

NEW CARLISLE CITY COUNCIL
REGULAR MEETING AGENDA
May 20, 2019 @ 7:00pm

1. Call to Order: Mayor Ethan Reynolds
2. Roll Call: Clerk of Council
3. Invocation
4. Pledge of Allegiance
5. Action on Minutes: 4/15/19 - Regular Meeting
6. Communications: Proclamations (2)
 - (1) Poppy Day - Proclamation to the American Legion Auxiliary Unit #286
 - (2) Boy Scouts - Appreciation for Cleaning Smith Park on Earth
7. City Manager's Report: Attached
8. Comments from Members of the Public: Please limit comments to 5 minutes or less.
9. Committee Reports: None
10. RESOLUTIONS: (None)
11. ORDINANCES: (2 - Intro; 1 - Action)

A. Ordinance 19-09E: (Introduction, Public Hearing and Action Tonight)
AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO ANY AND ALL AGREEMENTS WITH THE BOARD OF CLARK COUNTY COMMISSIONERS FOR THE 2019 ROADWAY RESURFACING CONTRACT AND DECLARING AN EMERGENCY

B. Ordinance 19-10: (Introduction Tonight, Public Hearing and Action on 6/3/19)
AN ORDINANCE AMENDING AND REPEALING ORDINANCE 17-14
12. OTHER BUSINESS:
 - A. **Congressman Warren Davidson:** Will hold "Mobile Office Hours" at the City Building on the fourth Tuesday of each month from 1:30PM until 2:00PM.
 - B. **Crime Watch:** Wednesday, June 12th @ 6:30PM. Location: Smith Park Shelter House
 - C. **Flag Burning Ceremony:** Friday, June 14th at the American Legion. More information to come!
 - D. **2019 Memorial Day Walk:** - Saturday, May 25th, 2019. Walk begins at 11:30 from the Church of the Brethren. Ceremony at the cemetery begins at noon.
 - E. **2019 Community Garage Sale:** June 22nd and 23rd.
 - F. **A Big Boom Thank You II:** June 29th (Rainout date of June 30th). More information to come!
 - G. **Swearing In:** Of newly elected Council Member dependent upon Board of Elections confirmation
13. **EXECUTIVE SESSION:** To adjourn into executive session for the purpose of discussing litigation.
14. Adjournment

Next **Regular Meeting** of the City Council will be **Monday, June 3rd, 2019 @ 7:00pm**
Location: Smith Park Shelter House, 801 West Jefferson Street, New Carlisle, Ohio 45344

RECORD OF PROCEEDINGS

Minutes of: Council of the City of New Carlisle, Ohio

REGULAR MEETING

Held: Monday

May 6, 2019

1. CALL TO ORDER: This Regular Meeting of Council called to order at 7:00 pm by Mayor Ethan Reynolds.

2. ROLL CALL: The Clerk of Council, Emily Berner then called the Roll:

6 members present: Reynolds, Shamy, Lowery, Cobb, Cook, Lindsey **STAFF PRESENT:** City Manager Randy Bridge, Clerk of Council Emily Berner, Fire Chief Steve Trusty, Deputy Allender

3. INVOCATION: Mayor Reynolds

4. PLEDGE OF ALLEGIANCE

5. ACTION ON MINUTES:

4/15/19: VM Lindsey motions to accept with a second by CM Shamy. No comments or questions.

YES: 6 Lowery, Cobb, Cook, Lindsey, Reynolds, Shamy **NO: 0 ACCEPTED 6-0**

6. COMMUNICATIONS: None

7. CITY MANAGERS REPORT:

City Manager's Report 5/6/19

=====

TO: Mayor, Vice Mayor, City Council, Residents, and Business Owners
FROM: Randy Bridge, City Manager
DATE: May 4th, 2019 for May 6th, 2019

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- Items that should be reported to or discussed with Council are indicated with an asterisk (*) and organized under separate headings.
- Council members may bring any other item up for discussion.

A - FINANCE REPORT

B - SERVICE REPORT

C - FIRE REPORT

D - POLICE REPORT

***E. INFORMATIONAL ITEMS**

- New Building Updates
 - Will be taking down ceiling tile within the week
- Fireworks Display Update
 - Date Set for June 29, 2019
 - Security - Discussion
- Madison Street School
 - Future Discussion Needed
 - Information still pending
- 2019 Community Garage Sale
 - Weekend of June 22-23, 2019
- 2019 Memorial Day Walk
 - Event Details Discussion
- New Carlisle Health Clinic
 - Stats Attached

Comments/Questions from council:

Bridge notes 2-3 more deputies to be on staff for security.

VM Lindsey asks for more Cadets to attend fireworks event. Deputy Allender informed Council Cadets will do community policing. Cobb asks if Cadets can help with traffic control. Allender notes they can, just need to be in eyesight of a deputy. They have no authority. After this discussion, Bridge thinks 3-4 deputies.

Council discussions take place on where to start Memorial Day walk on 5/25- Church of the Brethren. The length of the walk is long. Using the church, the walk comes through downtown but cuts the walk-in half.

8. COMMENTS FROM MEMBERS OF THE PUBLIC:

Janelle Zimmerman: asks about the Parks and Recreation Bylaws. Discussion by Bridge and Council noted an original set somewhere, but ones presented were too lengthy and covered committees that PR do not have control over. Bridge notes the first set submitted were suffice.

Brandy Mullet: noted she wrote the first set of by laws. They are eager to do things but felt were not allowed until bylaws set in place. New set will be ready next Council meeting. Reynolds asks for Bridge to advertise open spot for PR board.

Linda Eggelston Nowakowski:

Brings up some things she had issues with: #1 Issuing Proclamations (act of public announcement by president or governor. Ones from the city were to declare special events) The proclamation given in Warren County has nothing to do with New Carlisle and is political. #2 Members of Council urging ones to run for Council. #3 took 9 months to get a new Council member. #4 VM Lindsey is intimidating citizens who are showing support of certain individuals running for Council. Ms. Nowakowski urges Council to have a charter review.

9. COMMITTEE REPORTS: NONE

10. RESOLUTIONS: NONE

11. ORDINANCES: (0 INTRO 1 ACTION)

A. ORDINANCE 19-08

AN ORDINANCE AUTHORIZING THE LEASING OF GASTINEAU BASEBALL FIELD, PROPERTY OF THE CITY OF NEW CARLISLE, OHIO, TO THE NEW CARLISLE DIAMOND BACKS ADULT BASEBALL CLUB

CM COOK MOTIONS TO ACCEPT WITH A SECOND BY CM COBB.

YES: 6 COOK, LINDSEY, REYNOLDS, SHAMY, LOWERY, COBB NAY: 0 ACCEPTED 6-0

12. OTHER BUSINESS:

- A. **Congressman Warren Davidson:** Will hold "Mobile Office Hours" at the City Building on the fourth Tuesday of each month from 1:30PM until 2:00PM.
- B. **Crime Watch:** Wednesday, May 8th @ 6:30PM. Location: Smith Park Shelter House
- C. **City Offices Closed:** Monday, May 27th in observance of Memorial Day
- D. **2019 Memorial Day "Walk To Remember"** - Saturday, May 25th, 2019.
- E. **Intergovernmental Meeting:** Monday, September 30, 2019 @ 6:30PM. Location: Tecumseh HS

BRIDGE WANTED TO NOTE THE INTERGOVERNMENTAL MEETING IS NOT UNTIL SEPT. BUT TO GET IT ON THE CALENDAR.

CM LOWERY- GOOD LUCK TO BOTH CANDIDATES FOR THE COUNCIL SPOT.

CM COOK MOTIONS TO AMEND RULES OF COUNCIL TO HAVE ALL PROCLAMATIONS COME BEFORE COUNCIL AND BE APPROVED BY A MAJORITY AND ALL PROCLAMATIONS GIVEN IN COUNCIL CHAMBERS ON A COUNCIL NIGHT WITH A SECOND BY CM COBB.
COMMENTS: CM LOWERY LIKES THE IDEA AT A COUNCIL MEETING SO IT WILL BE ON RECORD.

YES: 5 COOK, REYNOLDS, SHAMY, LOWERY, COBB NAY: 1 LINDSEY ACCEPTED 5-1

CM COOK MOTIONS TO HAVE A CHARTER REVIEW, AFTER DISCUSSION REYNOLDS NOTES THAT IT HAS BEEN LESS THAN 90 DAYS WHEN COUNCIL LAST VOTED TO REJECT THAT MOTION. COOK NOTES HE WILL REINTRODUCE AFTER THE 90 DAYS ARE UP. CM COBB THANKS EGGELSTON, GRIMM, HOPKINS AND MACKENZIE FOR THE MEET THE CANDIDATE NIGHT.

BRIDGE CLARIFIES THE MOTION COOK BROUGHT FORWARD FOR SPECIFIC DETAILS ON
OFF SIGHT SITUATIONS AND A QUORUM.

CM LOWERY MOTIONS TO ADJOURN WITH A SECOND BY CM SHAMY AT 7:33 PM.

Mayor City of New Carlisle

Clerk of Council

END OF 5-6-19 MINUETS

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City Manager's Report

TO: Mayor, Vice Mayor, City Council, Residents, and Business Owners
FROM: Randy Bridge, City Manager
DATE: May 17, 2019 for May 20, 2019

- Items that should be reported to or discussed with Council are indicated with an asterisk (*) and organized under separate headings.
- Council members may bring any other item up for discussion.

***A - FINANCE REPORT - At Meeting**

***B - SERVICE REPORT - Attached**

***C - FIRE REPORT - Attached**

***D - POLICE REPORT - At Meeting**

***E. INFORMATIONAL ITEMS**

- New Building Updates
 - Meeting on Thursday, May 23 to review 1st drafts
 - Need to take down ceiling tile on first floor only
- Goodall Lumber
 - Discussion
- Tecumseh Middle School Career Exploration
 - Attended on 5/8/19
- 2019 Memorial Day Walk
 - Event Details Discussion
- Upcoming Legislation
 - Employee New Hire Policy
 - Cemetery Plots Buy-Backs
- Oath of Office
 - Attached
- Parks & Recreation By-Laws
 - Attached
 - Please Review
 - Resolution to approve on 6-3-19

Finance Report Dispersed @ Meeting

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To: Mr. Bridge, City Manager
From: Howard Kitko, Service Director
Date: May 20, 2019
Subject: Council Update

Service Departments:

- Street department has completed the initial pothole repair schedule. Moving onto areas that need a more in-depth repair, such as, ruts created from trash truck operations.
- Water main break asphalt repairs to happen just after opening pool operations are complete.
- Pool upgrades are moving along. Project includes; new underwater pool lights, new overhead lights, locker room upgrades (floor resurfacing, new appliances, new partitions).

2018-2019 Various Road Projects:

- Galewood Dr. Reconstruction Project: The 300 block of Galewood Dr. will be reconstructed in 2019. Bids have been received and are awaiting Clark County Commissioner approval.
- Street Resurfacing Project: Hemlock, Butternut & Bittersweet to be resurfaced. Bids were received and our cost is approximately \$45,420.66. Resolution is in front of council for approval tonight.
- With the approval of the additional gas tax, street repairs should see a bump in 2020

2019 Wastewater Plant Influent Building Upgrade:

- Initial pump has arrived and is running on hand. Awaiting parts in order to operate in "Auto". The Ohio EPA has approved our "Permit to Install". Plans are out for Bid. Bid opening date is 5/30/19

Traffic Signal Upgrade Project:

- Choice One has prepared final tracings and sent to ODOT. Plans will go out for bid this Summer/Fall and Construction is estimated to be Spring 2020.



City of New Carlisle
City Council Meeting
05-20-2019
Fire-EMS Report

- In the Month of April the New Carlisle Fire Division responded to 82 EMS call in the City and 7 in Elizabeth Township.
- The Division responded to 8 Fire related calls in the City and 1 in Elizabeth Township.
- We had 2 EMS calls answered by mutual aid, either by Pike Township or Bethel Clark, due to medic 52 being on a response.
- We answered 2 mutual aid EMS calls for Pike Township and 2 for Bethel Clark.
- In the Month of April the Division responded to 1 Overdose calls,
- As of April 18th, the Fire/EMS Division went entirely on the marcs radio system for all radio communications and station/pager alerting, we are totally off of the VHF system.
- FYI!!!! The Fire/EMS Department applied for and received the First Responders Communication Grant and will receive 3 free iPads with cellular connection!

Steven Trusty
Fire Chief
City of New Carlisle

Police Report Dispersed @ Meeting

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Oath of Office

City of New Carlisle City Council

I, _____, do hereby solemnly swear (or affirm) that I shall support the Constitution of the United States and the Constitution of the State of Ohio, and that I shall faithfully, honestly, and impartially discharge the duties of Member of Council for the City of New Carlisle, Ohio, for the term ending _____, to which I have been elected.

Signed: _____

Witness: _____

Date: _____

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NEW CARLISLE PARKS AND RECREATION BOARD BYLAWS

BOARD MISSION:

The City of New Carlisle Parks and Recreation Board shall permanently preserve, protect, maintain, improve, and enhance its natural resources, parklands, and recreational opportunities for all current and future generation. The City of New Carlisle Parks and Recreation Board exists to provide places and recreation opportunities for all people to gather, celebrate, contemplate, and engage in activities that promote health, well-being, community, and the environment.

VISION STATEMENT:

By providing high-quality parks and recreation facilities, programs, services, and natural areas that meet the diverse needs of the community, we will enhance healthy and active lifestyles while connecting more people to parks, programs, and events.

DIVERSITY AND INCLUSION STATEMENT:

The New Carlisle Parks and Recreation Board will provide all individuals the opportunity to play, learn, grown, and explore by removing all barriers to participation, fostering an inclusive culture, and offering programs that celebrate our community's diverse population.

ARTICLE I – NAME AND AUTHORIZATION

SECTION 1.1 – NAME

The name of this board shall be the New Carlisle Parks and Recreation Board, herein after referred to as the “Board.”

SECTION 1.2 – AUTHORIZATION

The Board exists by the authority of the City of New Carlisle City Council and may be modified or abolished by action of the Council.

ARTICLE II - PURPOSE AND RESPONSIBILITIES

SECTION 1.1 – PURPOSE

The purpose of the Board is to advise the City Council and the City Manager regarding:

1. the acquisition, development, improvement, equipment, and maintenance of city parks and public playgrounds;
2. the future development of city parks, playgrounds, and recreational facilities, and the purchase of additional land for those purposed;
3. improvements in the maintenance, operation, and general welfare of the city's parks, playgrounds, and recreation facilities and their use by the public;
4. planning and development of programs, activities, and events for the public

SECTION 1.2 – RESPONSIBILITIES

First priority, each member shall represent and advocate for what is best for the City of New Carlisle as a whole, putting aside personal or special interests.

The responsibilities of the Board:

1. To assess at all times the safety and security of site locations and physical facility standards.
2. To advise the initiation, planning, design and to recommend a system of parks, facilities, etc., that will accommodate the public's need for parks and recreation activities.
3. To assist with the preparation and development of rules and regulations by which parks and recreation programs may operate.
4. To monitor and evaluate the effectiveness of park and recreation programs.
5. To advise and recommend ways and means by which parks and recreation programs may be improved or strengthened.
6. To support new parks, programs, and activities as public need may dictate.
7. To identify alternate sources of funding to parks and recreation such as grants, gifts, endowments, etc.
8. To adopt bylaws and other rules of procedure to achieve its purposes and functions.
9. To assist with the adjudication of complaints, disputes or other grievances from the public arising out of parks and recreation activities.
10. To evaluate programs and activities which are offered from year to year.
11. To perform other duties and responsibilities as may be conferred by the City of New Carlisle City Manager from time to time.
12. To review and recommend rules and regulations for public parks and recreation facilities in the community.
13. To promote a wide range of programs that will contribute to the meaningful use of leisure time.

14. To review and recommend a comprehensive plan for recreation and programs.
15. To review annual budget and goals and objectives for the city and provide oversight
16. To review and update the bylaws annually or as needed.

ARTICLE III - MEMBERSHIP

SECTION 1.1 – MEMBERS

The Board shall be comprised of five to seven members appointed by the City Council. Board members will be selected based on their qualifications and willingness to serve. Members will be selected without regard to race, creed, national origin, age, sex or the presence of a disability.

SECTION 1.2 – ELIGIBILITY

Members of the Board shall be City of New Carlisle residents.

SECTION 1.3 – TERMS OF OFFICE

Board members shall serve four (4) year terms. At the completion of a member's four-year term, they may submit a request to the City Manager to continue serving on the Board or may vacate their position at which time applications will be accepted and a new member will be appointed by Council.

SECTION 1.4 – VACANCIES

1. A member's position shall become vacant when:
 - A. a member is absent from three consecutive meetings or a total of one-third of the regularly scheduled meetings in a given calendar year, regardless if such absence is excused or unexcused. All absences will be duly recorded in the meeting minutes. Absences from emergency or special called meetings will not be recorded against a member in calculating the percent of absences. Special exceptions on the removal of members for absences may be made by the Chairperson of the Board when the absences are due to health or time-limited extenuating circumstances and the absences do not affect the ability of the Board to maintain a quorum, or
 - B. when a member no longer meets the membership requirements, or
 - C. when a member resigns.
2. A member who seeks to resign from the Board shall submit a written resignation to the chair of the Board or the City Manager. If possible, the resignation should allow for a thirty-day notice so the City Council can appoint a replacement.
3. The Chair shall immediately, upon receipt of a resignation or when advised of a vacancy, notify the City Manager.

ARTICLE IV – OFFICERS AND DUTIES

SECTION 1.1 – OFFICERS

1. The Board shall elect from its members a Chair and Vice Chair.
2. Officers shall be elected annually by a majority vote of the Board at the first regular meeting after January 1st.
3. The term of office shall be one year, beginning February 1st and ending January 31st. An officer may continue to serve until a successor is elected or at the Board's discretion.

SECTION 1.2 – DUTIES

1. The Chair shall preside at board meetings and shall generally manage business of the Board. The chair will also appoint all committees, represent the Board, and approve of each final meeting agenda. The Chair shall also record and maintain the minutes of each meeting, as well as any other Board records.
2. The Vice-Chair shall perform the duties in the absence of the chair.

SECTION 1.3 – REMOVAL

When an officer has been absent or has not performed the duties of that office for three consecutive meetings, that officer may be removed from office by the Board with a majority vote at a regularly scheduled meeting.

ARTICLE V - MEETINGS.

1. Regular meetings of the Board shall occur monthly. In January of each year, the Board shall adopt a schedule of the meetings for the first quarter. Subsequent meetings will be planned quarterly at the Board's discretion. If the regular meeting falls on a holiday or is in conflict with the majority of the Board Members' duties, the meeting may be changed to a different day as announced.
2. Special meetings and work sessions may be called by the chair or any three members of the Board when necessary to conduct business. Details about the special meeting or work session shall be provided to the members at least three business days before the meeting. Special meetings may be held at a location convenient to the matters under consideration when agreed upon by members. Special meetings shall be called in the following manner:
3. All meetings will be open to the public. The Board will ensure a schedule of their meetings and agendas and minutes are available at the request of the public.
4. The location and time of meetings will be determined by the chair and all members will be notified at least seven days prior to the scheduled meeting. Typically, meetings will be held at the Smith Park Shelter House, but the location may change dependent upon availability.
5. The Board shall work together to cancel any meeting at members' discretion. If the Chair determines a meeting should be cancelled, all members will be notified as soon as possible. A cancellation notice shall be posted by a member of the committee to notify the public.

6. A quorum shall consist of the majority of the members.
7. Agenda packets for regular meetings will be provided to Board members in advance of the scheduled meeting. Agenda packets will contain the posted agenda and written minutes of the last meeting.

ARTICLE VI – REPORTS TO CITY MANAGER AND COUNCIL

The Board shall meet with the City Manager and City Council, as requested, to determine how the Board may best serve and assist. City Council shall hear reports from the Board at regularly scheduled Council meetings.

ARTICLE VII – PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of Order shall govern the Board in all cases to which they are applicable, except when inconsistent with these bylaws or with special rules of procedure which the Board may adopt.

ARTICLE VIII – BYLAW AMENDMENTS

1. These bylaws shall become effective upon adoption by the Board and City Council.
2. Any changes to the bylaws will be reviewed and approved by majority vote of the Board members at any regular meeting of the Board. The Board's proposed amendments to the bylaws must be approved by City Council after the Board's approval. Bylaw amendments are not effective until approved by City Council.

END OF CITY MANAGER REPORT

ORDINANCE 19-09E

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO ANY AND ALL AGREEMENTS WITH THE BOARD OF CLARK COUNTY COMMISSIONERS FOR THE 2019 ROADWAY RESURFACING CONTRACT AND DECLARING AN EMERGENCY

WHEREAS, the City of New Carlisle has identified the need for resurfacing roadways within the City of New Carlisle; and

WHEREAS, the Clark County Engineer has agreed to engineer, bid and manage the roadway resurfacing project within the City of New Carlisle, and

WHEREAS, in joining the County, this increases the project size which should result in more favorable bids; and

WHEREAS, the maximum amount the City will pay under the agreements will not exceed \$55,000.

NOW, THEREFORE, THE CITY OF NEW CARLISLE HEREBY ORDAINS as follows:
SECTION 1. That the city Manager be, and he hereby is, authorized to enter into any agreements on behalf of the City of New Carlisle with The Board of Clark County Commissioners for the 2019 Roadway Resurfacing Contract.

SECTION 2. In order to best serve the health, safety, and welfare of the community and to timely execute the project and any potential related deadlines, this ordinance is declared an emergency and will become effective upon passage.

Passed this _____ day of _____, 2019.

Ethan Reynolds, MAYOR

Emily Berner, CLERK OF COUNCIL

APPROVED AS TO FORM:

Lynnette Dinkler, DIRECTOR OF LAW

1st: _____

2nd: _____

Councilman Cobb	Y	N
Councilman Cook	Y	N
Vice Mayor Lindsey	Y	N
Mayor Reynolds	Y	N
Councilman Lowrey	Y	N
Councilman Shamy	Y	N
Vacant	Y	N

Totals:

Pass

Fail

Intro: 5/20/19

Action: 5/20/19

Effective: 5/20/19.

RESURFACING AGREEMENT

This AGREEMENT entered into this _____ day of _____, 2019, by and between the Board of Clark County Commissioners, hereafter referred to as the "COUNTY," and the **City of New Carlisle**, hereafter referred to as "CITY," is for the purchase of materials and services under the **2019 Roadway Resurfacing Contract**, hereafter referred to as the "PROJECT," entered into between the COUNTY and its chosen contractor(s).

1. The CITY may purchase the reasonable quantity of pavement resurfacing materials and services under the PROJECT that is required for the needs of the CITY. The CITY shall pay for the actual quantity of materials and services provided to the CITY. The initial estimate of the amount of the contribution for the CITY, as well as other participating political subdivisions, and the COUNTY is attached hereto as Exhibit A. The CITY's ordinance approving this Agreement shall comply with Section 735.053 (B) of the Ohio Revised Code.

2. The CITY shall directly and timely pay the contractor(s) on the PROJECT for all materials and services rendered to the CITY under the PROJECT. No payment made by the COUNTY to the contractor(s), for said materials and services, shall relieve the CITY from its responsibility for paying for said materials and services or for any materials and services rendered to the CITY in the future. The CITY shall immediately reimburse the COUNTY for any payments made by the COUNTY for any materials or services rendered to the CITY. The CITY understands and agrees that the COUNTY's obligations under this Agreement are subject to all terms, conditions, and limitations of the PROJECT.

3. The CITY and the COUNTY understand and agree that the actual amount each jurisdiction will be responsible for may vary based upon the actual quantity of product provided to each jurisdiction, potential liquid price adjustment, or change orders. The CITY agrees to be responsible for any additional amount attributed to the materials and services actually provided to the CITY. However, pursuant to Section 735.053 (B) of the Ohio Revised Code, the maximum amount that the CITY is to pay to the contractor(s) under this Agreement is **\$45,420.66**.

4. The COUNTY agrees:

(1) That, in the hiring of employees for the performance of work under the contract or any subcontract, no contractor or subcontractor, by reason of race, color, religion, sex, age, disability or military status as defined in section 4112.01 of the Revised Code, national origin, or ancestry, shall discriminate against any citizen of this state in the employment of a person qualified and available to perform the work to which the contract relates; and

(2) That no contractor, subcontractor, or person acting on behalf of any contractor or subcontractor, in any manner, shall discriminate against, intimidate, or retaliate against any employee hired for the performance of work under the contract on account of race, color, religion, sex, age, disability or military status as defined in section 4112.01 of the Revised Code, national origin, or ancestry.

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5. Each party agrees to be responsible for its own acts and omissions whether through itself or its agents, employees and contracted servants, and each party further agrees to defend itself and pay any judgments and costs arising out of such acts or omissions, and nothing in this Agreement shall impute or transfer any such responsibility from one party to the other.

6. The terms and conditions of this Agreement are controlled by Ohio law.

7. Should any term or condition in this Agreement be declared unenforceable by a court of competent jurisdiction, only that term or condition will be severed from the Agreement and all remaining terms and conditions will remain in full force and effect.

This Agreement is executed, in triplicate, as of the date written above, by affixing the signatures of the respective parties hereto.

CITY OF NEW CARLISLE

By: _____
Randy Bridge, City Manager

Date: _____

Lynnette Dinkler, Law Director, City of New Carlisle
Approved as to Form and Legal Sufficiency:

By: _____

Date: _____

BOARD OF CLARK COUNTY COMMISSIONERS

By: _____
Jennifer Hutchinson, County Administrator

Date: _____

Ordinance No.: _____

Date: _____

On Behalf of Daniel P. Driscoll, Clark County Prosecutor
Approved as to Form and Legal Sufficiency:

By: _____

Date: _____

ORDINANCE 19-10

AN ORDINANCE AMENDING AND REPEALING ORDINANCE 17-14

WHEREAS, this Council passed Ordinance 17-14 on April 17, 2017, captioned *An Ordinance Providing Authority for Proclamations*, empowering the City of New Carlisle Mayor to issue proclamations as part of the Mayor's official ceremonial duties on behalf of the City of New Carlisle and reserving the Mayor's right to modify or deny any proclamation request; and

WHEREAS, Council wishes to amend Ordinance 17-14 in order to further legislate the procedure for the Mayor to issue proclamations and to further legislate restrictions upon the Mayor's authority to issue proclamations on behalf of the City of New Carlisle; and

WHEREAS, As the City recognizes the Mayoral duty to issue proclamations, Council desires to legislate that the Mayor, any Councilmember, any City of New Carlisle Resident, and any business located in the City of New Carlisle shall request a proclamation to be issued by the Mayor, and that all requested proclamations must first be presented to Council in an open Council meeting; and

WHEREAS, in order to ensure each proclamation issued by the Mayor is in the best interest of the City of New Carlisle, Council desires to legislate a review and approval process in an open Council meeting of each requested proclamation to determine which requested proclamations will be issued by the Mayor, by requiring a majority vote of Council by motion approving the requested proclamation; and

WHEREAS, in order to further ensure each proclamation issued by the Mayor is in the best interest of the City of New Carlisle, Council reserves the right to modify and deny any requested proclamation; and

WHEREAS, upon majority vote of Council by motion approving the requested proclamation, Council desires to legislate that it is a Mayoral official ceremonial duty to issue the proclamation, and as such, only the Mayor is empowered to sign and issue proclamations.

NOW, THEREFORE, THE CITY OF NEW CARLISLE HEREBY ORDAINS:

SECTION 1. That Ordinance 17-14 of the City of New Carlisle be amended as set forth in Exhibit A, attached hereto.

SECTION 2. All other City of New Carlisle Codified Ordinances, in whole or in part, that conflict with this Ordinance are hereby repealed.

Passed this _____ day of _____, 2019.

Ethan Reynolds, MAYOR

Emily Berner, CLERK OF COUNCIL

APPROVED AS TO FORM:

Lynnette Dinkler, DIRECTOR OF LAW

Intro: 5/20/19

Action: 6/3/19

Effective: 6/19/19

	1st:	_____
	2nd:	_____
Councilman Cobb	Y	N
Councilman Cook	Y	N
Vice Mayor Lindsey	Y	N
Mayor Reynolds	Y	N
Councilman Lowrey	Y	N
Councilman Shamy	Y	N
Vacant	Y	N
Totals:		
	Pass	Fail

ORDINANCE 17-14

AN ORDINANCE PROVIDING AUTHORITY FOR PROCLAMATIONS

WHEREAS, Proclamations are ceremonial documents signed *only* by the Mayor *with support from a majority of Council by motion*, and *may be* issued for public awareness, charitable fundraising campaigns, arts and cultural celebrations, *and* special honors ~~on the recommendation of the Mayor; and~~

WHEREAS, Proclamations will not be issued for matters of political controversy, ideological or religious beliefs, ~~or~~ individual conviction, events or organizations with no direct relationship ~~with~~ *to* the City of New Carlisle, *or for* campaigns or events contrary to City policies; and

WHEREAS, *the Mayor, any member of the City of New Carlisle Council, any City of New Carlisle resident, and any business located in the City of New Carlisle, shall request a proclamation to be issued by the Mayor, by first presenting the requested proclamation to Council in an open Council meeting or by completing and submitting a form made available to the citizens on-line on the City's website and made available at the Municipal Building; and*

WHEREAS, ~~the Mayor~~ *Council* reserves the right to modify or deny any proclamation request and all requests must be made with at least ~~10~~ *30* business days' notice.

NOW, THEREFORE, THE MUNICIPALITY OF NEW CARLISLE HEREBY ORDAINS that: ~~the Mayor is empowered to issue proclamations as part of his official duties on behalf of the City of New Carlisle.~~

Section 1. *The Mayor of New Carlisle, and only the Mayor, is hereby empowered to issue proclamations, which are ceremonial documents.*

Section 2. *The Mayor shall issue a proclamation only with support from a majority of Council by vote cast on motion.*

Section 3. *Only the Mayor, in an official ceremonial capacity, is hereby empowered to sign Proclamations on behalf of the City of New Carlisle.*

Section 4. *Proclamations may be issued for public awareness, charitable fundraising campaigns, arts and cultural celebrations, and special honors.*

Section 5. *No proclamations will be issued for matters of political controversy, ideological or religious beliefs, individual conviction, events or organizations with no direct relationship to the City of New Carlisle, or for campaigns or events contrary to City policies.*

Section 6. *Requests for proclamations shall be made in the following ways:*

The Mayor and any Councilmember shall request a proclamation to Council in an open meeting.

Any City of New Carlisle resident and any business located in the City of New Carlisle shall request a proclamation to Council in an open meeting or by using a form made available to the citizens on-line on the City's website and available on paper at the Municipal Building, attached hereto.

The City Manager is hereby directed to supply the Mayor with all written proclamation requests in advance of each regularly scheduled Council meeting.

Section 7. *Council reserves the right to modify or deny any proclamation request and all requests must be made with at least 30 business days' notice.*

Section 8. *The Rules of Council shall be amended to reflect the manner herein ordained regarding how proclamations shall be requested, shall be considered, and shall be issued.*

Passed this _____ day of _____, 2017.

Ordinance Introduced by Mayor Mike Lowrey

Mayor Mike Lowrey

Mike Lowrey, MAYOR,

Gene Collier, CLERK OF COUNCIL

APPROVED AS TO FORM:

Lynnette Dinkler, DIRECTOR OF LAW



PROCLAMATION REQUEST FORM

**Please completely provide all requested information below
and submit to the City Manager's Office.**

Full Legal Name: _____

Residential/Business Address: _____

Email: _____

Phone Number(s): _____

Date proclamation is requested by: _____

Name(s) and/or date(s) to be proclaimed: _____

Please note:

Proclamations may be issued for public awareness, charitable fundraising campaigns, arts and cultural celebrations, and special honors.

No proclamations will be issued for matters of political controversy, ideological or religious beliefs, individual conviction, events or organizations with no direct relationship to the City of New Carlisle, or for campaigns or events contrary to City policies.

Council reserves the right to modify or deny any proclamation request and all requests must be made with at least 30 business days' notice.

Exhibit A
Ordinance 17-14

Brief summary and/or background of the event and/or organization:

Draft text for the proclamation, including 4-6 “WHEREAS” clauses: