

**ORDINANCE 2021-33
INTRODUCED BY: GRUBE**

4323

**AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE
ELECTORS OF THE VILLAGE OF CHAGRIN FALLS A
PROPOSED AMENDMENT TO THE VILLAGE
CHARTER TO PROVIDE THAT THE CHIEF
ADMINISTRATIVE OFFICER MAY ALSO PROVIDE
NOTICE TO THE CLERK OF COUNCIL REGARDING
ACTIONS TAKEN BY THE BOARD OF ZONING
APPEALS AND TO PROVIDE THAT COUNCILPERSONS
MAY REQUEST THAT THE CLERK OF COUNCIL SET A
PUBLIC HEARING TO REVIEW SUCH DECISION BY
ELECTRONIC MAIL MEANS AND TO MAKE
GRAMMATICAL AND GENDER NEUTRAL CHANGES
TO SUCH SECTION**

WHEREAS, the Mayor, in accordance with Article XI, Section 2 of the Charter of the Village of Chagrin Falls, appointed five (5) electors of the Village to serve as members of the Charter Review Commission; and

WHEREAS, Article XI, Section 2 of the Charter requires the Charter Review Commission to review the Charter and recommend any desirable Charter amendments to Council; and

WHEREAS, the Charter Review Commission, in a report dated May 10, 2021, submitted its recommendations to this Council; and

WHEREAS, Article IV, Section 8(a) of the Charter provides that the Board of Zoning Appeals' Secretary notifies the Clerk of Council of actions taken by the Board of Zoning Appeals regarding exceptions or variances to the Planning and Zoning Code and further provides that within fifteen (15) days after receipt of said written notification by the Clerk, Councilpersons may request, in writing, that a public hearing be set to review the decision of the Board of Zoning Appeals; and

WHEREAS, the Charter Review Commission recommends amending Article IV, Section 8(a) to provide that the Chief Administrative Officer may also notify the Clerk of Council of Board of Zoning Appeals actions, which may be accomplished by electronic mail means and to also require that a copy be sent to each Councilperson and within fifteen (15)

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days after receipt, three (3) or more Councilpersons may in writing, which may include electronic mail notice, request the Clerk of Council set a public hearing to review the decision of the Board of Zoning Appeals; and

WHEREAS, this Council finds that such recommendation is appropriate and it will allow for additional officials to provide notice of Board of Zoning Appeals actions, allow the notice to be provided by electronic mail means which is the primary method of notices by Councilpersons and the Village Government, and to clarify that notice is also provided to all Councilpersons of the Board of Zoning Appeals actions, and to create gender neutral language; 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, this Council has the right, by a two-thirds (2/3) majority affirmative vote, to submit to the 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 a proposed amendment to the Charter, which would allow the Chief Administrative Officer or the Board of Zoning Appeals' Secretary to notify, in writing, the Clerk of Council of actions taken by the Board of Zoning Appeals on exceptions or variances, and to provide a copy of the notice to all Councilpersons, and to allow three (3) or more Councilpersons to request in writing, including electronic mail means, that the Clerk of Council set a public hearing for Council to review the decision of the Board of Zoning Appeals and to make gender neutral changes; and

WHEREAS, this Council chooses the date of November 2, 2021 for the election on the Charter amendment proposals hereinafter set forth, which election is not less than sixty (60) nor more than one hundred twenty (120) days from 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 (2/3) 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 2, 2021, of the following proposals to amend the Charter of the Village as further provided below.

That existing Article IV, Section 8(a) of the Charter of the Village of Chagrin Falls be amended, to read and provide, in their entirety, as follows:

ARTICLE IV
COUNCIL

SECTION IV-8A. ADMINISTRATIVE AUTHORITY.

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In addition to the legislative power granted herein, Council shall have the power to hear appeals and to grant exceptions to and variances in the application of resolutions, ordinances, regulations, measures and orders of administrative officials or agencies governing zoning in the Municipality in such manner as it shall establish by ordinance, provided that no appeal shall be heard, or exception or variance granted by Council until the Board of Zoning Appeals shall have acted upon such request for an exception or variance and upon taking such action, the Board of Zoning Appeals' secretary or Chief Administrative Officer shall immediately notify in writing, the Clerk of Council of such action, which may be accomplished by electronic mail means and copy each Councilperson, and within fifteen (15) days after receipt of said written notification by the Clerk, or Chief Administrative Officer, any three (3) or more Councilpersons, may, in writing, which may be accomplished by electronic mail means, request that the Clerk of Council set a public hearing to review the decision of the Board of Zoning Appeals, in which case Council shall receive testimony, and consider the evidence presented to Council, and the decision of Council shall be final in regard to the exception or variance request to the Planning and Zoning Code, and a majority of Council shall be required to either approve or deny such requested exception or variance. Notice of the hearing by Council shall be given as provided in the Planning and Zoning Code. If three (3) or more Councilpersons fail to request a hearing within fifteen (15) days after notification of the decision of the Board of Zoning Appeals is received by the Clerk of Council, the decision of the Board of Zoning Appeals shall be final.

Further, if these amendments are adopted, existing Article IV Section 8 (a) shall be repealed.

The majority affirmative vote of the 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 amendments contained in Section 1 shall read and provide as follows:

“PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage

Shall Article IV Section 8(a), Administrative Authority, of the Charter of the Village of Chagrin Falls be amended to allow the Chief Administrative Officer to also notify the Clerk of Council of decisions and actions of the Board of Zoning Appeals and to also copy each Councilperson of actions taken by the Board of Zoning Appeals on exceptions and variances and to provide that Councilpersons may request a public hearing by Council, using electronic mail means, to make such request and to make gender neutral changes to such Section?”

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Section 3. That if such amendments are approved by a majority of the electors voting thereon at such election, such amendment so approved shall become effective from and after January 1, 2022.

Section 4. That the Clerk of Council is hereby authorized and directed to cause copies of the proposed Charter Amendment 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 5. That the Clerk of Council be and hereby is, authorized and directed to forward 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 7. 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 8. 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 9. 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 10. That this Ordinance shall take effect and be in force after the earliest period allowed by law.

PASSED: _____, 2021

Erinn Grube, Council President

Submitted to the Mayor for
his approval on this

_____ day of _____, 2021

Approved by the Mayor

_____, 2021

Mayor William Tomko

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I hereby certify that Ordinance No. 2021-33 was duly enacted on the ____ day of _____, 2021, 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.

David Bloom, Clerk of Council