

ORDINANCE NO.: 52-2009
INTRODUCED BY: Mayor and All of Council

AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE CITY OF RICHMOND HEIGHTS THE QUESTION OF AMENDING THE CHARTER AT ARTICLE VI, SECTIONS 7, 8, AND 9, REGARDING EXECUTIVE SESSIONS FOR THE PLANNING COMMISSION, ZONING BOARD OF APPEALS, AND RECREATION BOARD, THEIR MEETING REQUIREMENTS, AND QUALIFICATIONS OF RECREATION BOARD MEMBERS; AND DECLARING AN EMERGENCY.

WHEREAS, the Charter Review Committee has recommended to place the issue of amending the Charter before the electorate in order to not require the Planning Commission, Zoning Board of Appeals, and Recreation Board to meet on a monthly basis if there are no applications or matters pending before these boards or commission, to specifically provide for executive sessions of these boards and commissions as provided by state law, and to provide that no member of the Recreation Board shall hold any other public office or position in the Municipality ; and

WHEREAS, pursuant to Charter, Article XIV, Council shall submit these proposed amendments to the electorate; and

WHEREAS, the Ohio Constitution provides that the Council shall submit the amendments to the electors at the next regular municipal election that occurs not less than 60 nor more than 120 days from the passage of such ordinance.

NOW, THEREFORE, Be It Ordained by the Council of the City of Richmond Heights, Cuyahoga County, State of Ohio, that:

Section 1: There shall be submitted to a vote of the qualified electors of the City, at the general election to be held on Tuesday, the 3rd day of November, 2009, at the regular places of voting in the City during the regular hours of voting on such date as prescribed by general law, the question of the amendment of the Charter of the City of Richmond Heights at Article VI, Sections 7, 8, and 9, so that, as amended, they shall read in pertinent part as follows:

ARTICLE VI

ADMINISTRATIVE DEPARTMENTS, BOARDS, AND COMMISSIONS

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SECTION 7. PLANNING COMMISSION.

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(h) The Planning Commission shall hold at least one regular meeting in each calendar month, **unless there are no applications or other matters pending before the Commission.** Special meetings shall be held at the call of the Chairman when deemed necessary, subject to such provisions as provided by the rules of the Commission. **Except for the reasons for executive sessions as provided by the laws of the State of Ohio,** All meetings of the Commission, regular and special, shall be open to the public and shall be held in the Richmond Heights City Hall.

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SECTION 8. ZONING BOARD OF APPEALS.

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Board Duties and Requirements.

(a) The Zoning Board of Appeals shall hold at least one regular meeting in each calendar month, **unless there are no applications pending before the Board.** Special meetings shall be held at the call of the Chairman when deemed necessary, subject to such provisions as provided by the rules of the Board. All meetings of the Board, regular and special, shall be held in the Richmond Heights City Hall.

(b) **Except for the reasons for executive sessions as provided by the laws of the State of Ohio,** All meetings of the Board of Zoning Appeals shall be public. Public notice shall be given of hearings on any appeals by the posting of a notice in the main entrance of the Municipal Building for a period of at least ten (10) days together with such additional notice, if any, that the Board of Zoning Appeals shall deem necessary. The Board of Zoning Appeals shall keep minutes of its proceedings.

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SECTION 9. RECREATION BOARD.

Organization.

(a) The Recreation Board shall consist of six (6) members to be appointed by the Mayor and approved by a majority vote of Council. All six (6) members of the Board shall be electors of the Municipality. **No member shall hold any other public office or position in the Municipality.**

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(f) The Recreation Board shall hold at least one regular meeting in each calendar month, **unless by the concurrence of a majority of the Board members there is insufficient business for the Board to conduct a regular meeting in any certain**

month. Special meetings shall be held at the call of the Director when deemed necessary, subject to such provisions as provided in the rules or by-laws adopted by the Board. **Except for the reasons for executive sessions as provided by the laws of the State of Ohio,** All meetings of the Recreation Board, regular and special, shall be open to the public and shall be held in the Richmond Heights City Hall.

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Section 2: The Board of Elections of Cuyahoga County be, and it is hereby, directed to provide for the voting upon said Amendment and the ballots for said election shall, at the top thereof, be entitled "Proposed Charter Amendment City of Richmond Heights", and the question to be submitted on said ballot shall be substantially in the following words:

"Shall Article VI, Sections 7, 8, and 9, of the Richmond Heights Charter be amended to specify that the Planning Commission, Zoning Board of Appeals, and Recreation Board are not required to meet monthly if they do not have an application or other matters pending before them; to specify that the Planning Commission, Zoning Board of Appeals, and Recreation Board may have executive sessions as provided by the laws of the State of Ohio; and to specify that no member of the Recreation Board shall hold any other public office or position in the Municipality?"

Section 3: The Clerk of Council is directed to give notice of the above proposed Charter Amendment to the electors of the City in accordance with general law, and to certify a copy of the Ordinance to the Board of Elections of Cuyahoga County, Ohio, as provided by law.

Section 4: The Director of Finance is authorized and directed to appropriate from the general fund a sum sufficient to pay the cost of publishing said notice referred to in Section 3.

Section 5: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City of Richmond Heights for the reason that it is necessary to timely submit the proposed Charter Amendment to the Board of Elections for placement upon the ballot for the general election to be held on November 3, 2009, in compliance with the Ohio

Constitution and the City Charter, and, therefore, shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED:_____

Daniel J. Ursu, Mayor

APPROVED:_____

ATTEST:_____

Betsy Traben
Clerk of Council

David H. Roche
President of Council