



Council Minutes – Organizational Meeting

Tuesday, January 2, 2024

Call to order.

Mayor Spalding called to order the New Albany City Council Organizational Meeting of January 2, 2024 at 6:30 p.m. at the New Albany Village Hall, 99 West Main Street, New Albany, Ohio. Staff attending were City Manager Joseph Stefanov, Law Director Benjamin Albrecht, Finance Director Bethany Staats, Administrative Services Director Adrienne Joly, Police Lieutenant Kris Daniels, Economic Development Manager Sara Zeigler, Engineering Manager Cara Denney, Public Service Director Mike Barker, Public Information Officer Josh Poland, and Clerk of Council Jennifer Mason.

Mayor Spalding led the assemblage in the Pledge of Allegiance.

Roll call

The following mayor/council members answered roll call:

Mayor Sloan Spalding	P
CM Marlene Brisk	P
CM Michael Durik	P
CM Chip Fellows	P
CM Kasey Kist	P
CM Matt Shull	P
CM Andrea Wiltrout	P

Swearing In/Oaths of Office

Mayor Sloan Spalding - Council Member Brisk administered the oath of office to Mayor Spalding.

Council Member Marlene Brisk – Mayor Spalding administered the oath of office to Council Member Brisk.

Council Member Mike Durik – Mayor Spalding administered the oath of office to Council Member Durik.

Additions or corrections to agenda

NONE

Discuss and adopt rules of procedure for council

Council reviewed the Rules of Procedure by sections. Changes were proposed ahead of time by Clerk Mason and Mayor Spalding and those were marked and projected on the Council Chambers screens and attached.

Mayor Spalding proposed change to Rule 2(A) to add language that aligned the charter stating that the president pro tem was selected in even number years. As for acting mayor, Council Member Fellows was the senior member of council by years of service and would be the acting mayor by rule. Mayor Spalding didn't know that council had to name the acting mayor because there was no conflict.

Tuesday, January 2, 2024

Council Member Shull agreed with the language “shall appoint.” He noticed that the city charter used the word “nominate.” He recommended changing the charter language to “appoint” at the next charter review. He asked to add the word “Charter” before “Section 3.03” for clarity.

Mayor Spalding said he proposed the word “new” before “president pro tempore.” The word “new” would suggest to other council members that, if one person was the pro tem, unless the rules changed, that person would not be subject to reappointment for an additional term. The selected pro tem would serve 2 years, then another member of council would serve.

Council Member Brisk asked and Mayor Spalding agreed that the proposed change would mean that someone couldn’t serve 2 consecutive terms as president pro tem. He was open to changing the rules again to fit a need. He described the inconsistent application of this council rule in the past, both for how the pro tem was selected and the length of the term. Council members recalled various ways the past president pro tems were selected and how long they served.

Council Member Brisk understood from the history and talking to former Council Member Briscoe was that president pro tem position was rarely rotated and there was a small period of time, historically, where it rotated because there was a particular member that really wanted a term. Council Member Brisk had a strong concern about what would happen with the president pro tem, not this night, but moving forward. She did not think this was something to be taken lightly or that everyone should get turns. She’d been clear about that in her discussions. She didn’t understand the addition of the word “new.” If council should decide someone appropriate should remain in that position, she thought they should be entitled to. Council had the opportunity to reappoint every 2 years. This was too important a position to rotate. If something should happen to the mayor, the appointed president pro tem could then be the mayor without council having control over that. It was automatic and could last up to 2 ½ years, the way she read the ordinances and charter. Therefore, she did not think it should rotate. The word “new” to her indicated it had to rotate.

Council Member Shull thought the appointment of president pro tem should be left up to council. He would take the word “new” out.

Mayor Spalding stated, without the word “new,” a member of council that was president pro tem could just stay on term after term. The pro tem appointment didn’t impact him, so if council wanted the proposed word “new” taken out, he had no objection.

Council Member Brisk responded if council voted to reappoint, then yes, a member could keep serving.

Council Member Fellows expressed concern that the appointment could divide council. He anticipated opposing forces every 2 years where council would be divided by who they supported, picking sides, if council didn’t select a new president pro tem.

Tuesday, January 2, 2024

Council Member Wiltout thought bringing “new” in would bring unity because council members could change and everyone would presumably have a chance to serve. The president pro tem decision would be less charged.

Council Member Fellows thought that everyone on council, being voted to be on council, had the ability to serve as president pro tem. Being president pro tem didn’t bring any benefits other than title. In his opinion, president pro tem should be rotated or, at least every 2 years have a new pro tem so that other council members would have an opportunity to serve in that role.

Council Member Brisk strongly disagreed that president pro tem didn’t have an impact other than title. In the city’s charter, it said the pro tem shall be the next mayor if something happened to the mayor. If something happened to Mayor Spalding, it was out of council’s hands.

Council Member Fellows asked if there was someone council wasn’t comfortable with being appointed to president pro tem. Other members should have an opportunity to serve. It would provide more balance on council.

Council Member Brisk thought the same tension and division would be created by a new appointment.

Council Member Kist recalled former Council Member Briscoe being president pro tem for a long time. He, personally, thought it should rotate. He didn’t like that council could appoint a de facto mayor, or future mayor, every time council did this. Building in the word “new” indicated that pro tem wasn’t a permanent selection. Council would come back every 2 years and have this discussion. If “new” wasn’t the mechanism, he didn’t know what it was – to say that they weren’t picking a de facto mayor that evening. Mayor Spalding’s vote counted the same as other council members. He didn’t want to put undue weight on the president pro tem being the successor to the mayor. He liked that it would change. He asked Council Member Brisk, out of the other members of council, would council not be able to settle on someone who could fill that role?

Council Member Brisk wasn’t sure she understood the question. She was not saying that a president pro tem was council picking the next mayor elected by the city. She didn’t think most residents knew who the president pro tem was. She didn’t think it affected an election. It only came into play if something happened to the sitting mayor. At that point, council did have the authority, per the charter, to pick the next mayor until the subsequent general election. Council should use it wisely and carefully. Council nominated for all positions ever 2 years. Council changed board member liaison positions all the time. That didn’t mean it was required to be a new person. She asked if “new” meant, if she was president pro tem now, and tonight, council appointed someone else, could she not be reappointed because she had already been pro tem? She was greatly concerned about “new” limiting council in its own free decision-making process about a very important position.

Mayor Spalding said his understanding, after Council Member Brisk’s 2 years as president pro tem, she would be eligible again for president pro tem after the expiration of the next 2-year term.

Tuesday, January 2, 2024

Council Member Brisk wasn't sure that the word "new" conveyed that meaning.

Council Member Shull preferred the flexibility of council being able to decide and the word "new" restricted that.

Council Member Wiltout understood the rules could be changed. The charter could be changed if they were unhappy with the relationship between the president pro tem and mayor, should something happen. Council members discussed the charter being up for review and renewal by 2030.

Mayor Spalding reviewed the tracked proposed changes to Rule 2, including the word "new" before "president pro tem." He moved that the council rules be amended to reflect those changes. Council Member Fellows seconded the motion.

Council Member Brisk asked and Law Director Albrecht responded that he would interpret the word "new" as meaning that a president pro tem wouldn't serve consecutive terms. After a person served 2 years and someone else served 2 years, the first person would be eligible to be appointed to president pro tem again.

Council voted with 5 yes votes and 2 no votes (Brisk, Shull) on the motion to amend Rule 2, including the word "new." The motion passed.

Mayor Spalding stated that Rule 4 contained the standing committees of council which also reported during council meetings. He couldn't recall a report in years. The standing committees were mentioned in some city code. Clerk Mason noted that 2 standing committee chairs signed mylars as required in the code. The mayor also signed those same mylars which could constitute council's affirmation of those plans.

Council Member Wiltout noted that she was attending the quarterly Finance meetings as the Finance Committee Chair. Director Staats generally reported the information from those meetings to council.

Mayor Spalding appreciated council members being engaged in the city and taking their responsibility as council members in each of these issues, Finance, Safety, Public Utilities, Administration, Economic Development. Staff did a great job of keeping council informed of everything that was happening. His suggestion was to eliminate the standing committees and modify the agenda accordingly. The IDEA Committee started as kind of a subcommittee of council while council figured out what they wanted to achieve. The community bed tax grants could be a subcommittee. He had proposed additional language for subcommittee creation.

Council Member Fellows thought the Administration committee should be maintained and reported on. Mayor Spalding didn't know if council had to officially designate someone for that. That responsibility could be passed around. That committee handled the evaluation of the city manager and clerk. Clerk Mason said she would like a mechanism to know who "her person" was on council.

Tuesday, January 2, 2024

Council Member Shull asked if Mayor Spalding was paring down the subcommittees or eliminating all of them. Mayor Spalding answered that he was open to suggestions. Council further discussed the inactive standing committees. Clerk Mason asked and City Manager Stefanov stated he couldn't remember any Safety Committee activity in the last 10-15 years.

Clerk Mason noted that the existing rules called for referring matters to Standing Committees and that council would need to create a subcommittee if they wanted to refer a matter to it.

Mayor Spalding stated that council could talk about what committees it wanted to create at the next council meeting.

Council Member Durik preferred to create subcommittees as they were needed.

Clerk Mason asked and Mayor Spalding confirmed that the Standing Committees as written would be struck. He stated subcommittees should be tackled in the next 2 council meetings.

Council Member Shull asked to change the council rule to say that "up to 3" council members could be appointed to subcommittees. Council indicated their agreement to this change.

Under Rule 4(F), Clerk Mason stated that she made no substantive changes. She had consolidated appointments into their respective categories: mayoral appointments, combination mayor/council appointments, council appointments, etc.

Council Member Shull proposed putting Hotel/Motel Bed Tax and Administration committees under appointments and not recreating them as subcommittees. Mayor Spalding said the formality of having an assigned subcommittee was the expectation of them reporting back.

Clerk Mason pointed to proposed changes to what would now be subcommittee chair responsibilities to include the keeping of minutes, citing the example of Council Member Shull taking minutes for the Hotel/Motel Bed Tax Committee. Council and staff discussed the status and responsibilities of a subcommittee quorum.

Under Rule 9 – Conduct of Council Business, Mayor Spalding proposed changing the regular meeting agenda to reflect the removal of standing committees and the substitution of council subcommittees.

Under Rule 10(E), Mayor Spalding noted the current rule called for the receipt of gifts having a market value of \$25 or less. Clerk Mason offered that council could raise that amount or follow some other municipalities that did not include gift language in their rules. Law Director Albrecht stated the Ohio Ethics Commission had language that didn't provide specific parameters, it would be open to interpretation on a case by case basis. A fixed amount would provide a bright line.

Tuesday, January 2, 2024

Mayor Spalding stated he was okay keeping the \$25 language. Council Member Shull asked and Clerk Mason answered the \$25 amount dated back at least 26 years, which was the oldest information she had. Council further discussed how they handled gifts to date.

Mayor Spalding asked staff answered that the Ohio Ethics Commission didn't give a fixed gift value limit, their language advised on variety situations. When in doubt about gifts, council members should ask the law director.

Council Member Kist and Council Member Brisk preferred a bright line. Council Member Kist proposed \$50. Council Member Fellows agreed that would be an easy amount to inform the public about.

Mayor Spalding moved to adopt the remaining edits to the Rules of Procedure pursuant to council's discussion. Council Member Kist seconded and council voted with 7 yes votes to adopt the edited council Rules of Procedure.

Appoint or re-appoint President Pro Tempore

Mayor Spalding acknowledged and thanked Council Member Brisk for her service as President Pro Tem over the last 2 years.

Mayor Spalding asked and Council Member Shull indicated his interest in the President Pro Tem position. No other council members indicated interest.

Mayor Spalding moved to appoint Council Member Shull as President Pro Tem for a 2-year term. Council Member Fellows seconded and council voted 7 yes votes to appoint Council Member Shull as President Pro Tem for the term specified.

Appoint or re-appoint Acting Mayor

Mayor Spalding noted that Council Member Fellows had served the longest as defined under the charter and council rules.

Appoint or re-appoint liaisons to boards and commissions

Mayor Spalding asked council if there were any requested changes. Council Member Brisk stated she and Council Member Wiltrout would swap Planning Commission and Architectural Review Board positions. Council Member Brisk further stated that Council Member Wiltrout would also take the lead position on the IDEA Implementation Panel.

Council Member Brisk moved to change the Planning Commission liaison from herself to Council Member Wiltrout. Mayor Spalding seconded and council voted with 7 yes votes to appoint Council Member Wiltrout to the Planning Commission as liaison.

Tuesday, January 2, 2024

Council Member Wilttrout moved to appoint Council Member Brisk to the Architectural Review Board. Council Member Durik seconded and council voted with 7 yes votes to appoint Council Member Brisk to the Architectural Review Board as liaison.

Council liaison appointments for 2024 were as follows.

PLANNING COMMISSION: Andrea Wilttrout
PARKS AND TRAILS ADVISORY BOARD: Chip Fellows
ARCHITECTURAL REVIEW BOARD: Marlene Brisk
BOARD OF ZONING APPEALS: Matt Shull
SUSTAINABILITY ADVISORY BOARD: Kasey Kist
IDEA IMPLEMENTATION PANEL: Andrea Wilttrout, Marlene Brisk
CEMETERY RESTORATION ADVISORY BOARD: Clerk Jennifer Mason
PUBLIC RECORDS COMMISSION: Sloan Spalding

Appoint or re-appoint standing committee chairpersons

Council Member Shull offered up his spot on the Hotel/Motel Bed Tax Grant committee. He was also willing to stay on. Council Member Fellows offered the same. Council Member Wilttrout expressed an interest in being on the grant committee. Mayor Spalding suggested handling the new council subcommittees at a future council meeting.

Appoint or re-appoint council representatives

Mayor Spalding confirmed that the below representatives would remain on the following committees:

COUNCIL REPRESENTATIVE TO MORPC: Joe Stefanov, Sloan Spalding
COUNCIL REPRESENTATIVE TO JOINT PARKS AND RECREATION: Matt Shull
COUNCIL REP. TO NEW ALBANY PLAIN LOCAL SCHOOLS: Kasey Kist, Andrea Wilttrout
COUNCIL REPRESENTATIVE TO PLAIN TOWNSHIP: Mike Durik

Mayor Spalding moved to name Council Member Brisk as the mayor's designee on the Community Improvement Corporation. Council Member Shull seconded and council voted to name Council Member Brisk as the mayor's designee on the CIC. Clerk Mason noted that Council Member Shull would still be on the CIC as the council president pro tem.

Council discussed possibly making the New Albany schools joint task force a subcommittee of council.

Determine date and time of regular meetings for 2024

Council maintained their regular schedule of meeting on the first and third Tuesday of each month at 6:30 pm in council chambers by consensus.



Council Minutes – Organizational Meeting

Tuesday, January 2, 2024

Other business

Confirm/designate Sunshine Law training designee

Council named Clerk of Council Jennifer Mason as the New Albany elected officials’ Ohio Sunshine Law training designee by consensus.

Adjournment

With all scheduled matters attended to Mayor Spalding moved to adjourn the organizational meeting. Council Member Shull seconded the motion and without objection the January 2, 2024 organizational meeting was adjourned at 7:18 pm.

ATTEST:



Jennifer H. Mason, Clerk of Council



Sloan Spalding, Mayor



Date

RULE 1 - ESTABLISHMENT OF RULES BY COUNCIL

- A. In accordance with the provisions of its Revised Charter, the New Albany City Council hereby adopts the foregoing Rules of Procedure by motion.
1. Such rules may be amended from time to time by motion with a majority of members concurring. The rules, or portions thereof, may be waived or suspended when necessary from time to time by a 2/3rds vote of the council.
 2. No provision or section of the rules adopted which restricts or conflicts with those rights provided by the Constitution of the United States, the Constitution of the State of Ohio, the New Albany Charter, city ordinances, or general law shall have any force or effect.
 3. Robert's Rules of Order shall control where no provisions are made in these rules.

RULE 2 - MEETINGS OF COUNCIL

- A. Pursuant to Charter Section 4.03(A), council shall meet annually before the first regularly scheduled meeting of the year for the purpose of organizing. At such meeting, the newly-elected council members, if any, may take the oath of office; the council may transact such other business as may come before it; and shall appoint a president pro tempore and acting mayor as required by Charter Section 3.03. Mayor Spalding's proposed change strikes the last highlight and replaces it with: and in even number years shall appoint a new president pro tempore pursuant to Charter Section 3.03 and 4.03(A) and, if needed, an acting mayor as required by Charter Section 3.03.
- B. No later than February 29 of each year, council shall appoint members to boards and commissions except as otherwise set forth in the ordinances pertaining to a specific board or commission. The terms of members shall begin and end upon appointment or replacement. Current terms of members of boards and commissions shall be extended until appointments are made.
- C. Pursuant to Charter Section 4.03(B), council shall hold at least one regular meeting each month and shall determine the frequency, dates and times of additional regular meetings in order to properly conduct its business. While the normal meeting time and day is 6:30 p.m. on the first or third Tuesdays of each month, council may, by a majority of vote of its members, reschedule meetings when necessary.
- D. Meetings shall be held in the Village Hall Council Chambers or such other public place within the city, provided that a public notice of the changed meeting place shall be posted by the clerk of council or designee in the following 3 places: on the city website, the New Albany Public Service Complex, and the Village Hall.

- E. Pursuant to Charter Section 4.03(C) special council meetings may be called, for any purpose, by the mayor or any 3 council members upon at least 24 hours notice to each council member, which notice may be served electronically via the council member's designated email address, personally, or left at the usual place of residence. Council members who attend special Council meetings or who are present at another regular or special meeting where a special meeting is announced by the presiding mayor, president pro tempore, or acting mayor need not receive notice of the special meeting. Council members may waive receipt of notice of a special meeting either prior or subsequent to the meeting. Attendance at a special meeting constitutes a waiver of receipt of notice of special meeting.
1. Such meeting notice shall indicate the date, time, place and purpose of the meeting. Only matters relating directly to the stated purpose (s) of the special meeting may be considered during that meeting.
 2. Notice of such special meeting shall be posted by the clerk of the council or designee in the following 3 places: on the city website, the New Albany Public Service Complex, and the Village Hall.
 3. In case of an emergency requiring the immediate gathering of council for decisions affecting the public health, safety and welfare, council may meet after following the notification provisions outlined in Ohio Revised Code Section 121.22.
- F. Executive sessions may be held only during a regular or special meeting, after council approves by a majority vote a motion to enter into executive session and stating the purpose for the executive session, pursuant to Ohio Revised Code Section 121.22 and or pursuant to New Albany Charter Section 4.03(E).
- G. No meeting may take place without a quorum of council members present. Pursuant to New Albany Charter Section 4.01(C), 4 council members shall constitute a quorum for all meetings.
- H. Numbers required for passage of legislation: The required readings of legislation shall not be waived unless 5 council members vote in favor of the waiver. 5 council members must vote in the affirmative to pass legislation as an emergency pursuant to New Albany Charter Section 6.04(B).
- I. Upon written request, any person may obtain reasonable advance notification of all meetings, pursuant to Ohio Revised Code Section 121.22.

RULE 3 - PRESIDING OFFICER OF COUNCIL

- A. Pursuant to Charter Section 3.02(B)(1) and (2), the mayor shall preside at all council meetings and have the right to vote on all matters, but shall have no veto power.
- B. Pursuant to Charter Section 3.03(A), president pro tempore shall act as mayor during the temporary absence or disability of the mayor. Pursuant to Charter Section 3.03(B), in the event of a temporary absence of both the mayor and president pro tempore, the senior council member, based on length of continuous elected service with the city, shall serve as the acting mayor. If 2 or more council members have held the same length of continuous elected service with the city, then an acting mayor shall be chosen from among those 2 or more council members by a vote of 4 council members at the organizational meeting of council.

C. Pursuant to Charter Section 5.04(B), any vacancy in the office of mayor shall be filled by the president pro tempore. If the vacancy occurs on or after July 1 of the second year of the mayor's term, the president pro tempore shall serve for the remainder of the mayor's un-expired term. If the vacancy occurs on or before June 30 of the second year of the mayor's term, the president pro tempore shall serve until a successor is elected at the next regular municipal election. The person so elected shall take office on January 1, following such election for the remainder of the mayor's term. Upon the election of a new mayor, other than the president pro tempore then serving as mayor, the president pro tempore shall serve the remaining elected term as council member.

In the event of a vacancy in the office of mayor, whereby the president pro tempore is required to serve as mayor, the council shall select a person to fill the vacancy on council, as provided in Charter Section 5.04(B)(2). However, nothing in the charter or herein shall prevent the president pro tempore from serving the original full elected term as council member. The person chosen to fill the vacancy on council shall serve a term as council member equal to the term the president pro tempore serves as mayor. In the event the president pro tempore's original elected term expires while filling the mayor's un-expired term, the new president pro tempore shall assume the remainder of the mayor's un-expired term.

RULE 4 - SUBCOMMITTEES OF COUNCIL AND APPOINTMENTS

Mayor Spalding's proposed changes fully strike out items A-E and replaces them with the following:

A. Subcommittees: by motion, council may appoint three council members to a subcommittee charged with examining a specific issue as directed by council. The subcommittee shall periodically report to council on its progress during a public meeting and may recommend to the full council a course of action.

B. Appointments: The mayor and/council shall appoint...(see F.)

A. Regular Council committee meetings shall normally may be held on the 2nd and 4th Tuesday of each month as needed, unless an alternate day is deemed necessary by the committee chair. Pursuant to Charter Section 4.03(E), council committee meetings are open to the public.

B. Standing Committees: Council shall have 7 standing committees with areas of responsibility as designated in this section. Each standing committee shall review and advise council on all matters or proposed legislation within its respective areas of responsibility. The mayor shall designate a chair for each committee.

1. Finance Committee: Shall have responsibility to review and advise on all financial matters including budgets; appropriations; revenues; expenditures; taxes and assessments; general fiscal policy; budget and accounting procedures; insurance and contracts.

2. Safety: Police, fire and rescue services; traffic safety and control; animal control; public health; disaster services; public transportation and similar safety concerns.

3. Public Utilities: Planning, construction and maintenance of city sewer and water systems and other utilities including issues resulting from activities of companies

governed by the Public Utilities Commission of Ohio, including electric, gas, telephone, cable systems, and fiber optic networks.

4. Service and Public Facilities: Community public service and recreational activities; public parks; grounds, buildings, and facilities; sanitation and trash collection services; construction and maintenance of the city streets; maintenance of infrastructure; inspection and enforcement of building codes; drainage and environmental issues and general civic improvements and beautification.
 5. Administration: The appointment, employment promotion, compensation, discipline demotion or dismissal of the city manager and or the clerk of council, including performance evaluations; the selection and appointment to city boards and commissions and other appointments made by council.
 6. Planning and Economic Development: Zoning and land use planning; residential, industrial and commercial development, architectural and design standards, and economic development
 7. Hotel/Motel Bed Tax Grants: City council grants; grant application process; shall review submitted applications and make recommendations for awards based on criteria set by council.
- C. Special Committees: The mayor and/or majority of council members may at their discretion, appoint special committees for limited purposes, establishing a specific length of time in which each such committee shall complete its special task.
- D. Composition of Committees: standing and special committees of council shall consist of all council members.
- E. Committee Chair Responsibilities:
1. The committee chair shall preside over all committee meetings.
 2. ~~2.~~ The clerk of council's office or assigned council or staff member shall keep minutes of each committee meeting and distribute them to council members and the city manager file them with the clerk of council's office.
 3. The committee chair shall report on the actions of the committee at their next council meeting.
- F. Appointments: The mayor and/council shall appoint a council member to act as liaison to the following entities, boards, and commissions: The New Albany-Plain Local Schools, Plain Township, the New Albany-Plain Local Joint Parks District, the Planning Commission, the Board of Zoning Appeals, the Architectural Review Board, the Parks and Trails Advisory Board, the Cemetery Restoration Advisory Board, the Sustainability Advisory Board, and the IDEA Implementation Panel.

The mayor shall, with the review and concurrence of council, make appointments to the Rocky Fork Blacklick Accord Panel and MORPC. The mayor shall appoint 2 representatives to the Tax Incentive Review Committee with the concurrence of council. The mayor shall appoint 2 members to the Community Reinvestment Area Housing Council. The mayor, or designee, and another resident appointed by the mayor shall serve on the Public Records Commission.

Pursuant to the charter, the mayor may appoint a magistrate(s) with the approval of council.

The mayor shall appoint 2 members to the Community Reinvestment Area Housing Council. Council shall appoint members to the various city boards and commissions, including the Architectural Review Board, the Planning Commission, the Board of Zoning Appeals, the Parks and Trails Advisory Board, the Cemetery Restoration Advisory Board, the Sustainability Advisory Board, and the IDEA Implementation Panel, and 3 members/representatives to the Joint Economic Committee. Council shall appoint 2 additional members to the Community Reinvestment Area Housing Council shall be appointed by city council. Council will also appoint 2 representatives to the Joint Parks District and 3 representatives to the Jeanne B. McCoy Community Center for the Arts board.

Pursuant to the charter, the mayor may appoint a magistrate(s) with the approval of council.

The council shall appoint members to the various city boards and commissions, including the Architectural Review Board, the Planning Commission, the Board of Zoning Appeals, the Parks and Trails Advisory Board, the Cemetery Restoration Advisory Board, the Sustainability Advisory Board, and the IDEA Implementation Panel, and 3 members/representatives to the Joint Economic Committee.

RULE 5 – LEGISLATION

- A. The procedures for enacting legislation are outlined in Charter Article 6. Legislation may be proposed by any elected official, the mayor, clerk, city manager, any city board or commission acting as a body, or any council committee.
- B. Pursuant to Charter Section 6.03, all proposed or recommended legislation may be introduced by any elected official at a regular or special meeting prior to consideration by council.
- C. Pursuant to Charter Section 6.02, all legislation shall be in proper written form and approved as to form by the city attorney. Pursuant to Charter Section 6.07(A), all resolutions and the following ordinances shall take effect upon adoption, unless council specifies a later time: (1) appropriations of money; (2) annual tax levies for current expenses; (3) improvements petitioned for by owners of the requisite majority of the front footage or of the area of the property benefited and to be assessed; (4) submissions of any questions to the electorate or a determination to proceed with an election; (5) approvals of a revision, codification, re-codification, rearrangement, or publication of ordinances; and (6) emergency ordinances. Pursuant to Charter Section 6.07(B), unless otherwise provided in the charter, all other ordinances shall become effective thirty days after their adoption or at any later date specified by council.
- D. Proposed or recommended legislation which has been introduced may be assigned to a standing or special committee for additional study and evaluation if such action is deemed necessary or in the best public interest by the mayor. The mayor or presiding member of council may defer public comment until the proposed legislation is considered in committee, or until the public hearing on said legislation. The mayor or council by majority vote, at a regular or special meeting, may assign pending legislation to committee.
- E. When recommended legislation has been referred to committee, that committee shall report its findings and conclusions to council.

- F. Waiver of required readings and emergency legislation shall take place as outlined by Charter Section 6.04(B).
- G. Legislation need not be read in full, but may be read by title only. Pursuant to Charter Section 6.03(B) the public hearing on all legislation shall follow its publication by no less than 7 days; may be held separately or in conjunction with a regular or special council meeting; may be adjourned or recessed from time to time; and may be dispensed with for an emergency ordinance. The public hearing of an ordinance shall be conducted at the next designated meeting subsequent to its introduction, unless otherwise specified by council. Unless dispensed with by council, the public hearing of an emergency ordinance shall be conducted at the time of its introduction.
- H. Copies of all legislation, along with supporting documentation and exhibits if any, shall be made available to each council member, the mayor, the city manager, department heads and support staff when required, at least 7 days prior to the regular or special council meeting at which such matters are to be considered, except in the case of an emergency. Generally, council should not consider for introduction any legislation which has not first been circulated to city officials at least 24 hours before the meeting at which introduction is scheduled.
- I. Pursuant to Charter Section 6.03(B), prior to passage, proposed legislation shall be posted in the following 3 places: on the city's website, New Albany Public Service Complex, and Village Hall.
- J. Pursuant to Charter Section 6.12(A), upon passage, legislation shall be posted in the following 3 places: on the City's website, New Albany Public Service Complex, and Village Hall for a period of 30 days after its adoption.

RULE 6 - PUBLIC HEARING FOR THE PASSAGE OF LEGISLATION

When legislation is introduced, the following procedures shall be followed.

- A. The mayor, council member, city manager, or staff member shall give a brief explanation of the subject matter of the hearing.
- B. Members of the public who wish to speak on the issue will complete a speaker slip furnished by the clerk of council prior to commencement of the hearing of visitors. The speaker slips will be forwarded to the mayor or council member presiding over the meeting who will determine the order in which individuals may speak and may designate a time limitation for each speaker when appropriate. While all parties in interest shall have equal opportunity to speak, the mayor or presiding council member may limit debate which is extensive, not germane to the subject of the hearing, or repetitive. The mayor or presiding council member may limit each individual speaker to not less than 2 minutes, taking into consideration whether or not the issue or subject matter is on the agenda and the speaker(s)' prior opportunity to speak on the issue. If a matter is not on the agenda, the mayor or presiding member of council may limit the overall time for the debate and defer any additional debate to a subsequent meeting.

RULE 7 - MOTIONS

- A. When an issue is under discussion before council and a motion has been made, no motion shall be proper except the following:
1. Motion to adjourn
 2. Motion to recess
 3. Motion to end discussion and call the question
 4. Motion to refer to a standing or special committee
 5. Motion to table to a stated future time [at that same meeting](#)
 - 5-6. Motion to postpone to a stated date certain
 - 6-7. Motion to table for an indefinite time
 - 7-8. Motion to amend a motion under discussion
- B. Except for Item 7, motions listed in Section A. above will go immediately to a vote with limited discussion. All motions shall require a second. In the absence of a second, the motion shall die.
- C. A motion to amend may itself be amended only once. An amendment, once rejected, may not be moved again in the same form, or moved for reconsideration.
- D. If a motion to table for an indefinite time is carried, the principle question shall be declared lost.
- E. A motion to reconsider may be made by any member during the meeting at which the vote on the original issue was taken, or at the next council meeting, regardless of that member's vote on the original motion.
- F. A motion to bring any matter from committee or to bring any matter from the table shall be in order at any regular meeting following earlier motions to refer the matter to a committee or to table.
- G. A motion to table indefinitely shall be debatable only as to the motion itself.
- H. A motion to end discussion and call the question shall not be considered until all members of the council have had an opportunity to debate the original motion.

RULE 8 - VOTING

- A. Voting on all matters shall be oral and open. When the clerk of council calls the roll, each council member shall respond verbally with his or her vote on the question, except as set forth in Rule 8-B
- B. Unanimous consent: in matters of routine business, including minutes and adjournment, the presiding officer may call for unanimous consent by asking council if there is any objection. If no objection is heard, the presiding officer may declare the matter adopted and the clerk of council shall record the unanimous consent in the minutes. If an objection is raised, the clerk of council shall call the roll pursuant to Rule 8-A.
- C. Council members shall vote in the affirmative or negative on all matters coming to a vote at a regular or special meeting.

- D. The order of roll call voting by council members shall rotate with each vote, except the member who moved the question shall be called to vote first, followed by the member who seconded the motion.
- E. A majority vote of council consisting of 4 affirmative votes shall carry, adopt or approve any motion before council unless otherwise provided for by law and outlined elsewhere in these rules.
- F. An abstention is a non-vote. A council member may abstain from voting on any issue only because of a conflict of interest, which must be stated at the time of abstention. A council member who has a conflict of interest on a pending issue must abstain from participating in discussion of such issue as well as voting. A council member may abstain from voting to adopt the minutes which were taken at a meeting at which that council member was not present in said minutes.
- G. The clerk of council shall declare the results of each roll call vote and record the results in the minutes.
- H. No council member shall be permitted to change his or her vote after the vote results have been declared unless the motion is reconsidered by a majority vote of the council, as set forth in Rule 7-E.

RULE 9 - CONDUCT OF COUNCIL BUSINESS

- A. Council agenda shall be prepared and made available 7 days prior to regular meetings. In the case of special meetings, notification requirements outlined in Ohio Revised Code Chapter 121.22 (Open Meetings Law) shall prevail.
- B. Generally, any council member may request that a matter of business be placed on the published agenda for a regular meeting, provided such request is received by the clerk of council's office within sufficient time to comply with Rule 9-A.
- C. Any council member may move to add a matter of business to the agenda during a regular meeting, provided that a motion to modify the agenda is approved by a majority of council.
- D. Order of Business. The presiding officer shall conduct council meetings in the order outlined by the agenda. The agenda order for regular meetings shall generally conform to the following format:
 1. Call the meeting to order
 2. Pledge of Allegiance
 3. Roll Call
 4. Action on minutes of previous meeting(s)
 5. Additions or Corrections to the Agenda
 6. Hearing of Visitors
 7. Board and Commission Reports
 8. Correspondence/Communications
 9. Second Reading of Ordinances and Public Hearing
 10. Introduction and First Reading of Ordinances
 11. Resolutions

Mayor Spalding's proposed change strikes out all of old item 12 and replace it with a new 12.

12. Reports of Council Subcommittees

12. Standing Committee Reports

- A. Finance
- B. Safety
- C. Utilities
- D. Service and Public Facilities
- E. Planning and economic development
- F. Administration
- G. Hotel/Motel Bed Tax Grants

13. Reports of Representatives

- A. Council Representative to MORPC
- B. Council Representative to Joint Parks and Recreation
- C. Council Representative to Plain Local Schools
- D. Council Representative to Plain Township

14. Reports of City Officials

- A. Mayor
- B. Clerk of Council
- C. Finance Director
- D. City Manager
- E. City Attorney

15. Poll for Public Comment

16. Poll for Council Comment

17. Executive Session

18. Other Business

19. Adjournment

RULE 10 - MISCELLANEOUS PROVISIONS

- A. Official City Documents and Records: All original copies of city documents are to be stored securely at the Village Hall or other location designated by the city manager, and may not be removed or retained by anyone except by written permission of the document's custodian. All documents shall be accessible to the public pursuant to the provisions of Ohio Revised Code Chapter 149 (Public Records Law).
- B. Ethics: To avoid conflict of interest, unless otherwise provided by law, elected and appointed city officials and employees shall refrain from discussing and/or voting on an issue, Ordinance, Resolution, or motion if the issue, Ordinance, Resolution or motion would directly affect his or her personal or business interests or those of his or her close family members.
- C. When necessary, the mayor, a council member, or member of city administration may request an opinion from the Ohio Ethics Commission regarding a potential, perceived or actual conflict of interest.
- D. Immediate family members or any relative living in the home of the mayor, council member, city manager or deputy city manager shall not be considered for employment by the city.
- E. It is understood that from time to time, businesses or individuals doing business with the city may present gifts to individual city officials. Recipients may not keep gifts which have a market value of \$25 or more. Such items, if they cannot be returned, shall be donated to area needy families or to the charity of the recipient's choice.

APPROVED BY THE COUNCIL OF THE CITY OF NEW ALBANY, THIS ~~3RD~~2nd
DAY OF JANUARY, 20234

Mayor Sloan T. Spalding

ATTEST:

Jennifer H. Mason, Clerk of Council