

**ORDINANCE 2021-36
INTRODUCED BY: GRUBE**

4326

**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 INITIATIVE PETITIONS
TO AMEND THE PLANNING AND ZONING CODE
AND/OR ZONING MAP OF THE VILLAGE SHALL,
WITHOUT EXCEPTION, BE READ BY TITLE AT THREE
(3) CONSECUTIVE MEETINGS OF COUNCIL AND TO
MAKE GRAMMATICAL AND NUMERICAL CHANGES**

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 of the Charter provides in Subsection (d) for reading of legislation unless the requirement be dispensed with by the affirmative vote of two-thirds (2/3) of the Council members; and

WHEREAS, the Charter Review Commission recommends amending Article IV, Section 8 to provide in the case of an Ordinance being considered for certification to the Board of Elections to place an initiative on the ballot regarding amendments to the Planning and Zoning Code and/or Zoning Map of the Municipality, shall, without exception, be read by title at three (3) consecutive meetings of Council and to make grammatical and numerical reference changes; and

WHEREAS, this Council finds that such recommendations are appropriate and it will allow the electors to have an opportunity to learn about initiative petitions to amend the Planning and Zoning Code and/or Zoning Map and to provide an opportunity to be heard before the matter is voted by the electors, and it will make grammatical changes and numerical references to such Section; and

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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 provide that any initiative to amend the Planning and Zoning Code and/or Zoning Map be read by title at three (3) consecutive meetings of Council and to make grammatical and numerical reference 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 of the Charter of the Village of Chagrin Falls be amended, to read and provide, in its entirety, as follows:

ARTICLE IV
COUNCIL

SECTION IV-8. POWER AND DUTIES.

The legislative powers of the Municipality, except as otherwise provided by this Charter and by the Constitution of the State of Ohio, shall be vested in Council. Council shall by ordinance make provision for:

- (a) The time and place of regular meetings of Council;
- (b) The method of calling special meetings of Council;
- (c) The method of giving public notice of the enactment of its ordinances and resolutions and of any other of its acts or proceedings which it deems proper to publish.

Council may by ordinance make provision for:

- (d) The form and method of enactment of its ordinances and resolutions, provided that no ordinance or resolution shall contain more than one (1) subject which shall be clearly expressed in its title, and provided further that no ordinance or resolution of a general or permanent nature or granting a franchise, creating a right, involving the expenditure of money or the levying of a tax other than a resolution providing for an election on the question of issuing bonds or levying a tax, or for the purchase, lease, sale or transfer of property shall be passed unless it has been read in full or by

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caption on three (3) different days unless the requirement for such reading be dispensed with by the affirmative vote of two-thirds (2/3rds) of the Council members and in the case of an ordinance being considered for certification to the Board of Elections to place an initiative on the ballot regarding any amendment to the Planning and Zoning Code and/or Zoning Map of the Municipality shall, without exception, be read by title at three (3) consecutive meetings of Council;

(e) The procedure for making public improvements and levying assessments, including the procedure for combining two (2) or more public improvements, and the levying of assessments therefor, in one (1) proceeding if Council finds that it will be economical and practical to undertake such improvements jointly;

(f) The advertising and awarding of contracts;

(g) Such other general regulations as Council may deem necessary.

(h) The affirmative vote of at least five (5) Council members shall be required, whenever Council determines that the predetermined purpose, by existing Ordinance, to which portions of income tax revenues are to be allocated, must be reallocated for any one (1) budget year appropriation, due to exigent circumstances existing at the time such reallocation action is taken.

Further, if these amendments are adopted, existing Article IV Section 8 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:

<p>“PROPOSED CHARTER AMENDMENT</p> <p>A majority affirmative vote is necessary for passage</p> <hr/>
<p>Shall Article IV, Section 8, Powers and Duties, of the Charter of the Village of Chagrin Falls be amended to provide that in the case of an initiative to amend the Planning and Zoning Code and/or Zoning Map of the Village be read by title at three (3) consecutive meetings of Council and to make grammatical and numerical revisions?”</p>

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.

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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.

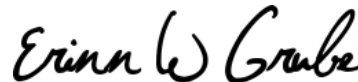
Section 7. That there is hereby appropriated from the general fund of the Village, an amount sufficient to pay the cost of carrying out the directions of this Ordinance, including the cost of publishing notice of such election.

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: July 26, 2021



Erinn Grube, Council President

Submitted to the Mayor for
his approval on this

28th day of July, 2021

Approved by the Mayor

07/28/2021, 2021



Mayor William Tomko

I hereby certify that Ordinance No. 2021-36 was duly enacted on the 26th day of July, 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