

ORDINANCE NO. _____

AN ORDINANCE SUBMITTING THE QUESTION OF AMENDMENTS OF THE CHARTER OF THE CITY OF DEFIANCE, OHIO TO THE ELECTORS AT THE NOVEMBER 5, 2019 GENERAL ELECTION AND DECLARING AN EMERGENCY

WHEREAS, the Charter Review Commission appointed by Council pursuant to Section 1.07 of the Charter recommended four amendments to the Charter of the City of Defiance, Ohio; and,

WHEREAS, Council finds that all deliberations of the Charter Review Commission were conducted in Public Session duly convened in accordance with law; and,

WHEREAS, Article XVIII, Section 9 of the Ohio Constitution requires a two-thirds vote of the legislative authority of the municipality for submission to the electors; and,

WHEREAS, two-thirds of the Members of Council find it necessary to refer the proposed Charter Amendments to the Electors;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The City Council of the City of Defiance, Ohio, hereby directs the Board of Elections of Defiance County, Ohio to submit four questions regarding amendment of the Charter of the City of Defiance, Ohio, to the Electors of the City of Defiance, Ohio, at the General Election to be conducted November 5, 2019.

Section 2: Each of the four proposed amendments to the Charter shall be placed on the ballot and submitted to the Electors as a separate question.

Section 3: The Clerk is directed to file a Copy of this Ordinance and the text of each proposed Charter Amendment incorporated herein by reference with the Board of Elections before 4:00 P.M. on August 7, 2019.

Section 4: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety or welfare of the community for the reason that the questions to be submitted to the electors on November 5, 2019 must be filed with the Board of Elections no later than 4:00 P.M. on August 7, 2019. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five (5) Members of Council and approval of the Mayor.

Passed: _____, 2019 _____
President of Council

Votes in Favor of Adoption: _____
Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2019 _____
Mayor

Ballot Issue 1: To Amend Article II, Section 2.07, Regarding Changes in Compensation for Members of Council (Deleted text ~~stricken~~, Added text in *Italics*)

Section 2.07 Compensation

The salary of Council members shall be established by ordinance, but no member of Council, at the time of the enactment of any ordinance increasing such salaries, shall receive the benefit of any such increase during his or her then current term of office. Any change in the salary of members of Council shall be effective commencing with the terms of office of members of Council elected at the next regular Municipal election; said ordinance providing for a change in salary shall be passed on or before the filing deadline for declaration of ~~party~~ candidacy for members of Council.

Ballot Issue 2: To Amend Article III, Section 3.03, Regarding Mayoral Compensation (Deleted text ~~stricken~~, Added text in *Italics*)

Section 3.03 Compensation

The Council shall fix the salary schedule of the Mayor and if the salary is thereafter to be changed in respect to a succeeding term of office, such change shall be made by Council not later than the first day of January ~~immediately preceding~~ of the commencement of a new term of office of the Mayor and shall become effective upon the commencement of such term. The salary of the Mayor may, with his or her consent, be decreased or relinquished during his or her term of office.

Ballot Issue 3: To Amend Article IV, Section 4.04, Regarding Election Petition Signature Requirements (Deleted text ~~stricken~~, Added text in *Italics*)

Section 4.04 Petition Signature Requirements

The ~~percentage~~ *number* of electors required to sign any petition provided for herein shall be based upon the total vote cast at the last preceding General Municipal Election.

Ballot Issue 4: To Combine and Amend Article VII, Sections 7.02 and 7.03, Regarding Planning Commission and Board of Zoning and Building Appeals (Deleted text ~~stricken~~, Added text in *Italics*)

Section 7.02 Planning Commission

There shall be a City Planning Commission of at least seven members as herein provided. The Mayor, the City Administrator, the Chairperson of the Parks and Recreation Board during their tenure in their respective offices and four citizen members of the Planning Commission, who shall be qualified electors and residents of the City, and shall be appointed for terms of four (4) years each. The four citizen members of the Planning Commission appointed by the Mayor pursuant to this section shall be as follows: one member shall be appointed for a one (1) year term, one member shall be appointed for a two (2) year term, one member shall be appointed for a three (3) year term and one member shall be appointed for a four (4) year term, and thereafter, each citizen member shall be appointed for a four (4) year term and shall be continued in office until his or her successor is appointed. The citizen members of the Planning Commission shall not hold any other Municipal office or employment with the City.

Chairperson and Vice-Chairperson. At the first meeting of the Planning Commission each year, the members thereof shall elect a Chairperson and Vice-Chairperson by a majority vote of all members of the Commission. The Chairperson shall preside at all meetings of the Commission and shall have the right to vote on any matter before the Commission. In the absence of the Chairperson, the Vice-Chairperson shall act in his or her capacity with all rights and duties of the Chairperson. The Chairperson and Vice-Chairperson shall serve until their successors are elected as hereinabove provided.

Secretary. At the first meeting of the Planning Commission each year, the members thereof shall appoint a secretary, who may be a member of the Commission, a person holding other employment with the City or a person from without the employment of the City. The secretary, unless a member of the Commission, shall not have any voting rights. The compensation, if any, of the secretary of the Planning Commission shall be fixed by Council, except that a member of the Commission who is appointed secretary shall not receive any compensation.

Meetings and Organization. The Planning Commission shall hold at least one regular meeting in each month during the year. A majority of the members of the Planning Commission shall constitute a quorum. The secretary of the Commission shall keep an accurate journal of the proceedings and actions of the Planning Commission. By a majority vote of the members of the Planning Commission, rules may be adopted governing the conduct and government of meetings and providing for regular and special meetings in addition to the minimum number of meetings required herein.

Powers and Duties. The Planning Commission shall *have the following duties:*

- A. *HEAR AND MAKE RECOMMENDATIONS ON GROWTH AND DEVELOPMENT:*
 1. Conduct studies and surveys and prepare reports and maps relative to the overall planning of the growth, development, redevelopment and renewal of the City, and ~~may~~ make such recommendations relative thereto to the Council as it feels are in the best interest of the City; ~~The Planning Commission shall~~
 2. Continuously review and report to the Council its recommendations concerning the City's capital improvement programs and *updates to subdivision, platting and zoning ordinances and regulations; The Planning Commission shall*
 3. Cooperate with other governmental or private planning agencies to secure the maximum benefit to the City of the work, studies, surveys and reports of such other planning agencies; *and*
 4. *Interpret the zoning map in such a way as to carry out the intent and purpose of the Planning and Zoning Code of orderly, but permissive, land use.*
- B. *HEAR AND DECIDE APPEALS: The Planning Commission shall hear appeals and grant exceptions to or overruling the determinations made by administrative officials or agencies in the application of resolutions, ordinances, regulations, measures and orders governing zoning and building in the City.*
- C. *GRANT VARIANCES: The Planning Commission shall grant variances from such resolutions, ordinances, regulations, measures or orders as may be required to afford justice and avoid unreasonable hardship, subject to such procedures and reasonable standards as shall be established by Council. It shall include, but not be limited to, the existence of practical difficulties or unnecessary hardships in the strict interpretation of the aforesaid resolutions, ordinances, regulations, measures or orders, provided that the granting of such exception or variance will be in harmony with the general purpose and intent thereof.*
- D. *OTHER DUTIES: Other powers and duties of the Planning Commission shall be established by the Council by ordinance, but until such ordinances shall be passed, it shall possess such other powers and duties as are provided by the general laws of Ohio, to the extent that such general laws do not conflict with the provisions of this Charter.*

Section 7.03 Board of Zoning and Building Appeals

~~There is hereby created and established a Board of Zoning and Building Appeals which shall consist of five members as hereinafter provided. The Mayor shall appoint as members of the Board of Zoning and Building Appeals one member from the Planning Commission who shall serve a one (1) year term and one (1) member who shall be a qualified elector of the City who shall be appointed to a one (1) year term. In addition to the members hereinabove provided, three (3) citizen members of the Board of Zoning and Building Appeals, who shall be qualified electors of the City and shall not hold any other Municipal office, shall be appointed for terms of five (5) years each by the Mayor; provided that the first persons appointed as citizen members by the Mayor pursuant to this section shall be appointed as follows: one member shall be appointed for a one (1) year term, one member shall be appointed for a two (2) year term and one member shall be appointed for a three (3) year term and shall continue in office until their successors are appointed and thereafter citizen members shall serve for five (5) year terms.~~

Chairperson. ~~At the first meeting each year of the Board of Zoning and Building Appeals, the members of said Board shall elect a Chairperson from its membership by a majority vote of the~~

~~members appointed to said Board and the Chairperson so elected shall serve at the pleasure of the Board and until a successor is elected.~~

~~Secretary. At the first meeting of the Board of Zoning and Building Appeals each year, the members thereof shall appoint a secretary, who may be a member of the Board, a person holding other employment with the City or a person from without the employment of the City. The secretary, unless a member of the Board, shall not have any voting rights. The compensation, if any, of the secretary shall be fixed by Council, except that a member of the Board who is appointed secretary shall not receive any compensation.~~

~~Meetings and Organization. A majority of the members of the Board of Zoning and Building Appeals shall constitute a quorum. Unless otherwise provided by ordinance, rules may be adopted by a majority vote of the members of the Board of Zoning and Building Appeals to provide for the number of meetings and special meetings, and to provide for the conduct and government of meetings.~~

~~Powers and Duties. The Board of Zoning and Building Appeals shall hear and decide appeals made for exceptions to or overruling of determinations made by administrative officials or agencies in the application of resolutions, ordinances, regulations, measures and orders governing zoning and building in the City. They shall grant variances from such resolutions, ordinances, regulations, measures or orders as may be required to afford justice and avoid unreasonable hardship, subject to such procedures and reasonable standards as shall be established by Council. It shall include, but not be limited to, the existence of practical difficulties or unnecessary hardships in the strict interpretation of the aforesaid resolutions, ordinances, regulations, measures or orders, provided that the granting of such exception or variance will be in harmony with the general purpose and intent thereof. The Board of Zoning and Building Appeals shall, in addition, exercise such power and carry out such duties not inconsistent with the foregoing as may be prescribed in the Zoning Ordinance or the Administrative Code.~~

Abstract of Ordinance
City of Defiance, Ohio
Ordinance No. 8148

Pursuant to Section 2.11(2) of the Charter of the City of Defiance permitting publication of an Abstract of any Ordinance exceeding 1,000 words in length, notice is hereby given of the adoption of Ordinance 8148 passed by emergency, July 30, 2019 approved by the Mayor on July 30, 2019 captioned: An Ordinance Submitting the Question of Amendments of the Charter of the City of Defiance, Ohio to the Electors at the November 5, 2019 General Election and Declaring an Emergency. This Ordinance proposes four (4) amendments to the City Charter for the electorate to consider:

- 1) Amend Article II, Section 2.07 regarding changes in compensation for Members of Council by removing the word “party” from the salary change requirements of the non-partisan Council seats;
- 2) Amend Article III, Section 3.03 regarding changes to mayoral compensation by changing the deadline for such change from “the first day of January immediately preceding the commencement of a new term of office...” to “the first day of January of the commencement of a new term of office...”;
- 3) Amend Article IV, Section 4.04 by changing petition signature requirements from a *percentage* of electors to a specified *number* of signatures from the electors; and
- 4) Combine Article VII, Sections 7.02 and 7.03 and simplifies the zoning approval process for development by combining the Planning Commission and the Board of Zoning and Building Appeals into one approval body.

Pursuant to Article XVIII, Section 9 of the Ohio Constitution, these amendments would take effect following adoption by vote on November 5, 2019, if passed, and after certification to the Ohio Secretary of State. The full text of the Ordinance is available for inspection in the Office of the Law Director.