a time frame maybe; Hall: I was continuing to learn when I left; Things change over time and I think probably the first two years were the hardest; After two years, I felt that I was catching on; The problem then being if somebody else new came in you maybe would have two years of experience and then you'd have new experience starting; I would say probably after two years I felt pretty comfortable; But as I said government rules and laws are always changing and you have to continue to learn;

Stobart: What would you say is the biggest con to being city administrator; The biggest difference between that and being mayor and running the city; Hall: Well, you're obviously not the final say; You can just give your opinion to those that have the final say when you're an administrator or manager; I think you have a little bit more pull as a mayor; The one thing I do want to make sure I tell you; I think any form of government will work and what it comes down to is communication and developing good relationships; I think I had an advantage when I became mayor because I spent two years on council; So I got their take on things; And I knew what they needed to know to make good decisions versus if I hadn't served on council for a couple years; And the same thing as an administrator; I always felt the need to communicate with everybody, mayor, council, other staff, department heads; It's really important to work as a team and then you can make the best decisions for the community; It's when that fractures that it's difficult;

Carpenter: When you first started out you said you didn't work for any big communities; It was mainly the smaller surrounding towns; Is there a size that it makes more sense to have a city manager versus a mayor; Or is it all the same and it's what you make of the situation; Hall: I think it's just what you make of the situation; To me the difference between the administrator and the manager is that the manager does the a lot of the same duties that the administrator does but for the most part you're just reporting to a council; You may have a ceremonial mayor; Sometimes that mayor is elected from council; Sometimes it's elected by the community; But it's the same requirements that you have; Groveport was kind of interesting but even though it's a much smaller community that Canal Winchester is in population, because of its businesses and because of its warehousing and the revenue from the warehousing, they have a very large recreation center as you all know, an aquatics center; They bought a private golf course; They have the most park system per capita in Central Ohio; So for permanent employees, I oversaw 80 employees; I usually saw for about 8 months out of the year I had to oversee 250 employees; So you start dealing with what would be a larger community at that point in time; So their government is kind of run like a larger community government than say another community that just doesn't have that many employees, that many areas of responsibility;

Stobart: You shared a little bit more communication in your administrator role than in your mayoral role; Can you describe in either Baltimore or Groveport what your interactions were like with council from a reporting and oversight function of the council; We are trying to wrap our heads around what the council would be doing differently in the

different systems; Hall: I don't know that council would be doing anything different it's just that you need to communicate information so they can make those good decisions; What I did in both cases was I always met with council as a whole a couple times a year in planning sessions and quarterly I always met with each individual council person; Then because the council person when they are meeting individually with you is probably going to tell you more information of what they are thinking than in a large session; So those kinds of communications are the things that I'm talking about;

Stobart: Did you ever get the sense of council members interfering in the day to day operations or attempting to; Hall: Oh sure, that was everywhere; But you can find a way of dealing with that without getting into a difficult situation; You have to understand that they are probably getting phone calls when something happens; When the pool last year in Groveport was closed for an extended period of time because of some issues we had, they were getting phones call just like we were getting; So it was important for me on a daily basis to get the information to them; Whether it be by email, text, phone calls if I had to; Anytime I knew council may find out about something before a meeting, I would make sure that they were aware so that they weren't blindsided; I felt that was an important part of my job;

Stobart: Did you attend every council meeting then; Hall: Yes;

Marion: So what department heads reported to you versus reporting to the mayor; Hall: All department heads reported to me other than the police chief; Although we worked hand in hand together he did not report to me, he reported to the mayor; And the law director; And again we worked very closely together;

Marion: And you had the authority to hire and fire within that structure; Hall: Correct; Now that said, we have had a very complete personnel policy; So they were able to, if they did not like my decision, an employee could move on to council, etc, and to a personnel board of review, to review my decisions;

Marion: And you made the comment earlier about the political part of the job that you didn't care for; As an administrator did you get involved in that; Hall: Not nearly as much; Obviously you're always going to have some; You know that it's there and you know the mayor and the council people are dealing with the political fallout or political issues regarding any situation; So I always had to keep that in the back of my mind; But I didn't have to deal with it near as much as being mayor;

Bohnlein: Did you have a staff and were you able to hire your own staff; Or was somebody hiring someone that you then had to accept then as part of your staff; And what layers did you hire, if you did hire; Hall: Council always had to approve any new position if it was not part of an approved budget; For instance during my tenure at Groveport we hired an engineer, full time engineer because we were paying so much money for a part time engineer; I did an analysis of wouldn't it be better to have somebody on staff available there; And that went to council and they approved it; Now once they approved the position then it was my responsibility to have the hiring done and I would hire that position; As far as staff, I hired anybody that I supervised from department heads down to, I had to approve any hiring, I didn't always interview and hire those people; I had my own personal staff of just one; It was an administrative assistant; That person was also shared by our mayor and also did our public relations; So it was kind of one of those things where we just had one person and she assisted; I find most people do now a days; You're sending emails; They do their own typing; You don't have people typing your letters and you're not dictating like it used to be; So I did a lot of that myself; But then I had somebody there who could assist, take phone calls if I needed, those types of things; But we shared that person, it was just one person for all three of those duties; And I had no body in Baltimore; We had staff but I didn't have anybody reporting to me as an administrative assistant or anything like that;

Carpenter: As a city administrator did you oversee any times when there was, obviously the council changes, I don't know about the mayor over in Groveport or Baltimore; Hall: He's been there forever; Carpenter: Changeover as city administrator, was that an issue; changing council members, changing a mayor; Hall: No, there were some changes, actually in all three situations, as both administrator and when I was mayor here; There were different people that would come and go on council mainly; Never really ran into any situation whether I was here as a full time mayor or there as an administrator; I always made sure, in Groveport what I did is I put together a little packet, tried to educate

the person coming in; Would meet with them a lot more frequently than I would the other council members; Tried to get them up to speed as much as possible;

Stobart: What was the biggest pro you experienced in the strong mayor position; What do you see as the biggest advantage to the strong mayor; Hall: I think the biggest advantage is probably a full time mayor and a strong mayor knows the wishes of the community, I would hope, more than someone you would hire especially if that person is not from that area; You should know as you're coming what the wishes of the community are, what values the community has, that type of thing;

Carpenter: You commented that the Groveport mayor has been there a long time; We are talking about limiting the number of terms to two; So what's some advantages or disadvantages of either a long term mayor or a short term, two time, mayor; Or council member; Hall: Okay, for an elected position you mean; I see advantages and disadvantages to both; I think that limiting it to two terms, sometimes you're constantly teaching people new things and having to deal with that; Finding people who want to serve is sometimes difficult; In Baltimore, there were a lot of council members who were appointed because they just couldn't find people who wanted to serve; I think that is an issue; I would hope that you could deal with it either way;

Rose: Do you think it would be a bad idea to have some time of experience like council before you're allowed to run for mayor; Hall: I think it would be difficult to put that in a charter and make that a requirement; Do I think it's better to do it that way; Yeah, I do; You're learning at kind of a slower pace; You're learning one aspect that as mayor or administrator you would never know; And I think it helps the communication because as I said, I knew what council needed when I became mayor; So I always wanted to make sure council was informed of everything because I had been there; And I have got to tell you, the first year I was on council it was a horrendous year; The mayor and council argued; We went from maybe a meeting that would last for 2 hours and it was nothing for our meetings to last until midnight; And there were a lot of loud; And I kind of walked into the middle of it; I didn't understand actually what was going on at the time; The mayor at that point, what I gathered was, that particular mayor was very judgmental and I don't know what term to use; He wanted it his way and he didn't want to have to make those joint decisions and that's what part of it was; I mean I actually remember a meeting where a council person told him, he had a computer he was supposed to share with a staff member and he wouldn't do it; He would lock it up when that was a separate office, the mayor's office; And he was yelled at by a council person that if he didn't do that, he was going to go up and throw the stupid thing out the window; That's how bad it got;

Stobart: We want to be respectful of your time; Any other questions or comments; Hall: The only other thing I would add is I did read your minutes from your last meeting to kind of get an idea; I know there were some things brought up about cost; And how cost would come into play depending on what you did; Obviously if you have a full time mayor and an administrator, your cost is going to be a lot more; And then an administrator, more administrators do make more than full time mayor's make; Carpenter; Are you talking an administrator or a city manager; Hall: Both; Either; A manager usually makes more than an administrator mainly because, I think and you may have a different view point, they are at the larger cities so they have a lot more responsibility; The other item that came up at your last meeting was people coming and going; Getting new administrators; The one thing I will say that yeah, it probably happens for very small communities that hire people who are just out of school maybe or just starting their professional career; But I can also cite a few cases of city managers, Worthington and Westerville are two great examples, where those people were there for years; And they became part of the community so I think that both cost and length of time are things that you need to consider but I'm not sure that they are the major things to consider;

Marion: What is the major thing to consider; Hall: I think the major thing to consider is what do you think would work best for your particular government; That's kind of a general answer; As I said I think any of them will work; Any forms will work; It always comes down to the people that are involved; An administrator and manager obviously has some background usually, educational background, professional background, so they can probably understand what's happening faster than a new mayor can; I went into it because I happen to be the president of council that month; I don't know that I would have ever run for mayor if I hadn't already been in the position for a couple of years and liked

what I was doing; And at that time it was not a full time position; The charter didn't come until later; So you just have to make those decisions of what's the best;

Rose: What was your career prior to becoming the mayor; Hall: I was in the industry; I worked for Aetna Life and Casualty for 25 years as a manager for group coverage; I left because I had to travel a lot and I had young children and I didn't want to do that anymore; That was my background;

Marion: So you were part time mayor; Hall: When I first started, yes I was; Marion: So did you have another job too; Hall: My husband at the time had a small business across the street and when I left Aetna, I did it with the understanding, he was great at what he did but he was a horrible business person; And I was going to help him and found that that was not a good use of my time or his or for our relationship; So that's what I did there for a couple years; Even though the mayor's position here was part time, I put in a lot more time than that; I put in for a couple years before it became full time and the charter was passed, I put in the same amount as a full time mayor;

Bohnlein: You said it took you a while to get up to speed when you were a mayor; How long does it take you to get up to speed when you're an administrator and you have no background being an administrator; Hall: It would be the same thing; If you didn't have any background; But usually you're going to have some background; The way I was able to have some background was because I was mayor for 10 years; And handled those duties that an administrator handles and they saw the work that I did and they were willing to hire me; But my education background was business; It wasn't anything to do with government affairs; Stobart: Is it fair to say there were qualification requirements for it; Hall: Yes;

Stobart: Thank you so much for coming; I appreciate it; Hall: No problem, I hope I answered a few of your questions; Stobart: It did for me, I think it did for others; It's great that someone that from the community, who's been in the community and has been in both those positions can share their views so thank you very much;

i. [Charter Article V – Mayor](#)

Stobart: We have two sections to talk about today, Section 5 which we've been through before; We wanted to have this discussion before we moved on to the next; So the real question becomes based on that discussion does anyone have any feelings on changing the article as it stands today either substantively from a structural standpoint or just from some of the redlining that has already been complete; Bohnlein: In 5.02B, the person that holds the office of mayor shall be limited to two consecutive four year terms; We had talked about if you could skip a term and then come back and serve another four or another eight years after that; Do we need to spell that out; Shamp: I think probably we do; I sort of went down a rabbit hole and had about six different drafts before I thought let me just bring it back and see exactly what we want while I'm here in front of everyone; So yes, I think we would; You could read this to say you can have two consecutive four year terms and then you can take one off and then you can have two more consecutive; But I would prefer to make a little more clear; Bohnlein: I think so too; Carpenter: I think I'm even in favor of eliminating the two terms after listening to Marsha; DeWitt: That's what I was going to say; Carpenter: She said that even the city administrator that have been there a long time for Worthington and Westerville was the other one, there are some reasons for if you have a good mayor to keep re-electing the mayor and let the community decide how many terms a person serves; DeWitt: I would also say what she said; A lot of times you don't have that much from the community to draw from of people who are willing to take that job; So if you're limiting it to two terms; Carpenter: I would take it away from council too; If somebody from council wants to run more than two terms let them run; Marion: But Pat we had three people run for mayor the last time; The other thing is you made that comment before and I thought afterwards, that's kind of shame on us; We have so many new people moving into this community; It's a shame that we can't get them involved; How many people knew Mike Stobart until he became the chair of this committee; There's a lot of good people that are moving in; And I don't have the answer as to how we recruit those people but I think we need to start doing that; DeWitt: I think a lot it is what they see and here; I've seen people say that I don't want any of part of that because all they do is argue; It's how we present ourselves or our elected officers; So that chases a lot people away; Carpenter: But again like Marsha said, when she first came on council, meetings were lasting to midnight; It's just one argument after another; If somebody comes and shows up for a meeting for that, yeah, I'm not going to

get involved with that; I don't have that much time or energy to do that; DeWitt: I'm not saying the people aren't there; I'm just saying that what they see is not what they want to be a part of;

Stobart: I'll share that 5.02B, I do have the same concerns; If we don't structurally change this and we leave it in the strong mayor position; I worry about term limits because that experience ramp up is very critical; As Marsha said, she spent two years getting up to speed so she functionally would be serving for six years and if you're looking at every ten years before you have someone up to speed and running; DeWitt: Might get a new mayor, a new council, new everybody and they all look at each other and say what is it that we're supposed to do; Marion: But the flip side of that is when you do get new people, you get new ideas; You aren't just stuck going we always do it that way; It's like going to church and sitting in the same pew every Sunday; You do get new ideas with new people;

Stobart: Other thoughts on this section; I like the thought of going through and validating where we stand with the changes that have been made; Is there any appetite for changing the structure to a strong council or city administrator position; Marion: That's what we have; Stobart: We have strong mayor-council today; could have strong council;-manager, could have the hybrid that Jesse brought up; Are we happy with the strong mayor structure; Do we want to move forward with this structure; Or is there any appetite to change the structure; Marion: I have an appetite to change that but I think I might be a lone wolf; Carpenter: Well again we can take a vote again like we did last time; Just kind of get a feel; If there's a majority saying just keep it the same way then we can keep moving on;

Stobart: We are voting on whether we leave the structure as a strong mayor or whether we consider alternative language for next week; Shamp: So an affirmative vote would keep the structure as is; Stobart: Yes;

A motion was made by Carpenter to keep the current structure of Canal Winchester's government as a Strong Mayor-Council form, seconded by Bohnlein. The motion carried with the following vote:

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

No 2 – Marion, Stobart

Stobart: We can move on; Bohnlein: So do we want to change B; Stobart: So the question is; Do we want to see alternative language in here or we said we'd hold voting off on the sections to the future; Is there any objection to leaving the language in now, one; Creating alternative language to clarify what we mean by term limits for the mayor, two; or three, strike it; DeWitt: I like the idea of them living here for 1 year; It will probably never be a problem but it could be; So I'd like to leave that in; But I am opposed to the term limits after listening to Marsha; So qualifications and term would come out; Qualifications would stay in; Stobart: Other thoughts; Bohnlein: Are there other ideas; Steve; Donahue: I think the bottom line is we are hashing these things out; I think it would be a good idea to have the things we hashed out whether we voted yes or no so at least the council knows what we hashed out; Because the council is going to make the decision, not us; I just think it's a good idea that we can say hey, this is one of the things we looked at but it was voted down, just so you know; If you want to have these redline ideas, I'd say this group decided against this idea;

Stobart: This is the way I was thinking about how we would warp this up in the end; Is in our final meeting, which may be one or two meetings left, since we're not doing structural changes, we would vote section by section and we would give the vote count to council for each of those sections; The fact that we considered term limits if that ends up everyone voting against it, at least we have the language in there and shows that everyone was unanimously against it; Or we had some individuals that were okay with it; So that gives council a perspective; Is everyone okay with that; DeWitt: So what you're saying is we would present them what we want and then this is what we considered; Stobart: Yes; With that being said, if we were to present this as what we considered, we've considered just two term limits or do we want clarification that we considered term limits; DeWitt: But we decided we didn't want term limits; We would let them know that; Stobart: Yeah we will do an ultimate vote on every section that we change to let them know the vote

on that; So we considered two consecutive four year terms with a lifetime cap, for example; Carpenter: Are we going to let council know that we did have a fairly major discussion in between the strong mayor and the city manager; Or are we just presenting what we have here in the charter; Stobart: I think we will present the fact that we voted on it and it was a 2-8 vote against that structure; Donahue: I think voting on what we just voted on gives them a short synopsis and if they want to know all of this all they have to do is watch it; Carpenter: Watch it and read the minutes;

ii. [Charter Article XI - General Provisions](#)

Stobart: Is there any motion on the table; Or do we want to move on then to continuing to review; Did we have any other changes in section 5; DeWitt: I don't think so; Stobart: I don't think so either; I think we can move on to section 11;

Stobart: We had some cursory discussions last week; Jesse tried to capture those but this is really our time to review that; Section 11.01 Removal of Officers; I had one based off of the comment, so 11.01C we have causes for removal; And failure to possess or maintain qualifications of the office is number 2; Three, a determination that the accused person is guilty of misfeasance, malfeasance or nonfeasance in office; I propose that we add a fourth for cause removal; Mine is a determination that a person has violated section 11.02; That's the conflicts of interest, ethics, campaign financing; Marion: So a candidate does seek endorsement they would be disqualified or removed from office; Stobart: They could be; You'd need a charging official to make that accusation and then you'd go through that process, yes; Donahue: This is during campaign, according to this; Stobart: Yes; Marion: So that tightens up the partisan issue on the ballot; Stobart: That's the hope; Shamp: And I did it that way, to seek, because I don't think there is any way you can keep someone from getting an endorsement; You'd sort of have to take them at their word what have you; Someone can endorse them if they want, but they can affirmatively seek it out; Marion: In media; Shamp: Right; Stobart: I did have qualifiers on that as well; On section 11.02B, just to strengthen it; Candidate for mayor and city council shall not seek; I had accept, publish, or communicate endorsements; And that's limited to the council member and/or the mayor; We can play games with it night and day; "Hey I didn't seek it, but I'm handing that out with the endorsement;" Let's not play games with it; We want this to be nonpartisan, if we do want it, then let's make it nonpartisan; We can prevent people from getting endorsements; We can't prevent people from publicizing those endorsements; Only thing we can do is control the candidate and their actions; DeWitt: So how would you word this number 4; Stobart: A determination that the accused person has violated section 11.02; And it could be 11.02 or it could just be limited to 11.02B; If people are worried about conflicts of interest; DeWitt: Who is to determine that they did this; Stobart: It's the charging official under section 11.01 removal of officials so you would follow that process; Council shall judge the qualifications, grounds for removal from office, and basically have a hearing on it;

Carpenter: So if a candidate didn't seek the endorsement but say one of the parties endorsed that candidate and other people were handing it out; Not the candidate; Stobart: Can't prevent free speech; Carpenter: Didn't think so; Wanted to make sure I was understanding; DeWitt: It's not against the law to seek an endorsement; Carpenter: It would be against the charter to seek the endorsement if we passed this; Donahue: If you want to keep it nonpartisan; DeWitt: Well it's nonpartisan as long as there's not an R, D, or I behind your name on the ballot; That's a nonpartisan election; The judges are nonpartisan but you watch television and every one of them is telling you what their politics are; You can't keep people from doing that; Somebody knocks on my door; Or just like at the meet the candidates, the first person asked Bruce Jarvis what's your politics; He said Republican; Well, big deal, that's not against the law; I don't care; He had a right to say that; If you start fine tuning all of that, I don't understand what the problem is; Stobart: With judges in Ohio there are arguments that it's not really a nonpartisan position and there have been multiple papers put out on that; DeWitt: A lot of people like to know, because it isn't on the ballot; They like to know what they're voting; I don't know how you can tie their hands; Stobart: This doesn't say you couldn't say I'm a Republican; It's talking about endorsements of political parties; This is very limited in nature; It's nonpartisan under Ohio law because for the ballots a nonpartisan election is one where you don't have an R, a D, or an I beside your name; And we are going a step further in saying and we want to keep it as nonpartisan as possible by stopping those endorsements; DeWitt: I agree; But I don't want to put anything in here that's gonna violate someone's constitutional rights; Stobart: Absolutely; And

this would not stop people from saying, or Bruce for example for saying, when he's asked what party are you affiliated with; He can absolutely say I'm Republican, I'm Democratic, or I'm Libertarian; That doesn't prevent that;

Rose: Jesse, you've read other charters; Does any other cities around here have any type of rules like that; Shamp: Not specifically to that; But I don't see a problem with it because you're not limiting really what people can say; You're limiting interference with outside organizations and people who decide to run for this will know beforehand that it's a limitation on them; It's not a sneak attack on them; And it certainly doesn't stop you from saying I'm a Republican, I'm a Democratic; It stops you from saying I was endorsed by the Ohio Republican Party; Rose: It stops you from getting a piece of that has their picture; Shamp: At least from them; The big part here is that the Ohio Republican Party, if they really cared, could come in, endorse somebody, and send it out; But if that candidate didn't have any influence or coordination with them there's really nothing you can do to that candidate; DeWitt: How does that candidate prove that; Shamp: It would be who paid for it; Stobart: It's the opposite way; Who's the burden; The burden is on the charging official; It's not on the candidate to prove that he didn't seek the endorsement; It would be on the other party to prove he did; DeWitt: Because I that the parties do send this information out and sometimes do this on their own; Marion: Mike, did you say last week that it's very rare for the Republican party to seek someone out to endorse; It goes the other way; Stobart: Most endorsing you have to apply or seek; Is it possible; It's absolutely possible; Especially if you have a buddy that sits on the central committee; Absolutely could happen; And absolutely it could happen that the parties mail those slate sheets out; You can't prevent people from doing; Rose: So if not the candidate seeks the endorsement for their candidate, they can get it as long as it's not the candidate themselves seeking it; Stobart: Yeah and the candidate didn't control it, I would argue; But yeah; Again you would have a hard time from most endorsing organizations if the candidate isn't willing to step up; Marion: Unless we put some teeth into this because we already have the precedence that just happened where there was just an endorsement, it's going to continue; And I think we all talked about that we'd like to keep the government as nonpartisan as possible in Canal Winchester;

Rush-Ekelberry: How we vote personally has nothing to do with the job in government here; As a mayor, as a councilman; Last time I ran for council I had a gentlemen ask me what political party are you part of; I said I'm running nonpartisan; He said but I want to know what political party so I told him and he said that's all I needed to know, I'll vote for you; It made no sense to me because I tried to get across to him that I was running nonpartisan; DeWitt: We are living in a day where people want to know this, unfortunately; Rush-Ekelberry: I want to keep it nonpartisan; DeWitt: I do too but I think we can do that without putting it into the charter; It's in the charter that it's a nonpartisan election; In one of the earlier stages; Bohnlein: I think it still has to be spelled out; Stobart: The way I look at it is the community is putting their foot down and saying we really mean it; You can keep bad people from doing bad things; You can get around this; I can tell you I can think of a hundred ways to get around this now; But what it will show is the type of person I am if I'm trying to get around this; That's the key;

Marion: You know Mr. Stemen commented in his comments about the coattail issue too; Which I thought was interesting; In other words, two or three city council people that endorsed a fourth or third, I don't remember how it was; That's coattails; He commented about that; Is that something we are going to talk about; Stobart: I would say that the language is written that it could still occur today; You could have individuals endorse other individuals under this language by the way; Carpenter; I don't have a problem with that; I can endorse anybody I want to; Giesecke: I don't think you can regulate that; Marion: That was two city council people endorsing a third; Carpenter: If I'm a citizen or a council member, I still can endorse whoever I want; Marion: Well he mentioned it in his comments, that's why I brought it up; Stobart: That's fair; He did mention it; Marion: I'm not saying we should or shouldn't; I just think that since he brought it up we should at least talk about it; Bohnlein: They do it all the time in Columbus; Mairon: Oh sure, it's also very political; DeWitt: They've done it that in a lot of the other smaller towns too; Stobart: Important thing is that it's not based on the party; It maintains the nonpartisanship at least; Giesecke: I think as you mentioned with adding these few lines in here, it kind of takes away that one didn't know; makes it clear;

Stobart: Any other suggestions or recommendations on 11.01 or 11.02; Obert: I have a question on charging official, where it says mayor or president of council; Are those the only two people that can do it; Or can it be any council member; 11.01B; Shamp: I don't there's anything that would stop you from allowing it to be any council member

except how would you go about picking who becomes the charging officer; So this is just a way to force it into the hands of the president of council; Maybe what you could do is add or the president of council's designee so he or she could have the option to choose someone else on council; But if you just leave it very vague as a member of council, I'm not sure where that gets you; Obert: I guess my question was if the president of council doesn't think there is anything wrong but another council member thinks there was something that went wrong ,and that person wants to bring the charge or whatever; Shamp: I see what you are saying; It's always the mayor unless it's the mayor that's accused which case it becomes president of council; And you're saying what if the president of council doesn't think there's an issue; Stobart: Or what if the mayor doesn't think there's any issue; That's the nature of the mayor's position is you are the judicial official really; You have prosecutorial discretion; It's the nature of that position; Prosecutors have that today; They can decided not to charge; DeWitt: If you go down to F, the council shall be the judge of the qualifications and grounds; So the council itself does get involved in it; Stobart: You need the charge first and once you have the charge, then you have the hearing so the council would get involved; Donahue: So if you have the mayor in trouble and he's in cahoots with the president of city council and he's in trouble; Who's the charging person; Is by majority vote of council; It doesn't say here; Who knows, something like that could happen; Stobart: No system of government is perfect; That's the best I got; Your recourse then is at the next election you remove both the mayor and that council member; That's what elections are for; You can see we can get into a vicious cycle here because, by the way, the director of law prosecutes this then, brings it before council, if he loses and council votes against it, the cost of that is borne by the citizens here; So you don't want to end up in a situation where you are constantly having council hearings for removal of officials because you didn't like the way they did something; Carpenter: Just out curiosity, has there ever been any in the past; Donahue: Not that I know of;

Stobart: Anything else on section 11; Bohnlein: Do we need to look at putting that in; Stobart: It's something we considered at least; So it'll be in the next red lined version; Giesecke: Did you ask if what he proposed the number 4 and the additional on 11.02B is just being entered into the red line, right; Bohnlein: Yes, and then we'll vote;

G. Next Meeting - Wednesday, October 21, 2020 at 7:00 p.m.

Stobart: So I think we still have 6, 7, and 8, are the last sections we have; Administrative Departments, Boards and Commissions; Shamp: I think we looked through 8; Stobart: Yeah we did go through 8; Was it 9; 6, 7, and 9; Shamp: We may have done 9 in March but probably wouldn't hurt do to a quick; Stobart: I don't think there would be much to it; I do recall us going through that because we talked about citizens being able to call a special election; Shamp: Right; Stobart: So we will schedule for the next agenda sections 6 and 7 at the next meeting; After that we can either see how long that meeting runs and go through and vote on all of the changes and get that final vote; Or we can schedule one more meeting and it do it at the final; Carpenter: I saw we break it up a little bit to vote on; If we vote on everything it could be kinda lengthy; Stobart: So start on 6 and 7 and start voting and see how far we get at the next meeting; We want to go ahead and schedule the following meeting after that; Right now we have that set for the 21st at 7; Giesecke: I'm not going to be able to be available on the 28th; I have a board meeting for my employer; So I wouldn't be able to vote; Stobart: The following week is the 4th; Everyone ok skipping the 28th and moving what is hopefully the last meeting on the 4th; (Consensus of the group was yes); Marion: So the 21st and the 4th; One thing I noticed we don't have addressed in here is Chuck's idea of a five year; Stobart: It's in there; It's on page 20; very top of the page 7.06;

A motion was made by Giesecke to set the agenda for the October 21st meeting, seconded by Donahue. The motion carried with the following vote:

Yes 11 – Giesecke, Donahue, Carpenter, DeWitt, Bohnlein, Franklin, Marion, Obert, Rose, Rush-Ekelberry, Stobart

H. Adjournment @ 8:09 p.m.

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

Yes 11 – Bohnlein, Carpenter, DeWitt, Donahue, Franklin, Giesecke, Marion, Obert, Rose, Rush-Ekelberry, Stobart