

CITY OF KIRTLAND

ORDINANCE NO.: 20-O-35

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF THE CITY OF KIRTLAND, OHIO, A PROPOSAL TO AMEND THE CHARTER OF SAID CITY BY REPEALING ARTICLE V – INITIATIVE, REFERENDUM AND RECALL, SECTION 5 – MANDATORY ZONING REFERENDUM AND AMENDING ARTICLE I – THE COUNCIL, SECTION 8 – POWERS AND DUTIES, AND DECLARING AN EMERGENCY.

WHEREAS, the Charter Review Committee, appointed by the Mayor and approved by Council of the City of Kirtland, has submitted a proposed amendment to the Charter of said City; and

WHEREAS, the Charter of the City of Kirtland requires Council to submit all such proposals, unaltered, to the electorate for adoption at the next general election; and

WHEREAS, due to the current state of emergency in Ohio and the governor’s current stay at home order stemming from the COVID-19 pandemic, the Kirtland Public Library and the Kirtland Community Center have both been closed to protect both the community and the staff from potential infection; and

WHEREAS, Kirtland Codified Ordinance 220.25 requires the posting of copies of enacted legislation for fifteen consecutive days in three places within the City, those being City Hall, the Kirtland Public Library, and the Kirtland Community Center; and

WHEREAS, Kirtland Codified Ordinance 220.25 grants City Council the authority to modify the posting requirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kirtland, County of Lake, State of Ohio, that:

Section 1. That this Council hereby authorizes and directs a submission to the electors of the City of Kirtland, Ohio, at the general election to be held at the usual places of voting in the City of Kirtland on or about Tuesday, November 3, 2020, of a proposal to amend the Charter of the City of Kirtland, Ohio, as hereinafter provided.

Section 2. That Article VII – Initiative, Referendum and Recall, Section 5 – Mandatory Zoning Referendum, of the Charter of the City of Kirtland, shall be repealed in its entirety.

Section 3. That Article I – The Council, Section 8 – Powers and Duties, Subsection (h)(7), of the Charter of the City of Kirtland, be amended so that said section as amended shall provide and read as follows:

**ARTICLE I
THE COUNCIL**

SECTION 8. Powers and Duties.

(h)

(7) No action of the Council authorizing any change in the boundaries of the City, or the surrender or joint exercise of any of its powers, or granting any franchise, or any zoning amendment or change in the zoning map, or contracting for the supply to the City or its inhabitants of the product or service of any utility, whether Municipally owned or not, shall be taken as an emergency measure.

Section 4. That the foregoing proposed amendments, if approved by a majority of the electors voting thereon at the aforesaid election to be held on or about November 3, 2020, shall become a part of the Charter of the City of Kirtland, Ohio shall become effective immediately upon its adoption and all prior versions of this Charter be repealed.

Section 5. That the ballot submitting the question of the adoption of the aforesaid amendments will be read substantially as follows:

“Proposed Charter Amendment”

City of Kirtland

A majority of affirmative votes is necessary for passage.

Shall the Charter of the City of Kirtland, Ohio, Article VII – Initiative, Referendum and Recall, Section 5 – Mandatory Zoning Referendum be repealed to eliminate a mandatory zoning referendum and shall Article I – The Council, Section 2 – Powers and Duties, be amended to prohibit City Council from enacting any zoning amendment or change in the zoning map as an emergency measure?

Section 6. That the Clerk of Council be, and hereby is, authorized and directed to certify a copy of this Ordinance to the Lake County Board of Elections for an election to be held at the next general election to be held on or about November 3, 2020.

Section 7. That the Clerk of Council be, and hereby is, authorized and directed to provide notice pursuant to Ohio Revised Code, Section 731.211 in one of the two following ways:

1. Not less than thirty days prior to the election, mail a copy of the proposed charter amendment to each elector whose name appears upon the poll or registration books of the last regular or general election held therein; or
2. The full text of the proposed charter amendment shall be published once a week for not less than two consecutive weeks in a newspaper of general circulation in the municipal corporation

or as provided in section 7.16 of the Revised Code, with the first publication being at least fifteen days prior to the election at which the amendment is to be submitted to the electors.

Section 8. That there shall be and is hereby appropriated from the General Fund a sufficient sum of money to pay the cost of printing or otherwise preparing and mailing said copies of said proposed Charter Amendment and of publishing such election notice.

Section 9. The City Council, pursuant to its authority in Kirtland Codified Ordinance, Section 220.25 and due to the COVID-19 pandemic, hereby modifies the requirement to post this enacted legislation in three places and requires the following:

1. The Clerk of Council is hereby directed to post the enacted legislation in City Hall for fifteen (15) consecutive days after the effective date of this legislation; and
2. Due to the closures of the Kirtland Public Library and the Kirtland Community Center, the Clerk of Council is not required to post said enacted legislation in those locations; and
3. The Clerk of Council is hereby directed to post the enacted legislation on the City of Kirtland's website for fifteen (15) consecutive days after the effective date of this legislation.

Section 10. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed 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 11. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that it is necessary to file a certified copy of this Ordinance and the proposed form of the ballot question with the Board of Elections of Lake County not later than 90 days prior to the November 3, 2020 election as provided herein; wherefor, this Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this Ordinance shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____
Second Reading: _____
Third Reading: _____

DATE PASSED: _____

President of Council

Submitted to the Mayor for his
Approval on this _____ day of
_____, 2020.

ATTEST:

Approved by the Mayor, this _____ day
of _____, 2020.

Clerk of Council
Charter Amendment – Zoning

Mayor Kevin F. Potter