

CHARTER OF THE CITY OF NORTH OL MSTED, OHIO

EDITOR'S NOTE: The Charter for the City of North Olmsted, Ohio, was adopted at the general election held on November 3, 1959. Dates appearing in parentheses following a section indicate that the provisions of the section were subsequently repealed, amended or enacted on the date given.

TABLE OF CONTENTS

PREAMBLE

ARTICLE I. NAME AND BOUNDARIES

ARTICLE II. POWERS (5-2-06)

ARTICLE III. THE MAYOR

- Sec. 1. Term (11-4-75)
- Sec. 2. Qualifications (11-2-10)
- Sec. 3. Removal (11-8-05)
- Sec. 4. Vacancy in Office of Mayor (11-8-05)
- Sec. 5. Duties and Powers of the Mayor (11-8-05)

ARTICLE IV. THE COUNCIL

- Sec. 1. Number and Terms (11-4-75)
- Sec. 2. Qualifications (11-3-15)
- Sec. 3. President of Council (11-2-10)
- Sec. 4. Removal
- Sec. 5. Vacancies (11-8-05)
- Sec. 6. Salaries and Bonds
- Sec. 7. Meetings (11-6-90)
- Sec. 8. Quorum
- Sec. 9. Rules and Journal of Council (11-5-85)
- Sec. 10. Clerk of Council and Employees of Council (11-6-90)
- Sec. 11. Form of Legislative Action (11-2-65)
- Sec. 12. Effective Date of Ordinances and Resolutions (11-4-80)
- Sec. 13. Assessments, Advertising of Contracts and Sale of Municipal Property (11-4-80)
- Sec. 14. Enactment of Zoning Ordinances and Regulations, Notice (11-6-90)

ARTICLE V. ADMINISTRATIVE OFFICERS AND DEPARTMENTS

- Sec. 1. General Provisions (5-4-10)
- Sec. 2. Director of Law (11-2-10)
- Sec. 3. Director of Finance (11-2-10)
- Sec. 4. Department of Public Safety (Repealed 5-4-10)
- Sec. 5. Department of Public Service (Repealed 5-4-10)
- Sec. 6. Director of Community Life Services (Repealed 5-4-10)

ARTICLE VI. THE CIVIL SERVICE COMMISSION

- Sec. 1. Membership
- Sec. 2. Officers
- Sec. 3. Duties (11-5-85)
- Sec. 4. Procedure (5-2-06)
- Sec. 5. Salaries
- Sec. 6. Removal of Commissioner (11-6-90)
- Sec. 7. Funds

ARTICLE VII. BOARDS AND COMMISSIONS

- Sec. 1. Building and Zoning Board of Appeals (11-3-15)
- Sec. 2. Planning and Design Commission (11-3-15)
 - (a) Membership
 - (b) Duties and Powers

- (d) Mandatory Referral
- (e) Mandatory Referral to Electors
- Sec. 3. Parks and Recreation Commission (5-2-06; 8-2-11)
- Sec. 4. Board of Control (11-8-05)
- Sec. 5. City Landmarks Commission (11-2-04)

ARTICLE VIII. FINANCES

- Sec. 1. Annual Estimate
- Sec. 2. Appropriation Ordinance
- Sec. 3. Transfers and Balances (11-4-80)
- Sec. 4. Payment of Claims
- Sec. 5. Custody and Deposit of Funds
- Sec. 6. Public Bidding (11-2-10)
- Sec. 7. Public Improvements
- Sec. 8. Limitation on the Rate of Taxation (2-4-97)
- Sec. 9. Submission of Extra Levy (11-4-75)

ARTICLE IX. NOMINATIONS AND ELECTIONS

- Sec. 1. Municipal Elections (11-6-01)
- Sec. 2. Nominations (11-6-01)
- Sec. 3. Primary Elections (11-2-10)
- Sec. 4. Designation of Candidates (11-3-15)
- Sec. 5. General Provisions. (11-2-10)

ARTICLE X. INITIATIVE, REFERENDUM AND RECALL

- Sec. 1. Initiative
- Sec. 2. Referendum
- Sec. 3. Recall (11-3-70)
- Sec. 4. General Provisions (11-8-05)
- Sec. 5. Required Ward Approval. (5-4-99)

ARTICLE XI. FRANCHISE

- Sec. 1. Franchises. (11-4-97)
- Sec. 2. Aggregate Bargaining. (11-4-97)

ARTICLE XII. AMENDMENTS TO CHARTER

ARTICLE XIII. GENERAL PROVISIONS

- Sec. 1. Effective Date of Charter
- Sec. 2. Saving Clause
- Sec. 3. Effect of the Charter Upon Existing Laws and Rights.
- Sec. 4. Interpretation of the Charter

ARTICLE XIV. CHARTER REVIEW COMMISSION (11-4-03)

ARTICLE XV. OPEN MEETINGS

- Sec. 1. All Meetings of Public Bodies to be Open; Exceptions (5-8-90)
- Sec. 2. Definitions (5-8-90)

ARTICLE XV1. NONSUBSTANTIVE CHARTER LANGUAGE

- Sec. 1. Purpose (11-6-90)
- Sec. 2. Correcting, Deleting, Modifying Nonsubstantive Charter Language (11-2-10)

**CHARTER
OF THE
CITY OF NORTH OLMSTED, OHIO
PREAMBLE**

We, the people of the City of North Olmsted, in the County of Cuyahoga and State of Ohio, in order to secure for

ourselves the benefits of municipal home rule and to exercise all the powers of local self- government under God, and under the Constitution and laws of the State of Ohio, do ordain and establish this Charter for the government of the City of North Olmsted.

**ARTICLE I
NAME AND BOUNDARIES**

The municipal corporation now existing and known as the City of North Olmsted, in the County of Cuyahoga and State of Ohio, shall continue to be a body politic and corporate under the same name and with the same boundaries, with power and authority to change its boundaries and annex other territory contiguous thereto in the manner authorized by the general laws of the State of Ohio; but no territory shall be detached therefrom, nor shall the City be annexed to any other municipality without the consent of the Council and of a majority of its electors voting on such question.

**ARTICLE II
POWERS**

The City of North Olmsted shall have all the powers, expressed or implied, now or hereafter granted to municipalities by the Constitution and laws of the State of Ohio, and such further powers as may now or hereafter be granted by the laws of the State of Ohio; and all such powers shall be exercised in the manner prescribed by this Charter or by ordinance of the Council created hereby. Duties and procedural requirements unilaterally imposed by the State upon municipal corporations that purport to limit exercises of local self-government power shall not be binding upon or applicable to the City of North Olmsted, unless expressly authorized in the City Charter or by City Ordinance. (Amended 5-2-06.)

**ARTICLE III
THE MAYOR
SEC. 1. TERM.**

Commencing with the regular municipal election in the year 1977, and every fourth year thereafter, the Mayor shall be elected for a term of four (4) years. His/her term shall commence and he shall assume office on the first day of January next following such election. (Amended 11-4-75.)

SEC. 2. QUALIFICATIONS.

The Mayor shall have been a qualified elector and a resident of the City for at least two (2) years immediately prior to the date of his/her election, and shall continue to be a qualified elector and resident therein during his/her term. The Mayor shall serve the City on a full-time basis. He shall not serve on continuous active military service in excess of one month, either State or National, nor should he hold any other public office or public employment within the City of North Olmsted, except that of notary public or member of the State Militia, National Guard or Reserve Corps of the United States.

Nothing contained in this section shall be construed so as to prohibit the Mayor from serving as a member or official of any organization of governments, special unit of government or an organization of governmental officials, whether such organization or special unit of government is organized as a special district, regional council of governments, nonprofit corporation or some other form under the statutes or Constitution of the State of Ohio or the federal government. This section shall not prohibit the Mayor from serving as a member or an official in any other nonprofit corporation where the Mayor's service is in the capacity of representing the City. When serving as a member or an official of any organization of governments, special unit of government or an organization of governmental officials, or where the Mayor's service is as a member or official of a nonprofit corporation permitted by this section, the Mayor shall not be deemed to be interested in the profits or emoluments of any contract, job, work or service for the City or other transaction because of any contract or other transaction between the City and such organizations, special unit of government or nonprofit corporation; and the Mayor may fully participate (i) as the Mayor of the City in the deliberations by the City or its agencies and (ii) in his/her capacity as a member or an official of such organization of governments, special unit of government, organization of governmental officials or nonprofit corporation, including the right to vote with respect to such contract, job, work, service or other transaction. (Amended 11-2-10.)

SEC. 3. REMOVAL.

The Council may remove the Mayor for conviction while in office of a felony or other crime involving moral turpitude, adjudicated incompetency while in office, or a failure while in office to meet the Charter qualifications for holding said office. Such removal pursuant to this provision of the Charter may only be initiated by a written complaint signed by at least four members of Council. Thereafter, Council shall convene a meeting of its Committee of the Whole to hear said complaint for removal. Such removal shall not take place without the concurrence of two-thirds of the members of Council nor until the Mayor shall have been notified in writing of the complaint against him or her at least thirty (30) days in advance of any hearing upon such complaint and he or she and his/her or her counsel have been given an opportunity to be heard, present evidence, and examine any witness appearing in support of such complaint. Council may, by rule, establish additional procedures regarding such removal proceedings not in conflict or inconsistent with this

or any other provision of the Charter. (Amended 11-8-05.)

SEC. 4. VACANCY IN THE OFFICE OF MAYOR.

(a) Absence. When the Mayor is absent or inaccessible or is unable for any cause or reason to perform his/her duties, the President of Council shall become the acting Mayor, but he shall not thereby cease to be President of Council.

(b) Vacancy. In the event the office of Mayor shall become vacant for any reason, the President of Council shall thereupon become the Mayor, and serve for the unexpired term or until the beginning of the term of a successor duly elected as hereinafter provided, and his/her office as President of Council shall become vacant.

(c) Absence of President of Council. In the event the President of Council shall be absent or inaccessible or for any reason unable to perform his/her duties as acting Mayor, then Council, by a vote of a majority, shall designate one of their number to act as Mayor.

(d) Election of Successor in the Event of Vacancy. In the event the office of Mayor shall become vacant, a successor for the unexpired term shall be elected as Mayor at the next regular municipal election, provided that (a) such election shall occur more than two (2) years prior to the expiration of the unexpired term and (b) the vacancy shall have occurred not less than thirty (30) days prior to the candidate filing deadline for said next regular municipal election. A President of Council or a Councilperson, who has become Mayor pursuant to subsections (b) and (c) of this Section, may be a candidate to succeed himself/herself.

(Amended 11-8-05.)

SEC. 5. DUTIES AND POWERS OF THE MAYOR.

(a) Executive Powers. The Mayor shall be the chief executive officer of the City. He shall supervise the administration of the City's affairs and shall exercise control over all departments and divisions. He shall be the chief conservator of the peace within the City and shall cause all laws and ordinances to be enforced. He shall be responsible for the preparation and submission of the annual estimate of receipts and expenditures, and of appropriation measures, and shall at all times keep the Council fully advised as to the financial condition and needs of the City. He shall cause all terms and conditions imposed in favor of the City or its inhabitants in any franchise or contract to which the City is a party to be faithfully kept and performed.

The Mayor shall have the power to appoint, promote, transfer, reduce or remove any officer or employee of the City that he or she is expressly authorized by this Charter, or by ordinance of Council, to appoint. Each mayoral appointment of the head of a department shall be subject to the consent and approval of Council, which may disapprove such an appointment only by a vote of not less than two-thirds votes of its members. The appointment of every officer and employee appointed by the Mayor shall, unless otherwise provided in this Charter, automatically terminate at the earlier of (1) the end of the term of office of the Mayor making the appointment, or (2) the date upon which the Mayor making the appointment leaves office by death, resignation or other reason creating a vacancy in the office of Mayor. Unless otherwise provided for in this Charter, the Mayor may during his/her term, without concurrence of Council, remove any officer or employee whom he has the authority to appoint, provided, however, that heads of departments or divisions created by this Charter may only be removed with the concurrence of two-thirds (2/3) of the members of Council eligible to vote.

The Mayor shall execute on behalf of the City, all contracts, conveyances, evidences of indebtedness, and all other instruments to which the City is a party. He shall have custody of the seal of the City and may affix it to all of said instruments, but the absence of the seal shall not affect the validity of any such instrument. The Mayor shall be recognized as the official and ceremonial head of the City government by the Governor for military purposes and by the courts for the purpose of serving civil processes.

(Amended 11-8-05.)

(b) Legislative Powers. Every ordinance passed or resolution adopted by the Council shall be attested by the Clerk of Council and promptly presented to the Mayor. If the Mayor approves such ordinance or resolution, he shall sign it within ten (10) days after its passage or adoption by the Council, but if he does not approve it, he shall return it to the Council with his/her written objections within said ten (10) days by delivery to said Clerk, which objections shall be entered in full on the journal of the Council. The Mayor may approve or disapprove the whole or any part or item of an ordinance or resolution appropriating money, but otherwise his/her approval or disapproval shall be addressed to the entire ordinance or resolution. If the Mayor does not sign or veto an ordinance or resolution after its passage or adoption within said ten (10) day period, it shall take effect in the same manner as if he had signed it. When the Mayor has disapproved an ordinance or resolution or part or item thereof, as herein provided, the Council shall, not later than the next regular meeting, proceed to reconsider it, and if upon reconsideration the ordinance or resolution or part or item thereof be approved by vote of two-thirds (2/3s) of the members of Council eligible to vote, it shall then take effect as if it had received the signature of the Mayor. In all such cases the vote shall be taken by yeas and nays and entered upon the Journal.

(Amended 11-5-02.)

(c) Judicial Powers. The Mayor shall have all the judicial powers granted by this Charter, the ordinances of the City,

and the general laws of the State of Ohio.

(d) Power to Introduce Legislation. The Mayor may attend Council meetings but shall not vote therein. He shall have the right to recommend and introduce legislation and to take part in the discussion of all matters coming before Council.

(Amended 11-2-65.)

ARTICLE IV THE COUNCIL

SEC. 1. NUMBER AND TERMS.

All legislative powers of this City, except as otherwise provided by this Charter and by the Constitution of the State of Ohio, shall be vested in a Council of seven (7) members, four (4) of whom shall be elected by the several wards and three (3) of whom shall be elected at large.

Commencing with the regular municipal election in the year 1977 and every fourth year thereafter, the President of Council and four (4) members of Council elected from the several wards shall be elected for a term of four (4) years. Said members of Council so elected and the President of Council shall assume office on the first day of January next following their election.

Commencing with the regular municipal election in the year 1979 and every fourth year thereafter, the three (3) members of Council elected at large shall be elected for a term of four (4) years. Said members of Council so elected shall assume office on the first day of January next following their election.

(Amended 11-4-75.)

SEC. 2. QUALIFICATIONS.

No person shall be eligible to be a member of Council unless he shall have been a resident for at least two years immediately prior to the date of his/her election or appointment and during his/her term of office shall continue to be a resident of the City of North Olmsted and a qualified elector thereof. In addition, no person shall be eligible to serve as a ward Councilperson unless he shall have been a resident of the ward from which he is elected at least one year immediately prior to the date of his/her election or appointment. The one (1) year ward residency requirement shall be deemed satisfied for any person redistricted to another ward as a result of the redistricting process set forth in Article IX, Nominations and Elections, Sec. 5, provided that person has maintained the same residence location, regardless of ward designation, one (1) year immediately prior to his/her election or appointment in the new ward.

Except as otherwise provided in this Charter, no member of Council shall hold any other municipal office or employment by the City of North Olmsted. A member of Council shall not directly or indirectly solicit, contract for, receive, or be interested in any profit or emolument from or on account of any contract, job, work, or service with or for the City.

Any member of Council who ceases to possess any such qualification, or moves from his/her ward, if elected from a ward, or from the City, if elected from the City at large, shall forfeit his/her office.

The provisions of this section governing the qualifications of members of Council shall be equally applicable to the President of Council. (Amended 11-3-15.)

SEC. 3. PRESIDENT OF COUNCIL.

(a) Separate Office. The President of Council shall be elected by the voters. Candidates for such office shall file specifically for the office in accordance with the provisions of the Charter.

(b) Duties. The President of Council shall preside at all regular and special meetings of Council, but he shall have no vote therein except in the event of a tie. The President of Council shall have the right to recommend and introduce legislation and to take part in the discussion of all matters coming before Council. He shall perform such duties as presiding officer as may be imposed upon him/her by Council.

(c) Acting Mayor. In the absence of the Mayor, the President of Council shall act as Mayor as provided in Article III of this Charter.

(d) Vacancy in Office. Whenever the office of President of Council becomes vacant, the vacancy shall be filled by appointment by majority vote of the members of Council eligible to vote, to serve for the unexpired term or until the election of a successor for the unexpired term at the next regular municipal election provided that (a) such election shall occur more than two years prior to the expiration of the unexpired term and (b) the vacancy shall have occurred not less than thirty (30) days prior to the candidate filing deadline for said next regular municipal election. If Council fails to fill said vacancy within thirty (30) days, the Mayor shall appoint a President of Council to fill said vacancy.

(Amended 11-2-10.)

SEC. 4. REMOVAL.

The Council shall be the judge of the election and qualifications of its own members. Council may by at least a two-thirds (2/3s) vote of all of its members eligible to vote expel or remove any member for gross misconduct, malfeasance, nonfeasance, misfeasance in or disqualification for office; for the conviction while in office of a crime involving moral turpitude; for persistent failure to abide by the rules of Council; or for absence without justifiable excuse from three consecutive regular meetings thereof. Prior to any action by Council, the member whose removal is sought

shall be notified in writing of the charge or charges against him/her at least ten (10) days prior to a hearing upon such charge or charges and he shall be given the opportunity to secure counsel and to be heard. He shall be given the opportunity to present any evidence that he may deem necessary in his/her defense and to examine under oath any witness appearing in support of the charges brought.

SEC. 5. VACANCIES.

Whenever any office of Councilperson becomes vacant, the vacancy shall be filled by appointment by a majority vote of the remaining members of Council eligible to vote to serve for the unexpired term or until the election of a successor for the unexpired term at the next regular municipal election, provided that, (a) such election shall occur more than two years prior to the expiration of the unexpired term and (b) the vacancy shall have occurred not less than thirty (30) days prior to the candidate filing deadline for said next regular municipal election. If Council does not fill said vacancy within thirty (30) days, the Mayor shall appoint a Councilperson to fill said vacancy. (Amended 11-8-05.)

SEC. 6. SALARIES AND BONDS.

The Council shall have the power to fix its own compensation and the compensation of each employee of the City, including officers and members of any board or commission of the City, whether elected, appointed or chosen, and to establish bond for the faithful discharge of the duties of the office. The premium of any bond required by Council shall be paid by the City. The compensation of all elected officials shall be fixed at least thirty (30) days prior to the filing date of nominating petitions for the terms beginning on the next succeeding first day of January, and shall not thereafter be changed in any respect during any such term or part thereof.

SEC. 7. MEETINGS.

(a) Regular Meetings. The Council shall meet in the Council chambers at such times as may be prescribed by its rules, regulations, ordinances or by-laws, however, not less than twice during each calendar month, excepting that Council may provide for its vacation, during the months of July or August, and during such period is subject to the call of the Mayor.

(Amended 5-8-90.)

(b) Special Meetings. Special meetings of Council may be called in accordance with the rules and regulations or by-laws adopted by Council. In the absence of any provision therein, special meetings may be called by a vote of the Council taken at any regular or special meeting thereof, or may be called by the Clerk of Council upon the written request of the Mayor or President of Council, or any three members of Council. A request for a special meeting shall state the time, place and date thereof and the subject or subjects to be considered and no other subject or subjects shall be considered unless at least three members of Council request that certain additional items be considered and at least twenty-four (24) hours advance notice of the request to consider such additional items is given to the Mayor and each member of Council in the manner hereinafter provided. Notice of a special meeting called at the request of the Mayor, President of Council or any three members thereof, shall be given in writing to each member of Council and the Mayor by serving on each of them personally or by leaving a copy thereof at his/her usual place of residence, not less than twenty-four (24) hours preceding the date and hour of such meeting. Service of this notice may be waived in writing.

(Amended 11-6-90.)

SEC. 8. QUORUM.

A majority of the members of Council eligible to vote shall constitute a quorum for the transaction of business at any meeting of Council, but a lesser number may adjourn the meeting from time to time to permit or to compel the attendance of absentee members in such manner and under such penalties as may be prescribed by the rules and regulations of Council by ordinance or resolution.

SEC. 9. RULES AND JOURNAL OF COUNCIL.

Council shall adopt its own rules, regulations or by-laws and shall keep a Journal of all its proceedings. The Journal shall be open for public inspection at all reasonable times. The voting upon any ordinance, resolution or motion shall be by roll call and the vote of each Councilman entered upon the Journal.

Among the rules it adopts, Council shall provide for the appointment of its members to the various standing committees.

(Amended 11-5-85; 4-5-16.)

SEC. 10. CLERK OF COUNCIL AND EMPLOYEES OF COUNCIL.

A Clerk of Council shall be appointed by and may be removed by a majority vote of the members of Council eligible to vote. Council may employ such other employees as it deems necessary for the discharge of the duties of Council. The Clerk of Council shall keep a complete and accurate journal of the proceedings of Council authenticated by his/her signature. He shall have custody of and properly file and index all ordinances and resolutions of Council. He shall have custody of and preserve other official documents, reports, papers and communications received by Council and perform such other duties as Council may require. (Amended 11-6-90.)

SEC. 11. FORM OF LEGISLATIVE ACTION.

All legislative action by Council shall be by ordinance or resolution introduced in written or printed form. An affirmative vote of at least a majority of the members of Council eligible to vote shall be required for the passage or enactment of

every ordinance or resolution. Every ordinance or resolution shall be read at three different Council meetings, provided that this requirement may be dispensed with by a two-thirds vote of the members of Council eligible to vote if a written or printed copy of the ordinance or resolution shall have been furnished to each member of Council prior to its introduction. Ordinances and resolutions shall be deemed to have been read if the title thereof is fully read, provided that at the request of at least two members of Council such ordinance or resolution shall be read in full.

No ordinance or resolution shall contain more than one subject matter, which subject shall be clearly expressed in its title, and no ordinance or resolution shall be revised or amended unless the ordinance or resolution superseding it contains the entire ordinance or resolution so revised or amended or the section or sections so revised or amended, and having been revised or amended the original ordinance, resolution, section or sections thereof, shall be expressly repealed.

All ordinances, resolutions, statements, orders, proclamations and reports required by law or by this Charter or by ordinance to be published or posted shall be posted in only one place, namely the City Hall, and for a period of not less than fifteen (15) days prior to the effective date thereof. An emergency ordinance or resolution shall also be so published or posted as aforesaid, but said requirement for posting or publishing shall not postpone the effective date thereof as provided in this Charter. (Amended 11-2-65.)

SEC. 12. EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution providing for the appropriation of money or for an annual tax levy, or for improvements petitioned for by the owners of a majority of the front footage of property to be benefited or specially assessed therefor and any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health, safety or welfare of the City, shall take effect, unless a later date be therein specified, upon its approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, as the case may be. No other ordinance or resolution shall become effective until after the expiration of thirty (30) days following its approval by the Mayor or at the expiration of the time within which it may be vetoed by the Mayor or upon its passage after veto by the Mayor, as the case may be. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of two-thirds of the members of Council eligible to vote for its enactment. No action of Council authorizing the surrender or joint exercise of any of its powers, or in granting any franchise, or rezoning ordinance, or amendment or repeal of any zoning ordinance or section thereof, or expenditure for capital improvements or expenditure for the purchase of public lands or grounds or expenditure for construction of public buildings shall be designated an emergency measure nor enacted under a suspension of the rules adopted by Council. (Amended 11-4-80.)

SEC. 13. ASSESSMENTS, ADVERTISING OF CONTRACTS AND SALE OF MUNICIPAL PROPERTY.

The Council may make provisions by ordinance for:

- (a) The procedure for making public improvements and levying assessments, including the procedure for combining two or more public improvements, and the levying of assessments therefor in one proceeding if the Council finds that it will be economical and practical to undertake such improvements jointly.
- (b) All advertising of notices, solicitation of bids, or other publications required by this Charter or the Constitution of the State of Ohio, or the general laws of the State of Ohio, shall be placed in a newspaper of general circulation within the City of North Olmsted, or such other method of notice as Council may from time to time by ordinance hereafter provide.
- (c) The advertising and awarding of contracts and alterations or modifications of contracts.
- (d) The sale or disposal of municipal property.
- (e) Such other general regulations as the Council may deem necessary.

(Amended 11-4-80.)

SEC. 14. ENACTMENT OF ZONING ORDINANCES AND REGULATIONS, NOTICE.

The Council may provide by ordinance for the procedure for the passage and amendment of any zoning ordinance, the maps and regulations thereof, and the publication of notice and the public hearing thereof, provided that the minimum notice of the time and place of such public hearing shall be published once a week for two consecutive weeks in a newspaper as provided in Section 13 herein. In the event it is proposed to amend, enlarge, or change any area, zone or district classification, defined in an enacted ordinance, then, in addition to the newspaper notice hereinbefore provided, notice of the time and place of such public hearing shall be given by first class mail, postage prepaid, ten days before such hearing, to all record title holders of real property located within one thousand (1,000) feet of the property, area, zone or district proposed to be changed within the boundaries of North Olmsted. Record title holder shall mean the title holder of such property as disclosed by the Records of the Auditor of Cuyahoga County, thirty (30) days immediately prior to the date of such public hearing. If the mailing address of such record title holder cannot be reasonably ascertained, then the aforesaid newspaper notice of such hearing shall be deemed adequate notice. Nothing herein provided shall be construed as limiting the power of Council from enlarging on such notice. (Amended 11-6-90.)

ADMINISTRATIVE OFFICERS AND DEPARTMENTS

SEC. 1. GENERAL PROVISIONS.

A Department of Law and a Department of Finance are hereby established, and the Council shall provided by ordinance for the organization thereof. The Council may establish by ordinance new departments or divisions thereof. Except as to the two departments established by the Charter, Council may combine or abolish departments and divisions as it may deem necessary and may authorize one person to be the head of two or more departments or divisions. All appointments and removals in the several departments shall be made by the respective directors. (Amended 5-4-10.)

SEC. 2. DIRECTOR OF LAW.

The Director of Law shall be the head of the Law Department of the City and commencing with the regular municipal election in the year 1977, and every fourth (4th) year thereafter, he shall be elected for a term of four (4) years. His/her term shall begin and he shall assume office on the first day of January next following such election. The Director of Law shall be empowered to designate such assistants as shall be authorized by and approved by Council. No person shall be eligible to be the Director of Law unless he is authorized to practice as an attorney in Ohio and has been engaged in the active practice of law in Ohio continuously for a period of five years next preceding his/her election, has been a qualified elector and a resident of the City for at least two (2) years immediately prior to the date of his/her election, and shall continue to be a qualified elector and resident of the City during his/her term of office.

In the event the office of Director of Law shall become vacant for any reason, the Mayor shall appoint a successor, subject to confirmation by a majority of the members of Council, to serve for the unexpired term or until the election of a successor for the unexpired term at the next regular municipal election provided that, (a) such election shall occur more than two (2) years prior to the expiration of the unexpired term, and (b) the vacancy shall have occurred not less than thirty (30) days prior to the candidate filing deadline for said next regular municipal election.

The Council may remove the Director of Law for conviction while in office of a felony or other crime involving moral turpitude, adjudicated incompetency while in office, or a failure while in office to meet the Charter qualifications for holding said office. Such removal pursuant to this provisions of the Charter may only be initiated by a written complaint signed by at least four members of Council. Thereafter, Council shall convene a meeting of its Committee of the Whole to hear said complaint for removal. Such removal shall not take place without the concurrence of two-thirds of the members of Council nor until the Director of Law shall have been notified in writing of the complaint against him or her at least thirty (30) days in advance of any hearing upon such complaint and he or she and his/her or her counsel have been given an opportunity to be heard, present evidence, and examine any witness appearing in support of such complaint. Council may, by rule, establish additional procedures regarding such removal proceedings not in conflict or inconsistent with this or any other provision of the Charter.

The Director of Law shall act as legal counsel and serve in such capacity the Mayor, Council, administrative officers, departments, and the commissions and boards of the City. As legal counsel and attorney, he shall represent the City in all proceedings in court or before any administrative body and in such other matters and controversies as he is, by resolution or ordinance, directed to prosecute. The Director of Law may with the approval of a majority of the members of Council retain the services of outside counsel to assist him/her in carrying out any of duties specified in this Section. He or an Assistant Director of Law shall act as Prosecuting Attorney for the City. The Director of Law shall perform all other duties now or hereinafter imposed by Council or the Mayor consistent with the duties of the office of Director of Law.

(Amended 11-2-10.)

SEC. 3. DIRECTOR OF FINANCE.

The Director of Finance shall be on a full-time basis, with his/her office to be conducted from the Municipal Building, and shall be the head of the Finance Department and the Fiscal Officer of the City. Commencing with the regular municipal election in the year 1977, and every fourth (4th) year thereafter, he shall be elected for a term of four (4) years. His/her term shall begin and he shall assume office on the first day of January next following such election. No person shall be eligible to be the Director of Finance unless he shall have been a qualified elector and resident of the City for at least two (2) years immediately prior to the date of his/her election, and shall continue to be a qualified elector and resident of the City during his/her term of office. The Director of Finance shall, at the time of the Director of Finance's election and during the term thereof, maintain a license from the Sate of Ohio as a Certified Public Accountant. The Director of Finance shall have with a minimum of five (5) years public or private accounting experience immediately preceding his/her the Director of Finance's election.

In the event the office of Director of Finance shall become vacant for any reason, the Mayor shall appoint a successor, subject to confirmation by a majority of the members of Council, to serve for the unexpired term or until the election of a successor for the unexpired term at the next regular municipal election provided that, (a) such election shall occur more than two (2) years prior to the expiration of the unexpired term, and (b) the vacancy shall have occurred not less than thirty (30) days prior to the candidate filing deadline for said next regular municipal election.

The Council may remove the Director of Finance for conviction while in office of a felony or other crime involving moral turpitude, adjudicated incompetency while in office, or a failure while in office to meet the Charter qualifications for holding

said office. Such removal pursuant to this provision of the Charter may only be initiated by a written complaint signed by at least four members of Council. Thereafter, Council shall convene a meeting of its Committee of the Whole to hear said complaint for removal. Such removal shall not take place without the concurrence of two-thirds of the members of Council nor until the Director of Finance shall have been notified in writing of the complaint against him or her at least thirty (30) days in advance of any hearing upon such complaint and he or she and his/her or her counsel have been given an opportunity to be heard, present evidence, and examine any witness appearing in support of such complaint. Council may, by rule, establish additional procedures regarding such removal proceedings not in conflict or inconsistent with this or any other provision of the Charter.

He shall serve the Mayor and the Council as finance advisor in connection with Municipal affairs, and he may serve as Clerk of Council. In such capacity or capacities, he shall keep the records of said bodies, and shall authenticate all records, documents, and instruments of the City on which authentication is proper. The Director of Finance shall examine all payrolls, bills and other claims against the City and shall issue no warrant unless he shall find that the claim is in proper form, correctly computed and duly approved, and that it is due and payable, and that an appropriation has been made therefor; and he shall perform all other duties now or hereafter imposed upon City Auditors or Treasurers by the laws of the State of Ohio unless otherwise provided by this Charter, or by ordinance of the Council, and he shall perform such other duties as the Mayor may impose upon him/her consistent with his/her office.

(Amended 11-2-10.)

SEC. 4. DEPARTMENT OF PUBLIC SAFETY.

(Repealed by voters May 4, 2010.)

SEC. 5. DEPARTMENT OF PUBLIC SERVICE.

(Repealed by voters May 4, 2010.)

SEC. 6. DIRECTOR OF COMMUNITY LIFE SERVICES.

(Repealed by voters May 4, 2010.)

ARTICLE VI

THE CIVIL SERVICE COMMISSION

SEC. 1. MEMBERSHIP.

The Civil Service Commission shall consist of three (3) electors of the City, not holding other municipal office or employment, to be appointed by the Mayor for a term of six (6) years each, excepting that of the members first appointed, one shall be appointed for a term of two years, one for four years, and one for six years, with the stipulation that no member is eligible to succeed himself/herself. When a vacancy occurs during the term of any member of the Commission, it shall be filled for the unexpired term in the manner authorized for the original appointment.

SEC. 2. OFFICERS.

The Commission shall designate one of its members as Chairman, and may appoint a Secretary who shall not be a member of the Commission, and may hold other municipal office or employment.

SEC. 3. DUTIES.

The Civil Service Commission shall prescribe, amend, and enforce rules for the classification of offices, positions, and employment in the Civil Service of the City; for examinations and resignation therefor; for appointments, promotions, removals, transfers, lay-offs, suspensions, reduction and re-instatement therein; for appeals to the Commission; and for standardizing positions and maintaining efficiency therein. Therefore, positions under the Civil Service Commission shall be divided into Classified and Unclassified Service.

A. The Unclassified Service shall include:

1. All officers elected by the people.
2. All directors of departments.
3. The members of all boards or commissions appointed by the Mayor or the Council.
4. The Clerk of Council and the secretary of the Civil Service Commission.
5. Superintendent, Assistant Superintendent, Division Heads, and Assistants to Division Heads, except the Police Chief and Fire Chief.
6. All unskilled laborers.
7. Three secretaries, assistants or clerks to the Mayor, one (1) secretary to each Director or Department Head, and all temporary part-time office help.

B. The Classified Service shall comprise all positions not specifically included in this Charter in the Unclassified Service.

(Amended 11-5-85.)

SEC. 4. PROCEDURE.

The Civil Service Commission of the City of North Olmsted shall prescribe and enforce rules and regulations for the Classified Service that may be different than State's general statutes on civil service law, shall keep a record of its proceedings and examinations, which shall be open to public inspection, and shall in all matters not in conflict with this Charter or the City's ordinances, conduct its affairs in accordance with its own lawfully adopted rules and regulations, which may be different from State's general statutes on civil service law. In all promotional examinations, the Civil

Service Commission of the City of North Olmsted shall certify to the appointing officer after examination, the name of the top applicant to the position open by promotion and the appointing officer shall appoint the said top applicant in all cases to the position to be filled by promotion. (Amended 5-2-06.)

SEC. 5. SALARIES.

The salaries of the Commission shall be determined by the Council.

SEC. 6. REMOVAL OF COMMISSIONER.

The Mayor may at any time remove any Commissioner for inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office, incapacity or incompetency. Said removal shall not become final without the concurrence of two-thirds (2/3) of the members of Council. From the time when the Mayor notifies a Commissioner of his/her removal, said Commissioner shall be suspended pending the outcome of the necessary concurrence of Council. (Amended 11-6-90.)

SEC. 7. FUNDS.

A sufficient sum shall be appropriated by the Council each year to carry out the civil service provisions of this Charter.

ARTICLE VII

BOARDS AND COMMISSIONS

SEC. 1. BUILDING AND ZONING BOARD OF APPEALS.

(a) Membership. The Building and Zoning Board of Appeals shall consist of five (5) members, who shall be residents of the municipality not holding other municipal office, who shall be appointed by the Mayor, subject to approval by the majority of the members of Council. To the extent possible, Building and Zoning Board of Appeals members should represent different occupational or professional fields related to the construction industry. Those members appointed to this Board shall be appointed for a term of five (5) years, except that of the five (5) appointed for the term beginning January 1, 2016, one shall be appointed for a term of one (1) year, one for a term of two (2) years, one for a term of three (3) years, one for a term of four (4) years, and the fifth member for a full term of five (5) years. Any member of the Building and Zoning Board of Appeals may be removed for any cause by a vote of two-thirds of the members of Council. Any vacancies occurring during the term of any member of the Board, shall be filled in a manner authorized for an original appointment.

(b) Jurisdiction. The Building and Zoning Board of Appeals shall have the power to hear and decide appeals for exceptions to and variances in the application of ordinances, orders or regulations of administrative officials or agencies governing building and zoning in the municipality. The Building and Zoning Board of Appeals shall have such additional powers as may be granted to it by ordinance of the municipality. Procedure before the Building and Zoning Board of Appeals shall be in accordance with the rules and regulations established by the Building and Zoning Board of Appeals. (Amended 11-3-15.)

SEC. 2. PLANNING AND DESIGN COMMISSION.

(a) Membership. The Planning and Design Commission shall consist of seven (7) voting members. One (1) member shall be a member of Council or an elector appointed by Council; one (1) member shall be a registered architect who shall be appointed by the Mayor; one (1) member shall be a person who is skilled in or engaged in the business of landscape architecture who shall be appointed by the Mayor; and four (4) members shall be electors of the City, not holding other municipal office, appointed by the Mayor. Members appointed by the Mayor are subject to the approval of a majority of the members of Council. The terms of the registered architect and the person who is skilled in or engaged in the business of landscape architecture shall be for five years each. The terms of the four (4) appointed electors, and the fifth if Council elects to appoint an elector, shall be for five years each. A vacancy occurring during the term of any member of the Commission shall be filled for the unexpired term in the manner authorized for the original appointment. The Mayor shall have the right to remove any appointed member for cause with the approval of two-thirds (2/3) of the members of the Council.

Effective December 31, 2005, the terms of all current members of the Planning Commission shall terminate, and the Mayor shall proceed to appoint, effective January 1, 2006, six (6) members to the Planning and Design Commission holding the qualifications as set forth above to five year terms, except that electors so first appointed by the Mayor to the new Planning and Design Commission shall be appointed - one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years; and the registered architect and person skilled in or engaged in the business of landscape architecture shall be appointed for a term of five years. Likewise, effective January 1, 2006, if Council determines to appoint an elector to the Commission, that initial appointment shall be for a five year term. Upon the expiration of said term of office of a member of the Commission, his/her successor shall be appointed for a term of five years.

(b) Duties and Powers. The Planning and Design Commission shall have the power and duty to hear applications for land use, zoning classifications or districts and, as merited, to submit written recommendations for legislative action; to review and recommend legislation, rules and regulations on all matters of municipal planning, land use, and zoning classification; and to review and recommend to Council ordinances creating areas, zones and districts of permitted and excluded uses, including rules, regulations, restriction and limitations governing all development and redevelopment, both

public and private, as will promote the general welfare of the City and its inhabitants. It shall have control over platting and subdividing of lands and the improvement or development thereof, subject to approval of Council.

The Commission shall make plans and maps of the whole or any portion of the City and of any land outside the City which, in the opinion of the Commission, bears a relation to the planning of the City, and make changes, in additions to, and estimates of such plans or maps when it deems the same advisable. It shall have such powers as may be conferred upon it by ordinance of the Council concerning the plan, design, location, removal, relocation, and alteration of any public building or structure or those located on public streets or property, the location, relocation, widening, extension and vacation of streets, parkways, playgrounds and other public places, the zoning and re-zoning of the City for any lawful purpose, and such other powers as may now or hereafter be conferred upon it by ordinance of the Council or the general laws of the State of Ohio. All plans, recommendations and regulations made by the Planning Commission shall be submitted to Council for approval before the same shall be considered as official.

The Planning and Design Commission shall adhere to and follow the Master Plan prepared by the Planning Commission and approved by the City Council in 2005. Thereafter, every ten years commencing on May 1, 2015, the Commission shall formally review and thereafter revise said Master Plan as necessary. The Master Plan shall provide for the overall development of the entire City, and shall serve as a guide to all future actions of the City concerning land use, development regulations, and official maps. Following such reviews, new or revised Master Plans shall be submitted by the Planning and Design Commission to Council for Council's approval or revision. Council shall, by a majority vote of its members eligible to vote, either approve and adopt the plan as submitted, or approve it with revisions recommended and voted for by a majority of its members eligible to vote. After the Master Plan has been approved by Council, the Planning and Design Commission shall, in performing the duties imposed upon it and exercising the power granted to it by this Charter, the ordinances of this City, and the general laws of the State of Ohio, adhere to the Master Plan and act consistent with its approval land use recommendations to the fullest extent permitted by law.

(c) Funds. A sufficient sum shall be appropriated by the Council each year to carry out the planning provisions of this Charter.

(d) Mandatory Referral. No public building, street, boulevard, parkway, park, playground, harbor, dock, wharf, bridge, tunnel, or publicly or privately owned utility or part thereof shall be constructed or authorized to be constructed in the City nor shall any street, avenue, parkway, boulevard or alley be opened for any purpose whatsoever, nor shall any street, avenue, parkway, boulevard or alley be widened, narrowed, relocated, vacated, or its use changed, or any ordinance referring to zoning or other regulations controlling the use or development of land be passed, unless and until it shall have been submitted to the Planning and Design Commission for report and recommendation. Any matter presented to the Planning and Design Commission shall be approved or disapproved by it within thirty (30) days from the date of the meeting of the Commission, at which such matter was presented, unless a longer time be allowed by Council. If the Planning and Design Commission shall fail to act within the time allotted, it shall be deemed to have approved such matter. Any provision of any ordinance, resolution or order disapproved by formal action of the Planning and Design Commission shall require a two-thirds (2/3s) vote of all members of Council eligible to vote for adoption or authorization.

(e) Mandatory Referral to Electors. Upon a legislative request for zoning or rezoning of land to Multiple Residence (Apartment) use or upon the filing with the City of an application for zoning or rezoning of land to Multiple Residence (Apartment) use with all documentation required by City ordinances for the review and establishment of such district, the legislation providing for the zoning or rezoning shall be introduced before the Council. Legislation, application and accompanying documentation shall be referred to the Planning and Design Commission for review of the proposed development in accordance with the provisions of the Planning and Zoning Code adopted by the Council for the establishment of a Multiple Residence (Apartment) district. The Planning and Design Commission shall prepare and submit its report and recommendation to the Council. After receipt of such report and recommendation, the Council shall submit the legislation to the electors at the next election or at a special election established by the Council, provided that the applicant agrees to assume the payment of all costs of the election and notices to the public thereof as required by Council, and secures such payments in a manner satisfactory to the Director of Finance. The Council shall certify such legislation to the Board of Elections within the time period required by law for the submission of the issue at the election. The Council shall provide by ordinance for reasonable notice to be given the electors of the issues to be considered at the election and the date, time and location of the election. No such legislation shall become effective unless approved by a majority of the votes cast on the issue and the results of that election have been certified by the Board of Elections.

(Amended 11-3-15.)

SEC. 3. PARKS AND RECREATION COMMISSION.

The Parks and Recreation Commission shall consist of six (6) members who shall serve without compensation. The Mayor, subject to confirmation by Council, shall appoint two (2) members who are qualified electors and residents of North Olmsted and who do not hold any other elected or appointed public office and are not employees of the City. Council shall appoint one (1) member who shall be a member of Council and one (1) member who shall be a qualified

elector and resident of North Olmsted and who does not hold any other elected or appointed public office and is not an employee of the City.

The North Olmsted City School District Board of Education shall appoint one (1) member who shall be a member of such Board of Education and one (1) member who shall be a qualified elector and resident of North Olmsted and who does not hold any other elected or appointed public office and is not an employee of the School District. Each of the appointed members of said Commission shall be appointed for a term of five (5) years, except that of the six (6) members appointed for the term beginning January 1, 1971, the City Council shall appoint one (1) member for a term of one (1) year and one (1) member for a term of four (4) years, the Board of Education shall appoint one (1) member for a term of two (2) years and one (1) member for a term of five (5) years. In the event that a Board of Education member or Council member, who has been appointed to the Parks and Recreation Commission, ceases to be a member of the Board of Education or Council for any reason, then such appointee's membership on the Parks and Recreation Commission shall terminate forthwith. A vacancy occurring during the term of any member of the Parks and Recreation Commission shall be filled for the remainder of the unexpired term in the manner authorized for the original appointment. The terms of the members of the present Recreation Commission shall expire at the end of the organizational meeting of the Parks and Recreation Commission in January 1971. The powers and duties of the Parks and Recreation Commission shall be:

- (a) Develop and approve all recreation programs under the control of the City of North Olmsted.
- (b) Prepare and recommend to Council all budgets for the Division of Parks and Recreation.
- (c) Approve, for implementation, all City park maintenance, capital improvements and development projects within the budgets approved by Council.
- (d) Establish employment policy for the Division of Parks and Recreation.
- (e) Such other duties as may be provided by ordinance of Council.

(Amended 5-2-06; 8-2-11.)

SEC. 4. BOARD OF CONTROL.

The Mayor and the directors of the several departments established either by this Charter or by ordinance, shall constitute a Board of Control. The Director of Law shall be a non-voting member and shall serve the Board of Control only as legal counsel. The Mayor shall be ex officio president and shall appoint a secretary. The Board shall keep a journal of its proceedings. The voting shall be taken by "yeas" and "nays" and entered in the journal and the vote of the majority of all of the voting members of the Board shall be necessary to adopt any question, motion, or order. No contract involving expenditures in excess of that amount specified in Section 6 of Article VIII of this Charter shall be entered into without the prior approval of the Board of Control. The Board shall have such further powers and perform such further duties as shall be prescribed by ordinance. (Amended 11-8-05.)

SEC. 5. CITY LANDMARKS COMMISSION.

(a) Membership. The City Landmarks Commission shall consist of nine members, six of whom shall be appointed by the Mayor and subject to confirmation by Council. The remaining three members shall be selected as follows: one appointed by Council, one member of Council, and one member of the Planning and Design Commission.

(b) Qualifications. All of the Mayor's six appointees and the Council's one appointee shall have a demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines. In addition, Council's appointee shall be a resident of the City of North Olmsted, and at least four of the six appointees of the Mayor shall be residents of the City of North Olmsted. The remaining two of the Mayor's six appointees shall be preservation-related professionals, who reside in the City of North Olmsted if the Mayor determines that such professionals are, in fact, available in the community. If no preservation-related professionals are available in the community, as determined by the Mayor, then the Mayor may appoint preservation-related professionals who reside outside of the City of North Olmsted.

(c) Terms. Each appointed member shall serve a term of two years and may be re-appointed. The six appointments by the Mayor shall be staggered, with the Mayor making three appointments effective January of each year. All vacancies on the City Landmarks Commission shall be filled within sixty (60) days.

(d) Powers and Duties. The City Landmarks Commission shall have such powers and duties as the Council, from time to time, shall grant to it by ordinance. (Amended 11-2-04.)

ARTICLE VIII

FINANCES

SEC. 1. ANNUAL ESTIMATE.

The fiscal year of this City shall, unless Council by proper action adopts a different date, be the same as that established from time to time for cities by the general law of Ohio. Within forty-five days after the beginning of each fiscal year, the Mayor, with the assistance of the Director of Finance, shall prepare and submit to the Council an estimate of the revenues and expenditures of the City for the current fiscal year. Such estimate shall be compiled from information which shall be furnished by the head of each department, division, board or commission in such form and detail as the Mayor may require.

SEC. 2. APPROPRIATION ORDINANCE.

The Mayor shall furnish to the Council, with the estimate hereinbefore mentioned, an ordinance making appropriations for the expenditures of the City during the year embraced by said estimate. The Council shall adopt such ordinance in its original form or with such revisions as it may deem proper within ninety days from the beginning of the fiscal year. The Council may amend or supplement said appropriation ordinance after its passage. Council may make one or more preliminary appropriations for current expenses until the annual appropriation ordinance is in effect.

SEC. 3. TRANSFERS AND BALANCES.

The Council may transfer any part of an unencumbered balance of an appropriation of any fund allowed by law for any purpose or object for which the appropriation for the current year has proven insufficient, except that no transfer shall be of monies raised or appropriated for the payment of any bond or note of the Municipality until all indebtedness, interest, and other obligations which must lawfully be paid from such monies has been paid.

(Amended 11-4-80.)

SEC. 4. PAYMENT OF CLAIMS.

No money shall be drawn from the treasury nor shall an obligation for expenditure be incurred except in accordance with appropriations made by Council. Claims shall be approved in writing by the head or acting head of the department for which the obligation was incurred. The Council may by ordinance provide for additional regulations or controls with respect to the payment of claims.

SEC. 5. CUSTODY AND DEPOSIT OF FUNDS.

The Council shall by ordinance provide for the custody of all funds of the City and for the deposit of funds in a bank or banks. All funds received on behalf of the City by any officer, employee or agent thereof shall be promptly paid over to the Director of Finance and by him/her promptly placed in a depository bank, but the Council may authorize such sums as it deems proper to be kept in cash for the daily operation of any department or office. The Director of Finance, with the concurrence of a majority of the members of Council eligible to vote, shall invest monies of the City in bonds or notes of this City, or any other investment permitted by law, in such manner as is now or hereafter authorized by general law for such investment by cities.

SEC. 6. PUBLIC BIDDING.

The Council may authorize expenditure of funds of the City in amounts exceeding those provided for from time to time by the general laws of the State of Ohio governing municipal corporations without public bidding for the acquisition of real estate, for the discharge of non- contractual claims against the City, for personal services, for the joint use of facilities or exercise of powers with other political subdivisions, for the product or services of public utilities (including those Municipally operated), and during real and present emergencies in order to immediately provide for the health, safety and welfare of the residents of North Olmsted, but no other expenditure of more than that provided for from time to time by the general laws of the State of Ohio governing municipal corporations shall be made except pursuant to contract made with the lowest and best bidder after public advertising and receipt of bids in the manner provided by ordinance.

Purchases by the City through a State Purchase Program established pursuant to Section 125.40 or other provision of the Ohio Revised Code, where the State has conducted competitive bidding and awarded State contracts to successful bidders, shall be deemed to satisfy the requirements of this section for expenditures to be made pursuant to contract and with the lowest and best bidder.

The City may enter into contracts for expenditure of funds pursuant to a design-build selection process as may be established by the general laws of the State of Ohio or as such process may be authorized by ordinance approved by two-thirds vote of City Council. For purposes of this section, design-build contracts as a form of competitive bidding, which shall consider both qualifications and costs, shall be deemed to satisfy the requirements of this section for expenditures to be made pursuant to contract and with the lowest and best bidder.

(Amended 11-2-10.)

SEC. 7. PUBLIC IMPROVEMENTS.

Public improvements of all kinds may be made by the appropriate department either by the direct employment of the necessary labor and purchase of supplies and materials, with a separate account as to each improvement so made, or by contract let as provided in the preceding section either for a closed price or upon a unit basis.

SEC. 8. LIMITATION ON THE RATE OF TAXATION.

(a) The aggregate amount of taxes that may be levied by the Council without a vote of the people on taxable property assessed and listed for taxation according to value shall not exceed in any one year the aggregate of the amounts provided for in Paragraphs (b), (c) and (d) of this Section 8. All such taxes shall be levied by not less than a two-thirds affirmative vote of the members of Council eligible to vote.

(b) Except as provided in paragraphs (c) and (d) of this Section 8, for all purposes of the municipality the Council may, without a vote of the people, levy annually not more than eleven and one-tenth (11.1) mills for each dollar of assessed valuation. Of said levy, an amount shall annually be levied sufficient to pay the interest, sinking fund and retirement charges on all general obligation bonds and general obligation bond anticipation notes of the Municipality

heretofore or hereafter authorized to be issued without a vote of the electors, except to the extent Council determines that such levy for certain bonds or notes issued for improvements to the municipal sanitary sewerage system should be made pursuant to the provisions of Paragraph (c) of this Section 8, or that such levy for certain bonds or notes issued to pay costs of providing and improving recreational facilities should be made pursuant to the provisions of Paragraph (d) of this Section 8, which levy under this Paragraph (b) shall be placed before and in preference to all other levies and for the full amount thereof. Of the remaining portion of said levy, an amount shall be levied annually sufficient to provide the amounts required by law for police pensions (.3 mill) and firemen's pensions (.3 mill); an amount shall be levied annually for the purpose of paying the expense of recreation and providing recreational facilities (.5 mill), and the balance thereof may annually be levied for the purpose of paying the current operating expenses of the municipality.

(c) Council may, without a vote of the people, levy annually in addition to the eleven and one-tenth (11.1) mills provided for in Paragraph (b) of this Section 8 and the seven-tenths of one mill provided for in Paragraph (d) of this Section 8, such tax not in excess of three (3) mills for each dollar of assessed valuation as may be required to provide for the payment of (A) interest, sinking fund and retirement charges on (i) general obligation bonds and general obligation bond anticipation notes of the Municipality issued prior to January 1, 1987, without a vote of the electors, to provide funds to pay costs of constructing improvements to the municipal sanitary sewerage system; (ii) general obligation bonds and general obligation bond anticipation notes of the Municipality issued on or after January 1, 1987, without a vote of the electors, to provide funds to reimburse the Municipality for expenditures made prior to January 1, 1987, in anticipation of reimbursement from the proceeds of such general obligation bonds or general obligation bond anticipation notes, to pay costs of constructing improvements to the municipal sanitary sewerage system; (iii) general obligation bonds and general obligation bond anticipation notes of the Municipality issued from time to time without a vote of the electors to provide funds to renew or refund the general obligation bonds and general obligation bond anticipation notes described in clauses (i) and (ii) and this clause (iii), and (B) amounts required to be paid by the Municipality in payment of any loan from the Ohio Water Development Authority contracted for prior to January 1, 1987 for the purpose of providing funds to pay costs of constructing improvements to the municipal sanitary sewerage system and any loan from the Authority contracted for to provide funds to retire general obligation bonds or general obligation bond anticipation notes described in clauses (A)(i), (ii) or (iii).

(d) Council may, without a vote of the people, levy annually, in addition to the eleven and one-tenth (11.1) mills provided for in Paragraph (b) of this Section 8 and the three (3) mills provided for in Paragraph (c) of this Section 8, a tax not in excess of seven-tenths (.7) of one mill for each dollar of assessed valuation to provide funds for municipal recreational purposes, including payment of (A) costs of providing permanent improvements for recreational purposes, (B) current operating expenses for recreational purposes, and (C) interest, sinking fund and retirement charges on general obligation bonds and general obligation bond anticipation notes of the Municipality issued from time to time, without a vote of the electors, to provide funds (i) to pay costs of providing and improving recreational facilities, or (ii) to provide funds to renew or refund general obligation bonds and general obligation bond anticipation notes issued for the purposes described in clause (i) and this clause (ii). (Amended 2-4-97.)

SEC. 9. SUBMISSION OF EXTRA LEVY.

The Council may at any time at least sixty (60) days prior to a November election declare by resolution, adopted by a vote of two-thirds of the members of Council eligible to vote, that the amount of taxes which may be raised within the limitations of this Charter will be insufficient to provide an adequate amount for the necessary requirements of the City for current operating expenses, and other expenses payable from the general fund of the City, and such permanent improvements and equipment as shall have an estimated useful life of five (5) years or more, and that it is necessary to levy taxes in excess of such limitations, in addition to the levies authorized and limited by this Charter, for the municipal purpose or purposes specified in such resolution. Such resolution shall specify the additional sum which it is necessary to levy, the purpose of purposes thereof, the additional rate estimated to be required therefor, and the date of any proposed election thereon. Such resolution shall be effective upon its adoption and shall be certified within five (5) days thereafter to the election authorities, who shall place such question upon the ballot at the next succeeding November election. If a majority of those voting thereon vote for the approval of such additional levy, the Council shall immediately make such levy, or such part thereof as it finds necessary, pursuant to such approval and certify the same to the County Auditor, to be placed on the tax list and collected as other taxes.

The authority of the Council to submit additional levies to a vote of the people or to levy taxes upon such other subjects and for such other purposes as may be lawful under the Constitution or laws of this State shall not be deemed impaired or abridged by reason of any provision contained in this Charter. (Amended 11-4-75.)

ARTICLE IX

NOMINATIONS AND ELECTIONS

SEC. 1. MUNICIPAL ELECTIONS.

A general election for the choice of elective officers provided for in this Charter shall be held on the first Tuesday after the first Monday in November in odd numbered years. Elections so held shall be known as regular municipal elections.

Such other elections shall be held as may be required by law, or provided for in this Charter. (Amended 11-6-01)

SEC. 2. NOMINATIONS.

Each petition for the nomination of a candidate for the office of Mayor, President of Council, Director of Finance, Director of Law, and Council-at-Large shall be signed by not fewer than one hundred (100) electors of the Municipality. Each petition for the nomination of a candidate for an office designating the election by ward shall be signed by not fewer than twenty-five (25) electors from the designated ward. (Amended 11-6-01)

SEC. 3. PRIMARY ELECTIONS.

Candidates for all offices to be voted for at any municipal elections under the provisions of this Charter shall be nominated at a non-partisan primary election to be held in odd numbered years on the second Tuesday in September and at a time and place provided for by the County Board of Elections. (Amended 11-2-10.)

SEC. 4. DESIGNATION OF CANDIDATES.

The number of candidates for the office of Mayor, President of Council, Director of Finance, Director of Law, and Council-by-Ward at any regular municipal election in the City shall be the two (2) candidates on the primary election ballot receiving the highest number of votes at the primary election. The number of candidates for the office of Council-at-Large at any regular municipal election in the City shall equal the number of candidates filing a valid petition for the nomination of a candidate for the Office of Council-At-Large. The filing deadline for such petition for nomination of a candidate for the Office of Council-At-Large shall be the ninetieth (90) day before the primary election date as established in Charter Article IX, Section 3 .

In case there shall not be more than two (2) persons who shall have filed petitions for the office of Mayor, President of Council, Director of Finance, Director of Law, and Council-by-Ward, as provided for in this Charter, then said persons shall be the candidates at the regular municipal election and the primary election for the office not exceeding two (2) persons shall not be held. All persons who shall have filed petitions for the office of Council-at-Large as provided for in the Charter shall be the candidates at the regular municipal election.

Anyone who has not properly filed a petition for the appropriate primary election as provided for in this Charter, shall be ineligible as a designated candidate in the regular municipal election. (Amended 11-3-15.)

SEC. 5. GENERAL PROVISIONS.

After each recurring Federal Census and within three months after the issuance of the proclamation by the Secretary of State, certifying the population of the City, or when there is annexed thereto, any territory, the Council shall redistrict the City into four (4) wards, if necessary, so as to have each ward as nearly equal in population as practicable and which shall be bounded by county lines, streets, alleys, avenues, public grounds, canals, water courses, municipal corporate lines, or center lines of platted streets in said ward.

Where no special provision is made in this Charter governing general, primary, or special election, registration and the conduct of such elections, the provisions of the general law of the State of Ohio shall control. (Amended 11-2-10)

ARTICLE X

INITIATIVE, REFERENDUM AND RECALL

SEC. 1. INITIATIVE.

The electors shall have the power to propose any ordinance or resolution excepting an ordinance appropriating money, and to adopt or reject the same at the polls, such power being known as the initiative. An initiated ordinance or resolution shall be submitted to Council by a petition signed by at least ten percent (10%) of the electors voting at the last regular municipal election. When so submitted, the Clerk of Council shall determine the sufficiency and if sufficient the Council shall take final action, either enacting, amending, or rejecting the proposed ordinance, within forty (40) days after submission. If Council fails to pass such proposed ordinance or resolution or passes it in some form different from that set forth in the petition therefor, the petitioners through the committee named on such petition may by the next regular meeting of the Council request in writing that it be submitted to a vote of the electors. Thereupon, Council shall provide for submitting the petitioned ordinance or resolution to the electors at the next general or regular municipal election occurring more than ninety (90) days after the filing of such petition, but if such petition is signed by at least twenty percent (20%) of such electors, the date of the election may be fixed therein, which may be a special election to be held at any time more than ninety (90) days after the filing of such petition.

SEC. 2. REFERENDUM.

Within thirty (30) days after the enactment by Council, of any ordinance or resolution which is subject to a referendum under the laws of the State of Ohio, a petition signed by no less than ten percent (10%) of the total electors voting at the last regular municipal election, may be filed with the Council, requesting the ordinance or resolution be repealed, or submitted to a vote of the electors. When said petition is filed the Clerk of the Council shall first ascertain the sufficiency of the petition, and, if found sufficient, the Council shall thereupon, within thirty (30) days of the filing of such petition reconsider such ordinance or resolution. If Council fails to repeal said ordinance or resolution within thirty (30) days the Council shall submit to a vote of the electors at the next general or regular municipal election occurring more than ninety (90) days after the filing of such petition, but if such petition is signed by at least twenty percent (20%) of such electors,

the date of the election may be fixed therein, which may be a special election to be held at any time more than ninety (90) days after the filing of such petition.

SEC. 3. RECALL.

Electors shall have the power to remove from office by recall election, any elected official of the municipality. After an elected official has served six months of his/her term, a petition demanding his/her recall and removal may be filed with the Clerk of Council. Such a petition shall be signed by electors eligible to vote for the office to which the recall petition is directed equal in number to twenty-five percent (25%) of the total votes cast for such office at the last election therefor. If the Clerk shall find the petition sufficient he shall promptly so certify to the Council, shall deliver a copy of such certificate to the official whose removal is sought and make a record of such delivery. If such official shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall fix a day for holding a recall election not less than thirty (30) days, nor more than forty-five (45) days from the date of delivery. At such recall election this question shall be placed on the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast shall be voted negatively, then such official shall be considered as removed, his/her office shall be deemed vacant and such vacancy shall be filled as provided in this Charter. The official removed by such recall election shall not be eligible for appointment to the vacancy created thereby. (Amended 11-3-70.)

SEC. 4. GENERAL PROVISIONS.

The manner of signing, the method of circulating, the form and requirements as to the affidavit, and the other requirements of the general law regulating initiative, referendum and recall petitions, shall apply in the case of initiative, referendum and recall in this municipality, except as otherwise provided in this Charter. (Amended 11-8-05.)

SEC. 5. REQUIRED WARD APPROVAL.

In addition to the other requirements of Article X of the Charter relating to initiative and referendum, no initiative or referendum measure, proposing a change in the zoning classification of any parcel or parcels of land in the City, shall pass at any election unless it is approved by a majority vote in the ward or wards in which any part of the parcel or parcels is located.
(Added 5-4-99.)

ARTICLE XI FRANCHISE

SEC. 1. FRANCHISES.

The Council may by ordinance grant a non-exclusive franchise to any person, firm, or corporation to construct or operate a public utility on, across, under, over, or above any public street or real estate within the City for a period not in excess of twenty-five (25) years; and it may prescribe in the ordinance the kind or quality of service or product to be furnished, the rate or rates to be charged therefor, and such other terms as Council shall deem conducive to the public interest. Such franchise agreements may be amended or renewed in a manner subject to the provisions established by this Charter for original grants. No consent of any owner of property abutting on any public street or real estate shall be necessary to the effectiveness of any such grant, amendment, or renewal.

All grants, amendments, and renewals shall be made subject to the continuing right of the Council to provide reasonable regulations for the operation of such utilities with reference to such streets and public real estate, including the right to require such reconstruction, relocation, alteration, or removal of structures and equipment used in such streets or public real estate as shall, in the opinion of Council, be necessary in the public interest.

(Amended 11-4-97.)

SEC. 2. AGGREGATE BARGAINING.

The Council may by ordinance create aggregations of utility consumers located within the City for the purposes of aggregate, collective, or conjunctive billing and bargaining with utility providers providing utility services. Such aggregations may consist of all or some of the utility consumers within the City, if the ordinance so provides. The consent of individually affected utility consumers within the City shall not be necessary in order to establish such aggregations. (Amended 11-4-97.)

ARTICLE XII AMENDMENTS TO CHARTER

This Charter may be amended by either of two methods. The Council may by an affirmative vote of at least two-thirds of its members eligible to vote, submit to the electors any proposed amendment or amendments to this Charter; or upon petition signed by not less than ten percent (10%) of the registered electors of the City setting forth any proposed amendment or amendments to this Charter, the Council shall forthwith submit such proposed amendment or amendments to the electors in accordance, in each instance, with the provisions of the Constitution and laws of Ohio now or hereafter in effect. The Council shall determine the manner of submission of any proposed amendment or amendments to the electors to the extent that such submission is not governed by this Charter or the Constitution or the laws of the State of Ohio.

ARTICLE XIII

GENERAL PROVISIONS

SEC. 1. EFFECTIVE DATE OF CHARTER.

For the purpose of nominating and electing officers of this City and fixing the compensation of those to be elected in 1961, this Charter, shall be in effect from and after the date of its approval by the electors and for all other purposes the Charter shall be in effect on and after the first day of January 1960.

SEC. 2. SAVING CLAUSE.

The determination that any part of this Charter is invalid shall not invalidate or impair the force or effect of any other part hereof except to the extent that such other part is wholly dependent for its operation upon the part declared invalid.

SEC. 3. EFFECT OF THE CHARTER UPON EXISTING LAWS AND RIGHTS.

The adoption of this Charter shall not affect any pre-existing rights of the City, or any right or liability or pending suit or prosecution, either on behalf of or against the City or any officer thereof, nor any franchise granted by the City, nor pending proceedings for the authorization of public improvements or the levy or assessments therefor. Except as a contrary intent appears herein, all acts of the Council of the City shall continue in effect until lawfully amended or repealed.

SEC. 4. INTERPRETATION OF THE CHARTER.

The Article and Section headings herein have been inserted for convenient reference and are not intended to define or limit the scope of, or otherwise affect any provision of this Charter.

ARTICLE XIV

CHARTER REVIEW COMMISSION

(a) Membership. There is hereby established, effective January 1, 2004, a standing Charter Review Commission. The Commission shall consist of seven (7) members, four of whom shall be appointed by the City Council and three by the Mayor. The members shall be appointed for terms of five years each and shall serve without compensation. Upon expiration of said term of office of a member, his/her or her successor shall be appointed for a term of five years. A vacancy occurring during the term of any member shall be filled for the unexpired term in the same manner as authorized for the original appointment. The Mayor shall have the right to remove any appointed member for cause with the approval of two-thirds (2/3) of the members of the Council.

(b) Duties and Powers. The Charter Review Commission shall have the following duties and powers, which shall be performed at meetings held open to the public:

- (1) In January, 2005, and every five (5) years thereafter, the Commission shall meet to review the City Charter and, within six (6) calendar months after such first meeting, shall recommend to Council such alterations, revisions, and amendments, if any, to the Charter as in its judgment are desirable. Council shall review the recommendations of the Charter Review Commission and, in its discretion, may thereafter submit to the electors any or all of the proposed alterations, revisions, and/or amendments in the manner provided for in Article XII of the Charter.
- (2) In addition to the Charter review procedure set forth in paragraph (1) above, City Council shall refer to the Charter Review Commission for review and recommendation all ordinances and resolutions introduced before Council that propose amendments to the City Charter. The Charter Review Commission shall meet regarding any such amendments proposed by City Council, and, within sixty (60) days following referral from City Council, file a written report with the Clerk of Council containing a summary of the Commission's review of the proposal and the Commission's recommendations regarding the proposal. The City Council shall take no final action regarding any such ordinance or resolution during said sixty-day period.
- (3) The Charter Review Commission shall have authority to promulgate rules for its proceedings, not inconsistent with any provision in the Charter or Codified Ordinances of the City, and shall further perform such other duties, consistent with its Charter function, as may be imposed upon it by ordinance of Council.

(Amended 11-4-03.)

ARTICLE XV

OPEN MEETINGS

SEC. 1. ALL MEETINGS OF PUBLIC BODIES TO BE OPEN; EXCEPTIONS.

Any provision of this Charter or general State law notwithstanding, the meetings of every public body of the City of North Olmsted shall be open to the public at all times, unless a majority of the public body determines that it is necessary to hold an executive session, closed to the public, solely for the purpose of considering any of the following matters:

- (a) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaint against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing. Except as otherwise provided by law, no public bodies shall hold an executive

session for the discipline of an elected official for conduct related to the performance of his/her official duties or for his/her removal from office. If a public body holds an executive session pursuant to this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed herein are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting;

- (b) To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of a public body shall use this division as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers. If the minutes of the public body show that all meetings and deliberations of the public body have been conducted in compliance with this section, any instrument executed by the public body purporting to convey, lease, or otherwise dispose of any right, title, or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned;
- (c) Conferences with an attorney for the public body concerning disputes involving the public body which are the subject of pending or imminent court action;
- (d) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;
- (e) Matters required to be kept confidential by federal law or rules or state statutes;
- (f) Specialized details of security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.

If a public body holds an executive session to consider any of the matters listed in Paragraphs (b) through (f) of this section, the motion and vote to hold an executive session shall state which one or more of the approved matters listed in those divisions are to be considered at the executive session. (Enacted 5-8-90.)

SEC. 2. DEFINITIONS.

As used in this Article:

- (a) "Public body" means Council, or any board, commission, committee, or similar decision making body of the City of North Olmsted;
 - (b) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members.
- (Enacted 5-8-90.)

ARTICLE XVI NONSUBSTANTIVE CHARTER LANGUAGE SEC. 1. PURPOSE.

It is recognized that, from time to time, this Charter has been found to contain typographical errors, obsolete historical references and other language which is nonsubstantive and which may be corrected, deleted or modified without substantively affecting the powers granted to or the duties imposed upon the City by the Charter. It is anticipated that, in future Charter revisions and amendments, and also due to merely the passage of time, this problem will likely recur. In order, therefore, to provide a mechanism to correct, delete or modify such nonsubstantive language effectively without the necessity of submitting each such proposed change to a vote of the people, the following procedure is hereby established which grants Council limited authority by ordinance to correct, delete, or modify nonsubstantive charter language. (Added 11- 6-90.)

SEC. 2. CORRECTING, DELETING, MODIFYING NONSUBSTANTIVE CHARTER LANGUAGE.

(a) Charter Review Commission Recommendations. In making its recommendations to Council prescribed in Article XIV of this Charter, the Charter Review Commission shall specifically in writing, advise Council of nonsubstantive language within the Charter which the Commission believes should be corrected, deleted, or modified.

(b) Council Action; Review by Director of Law; Public Hearing. Council, upon receiving the Charter Review Commission's advice concerning nonsubstantive charter language, shall request from the Director of Law a written opinion as to whether the Charter language in question is, in fact, nonsubstantive, and whether the language may be effectively corrected, deleted or modified without substantively affecting the powers granted to or the duties imposed upon the City by the Charter. Upon receiving an affirmative reply from the Director of Law as to each of these areas of inquiry, Council may, by ordinance, make the corrections, deletions, or modifications of nonsubstantive Charter language recommended by the Charter Review Commission. In enacting such legislation, Council shall, in addition to the requirements set forth in Article IV, Section 11 of this Charter, advertise such ordinance by title and text, in a newspaper of general circulation within the City, on three separate dates with at least two weeks separating each publication. Each

publication shall also contain the date, time and location of a public hearing concerning the ordinance, which shall occur no later than thirty days after, and no earlier than five days before the last date of publication. Said ordinances shall be read on three separate dates, and the public hearing upon the ordinance shall be held on a date between the first and third readings. The ordinance shall not be passed under suspension of any rule of Council, and shall be approved, if at all, by a vote of at least three fourths (3/4) of the members of Council eligible to vote. Upon its passage, the ordinance shall go into effect no earlier than the thirtieth day thereafter. Such ordinance may not be designated by Council as an emergency measure.

In the event that the Director of Law renders an opinion that all or some of the recommendations of the Charter Review Commission involve substantive charter language or language which may not be corrected, deleted or modified without substantively affecting powers granted to or duties imposed upon the City, then Council, consistent with the procedure set forth above may introduce and enact legislation only upon those recommendations of the Charter Review Commission which the Director of Law determines involve nonsubstantive charter language and language which may be corrected, deleted, or modified without substantively affecting powers granted to or duties imposed upon the City.

(c) The Charter of the City shall from time to time, when recodified or republished, be amended so that all gender references shall be modified or rewritten, so as to be gender neutral.

(Amended 11-2-10.)

CODIFIED ORDINANCES OF NORTH OLMSTED