

ORDINANCE NO.: 2018-14  
INTRODUCED BY: MAYOR & COUNCIL

4089

**AN ORDINANCE  
PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE  
VILLAGE OF CHAGRIN FALLS TWO PROPOSED AMENDMENTS TO  
THE VILLAGE CHARTER TO ADD ALTERNATE MEMBERS TO THE  
BOARD OF ZONING APPEALS AND ARCHITECTURAL BOARD OF  
REVIEW AND AMENDING ARTICLE VII, SECTIONS 5 AND 9 OF THE  
CHARTER OF THE VILLAGE OF CHAGRIN FALLS.**

WHEREAS, Article VII, Sections 5 and 9 provide for the creation of a Board of Zoning Appeals and an Architectural Board of Review and establish membership on the Boards; and

WHEREAS, the Village has determined that it is prudent and necessary to add alternate members to the Board of Zoning Appeals and Architectural Board of Review when the regular members are unable to hear a matter or are unavailable to attend a meeting; and

WHEREAS, the Council for the Village of Chagrin Falls has determined that such amendments to allow alternate members on the Boards would provide for more efficient, orderly and speedy administrative hearings and review of applications by property owners and other applicants; and

WHEREAS, pursuant to Article XVIII, Section 9 of the Constitution of the State of Ohio and the Charter of the Village of Chagrin Falls, the Village Council has the right, by a two-thirds majority affirmative vote, to submit to voters of the Village of Chagrin Falls proposed amendments to the Charter of the Village of Chagrin Falls; and

WHEREAS, this Council finds and determines that it is in the Village's best interest to submit to the electors of the Village of Chagrin Falls two proposed amendments to the Charter, which would provide for alternate members to be appointed to the Board of Zoning Appeals and the Architectural Board of Review; and

WHEREAS, this Council chooses the date of November 6, 2018, for the election on the Charter amendment proposals hereinafter set forth, which election is not less than sixty (60) days nor more than one hundred twenty (120) days from the date of passage of this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO, THAT AT LEAST TWO-THIRDS OF THE MEMBERS OF COUNCIL CONCURRING:**

SECTION 1. This Council hereby authorizes and directs the submission to the electors of the Village of Chagrin Falls, in an election to be held at the usual places of voting in said Village, on Tuesday, November 6, 2018, of the following proposal to amend the Charter of the Village as further provided below:

That the first paragraph of Article VII, Section 5 of the Charter of the Village of Chagrin Falls be amended to add the following sentence which shall read as follows:

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The Council may appoint up to three (3) alternate members of the Board, who shall serve whenever one (1) or more members are unable to hear a particular matter, or are unavailable for a particular meeting, none of which members shall be members of Council and who do not simultaneously hold an appointment to the Planning Commission and are electors of the Municipality, none of whom shall hold any other municipal office or appointment in the Village of Chagrin Falls, to be appointed for a term of four (4) years by the Mayor, subject to confirmation by a majority vote of the members of Council.

The majority affirmative vote of those voting on the issue shall be necessary to adopt this amendment.

SECTION 2. That the form of the ballot to be cast at the election for the proposed Charter amendment contained in Section 1 shall read and provide as follows:

PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage.

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Shall Article VII, Section 5, Board of Zoning Appeals, of the Charter of the Village of Chagrin Falls be amended to provide that three (3) alternate members of the Board of Zoning Appeals may be appointed by the Mayor, subject to confirmation by a majority vote of the members of Council?

SECTION 3. This Council hereby authorizes and directs the submission to the electors of the Village of Chagrin Falls, in an election to be held at the usual places of voting in said Village, on Tuesday, November 6, 2018, of the following proposal to amend the Charter of the Village as further provided below:

That the first paragraph of Article VII, Section 9 of the Charter of the Village of Chagrin Falls be amended to add the following sentence which shall read as follows:

Up to three (3) alternate members of the Board may be appointed by the Mayor and confirmed by Council for three (3) year terms.

The majority affirmative vote of those voting on the issue shall be necessary to adopt this amendment.

SECTION 4. That the form of the ballot to be cast at the election for the proposed Charter amendment contained in Section 3 shall read and provide as follows:

PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage.

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Shall Article VII, Section 9, Architectural Board of Review, of the Charter of the Village of Chagrin Falls be amended to provide that up to three (3) alternate members of the Architectural Board of Review may be appointed by the Mayor and confirmed by Council?

SECTION 5. That if each such amendment is approved by a majority of the electors voting thereon at such election, then such amendment or amendments so approved shall become effective from and after January 1, 2019.

SECTION 6. That the Clerk of Council is hereby authorized and directed to cause copies of the proposed Charter Amendments to be published in such manner as may be authorized by law, and as required by Article XVIII, Section 9 of the Ohio Constitution.

SECTION 7. That the Clerk of Council be and hereby is, authorized and directed to forward a certified copy of this Ordinance to the Board of Election of Cuyahoga County.

SECTION 6. That the Board of Elections of Cuyahoga County is hereby requested to cause appropriate notice of such election to be duly given in accordance with law.

SECTION 8. That there is hereby appropriated from the general fund of the Village, an amount sufficient to pay the cost of carrying out the directions of this Ordinance, including the cost of publishing notice of such election.

SECTION 9. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

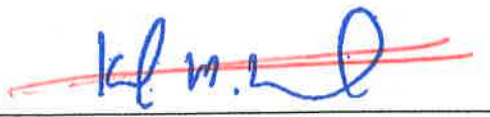
SECTION 10. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 11. That this Ordinance shall take effect and be in force after the earliest period allowed by law; wherefore provided it receives the affirmative vote of at least two-thirds (2/3) of all members elected to Council.

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REPEALED 8-13-18

PASSED: July 23, 2018

  
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Council President

Submitted to the Mayor for  
approval on this 24 day of July, 2018

Approved by the Mayor this  
24 day of July, 2018

  
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Mayor

I hereby certify that Ordinance No. 2018- 14 was duly enacted on the 23 day of  
July 2018, by the Council of the Village of Chagrin Falls and posted in accordance  
with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.

  
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Clerk of Council