



CLEVELAND HEIGHTS

Council Committee of the Whole

November 6, 2023

6:00 PM

City Hall – Executive Conference Room

Agenda

- 1) Call to Order/Roll Call**
- 2) Executive Session (15-20 min)**
 - a. *To consider the terms of sale or lease of City owned real or personal property.*
 - b. *To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, as necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.*
- 3) Presentation/discussion on community engagement for development projects (15 min)**
Director Zamft
- 4) TWG Noble Station (5 min)**
 - a. **ORDINANCE NO. 181-2023(PD)**
- 5) Legislative Review/Caucus (20-30 min)**
- 6) Discussion on Council rules (20 - 25 min)**
 - a. Example: Grove City, OH
- 7) Other**
- 8) Adjourn**



CLEVELAND HEIGHTS

MEMORANDUM

To: Members of Cleveland Heights City Council
Cc: Kahlil Seren, Mayor; William Hanna, Director of Law
From: Eric Zamft, Director of Planning and Development
Brian Anderson, Assistant Director of Economic Development
Date: November 3, 2023
Subject: Legislation to Approve Amendment to TWG Purchase Agreement

Overview and Background

In December of 2022, City Council authorized the Mayor to enter into a Purchase and Sale Agreement (PSA) with TWG Development LLC for the City-owned property at 2228 Noble Road for the construction of an affordable housing project on that site. The PSA was then signed by the parties in January of 2023. The PSA provided that the Purchaser (TWG) could not close on the purchase of the property until the parties sign a mutually agreeable Development Agreement, and further provided that the execution of the agreement needed to occur not later than 180 days from the Ohio Housing Finance Authority (OHFA) Tax Credit Notification Date (May 19, 2023). Because a Development Agreement has not yet been agreed upon and executed (and in fact on October 16, 2023, Council voted not to authorize a previously-negotiated Development Agreement) the PSA will lapse on or about November 15, 2023.

Request to Extend PSA

In connection with the pursuit of OHFA tax credits, TWG brought in Start Right CDC, as their local housing partner in the project. At the present time, despite Council's prior decision not to approve the previous development agreement, OHFA has granted TWG/Start Right CDC the ability to use the tax credit award in 2024 rather than 2023. They have also granted TWG additional flexibility to modify the site plan and building design of the project in order to better address community concerns about the previous design.

TWG/Start Right CDC has begun a community engagement process (with meetings held to date on October 23 and October 30) to gain additional feedback from the neighborhood. Their intent is to use this feedback to improve the site plan and design of their proposed project. In connection with this effort, the City has received a request from TWG and Start Right CDC to amend the PSA to extend the deadline to reach a Development Agreement until June 1, 2024, subject to a further 90-day extension, if approved by the City (see attached request letter).

The proposed legislation to extend the PSA will simply allow the community engagement process to continue – it does not mean that any particular project is being approved, or that the property can be transferred to TWG at this time. Any potential resulting project would still need a Development Agreement to be reviewed and approved by Council, as well as review and approval by the City's design review boards.

Proposed: 11/06/2023

ORDINANCE NO. 181-2023 (PD), *First Reading*

By _____

An Ordinance authorizing the Mayor to execute a second amendment to an agreement for the sale of certain real property located at 2228 Noble Road (primary address) consisting of several contiguous parcels; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City is the owner of approximately 2.08 acres of property located at or in the vicinity of 2228 Noble Road, 890 Woodview Road, 870 Woodview Road, 868 Woodview Road, and 860 Woodview Road, Permanent Parcel Nos. 681-38-080, 681-38-012, 681-38-010, 681-38-009, 681-38-008, 681-06-004, and 681-06-121 in the City of Cleveland Heights (the "Property"); and

WHEREAS, TWG Development, LLC ("TWG"), an Indiana limited liability company, is interested in the potential purchase of said property for the construction of an affordable-housing residential development; and

WHEREAS, by Ordinance No. 180-2022, this Council indicated its desire to grant an interest in the Property to TWG sufficient to allow TWG to submit applications and/or otherwise explore tax credits and other funding sources for its desired project; with the understanding that no property transfer will occur until the City and TWG enter into a development agreement satisfactory to both parties; and

WHEREAS, the parties subsequently entered into a purchase agreement and amendment for the sale of the Property, contingent upon the execution of a development agreement satisfactory to both parties; and

WHEREAS, TWG was subsequently awarded tax credits for a low/moderate-income housing project on the Property; and

WHEREAS, the City and TWG could not agree on a development plan was satisfactory to both parties; and

WHEREAS, TWG wishes to partner with Start Right Community Development Corporation to explore further options for development on this Property; and

WHEREAS, this Council has determined that it is in the best interest of the City and its residents to proceed with the execution of a second amendment to a development agreement, with the understanding that no sale of the property will occur unless a development agreement satisfactory to this Council and the Administration is negotiated.

ORDINANCE NO. 181-2023(PD)

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The Mayor is hereby authorized to execute a second amendment to a purchase agreement with TWG Development, LLC for the sale of certain real property located at located in the vicinity of Noble Road and Woodview Road identified as Permanent Parcel Nos. 681-38-080, 681-38-012, 681-38-010, 681-38-009, 681-06-004, 681-06-121, and 681-38-008 (the "Property"). The second amendment shall extend the time for execution of a mutually-acceptable development agreement until June 1, 2024. Any such development agreement remains subject to the approval of this Council. The Mayor is further authorized to extend the deadline by an additional (90) ninety days beyond June 1, 2024 without need of further Council action, if such extension is requested by TWG and is, in the judgment of the Mayor, in the best interests of the City.

SECTION 2. Documents implementing the above transaction shall be approved as to form by and subject to the final approval of the Director of Law.

SECTION 3. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 4. It is necessary that this Ordinance become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to explore development options for the Property on a timely basis. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take immediate effect and be force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

MELODY JOY HART
President of Council

ADDIE BALESTAR
Clerk of Council

ORDINANCE NO. 181-2023(PD)

PASSED:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor



November 1, 2023

VIA EMAIL ONLY: banderson@clevelandheights.gov

Brian Anderson, Assistant Director
Economic Development Department
City of Cleveland Heights
40 Severance Circle
Cleveland Heights, Ohio 44118

Re: Noble Station Project

Dear Assistant Director Anderson:

Per the terms of the Agreement for Purchase and Sale of Real Property (the "Agreement") entered into by and between the City of Cleveland Heights (the "City") and TWG Development, LLC ("TWG Development"), as amended by that certain First Amendment to Agreement for Purchase and Sale of Real Property (the "First Amendment"), the parties have until November 15, 2023 in which to execute a mutually satisfactory Development Agreement for the construction of a multi-family residence on the subject Property and proceed to Closing.

TWG Development, in conjunction with Start Right Community Development Corporation ("Start Right"), is hereby requesting that the deadline in which to execute a mutually satisfactory Development Agreement and proceed to Closing be extended until June 1, 2024 (with an additional extension of ninety (90) days upon approval of the Mayor and Law Director) per proposed Second Amendment to Agreement for Purchase and Sale of Real Property (the "Second Amendment"), copy enclosed.

If approved by City Council, the proposed Second Amendment will allow TWG Development and Start Right the opportunity to address design and site plans concerns raised by the City and members of the community, which will include continued community engagement as to the proposed design of the Project. It was clear that one of the main concerns from council when the development agreement was not approved prior to September 21 was the lack of community engagement. Since then, TWG and Start Right CDC held community meetings on October 23 and October 30. TWG and Start Right are committed to continuing these meetings until the project is ripe enough to return to city approvals.

Please note, the Ohio Housing Finance Agency ("OHFA") has confirmed that TWG's tax credit award can now be applied to 2024 rather than 2023. Additionally, OHFA allowed TWG a special circumstance where they could change the building footprint due to the public backlash of the proposed design. TWG recognizes the importance of community engagement to create a building design that suits both the City of Cleveland Heights and their citizens. TWG believes this extended timeline will allow for increased opportunity for community members to provide

valuable input throughout the design process. The design plans have been wiped and now have a clean slate; it will be a complete redesign that TWG will collaborate with the community on before returning the project to the necessary approval process through the city.

TWG had initially requested the Development Agreement to be signed prior to September 21, 2023, because that was when they were required to pay their reservation fee to OHFA and claim their tax credits. Despite the Development Agreement being voted down, TWG took a risk in claiming the tax credits. This is because TWG believes, with the city's support, the newfound ability to alter the building footprint, and community engagement, this project can be successful. TWG hopes that the financial risk they took demonstrates their commitment to this community.

Thank you for giving this matter your attention and do not hesitate to contact me with any questions as we await confirmation that the Second Amendment will be considered by City Council at its meeting of November 6, 2023.

Brian Anderson, Assistant Director
Economic Development Department
City of Cleveland Heights
November 1, 2023
Page 2

Very truly yours,



Alex Frazier, Development Director
TWG Development, LLC



Rev. Dr. Jimmie Hicks, Jr., Executive Director
Start Right Community Development Corporation

enc.

cc: William R. Hanna, Law Director (w/ enc.; via email only: whanna@ralaw.com)
Kenneth J. Fisher, Esq. (w/ enc.; via email only: kfisher@fisher-lpa.com)

RULES OF COUNCIL

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RULES OF COUNCIL

As adopted by Resolution No. CR-43-63

(amended by Resolution No. CR-10-76, Resolution No. CR-28-87, Resolution No. CR-64-91, and CR-44-16)

I. MEETINGS

1. REGULAR Meetings

Regular meetings of Council shall be held in the Council Chambers at 7:00 p.m. on the first and third Mondays of each month. Council may, by majority vote, change the day and/or hour determined by a like vote of the members present if constituting a quorum. In cases of emergency, the President of Council may cancel a meeting.

1.01 Caucus

Prior to each Regular meeting of Council, Council may hold a caucus session. The caucus session shall be an opportunity for Council to review and/or discuss the agenda prior to the Regular meeting. The general public shall be permitted to attend but shall not participate unless invited by Council or the Mayor. In the event that the Regular meeting of Council is cancelled, the caucus session shall also be cancelled.

2. SPECIAL Meetings

Council shall hold such special meetings as may be found necessary, which may be called by the Clerk upon the request of three (3) members of Council or as the President of Council deems necessary.

Any such vote or request for the calling of a special meeting shall state the subject or subjects to be considered thereat and no other subject or subjects shall be considered except upon the approval of four (4) or more of the members of Council in attendance at such special meeting. Twenty-four (24) hours notice of such special meetings called by three members of Council or the President of Council shall be given to each member of Council and to the Mayor and any other persons involved in the action to be taken.

3. Notice

The Clerk shall maintain in a conspicuous place in City Hall an announcement of the time, date and place of the regular meeting of Council and, upon receipt thereof of notice of any special meeting of Council, shall post an announcement thereof in a conspicuous place in City Hall and shall give notice at least 24 hours before the time scheduled for such meeting per the Charter. The Clerk shall provide a copy of the agenda for any regular or special meeting to any person who requests same and shall mail a copy of such agenda to any person requesting same and supplying the Clerk with a preaddressed, stamped envelope or e-mail address. The Clerk shall provide an electronic copy for free, or a hard copy of any ordinance or resolution to be considered as an item on any agenda to any person who requests same and who pays to the City the sum of \$0.05 per page of the ordinance or resolution requested.

4. Open Meetings

All meetings of Council shall be open to the public, except for those exemptions set forth in the Ohio Revised Code and approved by two-thirds vote of all of the members of Council. All official actions of the Council shall be taken in open session.

5. Minutes

Minutes of all regular and special meetings shall be open to the public for inspection, during business hours of the City, upon reasonable advance request to the Clerk to inspect the same.

6. Recordings

Meetings of Council shall be recorded electronically and placed on the City's website for public viewing. The recordings shall not constitute the official record of action for the meeting.

7. Executive Session

Pursuant to the City Charter, Council may enter into Executive Session. The Mayor shall attend with the right to participate in debate, per Section 3.05 of the Charter.

II. CLERK OF COUNCIL

8. Clerk

Council shall elect a Clerk who shall act as Clerk of Council/City Clerk and appoint such number of Deputy Clerks as Council may determine to be advisable. The Clerk shall be present at all Council meetings and shall record the proceedings in the official journal, compile the agenda and other duties as prescribed by the Ohio Revised Code, the Charter and ordinances of the City, and as determined by Council.

Deputy Clerks shall follow the duties as determined by the Clerk. A Deputy shall attend such meetings as may be required by the Clerk, and in the absence of the Clerk at a regular or special meeting of Council, shall assume the duties of the Clerk for that meeting alone.

In the event that the Clerk or Deputy cannot attend a regular or special meeting of Council, the Director of Law shall record the proceedings for that meeting alone, or the Clerk may obtain such service from a retired or other community Clerk/Deputy.

Job descriptions for the Clerk of Council and Deputy can be found in Appendix A of the Rules.

III. THE CHAIR

Powers and Duties

9. Roll Call

The President of Council shall take the Chair at the hour appointed for Council to meet and immediately shall call the Council to order. The roll shall then be called by the Clerk, who shall enter into the Journal of each meeting the names of members present thereat. In the absence of a quorum at the time appointed for a meeting, the members present may take a recess or recesses and cause the Clerk to procure the attendance of absent members.

10. Temporary Chair

The President of Council shall serve as Chair to preside over its sessions.

In case of the absence of the President of Council, the Clerk shall call the Council to order. The Clerk shall call the roll and if a quorum is found to be present, the Council shall proceed to elect, by a majority vote, a temporary Chair of the meeting until the appearance of the President of Council.

11. Substitute Chair

The Chair, i.e., President of Council or Temporary Chair, may call any other member to take their place in the Chair, such substitution not to continue beyond adjournment.

12. Appeals from Decisions of the Chair

The Chair shall preserve decorum and decide all questions of order, subject to appeal to Council. If any member transgresses the Rules of Council, the Chair shall, or any member may, call to order and in the latter instance, the Chair shall render a decision as to the point of order. In case of any appeal from a ruling of the Chair, the question shall be "Shall the decisions of the Chair stand as the decision of the Council". The Chair shall be sustained unless overruled by a majority vote of the members of Council present.

13. Chair's Power to Vote

Any member of Council who is serving as Chair shall have the same power to vote as other members.

14. Annual Budget

The President will prepare the Annual Budget for Council with the input from Members of Council and the Clerk.

15. Evaluation of the Clerk of Council

The President will prepare the Annual Evaluation of the Clerk of Council with the input from the Members of Council. The President will conduct the evaluation meeting with the Clerk.

IV. MEMBERS DUTIES AND PRIVILEGES

16. Seating Arrangement

The President of Council may, if it is deemed it advisable, arrange the seating of the members of Council in the Council Chamber, and all members shall occupy said seats so designated during the time of their term of office.

17. Addressing the Chair

Members when about to speak to a question or make a motion, shall address the Chair as "Mr./Madam President", who shall pronounce the name of the member entitled to the floor. Members addressing Council shall confine themselves to the question under debate and avoid personalities.

18. Limitation of Debate

No member shall be allowed to speak more than once upon any one subject until every member choosing to speak shall have spoken, nor for a time longer than three (3) minutes, without leave of Council as expressed by a majority vote of the members present. No person other than members of Council and Mayor of the City may be heard or enter into the debate of question or other matter before Council during the regular or special session except with leave of Council as expressed by a majority vote of the members present, or by being allotted time and being placed on the agenda as provided in Rule 24(c) and (d).

The Chair shall be limited in debate in the same manner as Members of Council.

19. Voting

Every member present when a question is put shall vote on same, unless Council, shall, for special reasons, excuse them from voting. Said excuse shall be granted only if the members states reasons for the request before voting begins and the Council by majority vote of the members present accepts them. There shall be no debate upon this question.

Upon the opinion of the Director of Law or a Formal Opinion of the Ohio Ethics Commission, a Member shall be exempt from voting when such action may result in the violation of any State or Local law.

20. Roll Call

The roll call on each vote shall be rotated, so that the members whose name was called first on the last preceding roll call vote shall be called last; the members whose name was called second on preceding roll call vote shall be called first, etc., and each member shall cast a vote when their name is called.

21. Demand for Roll Call Vote

Any member may demand a roll call vote upon any question before Council at any time before the decision on said question is announced by the Chair.

22. Excusal from Attendance

No member shall be excused from attendance at a Council meeting, except upon request to and permission by the President of Council prior to such meeting or by a vote of a majority of the members present. Refer to ORC 731.45 for being unexcused for two (2) months.

23. Excusal During Meeting

No member shall be excused while Council is in session except upon permission of the Chair.

V. ORDER OF BUSINESS & AGENDA

24. Order of Business & Agenda

The order of business at meetings of Council shall be as follows:

- A. Roll call, to determine presence of a quorum.
- B. Reading of the Journal of the preceding meeting unless such reading shall be dispensed with by consent of a majority of the members present. If no objection is made to the Journal, the same shall be approved.
- C. Consideration of agenda:
 - 1. All matters submitted for consideration by the City Council at a regularly scheduled meeting must be first placed on the Agenda.
 - 2. The agenda shall consist of the ordinance and resolution number (if a number has been given), the subject matter (by descriptive title only) and the name of the committee chair of each item.
 - 3. The Clerk of Council with the assistance of the President of Council shall have administrative responsibility of assimilating and preparing the agenda subject only to the rules and regulations as prescribed by the City Council. In the absence of the President, the Clerk of Council shall publish the agenda. This in no way prohibits any member of Council from placing an item on the agenda, with the Rules prescribed.
 - 4. All matters to be put on the agenda shall be delivered to the Clerk of Council in writing or electronically via e-mail and be signed by the interested proponent except members of the City Council, who may submit matters to the Clerk orally. Matters submitted electronically via e-mail shall be deemed signed by the individual sending the e-mail. All matters submitted must have a Council sponsor, unless provided for by Charter and/or the Code.
 - 5. The Clerk of Council shall keep on file all written requests for agenda recognition until such requests have been addressed.
 - 6. Matters submitted to be considered by the Council at its next regular meeting shall be given to the Clerk of Council no later than 12:00 noon, six working days before the next regularly scheduled meeting of Council.
 - 7. The Clerk of Council shall prepare or cause to be prepared and deliver or cause to be delivered to the following officials, a copy of the agenda and all legislation at the place so designated prior to the end of the regular day of business on the Thursday prior to the next regular meeting of Council:
 - 1. Mayor City Hall
 - 2. Council City Hall
 - 3. Administrative Assistant City Hall
 - 4. Director of Law City Hall
 - 5. City Consulting Engineer Via E-Mail
 - 6. Service Director Via E-Mail
 - 7. Safety Director Via E-Mail
 - 8. Finance Director Via E-Mail
 - 9. Chief Building Official Via E-Mail
 - 10. Chief of Police Via E-Mail
 - 11. Development Director Via E-Mail
 - 12. Parks & Rec. Director Via E-Mail
 - 13. Information Systems Director Via E-Mail

- 8. The Clerk of Council shall have prepared a sufficient number of agenda's, complete with

legislation for each representative of the press who will pick them up in the Clerk's office prior to the meeting and shall have copies of the cover agenda ready for the general public that will attend the regular council meeting.

9. Assignment by chair of each item on the agenda to respective committee chair.
 10. Each item shall be heard in the order as printed on the agenda with the committees being listed in the order below.
 - Land Usage and Zoning Committee
 - Safety Committee
 - Service Committee
 - Finance Committee
 - a. Upon motion of any Council member, the order of business at any meeting may be altered by affirmative vote of a majority of the members present.
 11. Each Agenda Item shall be given its reading, public hearing and opened for discussion by the Council, Administration and the general public. Members of the public shall be permitted to speak on each item, for no more than three (3) minutes.
- D. After completion of the agenda items, the Chair shall request that any business to be brought to the attention of Council by anyone present in the Council Chambers be done so at that time. This is the time for any open discussion from the floor. Comments shall be limited in time to three minutes unless otherwise allowed by a majority vote of the members present.
- E. Reports and communications from the Mayor and other city officials, the Clerk and the Council.
- F. Adjournment.

VI. COMMITTEES

25. Appointment of Committees.

The following Standing Committees are hereby authorized:

- (a) Land Usage and Zoning Committee
- (b) Safety Committee
- (c) Service Committee
- (d) Finance Committee

Appointment of a member to chair each committee shall be made by the President of Council at the Organizational Meeting subject to approval by a majority vote of Council.

The President of Council may appoint such Special Committees as deemed necessary provided that matters referred to or pending before a Standing Committee may not, without consent of its members, be referred to or considered by a special committee.

26. Temporary Chair

A Temporary Chair appointed by the President of Council shall preside when Council resolves itself into the Committee of the Whole. These Rules of Council shall govern the Committee of the Whole. All questions shall be decided by a majority vote of those members present. When this Committee arises, any measure, together with any amendments thereto, reported out, shall receive the immediate consideration of Council unless otherwise ordered and placed upon the calendar or agenda.

27. Meetings

Committees shall meet on call of the Chair of the Committee.

28. Quorum

A majority of members of Council shall constitute a quorum.

29. Temporary Committee Chair

In the absence of the Chair, the member named next shall act as Temporary Chair.

30. Secretary to Committees

The Clerk or Clerk's designee shall act as secretary to each Committee and shall keep a record of attendance and business transacted at meetings thereof.

VII. MOTIONS

31. Motions

When a motion is made, it shall be stated by the Chair before debate. A motion shall not be withdrawn by the mover without the consent of Council. Unless otherwise required by law, a motion shall be deemed passed if it receives the affirmative vote of a majority of the members present.

32. Order of Precedence

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

- a. To adjourn
- b. To lay on the table
- c. The previous question
- d. To postpone to a time certain
- e. To refer
- f. To amend
- g. To postpone indefinitely

Said motions shall have precedence in the foregoing order.

33. Motion to Adjourn

Motion to adjourn shall be in order at any time, except as follows:

- a. When repeated without intervening business or discussion.
- b. When made while another member is speaking.
- c. When the previous question has been ordered.
- d. While a vote is being taken.

34. Motion to Lay on the Table

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion prevails, the consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of the majority of the members present.

35. Previous Question

The previous question shall be stated in these words: "Shall debate now close?" The motion shall pass if a majority of the members present shall favor it. If the said motion is ordered, there shall be no further amendment or debate, but the question shall be put immediately.

36. Motion to Postpone

Motions to postpone may be amended as to time, excepting a motion to postpone indefinitely. If a motion to postpone indefinitely is carried, the principal question shall be declared lost.

37. Motion to Amend

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

38. Motion to Suspend Rules

A motion to suspend the Rules of Five Day Notice (Sec. 36-F) must receive the affirmative vote of four-fifth (4/5) of the members elected to Council and shall be open to debate. All other rules may be suspended by a majority of the members present without debate.

39. Motion to Reconsider

A motion to reconsider a proposal that has been acted upon favorably must be made before adjournment of the session of Council at which the vote was taken. A motion to reconsider any proposal that has been acted upon unfavorably by Council may be made no later than the next regular meeting after the vote of Council thereon. In either case, such motion may be made only by a member who voted with the prevailing side. The concurrence of a majority of the members present shall be sufficient for reconsideration of a vote. If a motion to reconsider is lost, it shall not be entertained again.

VIII MISCELLANEOUS

40. Procedures in Absence of Rules

In the absence of a rule to govern a point of procedure, reference shall be had to the practice set forth in Robert's Rules of Order, or if it cannot there be found, then to approved practice in other parliamentary bodies. The Clerk and/or Law Director shall be the Parliamentarian.

41. Decorum in Council Chambers

The Chair shall maintain decorum in Council Chambers during the session.

42. Rules on Reading and Suspension of Rules

Ordinances: Every action of the Council establishing any offense and providing for the imposition of any penalty, or providing for the levy of any tax or assessment or for the expenditure of any public funds or for the contracting of any indebtedness, as well as all actions required by Charter shall be taken by ordinance. Each ordinance shall contain but one subject which shall be clearly set forth in its title.

Ordinances shall be introduced in writing and shall conform to the following procedures:

- A. Council may reject such ordinances at the time of its first introduction.
- B. Those ordinances not rejected shall be given a first reading by title.
- C. Seven days shall lapse between the first reading and any further action by Council.
- D. This waiting period may be waived by 4/5 of the elected members of Council in an emergency.
- E. If the waiting period is waived, Council shall immediately vote on whether or not the ordinance shall be adopted, with or without amendments, or rejected.
- F. During the waiting period and not less than five days before a second reading, the Clerk shall cause to be published on the City's website, a summary of the contents of the proposed ordinances, together with a notice of the time and place of the Council meeting at which it will be next considered, inviting interested citizens to be present and to express their opinions thereon.
- G. Council must convene at the time and place so advertised in the public notice described in (F) above and shall give a second reading. This reading may be by title only.
- H. Should any person be present who desires to be heard for or against the adoption of the ordinance, such person shall address the respective committee to which the ordinance has been referred to upon leave of the Chair of the respective Committee.
- I. Written arguments and briefs for or against the ordinance may be filed with the Clerk at the hearing or thereafter, within twenty-four hours. Such time may be extended by a majority vote of Council.
- J. After the hearing and the report of the Committee, Council shall vote on the ordinance.

However, Council need not vote at this particular meeting. Final action may be postponed to such time as Council desires.

- K. A favorable vote of three (3) members of Council shall be necessary to adopt any ordinance.
 - L. Final passage shall be attested by the President of Council and the Clerk and shall be presented for the Mayor's signature.
 - M. After passage, public notice shall be given by publication, by summary only, for ten days on the City's website and a prominent location in City Hall. Such summary shall consist of a brief statement of the purpose and effect of the ordinance. A copy of the full text of the ordinance shall be posted for not less than ten (10) days after passage in a public place in City Hall.
 - N. All ordinances except as below described shall take effect thirty (30) days after publication.
 - (1) Ordinances raising revenue, making appropriations for current expenses, and those declared to be an emergency by 4/5 vote of Council shall go into effect upon passage, approval of the Mayor, attestation and publication by the Clerk. Posting of Ordinances and publication by summary in a prominent location at City Hall and on the City's website shall be deemed publication.
 - O. The Annual Appropriation Ordinance is exempt from the above procedure and shall conform to the following procedures:
 - (1) The annual appropriation ordinance shall be prepared by the Mayor with the assistance of the Administrative Assistant and the Director of Finance and shall be forwarded to Council not later than November 15th.
 - (2) Council shall cause five (5) days public notice to be given of the meeting at which it proposes to consider and adopt the ordinance.
 - (3) The appropriation ordinance shall be adopted not later than December 24th and shall take effect on January 1 whether or not such action has been taken by Council.
 - (4) Copies of the appropriation ordinance shall be supplied to the head of each department, to such County, State and Federal officials as is required by law.
43. Resolutions: Action by Council which is not required by Charter to be by ordinance, and which is not of general public application or interest, may be taken by resolution. Such a resolution shall be introduced in writing, by a member of Council, and may be adopted by voice vote of a majority of Council.

44. Amending Rules

A majority vote is required to alter, amend, rescind or supplement these rules. Any proposed alterations, or amendments or supplements shall be submitted in writing at a regular meeting and placed on the agenda or calendar for the next regular meeting with the order of new business. By unanimous recorded vote of all members elected to Council, such proposed alterations, amendments or supplements may be adopted at the meeting at which the same are submitted.

45. Quorum

A majority of all members elected to Council shall constitute a quorum.

46. Director of Law

The Director of Law shall, when requested by a member of Council, give a verbal opinion on any question of law concerning City affairs in open council, but they may deem the matter of importance and take a reasonable time to submit their opinion in writing. They shall not be required to draw any ordinances or resolution except upon a majority vote of the members.

47. Resignation

The resignation of a member of the Council shall not take effect until the same has been accepted by a majority vote of members of Council, exclusive of the member tendering the resignation.

48. Community Organization Liaison

A Community organization who desires a Council Member to be a liaison, shall submit a written request to the Clerk and the President shall appoint a member.

APPENDIX A

Job Descriptions

Committees of Council

CLERK OF COUNCIL/CITY CLERK

DEFINITION

The Clerk of Council/City Clerk is responsible for the day-to-day operations of the legislative branch of government. He/She serves as the Administrator and legal records office for Council and directs the work of all proceedings of the City Council and the care and custody of the official seal, papers, and records of the City. Works under the general direction of the Council and within requirements and limitations defined by the City Charter, ordinances and resolutions.

CHARACTERISTIC WORK

Presides at the organizational meeting of Council and conducts the election of Council president. Attends all regular and special meetings of the Council and committees, when needed. Assist members in defining problems or procedures coming before council. Certifies the sufficiency of petitions, ordinances and resolutions. Supervises and/or prepares the publications, filing indexing, cross-referencing, and permanent custody of meeting minutes and agendas. Supervises and/or prepares the publication of notifications of public hearings, filing, and other related details on budget, sidewalk assessments and zoning changes. Supervises and/or prepares the public notification of proposed Charter amendments. Schedules presentations and open hearings before Council and committees. Serves as the point of contact between City Council and other City departments, other governmental bodies and the general public. Oversees the processing of various citizen complaints. May attend Planning Commission meetings in order to properly forward legislation to Council, as well as act as Council representative, if needed. Writes letters and reports; maintains various activity records and actions taken. Prepares most legislation. Prepares the agenda for all Council meetings and supervises its distribution. Manages and maintains the computer files/system for council office. Serves as special secretary to council committees, if needed. Responsible for newspaper publications of legislation to come before Council and adopted by Council and notification of special meetings. Manage and maintain the budget for Council. Serves as Council's representative to meetings and various functions, as needed. Oversees the scheduling of Council Chambers and conference room. Maintains the Council office and such other duties as required by the Charter and Ordinances of the City.

Maintains master copy of the Codified Ordinances of the City, updates it, keeps record of all holders of Code Books, supervises the codification through an independent agency and that replacement pages are provided to all code holders. Maintains the safe keeping of all legislation and indexing of all ordinances and resolutions adopted by the Council. Maintains the safe keeping of all minutes, correspondence and other papers of the Council. Maintains the safe keeping of all deeds, easements and lot splits. Responsible for the Zoning Map and maintains an updated Zoning Map and Address Listing Map.

Responsible for filing with the Board of Elections any charter changes to be put on the ballot, any changes of elected officials, changes in salaries of elected officials and all annexations. Responsible for distributing Financial Disclosure Statements to all elected officials, to be filed with the Ohio Ethics Commission.

Additionally, work involves responsibility for managing/performing a variety of clerical duties, research, report writing, writing and preparing legislation, maintain Council budget; serve as parliamentarian; serve as a member of the Solicitation's Board; publicity and related operations of the City Council, individually and collectively.

SUGGESTED EMPLOYMENT STANDARDS

Graduate from high school and two years of college OR advanced training in supervision, general office experience including both secretarial and public contact work; a minimum of four years of progressively responsible general office experience preferably some administrative liaison and public relations work or an equivalent combination of training and experience. Maturity. Have or obtain, within the first five years of employment, a CMC from the International Institute of Municipal Clerks AND have or continue with IIMC to receive MMC designation.

Duties of Clerk of Council
As Established by City *Charter*

<u>Section</u>	<u>Duty</u>
2.07	Keep Journal of Council Proceedings
2.10	Cause the publication of all ordinances. Attest to the final passage of all ordinances.
2.13	Keep copies of all Standard Ordinances and Codes adopted by Reference (i.e. O.B.B.C, Fire Code) and provide availability for sale.
2.15	Keep record of all Resolutions.
5.06	Certify copy of Appropriation Ordinance to Finance Director.
Article 8	Performs duties for Recall attempts.
9.01	Keep all Oaths of Office
9.02	Keep the official Bonds for City Employees

Duties of Clerk of Council
As Established by City Code

<u>Section</u>	<u>Duty</u>
135.01	Keep regular & correct journal of proceedings of the proceedings of Council
135.02	Have custody of all laws and ordinances of the City
135.03	Legal Publications for all ordinances, resolutions, notices, etc.
135.04	Clerk may charge for copies of transcripts, etc.
135.05	Serves as clerk for standing committees of Council, when required to do so. Shall have charge of all books, papers and documents pertaining to the office or those that have been ordered to be kept on file therein
135.06	Serves as Codifier for Ordinances
157.03	All proceedings of Park Board to be filed with Clerk of Council
159.01	Bonds to be recorded and kept in the custody of the Clerk of Council
159.05	Oaths of Office to be kept in the custody of the Clerk of Council
305.11	Safety Director to file notices with Clerk of Council regarding the intent to act on traffic control devices
505.16	Reports to be filed with the Clerk of Council regarding lost or escaped exotic or dangerous animals
705.02	Clerk of Council shall be a member of the Solicitations Board
707.02	Clean-up Bond shall be deposited with the Clerk of Council for use of City Grounds for a Circus
717.03	Member of Appeals Board for Peddler's Permits. Appeals to be filed with Clerk of Council Clerk of Council to serve as secretary for Appeals Board and keep a record of all proceedings
721.02(a)	Junk Yard applicant shall provide such further information as may be required by the Clerk of Council
905.06	Clerk of Council to provide notice to all owners of property re: sidewalk repair/construction
1101.08(16)	Clerk of Council to sign and certify Plats
1133.03	BZA Rules to be kept with the Clerk of Council
1133.07	Appeals of a BZA approval to be filed with the Clerk of Council
1135.09	SIC Manual to be kept with the Clerk of Council and offer copies for sale
1135.09(d)	Notices to be sent re: Group Care Facilities by Clerk of Council
1135.14(a)(3)	Send recommendations of Planning Commission and Council on a PUD-zoned Prelim. Dev. Plan to petitioner
1139.05(c)	All names and addresses of contiguous property owners on a Request for Zoning Upon Annexation shall be filed with the Clerk of Council
1301.11	Chief Building & Zoning Official to file directive with the Clerk of Council
1321.01	Ohio Basic Building Code and Ohio Basic Mechanical Code to be on file with the Clerk
1331.01	Copies of Ohio Plumbing Code to be kept on file with the Clerk
1341.01	Copies of the American Standard Gas Safety Code to be kept on file with the Clerk
1351.01	Copies of the National Electric Code, edition 1975, to be kept on file with the Clerk
1411.01	Copies of BOCA Property Maintenance Code to be kept on file with the Clerk
1141.02(e)	Rule Making Authority to be kept on file with the Clerk (PM105.7)

Full or Part-Time Deputy Clerk of The Office of the Clerk of Council

Description

Any Deputy Clerk staff member of the City shall be appointed by the City Council as established by the Rules of Council and be under the direct supervision of the Clerk of Council.

Employment Provisions

The positions of Deputy Clerk are non-civil service positions and report to the Clerk of Council and City Council. The individuals holding these positions serve strictly at the pleasure of City Council. Since these positions are non-civil service, there is no probation period. Employees can be hired and released solely at the option of City Council, with the recommendations of the Clerk of Council.

All full and part-time staff members shall be entitled to the benefits entitled to each as set forth in Chapters 159 and 161 of the Codified Ordinances of Grove City, Ohio.

Compensation for such employment shall be recommended by the Clerk of Council and approved by the Council through the signing of a Personnel Action Form by the President and the Clerk of Council.

Duties

All staff members shall perform such duties as shall be provided by the Clerk of Council. These duties shall include, but not be limited to, the following:

- Assist in the preparation and distribution of the Council Agenda.
- Assist in the preparation and distribution of the meeting minutes.
- Assist with correspondence.
- Post approved ordinances.
- Update any legislative tracking system.
- Scan and transfer ordinances and/or resolutions and/or meeting minutes for inclusion on the Web database.
- Assist with filing records and maintaining filing system.
- Assist with public and departmental requests.
- Attend Council Meetings and sit in for Clerk of Council, when the Clerk of Council is unable.

Suggested Knowledge and Skills

- Ability to work with little or no supervision – a self-starter.
- Ability to organize work and to work, at times, under pressure.
- Considerable knowledge of the structure and purpose of local government.
- Considerable knowledge of modern office practices and procedures, standard record maintenance procedures and use of office equipment.
- Considerable knowledge of the role of a City Council in the Mayor-Council-Administrative Assistant form of government, especially as a council's policy making and legislative activities relate to the responsibilities of the Administrative branch.
- Considerable knowledge of business English, spelling and grammatical structure, punctuation and arithmetic.
- Knowledge of news media for the appropriate dissemination of various kinds of information or publicity.
- Ability to exercise good judgment; have courtesy and tact in handling phone inquiries and persons requesting information.
- Ability to work closely with the Clerk of Council and work with the Law Director, City's Consulting Engineer, City Administrator and Department Heads.
- Ability to compose a variety of memos and letters; skill in taking oral dictation or direction.
- Ability to assimilate the City Code, Charter, zoning map and zoning code and to read and interpret the Ohio Revised Code as it relates to duties and responsibilities of the City Clerk.

COMMITTEES OF COUNCIL

DUTIES

PUBLIC SAFETY

1. Police Department Affairs
2. Traffic Control Problems
3. Public Safety
4. Building Code
5. Housing Code
6. Inspection Fees

PUBLIC SERVICE

1. Storm & Sanitary Sewers
2. Sewer Disposal
3. Water
4. Streets
5. Service Expansion
6. Service rates & fees

LAND USAGE

1. Zoning
2. Annexations
3. Industrial Parks
4. Parks
5. Plats
6. Building & Development Plans

FINANCE

1. Budget
2. Appropriations
3. Taxation
4. Bonding & Notes
5. Assessments
6. Salaries