

OHIO
HUDSON
CHARTER REVIEW COMMISSION

To: City Council
cc: Craig Shubert, Mayor
Jane Howington, City Manager
Matthew Vazzana, City Solicitor
Todd Hunt, Special Counsel
From: Robert S. Kagler, Chairperson, Charter Review Commission *Robert S. Kagler*
Date: July 6, 2020
Subject: Report of Charter Review Commissioner's Proposed Amendments to City Charter for November 3, 2020 Ballot

As the Chair of the City's Charter Review Commission, I have been authorized by the Commission members to submit the within report to City Council regarding the Commission's proposed amendments to the City Charter. The Charter Review Commission, established through Section 13.02 of the Charter and appointed by this Council, met thirteen (13) times beginning on February 5, 2020, and completing its work on July 1, 2020. As you know, the Commission members are:

Robert S. Kagler, Chair
Kerri Keller, Secretary
Andrew Duff
Melissa Jones
Sharif Mansour
Lisa Radigan
David Schweighoefer
Brett Shriver
Allen Wass

The proposed amendments to the Charter, adopted by a vote of the Commission, are set forth beginning on page 4.

Also, the Commission passed a motion to recommend to Council that the various amendments be grouped into at least four (4) separate ballot issues in the groupings set forth

below. The rationale for the separation and grouping of the four (4) ballot issues is that three (3) of the proposed Charter amendments to Section 3.05 (Powers [of Council]), Section 9.01 (Planning Commission – Composition and Terms), and Section 9.02 (Planning Commission – Powers and Duties) are more substantive than the remaining twenty-nine (29) Charter sections being proposed to the electorate to be amended. The Commission feels it is important to give voters the option to approve or disapprove certain issues rather than placing all of the amendments into one ballot issue. A description of the four (4) ballot issues is:

1. Proposed Amendment to be in Ballot Issue #1:

(The proposed new last paragraph in Section 3.05, Powers [of Council], highlighted in yellow below should be in a separate ballot issue. The remaining revisions in Section 3.05 set forth in the attachment to this memorandum may or may not be placed in another more comprehensive ballot issue.)

As part of the Council’s review of the qualifications of applicants to boards, commissions, and committees to which Council appoints members, Council should seek to achieve broad geographical representation – e.g., wards and /or zoning districts -- on all Council-appointed boards, commissions, and committees, whether authorized by state statute, charter, or ordinance.

2. Proposed Amendment to be in Ballot Issue #2:

(The text highlighted below in yellow in Section 9.01, Planning Commission – Composition and Terms, should be in a separate ballot issue. The remaining revisions in Section 9.01 set forth in the attachment to this memorandum may or may not be placed in another more comprehensive ballot issue.)

At the time of the appointment or re-appointment of any member of the Planning Commission, the Planning Commission shall have no less than one (1) member from each ward in the Municipality.

3. Proposed Amendment to be in Ballot Issue #3:

(The following text highlighted below in yellow in Section 9.02, Planning Commission – Powers and Duties, should be in a separate ballot issue. There were no other amendments to Section 9.02 recommended by the Charter Review Commission.)

No zoning, building or other regulation controlling the use or development of land shall permit maximum net density in any zoning district for any dwelling type to increase without changing the text of the regulation or the zoning map; and any such change of the text or map shall require six (6) affirmative votes of Council for its passage.

4. Proposed Amendment to be in Ballot Issue #4:

The following text or a modified version of it may be appropriate for this ballot issue.

Shall the proposed amendments and revisions to Sections 3.02, 3.05, 3.08, 3.09, 3.10, 3.11, 3.13, 4.03, 5.01, 5.02, 5.03, 5.04 (former 5.03), 5.05 (former 5.04), 5.06 (former 5.05 but only re-numbered), 6.04, 7.01, 7.04, 8.03, 8.04, 8.06, 8.07, 9.01, 9.04, 9.05, 9.06, 10.01, 11.01, 12.01, 12.02, 12.03 and 13.02 of the Charter of Hudson, as recommended by the 2020 Hudson Charter Review Commission, be adopted?

The Charter Review Commission thanks the Council for the opportunity to serve the citizens of Hudson in this important endeavor.

ATTACHMENT TO MEMORANDUM TO COUNCIL

LIST OF ALL PROPOSED AMENDMENTS TO CITY CHARTER

SECTION 3.02 MEETINGS.

The Council shall conduct an organizational meeting ~~at 7:30 p.m.~~ at its first regularly scheduled meeting in December following each regular Municipal election. The Mayor shall preside at this organizational meeting and also at subsequent regular or special meetings at which legislative action may be taken. After ~~this~~ **the organizational meeting**, the Council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than twice each month. ~~If the day of an organizational meeting as provided in this section is a holiday as established by Municipal ordinance, the meeting shall be held on the next succeeding day which is not a holiday.~~ All regular meetings of the Council and all special meetings at which legislative action may be taken shall be open to the public, except as may be provided by State law. Any resident of the Municipality shall be entitled to speak at such meetings of the Council. Such right shall not be unreasonably abridged by any rules and regulations which the Council may adopt. Council may also conduct work session meetings, as necessary, at which no legislative action shall be taken, ~~to discuss~~ **for the purpose of discussing** legislative and other actions, which meetings shall be open to the public but shall not require any resident of the Municipality to be entitled to speak at such meetings.

SECTION 3.05 POWERS.

All the legislative powers of the Municipality and the determination of all matters of policy shall be vested in the Council. Without limitation of the foregoing, the Council may by ordinance make provision differing from the general law with respect to:

(f) The suspension of the rule requiring that legislation be read at three (3) separate Council meetings to permit legislation to be passed at one (1) meeting, provided there is an affirmative vote of at least six (6) members if seven (7) are present ~~five (5) members if only five (5) or six (6) are present~~, or an affirmative vote of at least five (5) members if only five (5) or six (6) are present ~~six (6) members if seven (7) are present~~; the affirmative vote of four (4) members or less shall not be sufficient to suspend this three (3) reading rule regardless of the number of members present at a Council meeting; except that no such suspension may be taken on any ordinance referring to zoning or building codes or other regulations controlling the use or development of land;

(h) Such other ~~general~~ regulations as the Council may deem necessary, including regulations as to the custody and use by the Clerk of Council of an official seal which shall be the seal of the Municipality.

As part of the Council's review of the qualifications of applicants to boards, commissions, and committees to which Council appoints members, Council should seek to achieve broad geographical representation – e.g., wards and /or zoning districts -- on all Council-appointed boards, commissions, and committees, whether authorized by state statute, charter, or ordinance.

SECTION 3.08 ORDINANCES AND RESOLUTIONS.

Ordinances, resolutions and bylaws shall be introduced in the Council only in written or printed form, and the adoption, rejection or amendment, the time of taking effect and the signing thereof shall be in the manner provided by the Constitution and laws of the State of Ohio as the same apply to municipalities, except as otherwise in this Charter provided. No ordinance fixing the rates to be charged for the product or service of any public utility shall be enacted except after a public hearing thereon. A notice summarizing the rate changes and specifying the time, date and place of the hearing shall be given by **both of the following methods: (a)** publication once a week for two (2) consecutive weeks in a newspaper of general circulation in the Municipality, **if such a newspaper is available,** the second publication being not less than ten (10) nor more than twenty (20) days prior to the hearing, which may be adjourned from time to time without further publication of notice; **and (b) publication on the Municipal website for at least three (3) consecutive weeks prior to the hearing.**

SECTION 3.09 ORDINANCES AND RESOLUTIONS THAT TAKE IMMEDIATE EFFECT.

Ordinances or resolutions shall go into immediate effect if they provide for: appropriations for current expenses of the Municipality; or street and utility improvements petitioned for by the owners of a majority of the feet front of the property benefitted and to be especially assessed for the cost thereof; or emergency ordinances or measures necessary for the immediate preservation of the public peace, health or safety in the Municipality. Such emergency ordinances or measures shall contain a statement of the specific reasons for such necessity in a separate section of the ordinance or other measure. Every such emergency measure or ordinance shall require ~~the~~ **an**

affirmative vote of at least ~~five (5)~~ **six (6)** members of the Council for its enactment ~~except that~~
~~six affirmative votes shall be required if all members are present~~ **if seven (7) are present, or an**
affirmative vote of at least five (5) members if only five (5) or six (6) are present; the
affirmative vote of four (4) members or less shall not be sufficient to enact an emergency
measure or ordinance regardless of the number of members present at a Council meeting.

If such an emergency measure fails to receive the necessary affirmative votes but receives a necessary majority for adoption or passage as a regular measure, it shall be considered adopted or passed as a regular measure.

SECTION 3.10 SALARIES AND BONDS.

Council shall establish the salaries or compensation of the Mayor and each officer or employee of the Municipality. Members of Council shall be compensated at the rate of eighty dollars (\$80.00) for attendance at ~~regular~~ meetings of the Council but shall not be compensated for attendance at more than ~~two (2)~~ **four (4)** ~~regular~~ meetings per month, plus such reasonable and necessary reimbursement of expenses as may be necessary. Members of any board or commission of the Municipality shall serve without compensation but may be reimbursed such reasonable and necessary expenses as may be necessary. Any person may be required by Council to furnish a bond for the faithful performance of prescribed duties, and Council may provide for the payment of the premium for any such bond by the Municipality.

SECTION 3.11 VACANCIES.

Any vacancy in the Council shall be filled temporarily by appointment by a majority of the remaining members of the Council, and then by the voters for the remainder of the term at the next regular Municipal **general** election, unless that election occurs within sixty (60) **ninety (90)** days **after the vacancy occurs**, ~~the period necessary to allow time for candidates to file,~~ then at the subsequent regular Municipal **general** election. **As the term “general” election is used in this Section 3.11, it shall mean either a Municipal regular general election in an odd-numbered year or a state regular general election in an even-numbered year.** The term of the person chosen at such election to succeed such appointee for any unexpired term shall begin at the first regular Council meeting after **the County Board of Election’s certification of the** vote ~~in December~~ following the election and shall continue for the remainder of such unexpired term. If the Council fails to fill a vacancy within sixty (60) days, a special election will be called by Council. However, the term of a member shall not be lengthened by resignation and subsequent appointment. Any vacancy in the office of President of Council shall be filled by a member elected by the majority of the members of Council.

SECTION 3.13 REMOVAL.

The Council shall be the judge of the qualifications of its own members as defined in Section 7.04. The Council shall also be the judge of the conduct of its own members. It may expel or remove any member for gross misconduct or malfeasance or nonfeasance in or disqualification for office, or upon conviction for violation of the oath of office, or persistent failure to abide by the rules of Council, or absence without justifiable excuse from three (3) consecutive regular meetings of Council. ~~;~~ ~~provided, however, that s~~Such expulsion or removal

shall be upon concurrence of five (5) or more members of Council after a public hearing in public upon the charge or charges brought, ~~and provided, further, that~~

The charge or charges against the accused member shall be initiated by no less than three (3) members of Council signing and introducing written charges at a regular or special meeting of the Council. Thereafter, that the accused member shall have been be notified in writing by the Clerk of Council of any the charge or charges at least fifteen (15) thirty (30) days in advance of such public hearing by hand-delivery in person to the accused member, certified mail (return receipt requested), or delivery by a recognized commercial delivery service with signed receipt of delivery returned to the sender. ~~and provided, further, that~~
~~†~~**The accused member of Council shall have been be given the opportunity at the hearing to be represented by legal counsel at the member's expense, to be heard, to** present evidence, and **to** examine witnesses appearing in support of such charge or charges.

The decision of Council in expelling or removing a member of Council after compliance with this section shall be final and thereupon the office of any such removed or expelled member of Council shall be vacant, until filled as provided in Section 3.11.

SECTION 4.03 VACANCY.

The office of the Mayor shall be deemed vacant in the event of the resignation, death, removal from office, disqualification or inability to perform, or not having performed the duties of the office of Mayor for a period of sixty (60) days, or as may be otherwise provided by this Charter.

In the event of a vacancy, the President of Council, pursuant to Section 3.03, shall fill the office of Mayor while retaining all the powers and responsibilities of President of Council for a period not to exceed sixty (60) days from the date the vacancy occurs, during which time the

Council shall fill the office of Mayor temporarily by appointment by a vote of a majority of members of Council. Thereafter, the voters shall elect a Mayor at the next ~~regular Municipal~~ **general** election for the remainder of the term, or if that election occurs within ~~sixty (60)~~ **ninety (90)** days ~~from the date of appointment~~ **after the vacancy occurs**, then at the second next ~~regular Municipal~~ **general** election. **As the term “general” election is used in this Section 4.03, it shall mean either a Municipal regular general election in an odd-numbered year or a state regular general election in an even-numbered year.** The term of the person chosen at such election to succeed such appointee for an unexpired term shall begin ~~on~~ **at** the first day of ~~December~~ **regular Council meeting after the County Board of Election’s certification of the** **vote** following the election and shall continue for the remainder of such unexpired term.

[NOTE: Current Charter Sections 5.01 and 5.02 are proposed to be separated into three (3) sections and revised so as to provide greater clarity. These two (2) current sections are proposed to be new Sections 5.01, 5.02 and 5.03, which also causes the re-numbering of current sections 5.03, 5.04, and 5.05.]

SECTION 5.01 [NEW] APPOINTMENT AND QUALIFICATIONS.

A City Manager shall be appointed by Council, an affirmative vote of not less than five (5) members of Council being necessary for the City Manager's appointment. The City Manager shall be chosen solely on the basis of professional qualifications and knowledge of the duties, standards and accepted practices of the office. The City Manager need not be a resident of the Municipality at the time of appointment, but shall within a reasonable time

after appointment establish and maintain residence in the Municipality, unless otherwise provided by Council.

SECTION 5.02 [NEW] SUSPENSION

The City Manager may be suspended for just cause for a period of time not to exceed thirty (30) calendar days, an affirmative vote of at least four (4) members of Council being necessary for any such suspension. Within three (3) calendar days of being notified in writing of the suspension, the City Manager may request a hearing before the Council at a public meeting as to whether there was just cause for the suspension and/or whether the suspension shall be modified as to its duration and/or whether the suspension shall be with or without pay. The President of Council shall cause written notice of the suspension to be delivered to the City Manager by hand delivery, certified mail (return receipt requested), or by a recognized commercial delivery service with a signed receipt of delivery returned to the sender. The City Manager's request for a hearing shall be filed with the Clerk of Council.

At the close of the hearing, an affirmative vote of at least (4) members of Council shall be required to vacate or to modify the suspension in any manner. By the affirmative vote of at least four (4) members of Council, the Council shall appoint a Municipal employee to serve as the Acting City Manager during any suspension of the City Manager.

SECTION 5.03 [NEW] TENURE AND REMOVAL PROCESS.

The City Manager's tenure shall be indefinite, but shall continue only at the pleasure of Council, an affirmative vote of at least five (5) members of Council being necessary for removal. The process of removal shall require at least three (3) members of Council to propose the removal of the City Manager by introducing a resolution at a regular or special meeting of the Council to suspend the City Manager pending the City Manager's removal and the resolution shall set forth the reasons for the removal. The resolution proposing to suspend the City Manager pending removal shall not require three (3) readings at three (3) separate meetings of the Council but it must be approved by the affirmative vote of at least four (4) members of Council to become effective. A copy of such resolution shall be served immediately upon the City Manager using one of the methods for service in Section 5.02. Upon service of the resolution upon the City Manager, the City Manager shall have fifteen (15) days in which to reply thereto in writing, and upon written request filed with the Clerk of Council within that fifteen (15)-day period, shall be afforded a hearing at a public meeting. The hearing shall occur no earlier than fifteen (15) days nor later than thirty (30) days after the request for a hearing is filed. If a hearing is not requested by the City Manager within the fifteen (15)-day period, the removal of the City Manager is effective on the sixteenth (16th) day after service of the resolution provided for above. After the hearing, if one is requested, and after full consideration of the evidence presented at the hearing, the Council may adopt a final resolution of removal. A final resolution of removal shall be acted upon by the Council within fifteen (15) days after the close of all evidence and arguments at the Council's hearing and it shall be effective immediately upon its passage. An affirmative vote of at least five (5) members of Council shall be necessary for removal of the City Manager.

By the affirmative vote of at least four (4) members of Council, the Council shall appoint a Municipal employee to serve as the Acting City Manager during any suspension pending removal of the City Manager.

SECTION 5.04 [former Section 5.03] POWERS AND DUTIES.

The City Manager shall be the Chief Administrative Officer of the Municipality, responsible to the Council for the proper administration of all affairs of the Municipality and the enforcement of all laws and ordinances within the scope of the designated powers and duties of the office. The City Manager shall manage all divisions and departments of the Municipal government and to this end shall have the power and be required to:

(a) Appoint, promote, transfer, reduce or remove, subject to the provisions of this Charter and enactments of Council pursuant thereto, any officer or employee of the Municipality, except those required by this Charter to be elected and those persons as may otherwise be provided for by this Charter; and the City Manager may appoint ~~an **one or more** Assistant City Manager~~ **assistants or deputies**, provided such position is provided for by an ordinance of the Council and such appointment is approved by the Council;

(h) Prepare and submit to Council ~~at~~ **within sixty (60) days after** the end of each fiscal year, a complete report on the finances and administrative activities of the Municipality for the preceding year;

SECTION 5.05 [former Section 5.04] VACANCY.

Whenever the office of City Manager shall become vacant for any reason, the Council may appoint an Interim City Manager **by the affirmative vote of at least four (4) members of Council** for a reasonable length of time to exercise the powers and duties of such office until a City Manager is appointed. A person holding another office in the Municipality may be appointed as Interim City Manager and may continue to hold such other office. The Interim City Manager shall continue only at the pleasure of Council and ~~a~~ **the affirmative** vote of at least four (4) members of Council being necessary for removal.

SECTION 5.06 [former Section 5.05 only re-numbered] ACTING CITY MANAGER.

SECTION 6.04 CONTRACTS AND PURCHASING.

The City Manager may, within the amounts and items appropriated by the Council, make purchases and enter into contracts in behalf of the Municipality involving expenditures for the whole of any authorized project, asset or service not in excess of twenty-five thousand dollars (\$25,000) without competitive bidding, except as may otherwise be provided by ordinance of the Council. No purchase or contract involving an expenditure of more than twenty-five thousand dollars (\$25,000) shall be made except with the lowest and best bidder as determined by Council after advertising for bids, in writing, **by both of the following methods: (a) publication** for a period of at least once a week for two (2) weeks in a newspaper of general circulation within the Municipality, **if such a newspaper is available, and (b) publication on the Municipal website for at least three (3) consecutive weeks**; provided, however, that the Council may authorize contracts without advertising for bids for professional services, for the acquisition of real estate,

for the joint use of facilities or exercise of powers with other political subdivisions, or for the product or services of public utilities (including those Municipally operated), and the Council may authorize a purchase or a contract involving an expenditure of more than twenty-five thousand dollars (\$25,000) without advertising for bids if it determines and declares by an affirmative vote of not less than five (5) members that an emergency exists affecting life, health, property or public peace and sets forth the nature of the emergency in its resolution or ordinance. The Council may also authorize a purchase or a contract involving an expenditure of more than twenty-five thousand dollars (\$25,000) without advertising for bids if the purchase or contract is made through another political subdivision's contract for purchases or a joint or cooperative purchasing program, as such methods of purchasing and contracting are authorized by state law.

SECTION 7.01 NOMINATIONS.

There shall be no primary election for Municipal offices. Nominations for elective offices of the Municipality shall be made by petition only, signed by not less than fifty (50) registered voters of the **applicable area of the Municipality** ~~district~~ for which the office is sought, on the standard forms for the nomination of nonpartisan candidates for such office, filed with the Board of Elections at least ninety (90) days before the day of elections. Each candidate shall file a separate petition; group petitions shall not be used. The petitions may be in a number of parts, but each part shall be verified under oath by the circulator as required by law.

SECTION 7.04 QUALIFICATIONS.

Each elective officer of the Municipality shall be a qualified elector of the Municipality and shall have resided in the Municipality, or in the territory annexed thereto, **or in the ward in which the candidate is seeking office,** for a period of at least two (2) continuous years immediately preceding the date of election and shall continue to reside in the ~~district~~ **applicable area of the Municipality** for which the officer was elected during said term; shall hold no incompatible office under the National, State or County government, not have any financial interest in any contract to which the Municipality is a party, or in any expenditure of money by the Municipality other than fixed compensation and traveling or other expenses incidental to the authorized furtherance of the interests of the Municipality.

SECTION 8.03 CITY SOLICITOR.

The City Solicitor shall be appointed by the City Manager with the concurrence of a majority of the members of Council. The City Solicitor shall be an attorney-at-law, admitted to the practice of law in the State of Ohio; and shall be adviser of and attorney and counsel for the Municipality and for all officers and divisions thereof in all matters relating to their official duties; and shall, when requested **by the City Manager or Council,** give legal opinions in writing. The City Solicitor shall represent the Municipality in all suits or cases in which it may be a party and shall prosecute for all offenses against the laws of Ohio as may be required. The City Solicitor, or such other assistants as Council may provide, may act as prosecuting attorney and render such services as are normally rendered by prosecuting attorneys in the State of Ohio. The City Solicitor shall on the request of the City Manager prepare contracts, bonds and other instruments in writing in which the Municipality is concerned and shall endorse on each the

proper approval of the form and ~~corrections~~ correctness thereof. The City Solicitor shall draft proposed legislation on request of the City Manager, ~~or~~ members of Council, or the Mayor.

SECTION 8.04 PARK BOARD - COMPOSITION AND TERMS.

The Park Board shall consist of five (5) ~~to~~ or seven (7) qualified electors of the Municipality appointed by Council and not holding other public office, to serve without compensation for staggered four (4)-year terms. Each member shall have been a resident of the Municipality or territory annexed thereto for two (2) years preceding appointment and shall **continue to** remain a resident during the member's term. In the event of a vacancy, Council shall appoint a ~~new member~~ qualified elector to ~~complete~~ fill the unexpired term. ~~No M~~Members shall serve ~~no~~ more than three (3) consecutive full four (4)-year terms. ~~In the event of a vacancy, Council shall appoint a new member to complete the unexpired term.~~ Meetings shall be open to the public, except as may be provided by State law.

SECTION 8.06 CEMETERIES.

Public cemeteries within the Municipality or owned by the Municipality shall be operated and maintained by the Municipality. Council shall provide for a Cemetery Board which shall advise the Municipality on cemetery matters. The Board shall consist of five (5) ~~to~~ or seven (7) qualified electors of the Municipality appointed by Council and not holding other public office, to serve without compensation for staggered four (4)-year terms. Each member shall have been a resident of the Municipality or territory annexed thereto for ~~a period of~~ two (2) years preceding ~~the~~ appointment and shall continue to remain a resident during the member's term. **In**

the event of a vacancy Council shall appoint a qualified elector to fill the unexpired term.

~~No M~~members shall serve ~~no~~ more than three (3) consecutive full four (4)-year terms. ~~In the event of a vacancy, Council may appoint a new member to complete the unexpired term; provided that there will always be a minimum of five (5) members on the Board.~~ Meetings shall be open to the public, except as may be provided by State law.

SECTION 8.07 TREE COMMISSION.

The Tree Commission shall consist of five (5) **or seven (7) qualified** electors of the Municipality, appointed by Council and not holding other public office, to serve without compensation for **staggered four (4)-year** terms ~~of four (4) years~~. Each member shall have been a resident of the Municipality or territory annexed thereto for ~~a period of two (2) years preceding the~~ appointment and shall continue to remain a resident during the member's term. In the event of a vacancy, Council shall appoint a qualified elector to ~~complete~~ **fill** the unexpired term. ~~No M~~members shall serve ~~no~~ more than three (3) consecutive full four (4)-year terms. Meetings shall be open to the public, except as may be provided by State law. ~~The Tree Commission shall have such powers and duties as provided by Council.~~

SECTION 9.01 PLANNING COMMISSION - COMPOSITION AND TERMS.

The Planning Commission shall consist of seven (7) **qualified** electors of the Municipality appointed by Council, **and** not holding other public office, to serve without compensation, for a **staggered** term of four (4)-year-s **terms**. ~~except that the members of the first Commission of seven (7) members after the approval of this section by the electors shall serve the following staggered terms: One (1) member for a term ending January 1, 1996; two (2) members for terms~~

~~ending January 1, 1997; two (2) members for terms ending January 1, 1998; and two (2) members for terms ending January 1, 1999.~~ Each member shall have been a resident of the Municipality or ~~in~~ territory annexed thereto for two (2) years preceding appointment and shall continue to remain a resident during the member's term. **At the time of the appointment or re-appointment of any member of the Planning Commission, the Planning Commission shall have no less than one (1) member from each ward in the Municipality.** In the event of a vacancy, Council shall appoint a qualified elector to ~~complete~~ **fill** the unexpired term. The City Manager or a designee shall serve as ex-officio Secretary of the Commission. ~~In the event of a vacancy, Council shall appoint a qualified elector to complete the unexpired term.~~ No member of the Planning Commission shall serve for more than three (3) consecutive full four (4)-year terms. **Meetings shall be open to the public except as may be provided by state law.**

SECTION 9.02 PLANNING COMMISSION - POWERS AND DUTIES.

Any proposed action by Council relating to changes of zoning, building codes, or other regulations controlling the use or development of land shall require five (5) votes of Council for passage. **No zoning, building or other regulation controlling the use or development of land shall permit maximum net density in any zoning district for any dwelling type to increase without changing the text of the regulation or the zoning map; and any such change of the text or map shall require six (6) affirmative votes of Council for its passage.** Four (4) votes by Council shall be required to return a recommendation to the Planning Commission for further consideration, and this may be done only once.

SECTION 9.04 BOARD OF ZONING AND BUILDING APPEALS - COMPOSITION AND TERMS.

The Board of Zoning and Building Appeals shall consist of five (5) **qualified** electors of the Municipality, appointed by Council and not holding other public office, to serve without compensation for **staggered** terms of four (4)-year-**s-terms**. Each member shall have been a resident of the Municipality or territory annexed thereto for two (2) years preceding appointment and shall continue to remain a resident during the member's term. In the event of a vacancy, Council shall appoint a qualified elector to ~~complete~~ **fill** the unexpired term. ~~Each member shall have been a resident of the Municipality or territory annexed thereto for two (2) years preceding appointment and shall continue to remain a resident during the member's term.~~ **No M**members shall serve ~~no~~ more than three (3) consecutive full four (4)-year terms. **Meetings shall be open to the public except as may be provided by State law.**

SECTION 9.05 BOARD OF ZONING AND BUILDING APPEALS - POWERS AND DUTIES.

~~All meetings of the Board shall be public, except as may be provided by the laws of the State of Ohio.~~ The Board shall have power to hear and determine appeals from refusal of building and zoning permits **or certificates** and to permit exceptions to and variations from the zoning regulations in individual cases as may be required to afford justice and avoid **either a practical difficulty or an** ~~unreasonable~~ **unnecessary** hardship to property owners, **as applicable and** in accordance with standards established by ordinance of Council and such other powers as are now or may hereafter be conferred upon it by the laws of Ohio or by ordinance of Council.

SECTION 9.06 ARCHITECTURAL AND HISTORIC BOARD OF REVIEW - COMPOSITION AND TERMS.

The Architectural and Historic Board of Review shall consist of seven (7) **qualified** electors of the Municipality appointed by Council and not holding other public office, **to serve without compensation for staggered four (4)-year terms.** Each member shall have been a resident of the Municipality or territory annexed thereto for two (2) years preceding appointment, and shall continue to remain a resident during the member's term ~~, to serve without compensation for a term of four (4) years.~~ In the event of a vacancy, Council shall appoint a qualified elector to ~~complete~~ **fill** the unexpired term. No member ~~may~~ **shall** serve more than three (3) consecutive full four (4)-year terms.

SECTION 10.01 REMOVAL FROM OFFICE.

Except as otherwise provided by this Charter, any member of any board or commission of the Municipality **provided for by this Charter** may be removed from office for gross misconduct or malfeasance or nonfeasance in or disqualification for office or absence without justifiable excuse from three (3) consecutive meetings, or upon conviction while in office of a felony or other crime involving moral turpitude, or for violation of the oath of office, upon **the charge or charges being set forth by resolution introduced by at least three (3) members of Council.** ~~the concurrence of five (5) or more members of Council~~ **shall hold** ~~after public~~ **an evidentiary** hearing **at a public meeting** upon the charge or charges brought; provided, however, that the ~~accused~~ member **being charged** shall have been notified in writing of the charge or charges at least ~~fifteen (15)~~ **thirty (30)** days in advance of such ~~public~~ hearing; and provided, further, that the ~~accused~~ **member** or **legal** counsel for the ~~accused~~ member shall have been given an

opportunity to be heard, present evidence and examine witnesses appearing in support of such charge or charges. **The affirmative vote of four (4) members of Council shall be required to remove the member.**

SECTION 11.01 PERSONNEL ADVISORY AND APPEALS BOARD - COMPOSITION AND TERMS.

The Personnel Advisory and Appeals Board shall consist of three (3) ~~disinterested~~ qualified electors of the Municipality **appointed by Council and** not holding other public office, to ~~be appointed by Council~~ **serve without compensation for staggered six (6)-year terms.** ~~Each member shall serve, without compensation, for a term of six (6) years.~~ Each member shall have been a resident of the Municipality or territory annexed thereto for ~~a period of~~ two (2) years preceding ~~the~~ appointment and shall continue to remain a resident during the member's term. In the event of a vacancy, Council shall appoint a qualified elector to ~~complete~~ **fill** the unexpired term. ~~No M~~**m**ember-s shall serve no more than two (2) consecutive full six (6)-year terms. Meetings of the Personnel Advisory and Appeals Board shall be open to the public except as may be provided by State law.

SECTION 12.01 INITIATIVE.

The electors of this Municipality shall have the power to propose ordinances and ~~other measures~~ **resolutions** by initiative petition. Except as provided in this section, the procedures for proposing ordinances and ~~other measures~~ **resolutions** by initiative petition shall be in accordance with the provisions of the Constitution and laws of Ohio now or hereafter in effect.

When an initiative petition has been determined sufficient by the Finance Director and prior to submission to the Board of Elections of such proposed ordinance or ~~measure~~ **resolution** for the approval or rejection of the electors of this Municipality, the Finance Director shall forthwith submit such proposed initiative ordinance or ~~measure~~ **resolution** to Council and the Council shall consider the proposed initiative ordinance or ~~measure~~ **resolution**. If the Council fails to adopt the proposed initiative ordinance or ~~measure~~ **resolution** without any change in substance within thirty (30) days after it receives the proposed initiative ordinance **or resolution** from the Finance Director, the Finance Director shall submit the proposed ordinance or ~~measure~~ **resolution** to the Board of Elections.

SECTION 12.02 REFERENDUM.

The electors of this Municipality shall have the power to approve or reject at the polls any ordinance or ~~other measure~~ **resolution** enacted by Council **that is eligible for referendum under the laws of the State of Ohio.** Except as provided in this section, the procedures by which the electors of this Municipality shall have the power to approve or reject at the polls any ordinance or ~~other measure~~ **resolution** enacted by Council shall be in accordance with the provisions of the Constitution and laws of **the State of** Ohio now or hereafter in effect.

When a referendum petition has been determined sufficient by the Finance Director and, prior to the Finance Director's certification to the Board of Elections for submission of such ordinance or ~~measure~~ **resolution** to the electors of this Municipality, the Finance Director shall forthwith submit such referendum petition to Council and the Council shall have thirty (30) days to reconsider the referred ordinance **or resolution** by voting its repeal. If Council fails to repeal the referred ordinance **or resolution** within thirty (30) days after it receives the referred ordinance **or**

resolution from the Finance Director, the Finance Director shall submit the ordinance or measure resolution to the Board of Elections.

SECTION 12.03 RECALL.

The electors shall have the power to remove from office by a recall election any elected officer of the Municipality. If an elected officer shall have served six (6) months of the term, a form of petition demanding the officer's removal may be filed with the Clerk of Council, who shall note thereon the name and address of the person filing the petition and the date of such filing, and deliver to such person a receipt and attach a copy thereof to the petition.

This petition may be circulated in separate parts, but the parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds for the removal. Such petition shall be signed by at least that number of electors which equals twenty-five percent (25%) of the total number of electors who voted at the most recent gubernatorial election in the ~~district~~ **applicable area of the Municipality** from which the elected officer was elected.

SECTION 13.02 CHARTER REVIEW COMMISSION

Not later than the month of January, 2000, and at least each fifth (5th) year thereafter in the month of January, the Council shall appoint a Commission **of an odd number of members** of not less than seven (7) but not more than eleven (11) qualified electors of the Municipality to be

known as a Charter Review Commission, **and not holding other public office**, to serve without compensation. The term of the Commission shall end on the day of the next general election. Each member shall have been a resident of the Municipality or territory annexed thereto for a ~~period of~~ two (2) years preceding the appointment and shall continue to remain a resident during the member's term. In the event of a vacancy, Council may appoint a qualified elector to ~~complete~~ **fill** the unexpired term. There ~~will~~ **shall** always be a minimum of seven (7) members of the Commission.
