



Village of Minerva Park  
Council Meeting: July 22, 2019  
AGENDA

**Pledge of Allegiance**

**Roll Call**

**Green Cards**                      Council President Schrimpf

**Legislation**

**Resolution 2019-18 Place Charter on Ballot**  
(3<sup>rd</sup> reading)

**Resolution 2019-19 Sanitary Sewer Phase III OPWC Funding Application Authorization**  
(3<sup>rd</sup> reading)

**Ordinance 13-2019 Updating the Employee Handbook**  
(tabled)

**Ordinance 16-2019 Supplemental Appropriations**  
(1<sup>st</sup> reading, intent is to waive 3 readings)

**New Business**

**Old Business**

**Citizens' Comments**

**Adjourn**

**A RESOLUTION TO FORWARD THE PROPOSED CHARTER OF THE VILLAGE OF MINERVA PARK FOR CONSIDERATION OF THE ELECTORS OF THE VILLAGE ON THE NOVEMBER 2019 BALLOT**

**WHEREAS**, the Village Charter Review Commission has met and framed a Charter for the Village of Minerva Park; and

**WHEREAS**, said Charter Commission has formally requested the Council of the Village of Minerva Park to place the question of whether or not the electors of Minerva Park wish to approve the Charter of the Village of Minerva Park;

**WHEREAS**, pursuant to Article XVIII, section 8 of the Ohio Constitution, the proposed Charter shall be submitted to the electors of the municipality, provision for which shall be made by the legislative authority of the municipality;

**WHEREAS**, placement on the ballot shall be in no way construed as an endorsement by the Council or Village;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO, THAT:**

**Section 1.** The proposed Charter for the Village of Minerva Park, which proposed Charter is set forth in detail in the document attached hereto as Exhibit A and incorporated herein by reference, be placed on the ballot for consideration by the electors of the Village of Minerva Park at the November 5, 2019 general election.

**Section 2.** This resolution shall take effect at the earliest period allowed by law.

First Reading: June 24, 2019  
Second Reading: July 8, 2019  
Third Reading: July 22, 2019  
Passed: July 22, 2019

**ATTESTS**

\_\_\_\_\_  
Kim Pulley, Fiscal Officer

\_\_\_\_\_  
Lynn Eisentrout, Mayor

**APPROVED AS TO FORM**

\_\_\_\_\_  
Eugene Hollins, Solicitor

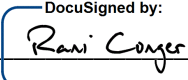
TO: The Village Council of Minerva Park  
FROM: The Minerva Park Charter Commission  
RE: Proposed Charter of the Village of Minerva Park

Honorable Council Members,

Please find enclosed a copy of the Proposed Charter of the Village of Minerva Park. This Proposed Charter has been drafted by the duly elected, appointed, and sworn Members of the Minerva Park Charter Commission.

The enclosed copy is certified to be a true and accurate copy of the Proposed Charter, and the Commission hereby respectfully requires that the Council formally adopt a resolution causing the Proposed Charter to be placed on the November 5, 2019 ballot for consideration by the electors of the Village of Minerva Park for adoption as the Charter of the Village of Minerva Park.

Respectfully submitted,

DocuSigned by:  
  
\_\_\_\_\_  
Rani Conger CFA5564958A8403...  
*Minerva Park Charter Commission, Chair*

**CHARTER  
OF THE  
VILLAGE OF MINERVA PARK  
OHIO**

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**PREAMBLE**

*We, the People of the Village of Minerva Park, in the County of Franklin and State of Ohio, in order to secure for ourselves the fullest measure of municipal home rule and local self-government under the Constitution and laws of the State of Ohio and to preserve the character of our community, do hereby adopt this Charter as the governing law of our community.*

**Article I. NAME; BOUNDARIES; FORM OF GOVERNMENT**

Section 1.01 Name

- A. The Village of Minerva Park shall continue to be a municipal corporation known as the “Village of Minerva Park”.
- B. If and when the Village of Minerva Park becomes a City under the Constitution and laws of the State of Ohio all references to “Village” herein shall mean “City”. At such time it shall then be known as the “City of Minerva Park,” unless otherwise provided by the Minerva Park Council.

Section 1.02 Boundaries

- A. The Village shall have the same boundaries that exist on the adoption date of this Charter, with power and authority to change its boundaries and annex territory.
- B. Territory annexed to the Village shall immediately be subject to the provisions of this Charter.

Section 1.03 Form of Government

- A. The form of government provided for by this Charter shall be known as “Mayor-Council-Administrator”.

**Article II. POWERS OF THE MUNICIPALITY**

Section 2.01 Powers

- A. The Village shall have all powers possible for a Village to have under the Constitution and laws of the State of Ohio as fully and completely as though they were specifically enumerated in this Charter.
- B. Title to all real property shall be taken in the name of the Village.

Section 2.02 Manner of Exercise

- A. All powers shall be exercised in the manner prescribed in this Charter or if not so prescribed, in the manner provided by legislation of the Village.
- B. When not prescribed in this Charter or by legislation of the Village, then the powers shall be exercised in the manner provided by the laws of the State of Ohio until Council provides a different manner of exercising the powers.

Section 2.03 Construction of Powers

- A. The powers of the Village under this Charter shall be construed liberally in favor of the Village, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general powers granted in this Article.

Section 2.04 Intergovernmental Cooperation

- A. The Village may exercise any of its powers, perform any of its functions and provide related financing, jointly or in cooperation, by contract or otherwise, with any one or more states, including but not limited to the State of Ohio, and any of their political subdivisions, special districts, instrumentalities, divisions or agencies; the United States or any of its divisions or agencies; or any individual, partnership, corporation or other type of entity, whether for profit, or not-for-profit, unless prohibited by the Constitution of the State of Ohio.

**Article III. COUNCIL**

Section 3.01 Powers of Council

- A. All legislative power of the Village shall be vested in the Council, except as otherwise provided by this Charter and the Constitution of the State of Ohio. Without limitation of the foregoing, the Council shall have and possess the following powers:
  - i. The power to levy taxes and assessments and incur debts subject to the limitations imposed thereon by this Charter and the Constitution of Ohio.
  - ii. The power to adopt and to provide for the enforcement of local police, sanitary and other similar regulations as are not in conflict with the laws of the State of Ohio and the United States of America.
  - iii. The power to provide for the exercise of all powers of local self-government granted to the Village by the Constitution of the State of Ohio in a manner not inconsistent with this Charter or the Constitution of the State of Ohio.



- iv. The power, by ordinance or resolution, to establish or authorize the number of officers and employees in the various offices, departments, divisions, bureaus, boards and commissions of the Village and to establish or authorize the establishment of the rate of their compensation, hours of work, and to provide such other fringe benefits and conditions of employment as deemed proper by the Council.
- v. The power to require such insurance or surety bonds as in the opinion of the Council are necessary for the faithful discharge of the duties of the officers and employees of the Village. The premium for said insurance or surety bonds shall be paid by the Village.
- vi. The power to create, combine, change and abolish other offices, departments, divisions, bureaus, boards and commissions except as provided in Section 7.01. The power herein expressed in this subsection shall be exercised by ordinance or resolution.
- vii. The power to establish, by ordinance or resolution, the rates or charges made of consumers of all municipal utilities and services.
- viii. The power to acquire and to sell or otherwise convey interests in real property; and to lease, as lessor or lessee, or otherwise grant or receive interests in real property, in the manner authorized by ordinance or resolution.
- ix. The power to provide for an independent audit of the accounts and records of the Village, which may be in addition to audits by state offices and agencies as may be required under the general laws of Ohio.
- x. To exercise all other powers granted to the Council by this Charter and by the Constitution and laws of the State of Ohio.

Section 3.02      Composition and Term

- A. The Council of the Village of Minerva Park shall be composed of seven (7) members.
- B. All members of Council shall be elected at large.
- C. Notwithstanding attending Council meetings for the purpose of carrying out the duties of the office pursuant to Article V, the Mayor of the Village of Minerva Park shall not have a seat on the Village Council.
- D. Members of Council shall serve four (4) year overlapping terms, starting on the first day of January following their election.

- E. The members of the Council under the general statutory plan of government for the Village of Minerva Park at the time this Charter becomes effective (including the two members of Council elected in November 2019 for terms beginning on January 1, 2020) are hereby designated as the initial members of the Council under this Charter.
- F. At the regular municipal election to be held in November of 2021, and each four (4) years thereafter, four (4) persons shall be elected from the Village at large to serve terms of four (4) years each commencing on January 1 of the year immediately following their election.
- G. At the regular municipal election to be held in November of 2023, and each four (4) years thereafter, three (3) persons shall be elected from the Village at large to serve terms of four (4) years each commencing on January 1 of the year immediately following their election.

Section 3.03      Qualifications

- A. Candidates for Council shall have been qualified electors of the Village or any area annexed to the Village for at least six (6) months immediately prior to the time they file for office and shall remain so qualified during their entire term of office.
- B. A qualified elector is defined for purposes of this Charter as a person having the qualifications provided by law to be entitled to vote pursuant to Ohio Revised Code Section 3501.01(N), as amended or revised.
- C. Members of Council shall not hold any other public office or employment with the Village, or any other municipality, jurisdiction, or government, during a term, with the following exceptions:
  - i. Holding office in a political party or serving as a delegate to a political party convention;
  - ii. Serving as a notary public;
  - iii. Serving as a member or officer in the military, including military reserves and the national guard;
  - iv. Serving in any office, position or capacity to represent the Village or to further intergovernmental cooperation; and
  - v. Holding any office permitted by the Charter or the laws of Ohio.
  - vi. Holding employment with an entity that does not create a conflict of interest with the village.

Section 3.04 Organization and Rules

- A. The Council shall be a continuing body, but shall meet in the Council Chamber at its first meeting in January of each year for the purpose of organization.
- B. At such meeting, the newly elected Council members, if any, may take the oath of office.
- C. Council shall adopt, by a majority vote of its members, its own rules (the “Rules”) which shall not conflict with this Charter and which shall remain in effect until amended, changed or repealed by a majority vote of its members.
- D. The Rules shall go into immediate effect unless a later date is specified and shall not be subject to initiative or referendum.
- E. The Rules of Council shall provide for the number, composition and manner of appointment of committees of Council, and such other matters as Council shall determine to be necessary for the proper functioning and government of Council.

Section 3.05 Officers of the Council

- A. During its organizational meeting held pursuant to Section 3.04(A), each year the Council shall choose, by a vote of four (4) Council members, one (1) of its members as the President of the Council.
- B. The President of Council shall also serve as the President Pro Tempore, who shall serve as the Mayor during the temporary absence or disability of the Mayor.
- C. During its organizational meeting held pursuant to Section 3.04(A), each year the Council shall choose, by a vote of four (4) Council members, one (1) of its members as the Vice President Pro Tempore, who shall serve as the President of Council and President Pro Tempore in the absence of the President of Council.

Section 3.06 Clerk of Council

- A. The Council shall appoint, by a majority vote of its members, a person to serve in the position of Clerk of Council.
- B. The Clerk of Council shall serve at the pleasure of the Council and may be suspended or removed from the position of Clerk of Council without cause by a majority vote of the members of Council.
- C. The Clerk of Council may hold other office or position of employment in the Village.

- D. The Clerk of Council shall have those powers, duties and functions as are provided in this Charter, by the Rules of Council or by ordinance or resolution.
- E. Included in the duties of the Clerk of Council shall be the maintenance of a record of proceedings of the Council and a record of all ordinances and resolutions adopted by the Council.
- F. The Clerk of Council shall give notice of regular and special meetings of the Council to its members and to the public as may be provided by this Charter, the Rules of Council or by ordinance or resolution.
- G. The Clerk of Council shall be subject to the control of the officers of the Council and the general supervision of the Village Administrator.
- H. The Council, by ordinance or resolution, may require the Clerk of Council to serve as the secretary of one or more boards and commissions provided for under this Charter.

Section 3.07      Resignation and Forfeiture

- A. A member of Council may resign from their Council seat upon submitting a written resignation to the President of Council.
- B. The office of a member of Council may be forfeited upon a determination that the member:
  - i. Has pled to or has been convicted of a felony while in office;
  - ii. Has pled to or has been convicted of any crime involving dereliction of duties or breach of public trust while in office;
  - iii. Lacks, or is found to have lacked, at any time prescribed by this Charter, any eligibility requirements of Section 3.03(A);
  - iv. Has violated any prohibition of Section 3.03(B); or
  - v. Has failed to attend three (3) consecutive regular Council meetings without being excused by Council.
- C. Judge of Grounds Constituting Forfeiture
  - i. Council shall be the sole judge of the grounds constituting forfeiture of office.
  - ii. Council shall initiate the process to establish grounds for forfeiture of office by motion and shall have the power to subpoena witnesses, administer oaths, take

testimony, and require the production of evidence.

D. Notice and Public Hearing

- i. Upon finding that grounds exist which subject the member to forfeiture of office, Council shall instruct the Clerk of Council to notify the member.
- ii. The Clerk of Council shall notify the member by any method which includes written evidence of receipt.
- iii. The member so notified shall receive a public hearing before Council to be held no earlier than ten (10) days nor later than thirty (30) days after notification of forfeiture is received by the member.

E. Final Determination

- i. Council shall make a final determination by a motion to regard the office of the Council member as forfeited.
- ii. The member subject to forfeiture of office shall be entitled to vote.
- iii. Upon passage of the motion by majority vote, the office shall be deemed vacant, and Council shall fill the vacancy as provided in Section 3.08

Section 3.08 Vacancies

- A. The office of Council member shall become vacant upon the member's death, resignation or forfeiture of office as provided in Section 3.07.
- B. A vacancy in Council shall be filled by a majority vote of the remaining Council members.
- C. If the vacancy occurs on or after July 1 of the second year of the term, the person elected by Council shall serve for the unexpired term.
- D. If the vacancy occurs on or before June 30 of the second year of the term, the person elected by Council shall serve until a successor is elected at the next regular November election. The person so elected shall take office on January 1 following such election.
- E. If Council fails to fill a vacancy in Council within sixty (60) days after the occurrence of the vacancy, the Mayor shall appoint a person to serve for the time as provided in this Section.

### Section 3.09 Council Meetings

- A. The Council shall determine, by a majority vote of its members, the frequency, dates and times of regular meetings in order to properly conduct its business, but it shall hold at least one (1) regular meeting in each month in at least eleven (11) months of each year.
- B. Special meetings of the Council may be called, for any purpose, by the Mayor or any four members of the Council upon at least twenty-four (24) hours' written notice to the Mayor and each member of the Council, which notice may be served personally left at the usual place of residence, or by electronic notification.
- C. In the event the Mayor or any four (4) members of the Council determine in writing an emergency exists affecting the health, safety, or welfare of the Village, the twenty-four (24) hour notice shall not apply.
- D. If a special meeting is called and notice is dispensed with pursuant to Section 3.09(C), the Council shall issue a public statement, posted in accordance with Council Rules, no later than twenty-four (24) hours after the special meeting explaining in detail the need for dispensing with notice.
- E. Members of the Council and the Mayor who attend special meetings of the Council or who are present at another regular or special meeting where a special meeting is announced by the presiding officer need not receive notice of the special meeting.
- F. Members of the Council and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting.
- G. Special meetings may be cancelled beforehand by whomever initially called for such special meeting.
- H. Any regular or special meeting of the Council may be adjourned or recessed to another time, date or place without giving the notice required in Division (B) of this section.
- I. All meetings of the Council and of other boards and commissions of the Village shall be held in accordance with the general laws of Ohio pertaining to requirements for open meetings of public bodies.

### Section 3.10 Salary of Elected Officials

- A. The salaries of all elected officials of the Village shall be established by Council by ordinance or resolution.

- B. Council shall consider ordinances or resolutions effecting the salary of elected officials only on odd-numbered years.
- C. The salaries so established shall not be changed to be effective during the current term of office.
- D. In the event Council shall fail to establish salaries as required in this Section, the salaries in effect for the prior term shall remain in effect until changed in accordance with this Section.

#### **Article IV. LEGISLATIVE PROCEDURE**

##### Section 4.01 Form of Action by Council

- A. Generally, non-legislative action of Council shall be by motion and legislative action shall be by resolution or ordinance.
  - i. No action of Council shall be invalidated merely because the form of the action taken fails to comply with the provisions of this Charter.
- B. Council shall use a motion to determine:
  - i. Policy and procedural matters;
  - ii. To conduct elections among and make appointments by Council; and
  - iii. As otherwise provided in this Charter or by Council.
- C. Council shall use a resolution, where practicable, for:
  - i. Any legislation of a temporary, informal, or ceremonial nature; and
  - ii. As otherwise provided in this Charter or by Council.
- D. Council shall use an ordinance, where practicable, for:
  - i. Any legislation of a general or permanent nature and;
  - ii. As otherwise provided in this Charter or by Council.

##### Section 4.02 Form of Ordinances and Resolutions

- A. The form of ordinances and resolutions shall be established by the Council Rules.

- i. Where practicable, ordinances and resolutions should follow a uniform format.
- B. Legislation shall contain only one subject, which shall be clearly expressed in its title, with the following exceptions:
  - i. Appropriation ordinances may contain the various accounts for which monies are appropriated, and;
  - ii. Ordinances which are codified or recodified are not subject to the limitation of containing one subject.

Section 4.03 Introduction, Reading, and Public Review of Ordinances and Resolutions

- A. Legislation may be introduced by any elected official or the Village Administrator at any regular or special meeting of Council.
  - i. Prior to the introduction of any legislation, the Clerk of Council shall distribute a copy of the legislation to each elected official and to the Village Administrator, file a reasonable number of copies in the office of the Clerk of Council and such other public places as Council may designate, publish the title of the legislation together with a notice setting forth the time and place for its public review before Council, and the full text of the proposed legislation shall be made available on the internet.
  - ii. The Council may only waive the requirements in Section 4.03(A)(i) when the proposed legislation is being voted on as an emergency measure.
- B. Each resolution and ordinance shall be read by title only on three (3) separate days, unless this requirement is dispensed with by the affirmative vote of at least five (5) of the members of the Council.
  - i. Readings shall be by title only, unless any member of the Council shall request that any ordinance be read in full.
  - ii. Copies of each ordinance shall be available for public inspection at the meetings of the Council at which the ordinance is considered.
  - iii. Resolutions not in written form when introduced shall be available for public inspection once reduced to written form.
  - iv. All resolutions must be in written form at the time of their passage.
  - v. The Council may not dispense with the readings of legislation that substantially pertain to Village sewer (sanitary and storm), water lines, zoning, road construction, or expenditures of more than five percent (5%) of the annual general fund



appropriations.

- C. The public review of any proposed legislation shall follow its publication by no less than seven (7) days.
- i. Public reviews may be held separately or in conjunction with a regular or special Council meeting;
  - ii. Public reviews may be adjourned or recessed from time to time.
  - iii. Public reviews may be dispensed with for an emergency ordinance.
  - iv. Should a public review be waived by Council prior to the passage of emergency legislation, a public review of the legislation shall take place no later than the next regularly scheduled Council meeting.
- D. The procedure for public reviews shall be determined by the Council Rules not inconsistent with this Section.
- i. The public review of a resolution shall be conducted at the time of its introduction.
  - ii. The public review of an ordinance shall be conducted at the next designated meeting subsequent to its introduction, unless otherwise specified by Council.
  - iii. Unless dispensed with by Council, the public review of an emergency ordinance shall be conducted at the time of its introduction.
  - iv. A public review shall consist of a summary presentation of the contents of the legislation, the purpose of the legislation, the timeframe of any actions triggered by the legislation, and the estimated financial cost to the Village, if any.
  - v. A public review shall include scheduled time for citizens to provide feedback regarding the proposed legislation.
  - vi. Upon closing the public review and after discussion by Council, Council may adopt the legislation, with or without amendment, reject it, or table it, so long as the reading requirements in Subsection 4.03(B) have been met.

Section 4.04      Vote Required for Passage.

- A. The vote on the question of passage of each ordinance or resolution shall be taken by roll call of members to be entered on the Clerk's record, or other record of proceedings of the Council in accordance with the Council Rules, and none shall be passed without

concurrence of a majority of the members of Council.

- i. In considering whether a resolution or motion has received a majority vote of the Council, an abstention is considered to be an acquiescence to the action taken by the majority of those who do vote.
- B. Each emergency ordinance shall require the affirmative vote of at least five (5) of the members of Council for its enactment.
- i. If an emergency ordinance shall fail to receive the required five (5) affirmative votes but receives the necessary majority for passage as non-emergency legislation, it shall be amended and become effective as non-emergency legislation.
- C. The vote on legislation shall be entered in the minutes or other record of Council proceedings in accordance with the Council Rules.
- i. As soon as possible after adoption, the Clerk of Council shall have the legislation and accompanying exhibits and attachments, and a notice of its adoption published and available to the public at a reasonable fee, and the legislation shall be made available online with all attachments and exhibits.

Section 4.05 Form and Content of Emergency Legislation.

- A. Each emergency ordinance or resolution shall determine that the ordinance or resolution is necessary for the immediate preservation of the public peace, health, safety or welfare, and shall contain a specific statement of the necessity of the emergency.

Section 4.06 Effective Date of Legislation

- A. All resolutions shall be effective immediately unless otherwise specified within the resolution, except where 4.03(B)(v) applies. In which case the resolution will take effect 30 days after passage.
- B. The following ordinances shall take effect upon adoption, unless otherwise specified within the ordinance:
- i. Appropriations of money;
  - ii. Annual tax levies for current expenses;
  - iii. Improvements petitioned for by owners of the requisite majority of the front footage or of the area of the property benefited and to be assessed;

- iv. Submissions of any questions to the electorate or a determination to proceed with an election;
  - v. Approvals of a revision, codification, recodification, rearrangement, or publication of ordinances; and
  - vi. Emergency ordinances.
- C. Unless otherwise provided in this Charter, all other ordinances shall become effective thirty (30) days after their adoption or at any later date specified by Council.

Section 4.07 Authentication

- A. Each ordinance and resolution shall be authenticated by the signature of the presiding officer of the Council and the Clerk of Council.
- B. The failure or refusal to sign shall not invalidate an otherwise properly enacted ordinance or resolution.

Section 4.08 Recording Legislation

- A. Each ordinance and resolution shall be recorded in a book or other record prescribed by Council.
- B. The Clerk of Council or a duly authorized representative of the Clerk shall, upon request of any person and upon the payment of a fee, if established by Council, certify true copies of any ordinance or resolution, which copies shall be admissible as evidence in any court.

Section 4.09 Publication of Ordinances and Resolutions

- A. Ordinances and resolutions shall be published by posting all of the following:
  - i. A copy of the title of each ordinance or resolution in not less than three (3) public places in the Village for a period of ten (10) days.
  - ii. A full, unabridged copy of each ordinance or resolution electronically on the official Village website, or if such website is unavailable, on a publicly accessible website.
- B. The Council may, by Council Rules, require that ordinances and resolutions be published by other means in addition to the postings as required by this Section.

Section 4.10      Amendment

- A. A pending ordinance or resolution may be amended at any time prior to its passage by the Council by a majority vote of the members of the Council.
  - i. An amendment of an ordinance shall not require additional readings unless materially amended during the final reading, in which case one (1) additional reading shall be required unless such additional reading is dispensed with pursuant to the procedures set forth in Section 4.03(B).
- B. Any ordinance or resolution, or codified ordinances or resolutions of the Village, may be amended by the passage of subsequent ordinances or resolutions that:
  - i. Revise existing sections or parts thereof;
  - ii. Enact new or supplemental sections or parts thereto; or
  - iii. Repeal existing sections or parts thereof.
- C. This Section does not prevent repeals by implication.

Section 4.11      Zoning Measures

- A. Ordinances establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations may be initiated by a member of Council or as otherwise provided by ordinance.
- B. The Council shall determine, by ordinance, all procedures to be followed by the Council and the Planning and Zoning Commission with respect to:
  - i. Zoning within the Village;
  - ii. Public hearings relating to zoning;
  - iii. Notices to owners of land; and
  - iv. Notices to the general public.
- C. A concurring vote of at least five (5) of the members of Council shall be necessary to pass any zoning ordinance which differs from the written recommendations of the Planning and Zoning Commission, but in no event shall an ordinance be considered as having passed unless it receives at least an affirmative vote by a majority of the members of Council.

Section 4.12 Adoption of Technical Codes

- A. In conjunction with the procedures provided in the other Sections of this Article, Council may, by ordinance, adopt codes relating to technical matters, construction standards, fire prevention, electric wiring, plumbing, heating, air conditioning, housing, health, safety, and such other matters as Council may determine to be appropriate for adoption by reference.
- B. An ordinance adopting any code shall make reference to the date and source of the code without reproducing it at length in the ordinance. In such cases, publication of the code shall not be required.
  - i. A copy of each code and a copy of the adopting ordinance shall be authenticated and recorded by the Clerk of Council as provided in Sections 4.07 and 4.08 of this Charter.
  - ii. If the code is amended after its adoption by reference, Council may adopt the amendment or change by incorporation by reference under the same procedure established for the adoption of the original code.

Section 4.13 Codification of Ordinances

- A. Council shall provide for the preparation of a general codification, a recodification, a revision, or a rearrangement of all Village ordinances which shall be adopted by Council by ordinance and shall be published in printed form as well as made publicly available online, together with this Charter.
  - i. Codification of Village ordinances shall include the full text of such ordinances, including all attachments and exhibits.
  - ii. Council shall ensure that the codification of newly passed ordinances takes place on an annual basis.
- B. A current service supplementing the Village's codified ordinances shall be regularly maintained in the manner prescribed by Council.

**Article V. MAYOR**

Section 5.01 Term and Qualifications

- A. The Mayor shall be elected by the popular vote of the Village electors on a non-partisan ballot for a four (4) year term to begin on the first day of January following the election.
- B. Candidates for Mayor shall have been qualified electors of the Village or any area annexed to the Village for at least six (6) months immediately prior to the time they file

for office and shall remain so qualified during their entire term of office.

- i. A qualified elector is defined for purposes of this Charter as a person having the qualifications provided by law to be entitled to vote pursuant to Ohio Revised Code Section 3501.01(N), as amended or revised.
- C. The Mayor shall not hold any other public office or employment with the Village, or any other municipality, jurisdiction, or government during a term, with the following exceptions:
- i. Holding office in a political party or serving as a delegate to a political party convention;
  - ii. Serving as a notary public;
  - iii. Serving as a member or officer in the military, including military reserves and the national guard;
  - iv. Serving in any office, position or capacity to represent the Village or to further intergovernmental cooperation; and
  - v. Holding any office permitted by the Charter or the laws of Ohio.
  - vi. Holding employment with an entity that does not create a conflict of interest with the village.
- D. The office of Mayor need not be a full-time position.

Section 5.02 Resignation and Forfeiture

- A. The Mayor may resign from their office upon submitting a written resignation to the President of Council.
- B. The office of Mayor may be forfeited upon a determination that the Mayor:
- i. Has pled to or has been convicted of a felony while in office;
  - ii. Has pled to or has been convicted of any crime involving dereliction of duties or breach of public trust while in office;
  - iii. Lacks, or is found to have lacked, at any time prescribed by this Charter, any eligibility requirements of Section 5.01(B); or

- iv. Has violated any prohibition of Section 5.01(C);

C. Forfeiture Procedure.

- i. Council shall be the sole judge of the grounds constituting forfeiture of office pursuant to the provisions in Section 5.02(B). Council shall initiate the process to establish grounds for forfeiture of office by motion and shall have the power to subpoena witnesses, administer oaths, take testimony, and require the production of evidence.
- ii. Upon finding that grounds exist which subject the Mayor to forfeiture of office, Council shall instruct the Clerk of Council to notify the Mayor of the finding. The Clerk of Council shall notify the Mayor by any method which includes written evidence of receipt. The Mayor shall then receive a public hearing before Council to be held no earlier than ten (10) days nor later than thirty (30) days after notification of forfeiture is received by the Mayor.
- iii. Council shall make a final determination by a motion to regard the office of the Mayor as forfeited.
- iv. Upon passage of the motion by five (5) of the members of Council, the office shall be deemed vacant and Council shall fill the vacancy as provided in Section 5.03.

Section 5.03      Vacancies

- A. Whenever a vacancy shall occur in the office of Mayor, as determined by the adoption of a "motion to determine vacancy" by a majority vote of the Council, the person serving as President Pro Tempore of the Council shall have five (5) days after the adoption of the motion to accept and qualify as the Mayor or to notify the Clerk of Council that he or she rejects succession to the office of Mayor.
- B. If the person holding the office of President Pro Tempore rejects succession to the office of Mayor, the Council shall elect, by a majority vote, a qualified person to serve as the Mayor.
- C. The President Pro Tempore or the person elected by the Council shall serve as Mayor until December 31 following the next regular November election, at which election a qualified person shall be elected Mayor from the Village at large for either a full four (4) year term or for the remainder of the term vacated by the person creating the vacancy, as appropriate.
- D. If, at the time the vacancy is determined, more than two (2) years remain in the term of office and fewer than fifty (50) days remain prior to the regular November election, the person who succeeds to the office of Mayor or the person elected by the Council shall

serve for the remainder of the unexpired term.

Section 5.04      Duties and Powers

A. Veto Power

- i. Every Council ordinance or resolution, once passed, shall be presented to the Mayor for consideration.
- ii. Except as otherwise provided in this Charter, the Mayor may approve or veto the whole of any ordinance or resolution. Unless an ordinance or resolution is returned to the Village Clerk, either signed or with written notice of veto within three (3) business days, after submission to the Mayor, it shall take effect as though the Mayor had signed it and approved the same.
- iii. The Village Clerk upon receiving notice of a veto of any ordinance or resolution shall within twenty-four (24) hours after receiving notice of the veto notify each Council member in writing of the veto.
- iv. Failure to serve notice to any Council member shall not affect the validity of the veto or Council's right to override the same.
- v. When the Mayor has vetoed an ordinance or resolution, Council may at the next regular or special meeting reconsider it, and if such legislation shall then be approved by the affirmative vote of at least five (5) Council members it shall become effective notwithstanding the Mayor's veto.

B. Judicial Power

- i. The Mayor shall have all the judicial powers granted generally by the laws of Ohio to the mayors of Ohio municipalities.
- ii. The Mayor shall exercise all or any such powers in accordance with the procedure established by law governing Mayor's Court.
- iii. The Mayor shall have authority and discretion to appoint a magistrate, with approval of Council, to hear and determine prosecutions of traffic, criminal, and zoning violation cases subject to the laws of the State of Ohio.

C. Administrator Supervision.

- i. The Mayor shall supervise the Village Administrator.



- ii. The Village Administrator will be responsible to the Mayor.
  - iii. The Mayor has the right to discipline the Village Administrator.
- D. The Mayor shall be recognized as the official and ceremonial head of the Village and by the Governor for military purposes.
  - E. The Mayor shall have all other powers and duties imposed by ordinance, resolution, and the Ohio Revised Code which do not conflict with the other provisions in this Charter.
  - F. The Mayor or designee shall be the primary liaison between the Village and all other political subdivisions inside and outside of Franklin County and shall be the primary spokesperson for the Village in all communications with media entities.

**Article VI. VILLAGE ADMINISTRATOR**

Section 6.01 Appointment

- A. The Mayor shall hire, subject to approval by a majority vote of the Council, a Village Administrator who shall have the powers and perform the duties set forth in this Charter.
  - i. The term of contract of a Village Administrator shall not be longer than a period of two (2) years, at which time by recommendation of the Mayor and a majority vote of the Council the Mayor may renew the contract, or by an affirmative vote of five (5) of the members of Council, the Mayor shall renew the contract.
- B. No Council member or the Mayor shall be eligible for employment as Village Administrator while serving in their elected office.

Section 6.02 Qualifications

- A. The Village Administrator shall be considered on the basis of executive and administrative qualifications in the area of public management.
- B. The Village Administrator need not be a resident of the Village.

Section 6.03 Powers and Duties

- A. The Village Administrator shall be the chief administrative official of the Village.
- B. The Village Administrator shall be responsible to the Mayor for the proper administration of all affairs of the Village and, to that end, subject to the provisions of this Charter; the Village Administrator shall have the power and shall be required to:

- i. Hire, appoint, and remove all employees of the Village in the manner provided in this Charter;
- ii. Prepare the budget estimates annually, submit them to Council, and administer the appropriations adopted by Council;
- iii. Prepare and submit to Council and to the public annually, not later than February 15, a complete report of the finances and administrative activities of the Village for the preceding year;
- iv. Keep Council informed of the current financial condition and future needs of the Village;
- v. Delegate to subordinate Village employees any duties conferred upon the Village Administrator by this Charter or by Council action, and hold them responsible for their faithful discharges;
- vi. See that the laws and ordinances are enforced;
- vii. Stay apprised of the meetings and actions taken by the Village's various boards and commissions;
- viii. Perform such other duties, not inconsistent with this Charter, as may be required by Council, the Mayor, or the Ohio Revised Code; and
- ix. Execute on behalf of the Village all contracts, leases, deeds, easements, conveyances, and agreements.

Section 6.04 Mayor and Council Relationship to Administrator

- A. Except as otherwise provided in this Charter and for personnel appointed by the Mayor or Council; the Mayor, Council, and Council members shall manage the administrative employees solely through the Village Administrator.
- B. Notwithstanding Section 6.05(A), the Mayor, Council, and Council members shall not unilaterally give orders to any subordinate of the Village Administrator, either publicly or privately, without the prior approval of the Village Administrator. The Mayor or any Council members may be found guilty of malfeasance in office for a violation of any of the provisions of this Section.

Section 6.05 Absence, Disability, Resignation, or Removal

- A. The Village Administrator may designate, by letter filed with the Village Clerk, the Mayor or any qualified Division Head or Department Director of the Village to perform

the Village Administrator's duties during the Village Administrator's temporary absence or disability.

- i. In the event that such a designation has not been made, or if the absence is to exceed thirty (30) days, Council may, by resolution, appoint a qualified Department Director to perform the duties of the Village Administrator until the Village Administrator shall return or the disability ceases.
- B. In the event of resignation or removal of the Village Administrator, the Mayor shall appoint an interim Village Administrator to serve as the Acting Village Administrator up to but not exceeding sixty (60) days.
- i. Prior to the expiration of the sixty (60) days, the Mayor shall appoint with the concurrence of Council an Acting Village Administrator for a period outlined in the resolution.
  - ii. The Acting Village Administrator shall perform the duties of the Village Administrator until the Mayor appoints with concurrence of Council a new Village Administrator.

#### Section 6.06 Removal of Village Administrator

- A. The Village Administrator may be removed by the Mayor upon a resolution of Council recommending termination.

### **Article VII. ADMINISTRATIVE DEPARTMENTS**

#### Section 7.01 Creation and Alteration

- A. The Village shall have a Department of Law, a Department of Finance, a Department of Engineering, and such other departments as Council may create.
- B. Except for the Departments of Law, Finance, and Engineering, Council may abolish, combine, merge, change or alter any department of the Village.

#### Section 7.02 Duties and Functions

- A. Departments shall have those powers, duties, and functions as provided in this Charter or by Council.

#### Section 7.03 Department Directors

- A. Departments shall be under the supervision of directors.

- B. The Directors of Law, Finance, and Engineering shall be appointed and removed by the Village Administrator, subject to the consent and approval of Council.
- C. All other Directors shall be appointed by the Village Administrator and shall serve at the pleasure of the Village Administrator.
- D. With the consent of Council, the Village Administrator may serve as the director of one or more departments or may appoint one person as the director of two or more departments.
- E. Directors of departments may be contracted from outside the Village.

Section 7.04      Director of Law

- A. The Director of Law shall be an attorney-at-law duly authorized and licensed to practice law in the State of Ohio.
- B. The Director of Law shall, subject to the direction of the Village Administrator, represent the Village in all proceedings in Court or before any administrative board or body. Subject to the approval of the Council, the Director of Law, where appropriate, may alternatively facilitate representation of the Village by the hiring of assistant(s) or engaging outside counsel.
- C. The Director of Law shall perform other duties as required by this Charter, by legislation of the Village, or by the Village Administrator.
- D. The Director of Law shall not be required to represent any school district or any other unit of government, other than the Village.

Section 7.05      Director of Finance

- A. The Director of Finance shall be the chief financial officer of the Village; shall exercise the powers, duties, and functions as required by the laws of the State of Ohio, this Charter, legislation of the Village, and the Village Administrator; and shall provide full and complete information concerning the financial affairs and financial status of the Village as required by the Village Administrator or Council.

Section 7.06      Director of Engineering

- A. The Director of Engineering must be a registered professional engineer licensed to practice in the State of Ohio.
- B. The Director of Engineering shall be the engineering adviser for the Village and for all officials and departments thereof and shall perform other such duties as described in the

Ohio Revised Code.

- C. The Director of Engineering shall, on request, prepare specifications and drawings for material, equipment, etc. for which the Village is concerned in procuring.
- D. The Director of Engineering shall review approval drawings as required.
- E. The Village Administrator, with approval of Council, shall have the right to employ additional engineering personnel.

Section 7.07 Administrative Code

- A. Subject to the provisions of this Charter, the Village Administrator shall prepare, and the Council shall adopt and may amend an administrative code (the “Administrative Code”), which shall provide, in detail, the organization of the Village’s government; define the powers and duties of each organizational unit; and set forth administrative procedures.
- B. Amendments to and revisions of the Administrative Code shall be made by Council.
- C. Where the Administrative Code is silent as to a matter, or function, the officers and employees of the Village shall have and may exercise all the powers and duties provided for similar officers and employees under the laws of the State of Ohio. However, provisions of the Administrative Code shall supersede those of the general laws of the State of Ohio in case of conflict to the fullest extent permitted by law.

Section 7.08 Personnel Systems

- A. All appointments and promotions of Village employees shall be made on the basis of merit and fitness demonstrated through a competitive selection process to the extent practicable.
- B. Appointments to and removal from all elected and appointed offices, including Village boards, commissions, and committees, shall be made in accordance with the specific applicable provisions of this Charter or the specific applicable legislation of the Village, and shall not be subject to Sections 7.08(A).
- C. The laws of the State of Ohio governing the retirement of employees of municipalities shall be applicable to Village employees under this Charter.

## **Article VIII. BOARDS AND COMMISSIONS**

### Section 8.01      Creation and General Rules

- A. This Village shall have the following boards and commissions:
- i. Planning and Zoning Commission;
  - ii. Board of Zoning Appeals; and
  - iii. Such other boards and commissions as may be created by Council.
- B. The following general rules shall govern Boards and Commissions unless otherwise specified in this Article:
- i. Each board or commission shall consist of at least five (5) members, composed of one (1) member of Council, and four (4) members at large;
  - ii. Terms, appointments, and removals shall be determined by Council, unless otherwise provided in this Charter;
  - iii. Each member of a board or commission shall be and shall remain an elector of the Village during the term of appointment, unless otherwise provided by Council;
  - iv. A vacancy occurring during the term of any member of a board or commission shall be filled for the unexpired term in the same manner as the original appointment;
  - v. Each vacancy shall be filled within sixty (60) days;
  - vi. Each board and commission shall establish its own rules of order to be approved by Council;
  - vii. Members of boards and commissions shall serve without compensation, unless otherwise provided by Council; and
  - viii. All meetings of boards and commissions shall be open to the public, except as allowed by the laws of the State of Ohio.

### Section 8.02      Planning and Zoning Commission

- C. The Planning and Zoning Commission shall have the following powers and duties:
- i. To hear applications for land use, zoning classifications, or districts and, as merited, to submit written recommendations for legislative action or to render final

- determinations for administrative action;
- ii. To continuously review and report to Council its recommendations concerning the Village's capital improvement programs;
- iii. To initiate, review, and recommend legislation, rules, and regulations on all matters of municipal planning, land use, and zoning classification; and
- iv. To exercise such other powers, duties, and functions as provided by Council.

Section 8.03 Board of Zoning Appeals

- A. The Board of Zoning Appeals shall consist of three (3) voting members.
  - i. Two (2) of these members shall serve overlapping three (3) year terms and the third member shall be a Planning Commission member designated annually by the Planning Commission.
- B. The Board of Zoning Appeals shall have the following powers and duties:
  - i. To hear and decide appeals regarding legislative measures and administrative determinations relating to zoning and land use;
  - ii. To hear variances from zoning area regulations and general development standards;
  - iii. The Board of Zoning Appeals may make advisory recommendations to Council and the Planning Commission concerning zoning matters; and
  - iv. To exercise such other powers, duties, and functions as provided by Council.

**Article IX. FINANCE, TAXATION, AND DEBT**

Section 9.01 Taxation, Borrowing, Budgeting, and Contracting Procedures

- A. The laws of the State of Ohio relating generally to budgets, appropriations, taxation, debt, bonds, assessments, deposits and investment of funds, and other fiscal matters of the Village shall be applicable, except as otherwise provided in this Charter or by Council.

Section 9.02 Fiscal Year

- A. The fiscal year for the Village for budgeting, accounting, and all other similar purposes shall be the calendar year.

Section 9.03      Operating Budget and Appropriation Ordinance

- A. In addition to the annual tax budget required by the Ohio Revised Code, the Village Administrator, in consultation with the Director of Finance shall, by the first scheduled Council meeting in November, submit to the Council a proposed operating budget for the ensuing fiscal year.
- B. The Village Administrator shall prepare, revise, and adjust the budget estimates for submission to Council.
- C. Council shall adopt a budget.
- D. The proposed operating budget shall contain a recommended appropriation ordinance.
- E. Council shall, by December 21st of every year, adopt both the operating budget and appropriation ordinance as submitted or amended.
  - i. Should Council fail to enact the proposed or amended operating budget and appropriation ordinance by December 21st, both shall be deemed to have been adopted finally by Council as submitted by the Village Administrator.

Section 9.04      Contracting Powers and Procedures

- A. This Section sets forth procedures for the procurement of contracts for designing and constructing public improvements including, without limitation, roads, bridges, traffic signalization and signage, sidewalks, buildings, treatment works, storm sewers and other storm water management improvements, flood control improvements, sanitary sewers, waterlines, other utilities, parks, monuments, pools, and trails and other recreational facilities.
- B. This Section also sets forth procedures for the procurement of contracts for the purchase of equipment, supplies, materials or services for the operation and maintenance of public improvements and otherwise promoting the functions and operations of the Village, which contracts may or may not be associated with the construction of a public improvement.
- C. Consistent with Section 6.03(B) and except as otherwise provided in this Section, the Village Administrator or an authorized designee shall award and execute all contracts on behalf of the Village.
- D. The Council shall establish procedures for competitive bidding, including a threshold amount for requiring competitive bidding not higher than 5% of the annual general fund appropriations, notice provisions, and such other procedures as it deems appropriate.
  - i. At the Council's discretion, such procedures may contain a prohibition against awarding a contract in excess of a specified percentage of an engineer's or other



design professional's estimate of cost or opinion of probable cost.

- ii. When any contract for the construction of a public improvement or the purchase of equipment, supplies, or materials is estimated to exceed the competitive bidding threshold established by the Council, the contract shall be competitively bid unless exempted under Section 9.04(E).
  - iii. The Council shall award a contract to the lowest and best bidder, provided that Council may reject any and all bids in whole or by items. No contract shall be divided to avoid the requirements of competitive bidding.
- E. By an affirmative vote of at least five of its members, the Council may waive the competitive bidding requirement of Section 9.04(D) if the Council determines that an emergency threatens public safety or property, or an item or service is only available from a single source or provider, or when funding could be lost due to time constraints.
- F. The Village Administrator shall select the construction project delivery method that in the Village Administrator's discretion is in the best interest of the Village, which project delivery method may include, without limitation, construction manager at risk, design-build, design-bid-build, single prime contracts, or any other method of project delivery.
- i. However, the Council shall have the authority to direct the Village Administrator to select a particular construction project delivery method.
- G. Notwithstanding any provision of the laws of the State of Ohio, contractors and vendors shall not be entitled to receive interest on funds temporarily retained on a contract pending final acceptance of work performed or goods supplied, nor shall the Village be required to maintain a separate escrow account to hold such retained funds.
- H. Contracts or other agreements for professional services, including, without limitation, information technology/computer, architectural, engineering, surveying, testing, inspection, and legal services, shall not be subject to the competitive bidding requirements of this Section and shall not require authorization by the Council if the current operating budget provides sufficient funding for the services to be provided or if the Council has otherwise appropriated moneys for such services. Contracts for professional design services as defined in Ohio Revised Code Section 153.65 (as amended or revised) shall not be subject to the requirements of Ohio Revised Code Sections 153.65 through 153.73 (as amended or revised), but instead will be procured through procedures established by the Council not inconsistent with the provisions in this Charter.
- I. The Council shall establish procedures for alterations or modifications of contracts. Modifications or alterations of contracts shall not require competitive bidding. Such procedures may include a requirement that the Council approve cumulative contract modifications that exceed a specified percentage of the original contract value.

**Article X. ELECTIONS, INTIATIVE, REFERENDUM, AND RECALL**

Section 10.01 Elected Officials

- A. No primary election shall be held for the nomination of candidates for elected office.
- B. Nominations for the elected offices of the Village shall be made by petition signed by not less than fifteen (15) nor more than seventy-five (75) electors of the Village.
- C. Petitions shall be in the form determined by the election officials of the State of Ohio for the nomination of non-partisan candidates.
- D. Group petitions shall not be permitted.
- E. Petitions shall be filed with the election officials of the State of Ohio as provided by the law of the State of Ohio.

Section 10.02 Elections

- A. Regular municipal elections shall be held on the dates and times fixed by the election laws of the State of Ohio.
- B. Council may, at any time, order a special election by legislation which shall set forth the date and purpose of the election, including, but not limited to, the referral of pending legislation to the electors for their approval or rejection.
  - i. Special elections may be held on any date.
- C. All regular and special elections shall be conducted by the election officials of Franklin County, Ohio and the State of Ohio.
  - ii. Elections shall be held in conformity with the provisions of this Charter or as otherwise provided by Council.
  - iii. Where not addressed by this Charter or by Council, the provisions of the election laws of the State of Ohio shall be followed.
- D. Council shall have the power to appropriate and expend public funds to pay the cost of providing information to the public in connection with tax, bond, and other non-partisan public issues, but not in connection with the election of any candidate for public office.

Section 10.03     Recall

- A. The electors of the Village shall have the power to remove from office by a recall election any elected official of the Village in the manner provided in this Section.
  
- B. As to any elected official who has served at least six (6) months of a term of office, an elector or electors of the Village may serve written notice upon the Clerk of Council of their intent to circulate petitions for the recall of the elected official.
  - i. Petitions for the recall of the elected official may not be circulated until the written notice of intent is served upon the Clerk of Council.
  
- C. The petition shall contain a verified statement of not more than two hundred (200) words setting forth specific grounds upon which the removal of the elected official is sought.
  - i. The petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument.
  - ii. Each part shall contain the name of the elected official whose removal is sought.
  - iii. Separate petitions are necessary for each elected official whose removal is sought.
  - iv. The petition shall be signed by at least that number of electors equal to fifteen percent (15%) of the electors voting at the last preceding regular municipal election.
  
- D. No later than thirty (30) days after service of the notice of intent on the Clerk of Council, the petition demanding the removal of an elected official shall be filed with the Clerk of Council.
  - i. Within twenty (20) days after the day on which the petition is filed, the Clerk of Council shall determine, subject to verification from the Board of Elections of Franklin County, Ohio, whether or not it meets the requirements of this Section.
  - ii. If the Clerk finds the petition insufficient, the Clerk shall promptly certify the particulars in which the petition is insufficient, deliver a copy of the certificate to the person who filed the petition, and make a record of delivery.
  - iii. The petition may be amended within twenty (20) days after the date of the delivery.
  - iv. The Clerk shall, within five (5) days after such an amendment has been filed, reexamine the petition, and if still insufficient, the petition shall be rejected, and no further action taken thereon.

- E. Unless the elected official whose removal is sought resigns within five (5) days after delivery of the Clerk's certificate, Council shall fix a day for holding a recall election, to be placed on the ballot at the succeeding general or primary election, or a special election occurring not less than ninety (90) days after the date of the Clerk's certification of sufficiency to Council, the Clerk of Council shall distribute a copy of the certified petition to each elected official of the Village and to the Village Administrator, file a reasonable number of copies in the office of the Clerk of Council and such other public places as Council may designate, publish a copy of the certified petition together with a notice setting forth the date of the next election, and the full text of the certified petition shall be made available on the internet.
- i. At the recall election, this question shall be placed upon the ballot: "Shall (name of elected official whose removal is sought) be allowed to continue as (elected official's position)?", with provisions on the ballot for voting affirmatively or negatively.
  - ii. If a majority of the vote is negative, the elected official shall be immediately removed, the office shall be vacant, and the vacancy shall be filled as provided in Sections 3.08 or 5.03.
  - iii. If the elected official is not removed at such recall election, no further recall petitions shall be filed against the elected official for a period of one year following the recall election.

#### Section 10.04 Initiative and Referendum

- A. Legislation, issues, and other measures may be proposed by initiative petition and adopted by election as provided by the Constitution and laws of the State of Ohio.
- B. Legislation adopted by Council shall be subject to referendum, as provided by the Constitution and laws of the State of Ohio, except that legislation by Council calling for an election shall not be subject to referendum and the Rules of Council shall not be subject to initiative or referendum as provided in Section 3.04(D).

### **Article XI. GENERAL PROVISIONS**

#### Section 11.01 Definitions

- A. Board. See Commission.
- B. Commission. A group of people appointed by Council to accomplish a specific purpose or function as defined by this Charter.

- C. Committee. A group of specifically named Council Members appointed by the Council to accomplish a specific purpose or function as defined by Rules of Council.
- D. Day. For purposes of this Charter, all references to “day” or “days” shall mean calendar day.
- E. Elected official. An elected official is a person who is an official by virtue of an election or appointed to an elected office pursuant to the terms of this Charter.
- F. Emergency Legislation. An ordinance that is necessary for the immediate preservation of the public peace, health, safety or welfare. Emergency Legislation must contain a specific statement of the necessity for the emergency. Once passed pursuant to Section 4.04(B), Emergency Legislation is effective immediately.
- G. Majority Vote. A vote that includes the affirmative votes of at least four (4) of the seven (7) Members of Council.
- H. Public Meeting. A meeting, open to the public, in which the citizens and officials of the Village can discuss business of the Village.
- I. Public Review. An official meeting where members of the public hear the facts about proposed legislation or Village action and give their opinions about it.

Section 11.02 Conflicts of Interest, Ethics, Campaign Finance

- A. The laws of Ohio pertaining to conflicts of interest, criminal misbehavior, ethics and financial disclosure by municipal officials and employees, and campaign financing and other election practices of candidates for municipal office shall apply under this Charter.

Section 11.03 Succession

- A. The Village of Minerva Park under this Charter is hereby declared to be the legal successor of the Village of Minerva Park under the laws of Ohio; and shall have title to all property, real and personal, owned by its predecessor, including all monies on deposit and all taxes or assessments in process of collection, together with all accounts receivable and rights of action.
- B. The Village of Minerva Park shall be liable for all outstanding orders, contracts and debts of its predecessor, and any other obligations for which it may be held liable by any court of competent jurisdiction.
- C. All contracts entered into by the Village of Minerva Park or for its benefit prior to the effective date of this Charter shall continue in full force and effect.

Section 11.04 Effect of Charter on Existing Laws and Rights

- A. The adoption of this Charter shall not affect any pre-existing rights of the Village of Minerva Park nor any right, liability, pending suit or prosecution, either on behalf of or against the Village of Minerva Park or any officer thereof, nor any franchise granted by the Village of Minerva Park nor pending proceedings for the authorization of public improvements or the levy of assessments therefor.
- B. Except as a contrary intent appears in this Charter, all acts of the Council of the Village of Minerva Park, including ordinances and resolutions in effect, shall continue in effect until amended or repealed.
- C. No action or proceeding pending against the Village of Minerva Park or an officer thereof shall be abated or affected by the adoption of this Charter.
- D. All actions or proceedings shall be prosecuted or defended under the laws in effect at the time they were filed.

Section 11.05 Retirement System

- A. The laws of Ohio governing the retirement of officers and employees of the Village of Minerva Park shall be applicable under this Charter.

Section 11.06 Amendment of Charter

- A. Any section of this Charter may be amended as provided in Article XVIII, Section 9 of the Ohio Constitution, by the submission of the proposed amendment or amendments to the electors of the Village.
- B. As often as necessary, but no less frequently than two (2) years after the initial adoption of this Charter and then every five (5) years thereafter, the Council shall appoint a Charter Review Commission pursuant to the provisions in Article VIII, who shall review the Charter and make recommendations to the Council for proposed amendments, if any, to be submitted to the voters of the Village.
  - i. Any such five (5) year time period shall commence upon the date that the then-appointed Charter Review Commission submits its final report and recommendations to the Council.
- C. The appointment of a Charter Review Commission within the prescribed period shall not preclude the Council from submitting recommended Charter amendments to the voters from time to time.

Section 11.07 Effect of Partial Invalidity

- A. A determination that all or any Article, Section, Division or Provision of this Charter is invalid shall not invalidate or impair the force and effect of any other part, except to the extent that the other part is wholly dependent for its operation upon the part declared invalid.

**Article XII. TRANSITIONAL PROVISIONS**

Section 12.01 Effective Date of Charter

- A. This Charter shall be submitted to the electors of the Village of Minerva Park at an election to be held on November 5, 2019.
- B. If approved by a majority of the persons voting, the Charter shall take effect from the date the final result of the election is certified by the election authorities for the purpose of designating, nominating and electing officers of the Village of Minerva Park and conducting municipal elections.
- C. For all other purposes, this Charter shall take effect January 1, 2020.

Section 12.02 Effect of the Charter on Existing Offices

- A. Except as otherwise provided by this Charter, all persons holding office at the time this Charter takes effect shall continue in office and in the performance of their duties until other provisions have been made in accordance with this Charter for the performance or discontinuance of the duties of the office.
  - i. When that provision shall have been made, the term of any officer shall expire, and the office shall be abolished.
  - ii. The powers conferred and the duties imposed upon any officer, body, commission, board, department or division of the Village of Minerva Park under the laws of Ohio or under any municipal ordinance, resolution or contract in force at the time this Charter takes effect, if the office, body, commission, board, department or division is abolished by this Charter, shall be thereafter exercised and discharged by those upon whom are imposed corresponding functions, powers and duties by this Charter or by any ordinance or resolution of Council thereafter enacted.
- B. The person elected to the office of Mayor in the November 5, 2019 election under the general statutory plan of government for the Village of Minerva Park shall continue in that office until December 31, 2020.
  - i. The Village shall hold an election in November 2020 for the office of Mayor under this Charter, and the winner of that election shall hold the office of Mayor for a

period of three (3) years.

- ii. The office of Mayor shall then continue in a normal four (4) election schedule, pursuant to Section 5.01.
- iii. Council may adjust the salary for the office of Mayor for the mayoral term that begins on January 1, 2021, at any time during calendar year 2020.

Section 12.03 Continuanace of Present Employees

- A. Every employee of the Village of Minerva Park on the effective date of this Charter shall continue in his or her employment subject in all respects to the provisions of this Charter and ordinances, resolutions, rules or regulations enacted or promulgated under this Charter.

Section 12.04 Salaries of Elected Officials

- A. Between the effective date of this Charter and January 1, 2021, the Council may adopt ordinances, pursuant to the provisions in Article IV of this Charter, effecting the salaries of elected officials in the Village. Such ordinances shall take immediate effect.



## RESOLUTION 2019-19

### A RESOLUTION AUTHORIZING THE MAYOR TO SEEK FINANCIAL ASSISTANCE VIA THE OHIO PUBLIC WORKS COMMISSION FOR FUNDING OF IMPROVEMENTS TO THE SANITARY SEWER COLLECTIONS SYSTEM

**WHEREAS**, pursuant to Article VIII, Section 2K of the Ohio Constitution, the state of Ohio is authorized to issue bonds and other obligations of the state for the purpose of financing public infrastructure capital improvements of political subdivisions as designated by law; and

**WHEREAS**, pursuant to Section 164.06 of the Ohio Revised Code, the District Three Public Works Integrating Committee has been created to accept, evaluate and recommend applications for state financing of capital infrastructure improvement projects of political subdivisions in Franklin County; and

**WHEREAS**, pursuant to Section 164.05 of the Ohio Revised Code, the Ohio Public Works Commission has been created to accept and approve applications for state financing of capital infrastructure improvement projects of political subdivisions in Franklin County; and

**WHEREAS**, the Village of Minerva Park has conducted a capital inventory and needs assessment and has determined that it is necessary to submit applications for financial assistance for capital infrastructure improvement projects.

### **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO THAT:**

**Section 1.** The Mayor is hereby authorized to apply to the District Three Public Works Integrating Committee and the Ohio Public Works Commission for financial assistance for the following capital infrastructure improvement project:

Sanitary Sewer Collections System Improvements Project, Phase III

**Section 2.** The Mayor is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance in conjunction with the recommendations of the village engineer, and approved as to form by the village solicitor, in accordance with all authority granted to and limitations upon by the village fiscal officer.

**Section 3.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

**Section 4.** That this resolution is hereby declared to be an emergency measure, necessary for the preservation of the public health, safety and welfare and specifically for the need to meet the funding application deadline; WHEREFORE, this resolution shall take effect and be in force from and after its passage.

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**Lynn Eisentrout, Mayor**

First Reading: June 24, 2019  
Second Reading: July 8, 2019  
Third Reading: July 22, 2019  
Passed: July 22, 2019

**ATTEST**

**APPROVED AS TO FORM**

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Kim Pulley, Fiscal Officer

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Solicitor

# ORDINANCE 16-2019

## AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE VILLAGE OF MINERVA PARK FOR THE YEAR 2019

WHEREAS, it is necessary to supplement the appropriations in Ordinance 20-2018 for the year ending December 31, 2019; and

WHEREAS, the appropriations herein are to be effective for the year ending December 31, 2019.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO THAT:

**Section 1.** The Annual Appropriations in Ordinance 20-2018 are supplemented as follows:

| <u>Fund/Account No.</u>               | <u>Account Name</u>    | <u>Current Amount</u> | <u>Increase</u> | <u>Revised Amount</u> |
|---------------------------------------|------------------------|-----------------------|-----------------|-----------------------|
| <b><u>General Fund</u></b>            |                        |                       |                 |                       |
| <b><u>Storm Sewers and Drains</u></b> |                        |                       |                 |                       |
| 1000-559-400                          | Supplies and Materials | 56,300                | 12,000          | 68,300                |

**Section 2.** The Fiscal Officer shall certify these additional appropriations to the Franklin County Budget Commission.

**Section 3.** This Ordinance shall be in full force and effect upon its passage.

First Reading: July 22, 2019  
Second Reading: Waived  
Third Reading: Waived  
Passed: July 22, 2019

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Lynn Eisentrout, Mayor

ATTEST

APPROVED AS TO FORM

\_\_\_\_\_  
Kim Pulley, Fiscal Officer

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Solicitor