

NEW CARLISLE CITY COUNCIL
REGULAR MEETING AGENDA
June 3rd, 2019 @ 7:00pm

1. Call to Order: Mayor William Lindsey
2. Roll Call: Clerk of Council
3. Invocation
4. Pledge of Allegiance
5. Action on Minutes: 5/20/19 - Regular Meeting
6. Communications: None
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: (1 - Intro and Action)

A. Resolution 19-09R: (Introduction, Public Hearing and Action Tonight)

A RESOLUTION AMENDING THE CITY OF NEW CARLISLE RULES OF COUNCIL

11. ORDINANCES: (1 - Intro; 1 - Action)

A. Ordinance 19-10: (Public Hearing and Action Tonight)

AN ORDINANCE AMENDING AND REPEALING ORDINANCE 17-14

B. Ordinance 19-11: (Introduction Tonight. Public Hearing and Action on 6/17/19)

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PROCEED WITH AN ANNEXATION PETITION TO THE BOARD OF CLARK COUNTY COMMISSIONERS PERTAINING TO 21.43 ACRES

12. OTHER BUSINESS:

- A. **Swearing In:** Of newly elected Council Member Becky McKenzie
- B. **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.
- C. **Crime Watch:** Wednesday, June 12th @ 6:30PM. Location: Smith Park Shelter House
- D. **Flag Burning Ceremony:** Friday, June 14th at the American Legion. More information to come!
- 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. **Motion to Approve:** Special Meeting on June 19th for Council open seat interviews

13. EXECUTIVE SESSION: None.

14. Adjournment

Next **Regular Meeting** of the City Council will be **Monday, June 17th, 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 20, 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, Service Director Howie Kitko, Finance Director Debbie Watson, Fire Chief Steve Trusty, Deputy Allender

3. INVOCATION: Pastor Frank James from the Methodist Church

4. PLEDGE OF ALLEGIANCE

5. ACTION ON MINUTES:

5/6/19: VM Lindsey motions to accept with a second by CM Shamy. No comments or questions.

YES: 6 Lowery, Cobb, Cook, Lindsey, Reynolds, Shamy Nay: 0 ACCEPTED 6-0

6. COMMUNICATIONS:

Proclamations (2)

1. Poppy Day- Proclamation to the American Legion Auxiliary Unit #286

2. Boy Scout Pack 220- Appreciation for cleaning Smith Park and bike path on Earth Day.

7. CITY MANAGERS REPORT:

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

FINANCE:

April Total Revenue:

\$309,428.73

April Total Expenses: \$528,048.14 (includes the purchase of the new building)

YTD Total Rev:

\$1,639,557.86

YTD Expenses:

\$1,574,991.15

SERVICE:

CM LOWERY THANKS FOR ALL THE POOL UPGRADES. ASKS ABOUT SHELTER HOUSE UPGRADE. DISCUSSION ABOUT POTHOLE BEING FILLED BY SHAMY AND LINDSEY. KITKO NOTES WILL BE FILLED WITHIN THE NEXT COUPLE WEEKS. CM COOK ASKS ABOUT THE DRIVE TO THE SHELTER. WILL IT GET FIXED? DISCUSSION TAKES PLACE ON MULTIPLE ESTIMATES TO REPAVE OR COMPLETE REDO. 25-50,000 COSTS. **CM LOWERY MOTIONS TO RESURFACE AS IS WITH A SECOND BY CM SHAMY. YES: 5 LOWERY, COBB, LINDSEY, REYNOLDS, SHAMY NAY: 1 COOK ACCEPTED 5-1**

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.

FIRE/EMS: NO COMMENTS OR QUESTIONS

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: unable to attend meeting.

INFORMATIONAL:

- 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

TROY LUMBER WILL PARTNER WITH GOODALL. BUILDING A 6,000 SQFT OPEN AIR LUMBAR YARD.

TMS CAREER FAIR: GREAT EVENT, GAVE STUDENTS AN IDEA OF THE TYPES OF JOBS AVAILABLE HERE IN WESTERN CLARK COUNTY.

8. COMMENTS FROM MEMBERS OF THE PUBLIC:

PEGGY EGGLESTON: 2X IN 6 MONTHS A CAR HAS ALMOST WRECKED INTO HER HOME. ASKS FOR MORE OF A POLICE PRESENCE IN THAT AREA TO SLOW TRAFFIC DOWN OR MAYBE THE RADAR TRAILER.

DALE GRIMM: NOTES THE BOE MET AND CERTIFIED MCKENZIE AS THE WINNER OF THE ELECTION.

BRIDGE ADDS THAT HOPKINS HAS 5 DAYS AS ASK FOR A RECOUNT.

9. COMMITTEE REPORTS: NONE

10. RESOLUTIONS: NONE

11. ORDINANCES: (1 INTRO 1 ACTION)**ORDINANCE 19-09**

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

CM LOWERY MOTIONS TO ACCEPT WITH A SECOND BY CM COBB. NO COMMENTS OR QUESTIONS. YES: 6 COOK, LINDSEY, REYNOLDS, SHAMY, LOWERY, COBB NAY: 0 ACCEPTED 6-0.

ORDINANCE 19-10

AN ORDINANCE AMENDING AND REPEALING ORDINANCE 17-14
READ ONLY

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

MAYOR REYNOLDS ANNOUNCES HE IS RESIGING AS A MEMBER OF COUNCIL AS OF 5/31/19. NOTES HE HAS ENJOYED HIS 7 YEARS HERE. WISHES EVERYONE THE BEST OF LUCK.

AT 7:31PM VML MOTIONS TO MOVE TO EXECUTIVE SESSION WITH A SECOND BY SHAMY. YES: LOWERY, COBB, COOK, LINDSEY, REYNOLDS, SHAMY NAY: 0 ACCEPTED 6-0.

CM LOWERY MOTIONS TO MOVE TO REGULAR SESSION WITH A SECOND BY CM SHAMY. YES: 6-0

CM LOWERY MOTIONS TO ADJOURN WITH A SECOND BY CM SHAMY AT 7:46PM.

Acting Mayor City of New Carlisle

Clerk of Council

City Manager's Report

TO: Mayor, Vice Mayor, City Council, Residents, and Business Owners
FROM: Randy Bridge, City Manager
DATE: May 31, 2019 for June 3, 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

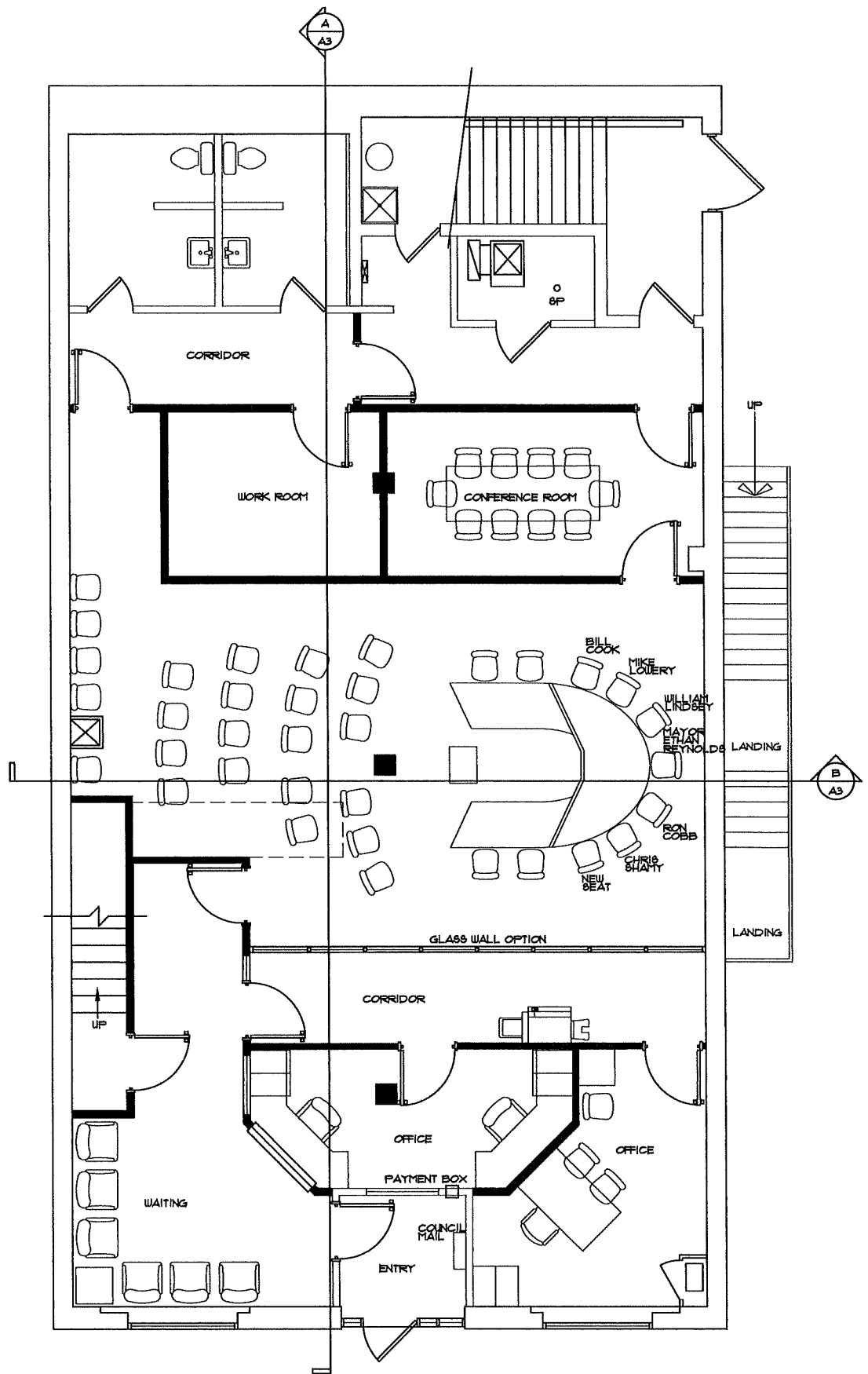
B - SERVICE REPORT - Attached

C - FIRE REPORT - Attached

D - POLICE REPORT - At Meeting

***E. INFORMATIONAL ITEMS**

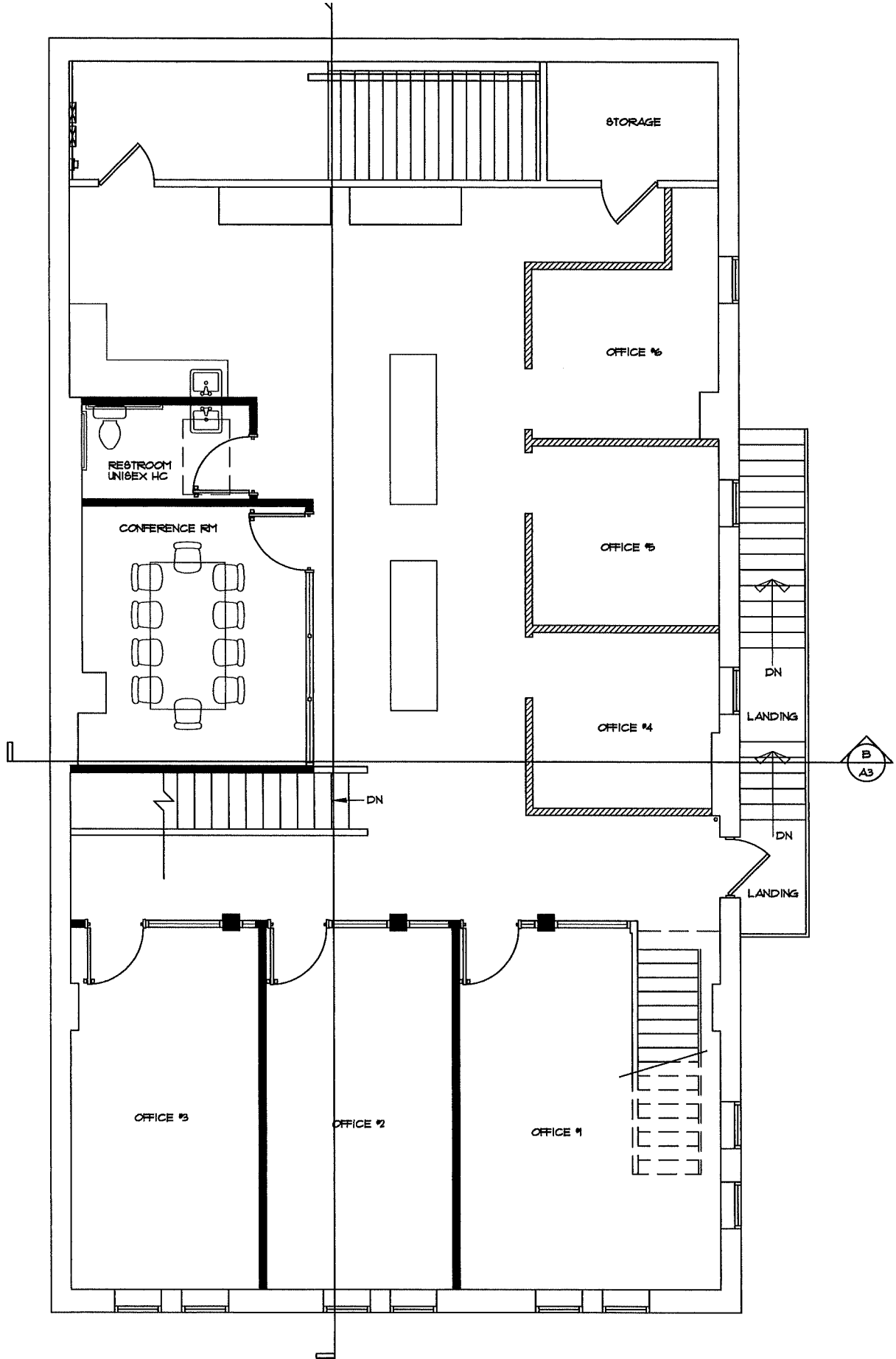
- New Building Updates
 - Draft Lay-out for informational purposes - Attached
 - Need Special Meeting to discuss or can discuss now. Thoughts?
- 2019 Memorial Day Walk
 - Great Event this year!
 - Thank you to all participants
 - Thank You letters have been mailed out
- Upcoming Legislation
 - Employee New Hire Policy
 - Cemetery Plots Buy-Backs
 - Parks and Rec By laws
 - City Manager comments on why legislation is not on this agenda
 - Will be on 6/17/19 agenda
- Motion to Approve
 - Kathy Wright to Parks and Recreation Board - Application Attached



FIRST FLOOR PLAN A

SCALE: 1/4"=1'-0"

N.C. CITY OFFICES



SECOND FLOOR PLAN A

SCALE: 1/4"=1'-0"

N.C. CITY OFFICE6

**PRELIM
NOT FOR
CONST.**

5/24/2019

APPLICATION FOR BOARD/COMMITTEE MEMBERSHIP

CITY OF NEW CARLISLE

Return application to the City Building, P.O. Box 419, 331 S. Church St.

Please print or type

Name Kathy V Wight

Board(s) or Committee(s) You Are Interested In Serving On Parks &

Recreation & (if possible) Planning

Daytime Phone 937-828-2063 Evening Phone 937-828-2063

Address 323 S. Scott St N.C.

Date May 22, 2018

Why do you wish to serve on this(these) board(s) or committee(s)?

You may answer below or on an attached sheet. Please put your name at the top of each sheet. Thank you for your interest.

I would enjoy Parks & Rec Board for the ability to provide services for children and adults of my community. I have many simple & fun things and ideas to bring citizens together and serve our hometown. Most of my ideas are inexpensive but I have successfully written grants and could possibly put those skills to use for this town.

Planning Board would be an entity that I would be comfortable with and have first hand experience. We've rehabbed or built eight homes within Clark Co giving me first hand knowledge. I feel I could ask tough questions and possibly see some items from a different perspective.

RESOLUTION 19-09R

A RESOLUTION AMENDING THE CITY OF NEW CARLISLE RULES OF COUNCIL

WHEREAS, the Rules of Council establish guidelines under which the Council of the City of New Carlisle conducts business; and

WHEREAS, said Rules of Council state that they shall be reviewed and adopted by Council in January after any Council elections; and

WHEREAS, said Rules of Council were last adopted by Council on January 22, 2019; and

WHEREAS, said Rules of Council were last revised on May 21, 2018; and

WHEREAS, Ordinance 17-14, passed by Council on April 17, 2017, empowered the City of New Carlisle Mayor to issue proclamations as part of the Mayor's official duties on behalf of the City and reserved the right for the Mayor to modify and deny any proclamation request; and

WHEREAS, Ordinance 19-10, passed on June 3rd, 2019, amended Ordinance 17-14, empowers the City of New Carlisle Mayor to issue proclamations only with support from a majority vote of Council by motion approving the requested proclamation, providing that all proclamations requested to Council by the Mayor, any Councilmember, any City of New Carlisle resident, and any business located in the City of New Carlisle shall be presented to Council during an open Council meeting for discussion and call for a motion, reserving in Council the right to modify and deny any proposed proclamation, and clarifying the only person empowered to sign and issue proclamations on behalf of the City of New Carlisle is the Mayor; and

WHEREAS, Council wishes to amend said Rules of Council by adding a new provision outlining the procedure by which the Council of the City of New Carlisle conducts business concerning the Mayor's authority to issue proclamations, in accordance with and incorporating Ordinance 19-10; and

WHEREAS, the Rules of Council are currently inconsistent with the City's Administrative Code Section 210.18, with regard to the required vote for a passing motion. The attached proposed amendments to the Rules of Council reflect an amendment to reconcile this inconsistency such that the Rules of Council will now read as the City's Administrative Code Section 210.18, to require a two-third (2/3) affirmative vote of Council members present to adopt and to amend the Rules of Council by motion.

WHEREAS, the Rules of Council may be amended by a two-thirds vote of the Council members present at a regular meeting.

NOW, THEREFORE, THE CITY OF NEW CARLISLE HEREBY RESOLVES,
that the City of New Carlisle Rules of Council be repealed and amended as set forth in
Exhibit A, attached hereto.

Passed this _____ day of _____, 2019.

, MAYOR

Emily Berner, CLERK OF COUNCIL

APPROVED AS TO FORM:

Lynnette Dinkler, DIRECTOR OF LAW

FINAL
Revised 01/20/04
Reviewed 01/04/10
Reviewed 01-17-12
Revised 01-06-14
Revised 3/8/18 via Res 18-03R
Revised 5/21/18 via Res 18-08R
Revised 5/20/19 via Res 19-09R

**RULES OF COUNCIL
CITY OF NEW CARLISLE, OHIO**

SECTION I: MEETINGS

A. Regular Meetings

Regular Meetings shall be held every first and third Monday of each month at 7:00 P.M. When the date of a regular meeting is determined to create a conflict, or falls on a holiday observed by the City, Council may, by majority vote, change the date and/or hour and issue proper notices thereof.

B. Special Meetings

The Mayor, Vice-Mayor, City Manager or at least four (4) members of Council may call for a special meeting. If Council membership should fall to five (5) or less, a simple majority may call a special meeting. The special meeting may be called upon at least a twelve (12) hour written notification to all Council Members. This notice may be delivered to each Member personally or left at his or her place of residence, and should generally state the subjects to be discussed at the meeting. Every effort shall also be made to contact the Member by telephone, e-mail, and in other ways. Written notice to any Member may be waived by that Member.

C. Closed Sessions/Executive Sessions

All meetings during which official business is conducted will be held in public. However, Council may convene in a closed or executive session to discuss those matters which are permitted by section 121.22(G) of the Ohio Revised Code. All Council Elect shall be included in all executive sessions after being certified by the board of elections.

SECTION II: NOTIFICATION OF MEETINGS

Upon establishment of special meetings, the City Manager, Council Members, and the public shall be notified. Notification shall be made by posting a notice

Exhibit A
Resolution 19-09R

at the City Building, by contacting a newspaper of general circulation within the City, any requesting media organization, and others regularly notified of meetings.

SECTION III: AGENDA

- A. The Clerk of Council, in conjunction with the City Manager, the Law Director and the Council, shall prepare and distribute the meeting agenda, listing the items for discussion and the order of business for the meeting.
- B. In order for an item to be included on the agenda, it must be submitted to the Clerk or the City Manager no later than three (3) working days preceding the meeting date.
- C. A copy of all Ordinances or Resolutions must be made available to all Council Members, the Clerk, and any department head whose department may be involved in the legislation, a minimum of forty-eight (48) hours prior to the Council meeting at which the legislation is to be introduced.
- D. An item that does not appear on the agenda shall not be acted upon without suspension of the Rules of Council.
- E. No letter or communication to Council shall be considered or acted upon by Council unless the letter or communication has been signed by its sender.
- F. Subsections B, C, & D are not applicable in regard to emergency legislation.

SECTION IV: PRESIDING OFFICER AT MEETINGS

- A. The Mayor, selected in the manner set forth by the City Charter (Section 4.04), shall assume the duties and responsibilities contained therein, and shall act as Presiding Officer over all Council Meetings.
- B. The Vice-Mayor, selected in the manner set forth by the City Charter (Section 4.05), shall assume the duties and responsibilities contained therein and perform the duties of Mayor in the Mayor's absence, including that of Presiding Officer.
- C. In the case of absence of both the Mayor and Vice-Mayor at a Council meeting, the Council shall select a Temporary Presiding Officer by a majority vote of Members present.
- D. The Presiding Officer shall preserve decorum and decide all questions of order, subject to appeal to Council, by any one of its Members. Should any Member transgress these rules of Council, the Presiding Officer shall, or any Member may, call him or her to order, and in the latter instance, the Presiding Officer shall render a decision as to the point of order. The Presiding Officer

Exhibit A
Resolution 19-09R

shall be sustained unless overruled by a majority vote of Council Members present.

E. Addressing the Presiding Officer

A Member of Council shall address the Presiding Officer when requesting permission to speak. The Presiding Officer shall then declare the person entitled to the floor. All discussion shall be confined to the question under debate. Members of the audience will also request permission to address Council from the Presiding Officer, and should do so by raising their hand(s).

SECTION V. THE CLERK OF COUNCIL

Council shall select a Clerk and one or more Acting Clerks in accordance with the City Charter (Section 4.09).

SECTION VI. MEETING PROCEDURE

The order of business by the Council shall be:

- (1) Call to Order
- (2) Roll Call
- (3) Invocation
- (4) Pledge of Allegiance
- (5) Action on Minutes of previous meeting(s)
- (6) Communications
- (7) City Manager's Report
- (8) Comments from Members of the Public
- (9) Committee Reports
- (10) Resolutions
- (11) Ordinances
- (12) Other Business
- (13) Executive Session

As a courtesy to the audience, the presiding officer should announce if any additional business is anticipated after executive session.

- (14) Return to regular session
- (15) Adjournment

SECTION VII: VOTING

A. Quorum

A majority of Council Members must be present at any meeting for official and valid business to be conducted, except as otherwise provided by the City Charter.

Exhibit A
Resolution 19-09R

B. Absences

If a Council Member is to be absent from a meeting and desires to be excused from that meeting, the Member shall communicate that information to the Mayor or the Vice Mayor as early as possible prior to that meeting, and should specify the reason(s) for said absence. If unable to contact them, the Member shall contact any other Council Member or the City Manager.

Having received such request, the Mayor, or Vice Mayor, or other Council Member or City Manager shall present that information during the "other business" portion of the meeting from which the Member wishes to be excused.

C. Voting Procedure

Voting on all proposed legislation and motions shall be oral and in open Council. The Clerk of Council shall call the roll, beginning with the member seated to the left of the member who seconded the motion. Members may signify approval with a "Yes" vote, disapproval with a "No" vote, or "Abstain" for reasons such as:

(1) The Member feels his or her vote would constitute a conflict of interest.

(2) The Member was not present at the previous meeting (re: minutes).

When a Council Member chooses to abstain, he or she shall state, "I abstain because," indicating the reason for the abstention. No other comments shall be in order during the voting procedure. The Clerk of Council shall announce the result and the vote immediately after the roll call.

D. Voting on Suspension of Rules

Suspensions of these Rules of Council shall require a two-thirds (2/3) vote of Council Members present.

E. Dissent from Majority Opinion

Any Member of Council may dissent or protest a decision of the majority of Council, or any Ordinance, Resolution, or Motion, and may have that dissent entered into record. Such dissent may be oral or written and shall be presented at the next meeting following the action on such Ordinance, Resolution, or Motion.

Exhibit A
Resolution 19-09R

F. Reconsideration

Any Member who voted with the prevailing side on the vote on a given action of Council may move a reconsideration of that action, provided that the motion be made not later than the next regular meeting after the action was taken.

A motion to reconsider shall be in order at any time except when a motion on some other subject is standing.

A motion to reconsider being laid on the table may be taken up and acted upon at any time when the Council is engaged in transaction of miscellaneous business.

No motion to reconsider shall be made more than once on any matter or subject, and the same number of votes shall be required to reconsider the action of the Council as are required to pass or adopt the same.

No Motion, Resolution, or Ordinance, having been voted upon, shall be reintroduced within ninety (90) days, except with majority concurrence of Council.

SECTION VIII: SPEAKING REGULATIONS

- A. Each Council Member and person addressing Council during the legislative agenda shall make every effort to confine his or her discussion to the question under debate. Members of Council and members of the audience shall be limited to five (5) minutes and shall not speak more than once on any subject.
- B. Comments from persons in the audience should be addressed to the Presiding Officer, not to proponents or opponents of any issue, not to city staff, and not to other members of the audience.
- C. A public meeting or a public hearing is an opportunity for Council to receive input from citizens of the community. It is not the place for a debate between persons in the audience and other citizens, persons in the audience and city staff, or persons in the audience and members of Council. Debating tactics such as demanding answers to questions are frowned upon and may be prohibited. Since the meetings are for input, not an instant dialogue or debate, questions to which Council chooses to respond may well be answered at a subsequent meeting or as decided by the presiding officer.
- D. The Council reserves the right to put an end to that portion of any meeting or hearing in which comments from the audience are allowed, in order to leave adequate time for Council to proceed with its other business.
- E. When citizens raise questions or complaints which can be dealt with best by staff or do not require immediate action, arrangements may be made for discussion outside of the meeting. Citizens may, of course, return to a later

Exhibit A
Resolution 19-09R

meeting of the Council to speak to the subject, if they are not satisfied with the response they receive.

During the public comment part of the agenda, members of the audience may speak on subjects of their choice, addressing comments and questions to the Presiding Officer after being granted the floor, and shall be limited to five minutes.

Language used shall be appropriate for a public meeting.

SECTION IX: LEGISLATION

A. Drafting

The Director of Law shall, on motion of Council, prepare legislation, in writing and over the Director's signature, in which the City is concerned.

B. Ordinances and Resolutions

Ordinances and Resolutions that are proposed by any Member of Council will contain the signature of the Member of Council introducing the legislation. Resolutions shall require one reading by title only. Ordinances shall require two (2) readings by title only. Upon the request and approval by a majority of Council, legislation may be read in its entirety.

C. Motions of Council

Motions shall be used only to expedite the orderly transaction of business of Council and shall not be substituted for Resolutions or Ordinances. The form of all Motions shall be, "I move that...", followed by the substance of the motion. A second shall be required for any motion except as specifically provided for in a rule, but upon demand of any Member, any motion shall be reduced to writing by the Clerk of Council. Any such motion may be withdrawn by the maker with the consent of the second before it has been amended or voted upon. When a motion is made, it shall be stated by the Presiding Officer before any debate is in order. All motions which have been entertained by the Presiding Officer shall be entered upon the minutes.

Precedence of Motions. When a question is before Council, no motion shall be entertained except the following:

- (1) To adjourn
- (2) To fix the hours of adjournment
- (3) To request that discussion on the previous question end and that the motion being considered be voted on
- (4) To lay on the table

Exhibit A
Resolution 19-09R

- (5) To postpone definitely
- (6) To postpone indefinitely
- (7) To refer to a committee
- (8) To amend.

These motions shall have precedence in the order indicated. The motion to adjourn and the motion to previous question shall be put to a vote without debate. The motion to fix the hour of adjournment shall be debatable only as to the time of such adjournment. All other motions shall be debatable.

A motion to adjourn shall be in order at any time with a second.

A motion for the previous question shall require a majority vote of Council Members present. It shall be considered only once; may be renewed after intervening business; shall take precedence over all debatable questions. When the previous question is moved and seconded by one other Member of Council, it shall be stated by the Presiding Officer: "Shall the main question be now put?"

There shall be no further amendment or debate, but pending amendments shall be put in their order before their main question. If the question, "Shall the main question be now put?" is decided in the negative, the main question remains debatable before Council.

A motion to lay on the table (to table) shall dispose finally of all legislation against which it is invoked, but a motion to lay on the table a pending amendment to an Ordinance or Resolution shall not carry the Ordinance or Resolution with it. The motion to lay on the table shall require a majority vote of Council Members present.

A motion to postpone to a certain date shall require a majority vote of Council Members present; shall be subject to reconsideration; may be renewed after intervening business; shall be debatable as to the propriety of the postponement, but not upon the merits of the legislation; and may be amended by changing the date. Upon the arrival of the date to which postponed, the legislation shall be considered in the regular order of business.

A motion to postpone indefinitely shall have the same effect as the motion to lay on the table and shall require a majority vote of all Council Members present. A motion to postpone indefinitely shall not be reconsidered, shall be debatable, shall open the legislation to debate, may be renewed after intervening, may not be amended or laid on the table, and shall be subject to the previous question.

A motion to amend shall be susceptible to but one amendment. An amendment once rejected may not be moved again in the same form.

Any Member of Council may call for a division of the question, or the Presiding Officer may direct the same, and the same in either case shall be divided if it

comprehends questions so distinct that, one being taken away, the other will stand as an entire question for decision.

Questions of privilege shall be: First, those affecting the rights of the Council collectively, and the safety, dignity, and integrity of its proceedings; second, the rights, reputation, and conduct of the Members of Council individually, in their capacity as Council Members. A question of privilege shall have precedence over all questions except a motion to adjourn.

SECTION X: PROCLAMATIONS

- (A) A proclamation is a ceremonial document 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.***
- (B) Proclamations shall not 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.***
- (C) The Mayor is empowered to issue proclamations as part of the Mayor's ceremonial duties on behalf of the City of New Carlisle, but only with majority vote (4) of Council by motion approving the proclamation, thereby constituting Council's support.***
- (D) The Mayor or any Councilmember shall request a proclamation to Council in an open meeting, and any City of New Carlisle resident or 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. Requests from City of New Carlisle residents and businesses located in the City of New Carlisle that are made by submitting such form will be presented to Council by the Mayor at the next regularly scheduled Council meeting. All requests for proclamations made by City of New Carlisle residents or businesses located in the City of New Carlisle shall be made with at least 30 business days' notice before the date the proclamation is being requested, and shall include the requestor's first and last name, residential/business address, email address, telephone number(s), the date by when the proclamation is being requested, name(s) and/or date(s) to be proclaimed, a brief summary and/or background of the event or organization, and draft text for the proclamation including 4-6 "WHEREAS" clauses. With regard to the timing of requests, it should be remembered that all requested proclamations are presented in open Council meetings. Council may modify or deny any requested proclamation, whether***

made by the Mayor, a Councilmember, a City of New Carlisle resident, or a business located in the City of New Carlisle.

(E) All proclamations requested by the Mayor or any Councilmember shall be presented during the Other Business portion of an open Council meeting's agenda.

(F) All written requests for proclamations submitted on the City-provided form and made by City of New Carlisle residents and businesses located in the City of New Carlisle shall be presented by the Mayor during the Other Business portion of an open Council meeting's agenda. The City Manager shall supply the Mayor with all written requests for proclamations in advance of each regularly scheduled Council meeting.

(G) All oral requests for proclamations made by City of New Carlisle residents and businesses located in the City of New Carlisle shall be presented during the Comments from Members of the Public portion of an open Council meeting's agenda.

(H) Upon majority vote (4) of Council by motion approving the requested proclamation, the Mayor, and only the Mayor, shall be empowered to sign and issue the proclamation as part of the Mayor's ceremonial duties on behalf of the City of New Carlisle.

SECTION XI: COMMITTEES

Council, shall have the authority to appoint committees, or to establish a Committee of the Whole (Council), for any purpose the Council deems necessary. Such committees shall exist only until their work is completed.

SECTION XII: CITY CHARTER OF NEW CARLISLE

- A. These rules acknowledge the existence of the City Charter of New Carlisle, Ohio.
- B. In cases of conflict between these Rules and the Charter, the City Charter shall prevail.

SECTION XIII: ROBERT'S RULES OF ORDER

In the absence of any Council rule or Charter provision upon the matter of business, Council shall be governed by Robert's Rules of Order.

SECTION XIV: ADOPTION OF RULES

These Rules of Council shall be effective upon adoption of a Resolution passed by a two-thirds (2/3) (~~five~~) vote of Council **members present at a regular meeting**. They shall be reviewed and adopted by Council in January after Council elections.

SECTION XV: AMENDMENT TO RULES

These Rules may be amended by a resolution approved by a two-thirds (2/3) vote (~~five~~) of the Council **members present at a regular meeting where such amendment is presented**.

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

1st: _____

2cd: _____

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: 6/3/19

Effective: 6/19/19

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

Exhibit A
Ordinance 17-14



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:

ORDINANCE 19-11

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PROCEED WITH AN ANNEXATION PETITION TO THE BOARD OF CLARK COUNTY COMMISSIONERS PERTAINING TO 21.43 ACRES

WHEREAS, Valley Creek Management is the owner of the parcel of land, identified as Parcel # 0150500034221010 in Bethel Township, Clark County, Ohio; and

WHEREAS, it is the desire of Valley Creek Management to bring this parcel into the City boundaries; and

WHEREAS, Valley Creek Management has requested that City Manager, Randy Bridge, act as the agent for the annexation; and

WHEREAS, the Board of Clark County Commissioners require ordinance authorization for the City Manager to proceed with the filing of the annexation petition.

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

SECTION 1. The City Manager is hereby authorized to act as the agent for Valley Creek Management and proceed with the filing of the annexation petition, and is further instructed to do all things necessary to accomplish this annexation.

Passed this _____ day of _____, 2019.

_____, 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: 6/3/19

Action: 6/17/19

Effective: 7/4/19