

ORDINANCE NO. 2013-21-L&R

REPEALING ORDINANCE NO. 2013-12-L&R AND DIRECTING THE HAMILTON COUNTY BOARD OF ELECTIONS TO SUBMIT TO THE ELECTORS OF THE VILLAGE OF GREENHILLS, OHIO, AT THE NOVEMBER 5, 2013, GENERAL ELECTION, A CHARTER REVISION TO THE CHARTER OF THE VILLAGE OF GREENHILLS AND DECLARING AN EMERGENCY

WHEREAS, Council previously adopted Ordinance No. 2013-12-L&R submitting various amendments to the Charter for the November 5, 2013 general election; and

WHEREAS, Council has determined that it is more efficient and cost effective to submit the question of the amendments as a single Charter Revision; and

WHEREAS, it is Council's desire to repeal Ordinance 2013-12-L&R and replace the amendments with a single Charter Revision; and

WHEREAS, Council for the Village of Greenhills has determined that the Charter of the Village of Greenhills should be revised and such revision should be submitted to the electors at the general election of November 5, 2013.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Greenhills, Ohio, five members elected thereto concurring:

SECTION 1.

That Ordinance No. 2013-12-L&R is hereby repealed in its entirety.

SECTION 2.

That the Board of Elections of Hamilton County is hereby directed to submit the following question to the electors of the Village of Greenhills at the general election on November 5, 2013:

Shall a Revision of the Charter of the Village of Greenhills be adopted?

YES ____

NO ____

SECTION 3.

That the Clerk of Council is hereby directed to file a certified copy of this Ordinance with the Hamilton County Board of Elections.

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SECTION 4.

That the proposed Charter Revision shall be placed on the November 5, 2013, general election ballot for consideration by the electors of the Village of Greenhills.

SECTION 5.

That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare and shall be effective immediately upon its passage. The reason for said declaration of emergency is the need to submit the proposed Charter Revision to the Board of Elections prior to the filing deadline.

Passed this 2nd day of July, 2013.

Fred Murrell, MAYOR /s/

Kathryn L. Lives, CLERK OF COUNCIL /s/

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EXHIBIT "A"

Shall a Revision of the Charter of the Village of Greenhills be adopted?

ATTACHMENT – ORDINANCE NO. 2013-21-L&R

REVISIONS TO THE CHARTER OF THE VILLAGE OF GREENHILLS

ARTICLE II: SECTION 2.03 MEETINGS OF COUNCIL AND COMMITTEES OF COUNCIL

Current Language:

SECTION 2.03 MEETINGS OF COUNCIL AND COMMITTEES OF COUNCIL

Council shall meet at such times as set by its rules, but not less than once a month. A majority of all the members elected shall constitute a quorum to do business, but a lesser number may adjourn by majority vote from day to day, and compel the attendance of absent members in such manner as provided by the rules of Council. Except in case of emergency declared by the Mayor, no special meeting may be called unless notice as provided by Rules of Council be given thereof at least twelve (12) hours in advance of such meeting.

All meeting of Council and of Committees of Council shall be open to the public, except as otherwise provided in the Ohio Revised Code. (Amended 11-8-11.)

Proposed Language:

SECTION 2.03 MEETINGS OF COUNCIL AND COMMITTEES OF COUNCIL Council shall meet at such times as set by its rules, but not less than once a month. A majority of all the members elected shall constitute a quorum to do business, but a lesser number may adjourn by majority vote from day to day, and compel the attendance of absent members in such manner as provided by the *Rules* of Council. Except in case of emergency declared by the Mayor, no special meeting may be called unless notice as provided by Rules of Council be given thereof at least *twenty-four (24)* hours in advance of such meeting.

All meetings of Council and of Committees of Council shall be open to the public, except as otherwise provided in the Ohio Revised Code. (Amended 11-8-11.)

ARTICLE II: SECTION 2.05 – POWERS OF COUNCIL, G.

Current Language:

SECTION 2.05 – POWERS OF COUNCIL, G.

The power, by ordinance, to control the development or use of land within the corporate limits and regulate construction thereon, except Council shall not have the power to amend any of the provisions of the Greenhills Zoning Code with respect to the Greenbelt District. Council shall not have the power to vacate the public use of the commons area and Council shall not have the power to permit any change of use of the golf course, without submission to and approval of a majority of, the electorate. (Non-use shall not constitute a change.

Proposed Language:

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SECTION 2.05 – POWERS OF COUNCIL, G.

The power, by *Ordinance*, to control the development or use of land within the corporate limits and regulate the construction thereon, except Council shall not have the power to amend any of the provisions of the Greenhills Zoning Code with respect to the Greenbelt District. Council shall not have the power to vacate the public use of the *Commons* area (defined as the green space that is bordered by Eswin, Farragut, Enfield and Endicott) and Council shall not have the power to permit any change in use of the golf course, *unless it is to be set aside as a park or for walking trails or nature preserve*, without submission to and approval of a majority of the electorate. (Non-use shall not constitute a change.)

ARTICLE: II: SECTION 2.06 – ORDINANCES AND RESOLUTIONS OF COUNCIL

Current Language:

SECTION 2.06 – ORDINANCES AND RESOLUTIONS OF COUNCIL

Actions of Council shall be by ordinance, resolution, or motion. Motions shall be used to conduct the business of council, in procedural matters, for elections conducted among Council members and as otherwise provided in this Charter. All other action shall be taken by ordinance or resolution. No action of Council shall be invalidated merely because the form thereof fails to comply with the provisions of this section.

Any member of Council, or the Mayor, may propose any ordinance or resolution, at a regular or special meeting, which shall be in written form and which shall contain a concise title.

The form and style of ordinances and resolutions shall be determined by Council.

Each ordinance or resolution shall be read on two separate meeting days, unless this requirement is dispensed with by a vote of at least three-fourths (3/4) of the members of Council. The first reading may be by title only. The second reading shall be in full unless this requirement is dispensed with by a majority vote of Council.

The vote on the question of passage of each resolution, ordinance, or motion shall be taken by “yea” or “nay” and the vote entered into the minutes. No measure shall be passed without a concurrence of a majority of the members of Council.

Emergency ordinances or resolutions shall require a two-thirds (2/3) vote of Council for enactment. If any emergency ordinance or resolution shall fail to receive the required two-thirds (2/3) affirmative vote, but receives the necessary majority for passage as non-emergency legislation, it shall become effective as non-emergency legislation. The Council before enacting shall determine that the ordinance or resolution is necessary for the immediate preservation of the public peace, health, safety, or welfare of the citizens of Greenhills, Ohio, and the ordinance or resolution shall contain a statement of the necessity of declaring the emergency.

Each ordinance or resolution shall be authenticated by the Clerk. The failure to sign shall not invalidate an otherwise properly enacted resolution or ordinance.

The Clerk shall cause each ordinance and resolution adopted to be published in at least one of the following manners to be determined by Council:

A. By posting a copy of the ordinance/resolution in at least four (4) public places in the Municipality as determined by Council, for a period of Fifteen (15) days; OR

B. By publishing the title of the ordinance/resolution in a newspaper, circular, or other publication determined by Council to be of circulation within the Municipality; OR

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C. By publishing a concise summary of the provisions of the ordinance/resolution in a newspaper or other publication determined by Council to be of circulation within the Municipality.

Failure to post or publish, or to maintain such posting shall not invalidate or delay the effective date of an ordinance or resolution, and in such events the Clerk may post/publish at a later date or delay effective date.

By a majority vote of its members, Council shall cause the codification of the laws and ordinances of the Municipality. The codification will be updated at least every ten (10) years to include all new legislation. Copies of this code shall be placed in the Public Library, the Mayor's office, and the municipal offices for public use.

Notwithstanding the other sections of this Charter, Council may adopt by resolution or ordinance all or part of any technical codes promulgated by State or Federal agencies, boards, or any other public or private agency. These codes may be adopted by reference but shall include the title and source of the code adopted by reference.

Each resolution or ordinance providing for the appropriation of money, or for improvements petitioned for by the owners of a majority of the adjacent property to be benefitted and specially assessed, or an emergency measure for the preservation of the public peace, health, welfare, or safety, shall take effect, unless a later date be specified therein, upon its approval. No other resolution or ordinance shall become effective until thirty (30) days after its approval.

Proposed Language:

SECTION 2.06 - ORDINANCES AND RESOLUTIONS OF COUNCIL

Actions of Council shall be by *Ordinance*, *Resolution*, or *Motion*. Motions shall be used to conduct the business of Council, in procedural matters, for elections conducted among Council members and as otherwise provided in this Charter. All other action shall be taken by *Ordinance* or *Resolution*. No action of Council shall be invalidated merely because the form thereof fails to comply with the provisions of this section.

Any member of Council, or the Mayor, may propose any *Ordinance* or *Resolution*, at a regular or special meeting, which shall be in written form and which shall contain a concise title.

The form and style of *Ordinances* and *Resolutions* shall be determined by Council.

- A. *An Ordinance is a law intended to permanently direct and control matters applying to persons or issues in general, pertaining to public safety, health, morals and general welfare. Issues involving public streets and sidewalks, pet restrictions, etc. are examples of what should be addressed by ordinance.*

Each Ordinance shall be read on two separate meeting dates, unless this requirement is dispensed with by a vote of the majority of the members of Council. The first reading may be by title only. The second readings shall be in full unless this requirement is dispensed with by majority vote of Council.

Ordinances shall require a majority four (4) votes of Council for enactment. Ordinances are enforceable and become effective thirty (30) days after adoption

unless an emergency clause is included, in which case the ordinance becomes effective immediately.

- B. A Resolution is an expression of opinion on matters of public policy or for internal administrative purposes, limited to a specific issue and not intended to be permanent nor to be enforceable. Actions that grant a waiver from building codes or authorize the expenditure of public funds are examples of what should be addressed by resolution.**

Resolutions may be introduced and acted upon after a single reading and go into effect immediately with majority four (4) acceptance by vote of Council.

The vote on the question of passage of each **Resolution**, **Ordinance**, or **Motion** shall be taken by “yea” or “nay” and the vote entered into the minutes. No measure shall be passed without a concurrence of a majority of the members of Council.

Emergency **Ordinances** or **Resolutions** shall require a *supermajority five of six (5 of 6) affirmative votes* of Council for enactment. If any **Emergency Ordinance** shall fail to receive the required *supermajority five of six (5 of 6) affirmative votes*, but receives the necessary majority for passage as non-emergency legislation, it shall become effective as non-emergency legislation. The Council before enacting shall determine that the **Ordinance** is necessary for the immediate preservation of the public peace, health, safety, or welfare of the citizens of Greenhills, Ohio, and the **Ordinance** shall contain a statement of the necessity of declaring the emergency.

Each **Ordinance** or **Resolution** shall be authenticated by the Clerk. The failure to sign shall not invalidate an otherwise properly enacted **Resolution** or **Ordinance**.

The Clerk shall cause each **Ordinance** and **Resolution** adopted to be published at the **Municipal Building and the Village Website** plus other sites as determined by Council:

- A. The posting shall be maintained, for a minimum period of fifteen (15) days;**
B. Publishing a concise summary of the provisions of the Ordinance/Resolution in a newspaper or other publication determined by Council to be of circulation within the Municipality once is satisfactory as an optional site.

Failure to post or publish, or to maintain such posting shall not delay nor invalidate or delay the effective date of an ordinance or resolution, and in such events the Clerk shall post/publish at a later date.

By a majority vote of its members, Council shall cause the codification of the laws and ordinances of the Municipality. This codification will be updated at least every *five (5)* years to include all new legislation. Copies of this code shall be placed in the Public Library, the Mayor’s office, the Village Website and the municipal offices for public use.

ARTICLE III: SECTION 3.06 - QUALIFICATIONS

Current Language:

SECTION 3.06 - QUALIFICATIONS

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The Mayor shall be a resident and elector of the Municipality for at least twelve (12) consecutive months prior to the time of filing for office, and shall continue to be a qualified elector of the Municipality during the elective term of office.

The Mayor shall hold no other elective public office. The Mayor shall not be otherwise employed by, nor shall hold any other office in, this Municipality, except as provided by this Charter.

Proposed Language:

SECTION 3.06 - QUALIFICATIONS

The Mayor shall be a resident and elector of the Municipality for at least *thirty-six (36)* consecutive months prior to the time of filing for office, and shall continue to be a qualified elector of the Municipality during the elective term of office.

The Mayor shall hold no other elective public office. The Mayor shall not be otherwise employed by, nor shall hold any other office in, this Municipality, except as provided by this Charter.

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ARTICLE IV: SECTION 4.02 – QUALIFICATIONS OF THE MANAGER

Current Language:

SECTION 4.02 QUALIFICATIONS OF THE MANAGER

The Manager shall be appointed solely on the basis of executive and administrative qualifications, and need not be a resident of the Municipality at the time of appointment, but shall become a fulltime resident of the Municipality within twelve (12) months after appointment, unless residence outside the Municipality is approved by a majority vote of the members of Council.

Proposed Language:

SECTION 4.02 QUALIFICATIONS OF THE MANAGER

The Manager shall be appointed solely on the basis of executive and administrative qualifications, and need not be a resident of the Municipality at the time of appointment.

ARTICLE: V. SECTION 5.06 – BUDGET

Current Language:

SECTION 5.06 - BUDGET

In each fiscal year, which shall be the calendar year from January 1 through December 31, the Manager and the Finance Director shall prepare and submit to the Council a budget for the following fiscal year. The budget shall be submitted to the Council on or before the first day of June. It shall include an estimate of all expenditures which will be necessary for the operation of the Municipality

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during the following fiscal year and an estimate of all revenue which will be received for that period. The Council shall approve or amend the budget as submitted, and shall adopt same, by resolution, after a public hearing of which at least ten (10) days' notice is given in a manner prescribed for the publication of ordinances. Council shall submit the adopted budget to the County Budget Commission on or before the date established by the County Budget Commission. The budget shall be in the form prescribed by the Office of Inspection and Supervision of Public Offices of the State of Ohio, except to the extent that modification is required by any provision of this Charter, and all proceedings regarding the adoption of an annual budget, not specifically provided for in this section shall be in accordance with the provisions of the Ohio Revised Code.

Proposed Language:

SECTION 5.06 - BUDGET

In each fiscal year, which shall be the calendar year from January 1 through December 31, the Manager and the Finance Director shall prepare and submit to the Council a budget for the following fiscal year. ***The budget shall be submitted to the Council by September 1 or (forty-five) 45 days prior to the submission date to the County Budget Commission, whichever is earliest.*** It shall include an estimate of all expenditures which will be necessary for the operation of the Municipality during the following fiscal year and an estimate of all revenue which will be received for that period. The Council shall approve or amend the budget as submitted, and shall adopt same, by **Resolution**, after a public hearing of which at least ten (10) days' notice is given in a manner prescribed for the publication of **Ordinances**. Council shall submit the adopted budget to the County Budget Commission on or before the date established by the County Budget Commission. The budget shall be in the form prescribed by the Office of Inspection and Supervision of Public Offices of the State of Ohio, except to the extent that modification is required by any provision of this Charter, and all proceedings regarding the adoption of an annual budget, not specifically provided for in this section shall be in accordance with the provisions of the Ohio Revised Code.

ARTICLE V: SECTION 5.08 B. - CONTRACTS AND PURCHASING

Current Language:

SECTION 5.08 B. CONTRACTS AND PURCHASING

When the expenditure of funds for the purchase of supplies, equipment, or materials, or to provide labor for any work to be performed under a contract for a public improvement, exceeds the amount specified by the laws of the State of Ohio for which such purchases or work may be accomplished without advertisement and competitive bidding, such expenditure shall first be authorized and directed by ordinance passed by Council. The Manager may award a written contract to the lowest and best bidder after advertisement on the same day of each week for not less than two nor more than four consecutive weeks in a newspaper determined by the Council to be of circulation within the Municipality.

Proposed Language:

SECTION 5.08 B. CONTRACTS AND PURCHASING

When the expenditure of funds for the purchase of supplies, equipment, or materials, or to provide labor for any work to be performed under a contract for a public improvement, exceeds

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80% of the amount specified by the laws of the State of Ohio for which such purchases or work may be accomplished without advertisement and competitive bidding, such expenditure shall ***require advertisement and competitive bidding.***

ARTICLE V: SECTION 5.10 - ENGINEER

Current Language:

SECTION 5.10 - ENGINEER

An Engineer may be appointed or contracted with by the Manager with the consent of Council. The Engineer must be a registered engineer licensed to practice in the State of Ohio. Council shall establish the compensation of the Engineer by Ordinance. The Engineer may be removed by the Manager with the consent of Council. The Engineer shall, on request, prepare specifications and drawings for material, equipment, and other items which the Municipality is concerned with procuring. The Engineer shall review drawings as approved. The Manager shall have the right to employ or contract with additional engineering personnel or services.

Proposed Language:

SECTION 5.10 - ENGINEER

An Engineer may be appointed or contracted with by the Manager with the consent of Council. The Engineer must be a registered engineer licensed to practice in the State of Ohio. Council shall establish the compensation of the Engineer by Ordinance. The Engineer may be removed by the Manager with consent of Council. The Engineer shall, on request, prepare specifications and drawings for material, equipment, and any other items which the Municipality is concerned with procuring. ***[The Engineer shall review drawings as approved.]*** The Manager shall have the right to employ or contract with additional engineering personnel or services.

ARTICLE V: SECTION 5.12 - POLICE DEPARTMENT

Current Language:

SECTION 5.12 POLICE DEPARTMENT

The operating rules and procedures of the Police Department shall be established by the Manager with the advice of the Police Chief and the consent of Council. The Police Department shall be under the direction of a Chief of Police, who shall be the Department Head and who shall report to the Manager for administrative purposes. Disciplinary action shall be taken by the Police Chief with right of appeal to the Manager. The appointment, promotion, and removal of members of the Police Department, including the Police Chief, shall be made by the Manager in accordance with Rules provided for by Council and this Charter, or upon achievement of City status, in accordance with the provisions of Article IX hereof and rules promulgated thereunder.

Proposed Language:

SECTION 5.12 POLICE DEPARTMENT

The operating rules and procedures of the Police Department shall be established by the Manager with the advice of the Police Chief and the consent of Council. The Police Department

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shall be under the direction of a Chief of Police, who shall be the Department Head and who shall report to the Manager for administrative purposes. Disciplinary action shall be taken by the Police Chief with *rights of appeal as set forth in the Village Ordinances*. The appointment, promotion, and removal of members of the Police Department, including the Police Chief, shall be made by the Manager in accordance with Rules provided for by Council and this Charter, or upon achievement of City status, in accordance with the provisions of Article IX hereof and rules promulgated thereunder.

ARTICLE VI: SECTION 6.02 PLANNING COMMISSION

Current Language

SECTION 6.02 PLANNING COMMISSION

A Planning Commission consisting of five (5) members shall be established. The members shall be the Mayor, one Council member, and three (3) citizens of the Municipality appointed by the Mayor with the approval of Council. The Planning Commission shall have the powers conferred on it by the Ohio Revised Code, this Charter, and by ordinances of Council. The members shall have terms of six (6) years on a staggered basis. The Planning Commission shall be a continuing body. The Planning Commission shall be responsible for maintaining a Master Plan and the planning and advising of municipal development and redevelopment, and other duties assigned by Council. The Planning Commission shall adopt its own rules of procedure.

Proposed Language

SECTION 6.02 PLANNING COMMISSION

A Planning Commission consisting of five (5) members shall be established. The members shall be *two Council members*, and three (3) citizens of the Municipality appointed by the Mayor with the approval of Council. The Planning Commission shall have the powers conferred on it by the Ohio Revised Code, this Charter, and by ordinances of Council. The members shall have terms of six (6) years on a staggered basis. The Planning Commission shall be a continuing body. The Planning Commission shall be responsible for maintaining a Master Plan and the planning and advising of municipal development and redevelopment, and other duties assigned by Council. The Planning Commission shall adopt its own rules of procedure.

ARTICLE VI: SECTION 6.03 - BOARD OF ZONING APPEALS

Current Language:

SECTION 6.03 BOARD OF ZONING APPEALS

A Board of Zoning Appeals consisting of five (5) members shall be established. The members shall be two (2) members of the Planning Commission elected by the Planning

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Commission, with the remaining three (3) members appointed by the Mayor with approval of Council. The members shall have terms of three (3) years. The Board shall be a continuing body, shall adopt its own rules of procedure, and shall have the powers conferred upon it by Council Ordinances.

Proposed Language:

SECTION 6.03 BOARD OF ZONING APPEALS

A Board of Zoning Appeals consisting of five (5) members shall be established. The members shall be *one (1) member* of the Planning Commission elected by the Planning Commission, with the remaining *four (4) members* appointed by the Mayor with the approval of Council. The members shall have *staggered* terms of three (3) years. The Board shall be a continuing body, shall adopt its own rules of procedure, and shall have the powers conferred upon it by Council Ordinances.

ARTICLE VI: SECTION 6.04 - RECREATION COMMISSION

Current Language:

SECTION 6.04 RECREATION COMMISSION

A Recreation Commission consisting of seven (7) members shall be established according to Council ordinances. The Recreation Commission shall have the powers conferred upon it by general law and by Council Ordinances. This commission shall serve as an advisory board to Council regarding the recreation needs of the Municipality. The Recreation Commission shall be a continuing body.

Proposed Language:

SECTION 6.04 RECREATION COMMISSION

A Recreation Commission consisting of *five (5) members* shall be established according to Council Ordinances. The Recreation Commission shall have the powers conferred upon it by general law and by Council Ordinances. This commission shall serve as an advisory board to Council regarding the recreation needs of the Municipality. The Recreation Commission shall be a continuing body.

ARTICLE VI: SECTION 6.09 – GENERAL PROVISIONS

Current Language:

SECTION 6.09 GENERAL PROVISIONS - (3RD paragraph)

All meetings of each board and commission shall comply with all rules for notification of meetings to the public and all meetings of any board or commission at which a majority of its members are present shall be meetings open to the public except as provided by rules adopted by said boards of commissions, which rules, and all other rules adopted by said board or commission, shall supersede and override state statutes.

Proposed Language:

SECTION 6.09 GENERAL PROVISIONS - (3RD paragraph)

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All meetings of each board and commission shall comply with all rules for notification of meetings to the public and all meetings of any board or commission at which a majority of its members are present shall be meetings open to the public except *as provided for in the Ohio Revised Code*.