

LOM:raf
06/23/2020

Presented by: Mr. Megyes
Mrs. Debevec
Mr. Heitic
Mr. Greer
Mrs. Angeloff
Mr. Griffin
Mr. Jaber
Mrs. Coburn
Mrs. Frey

ORDINANCE NO. 76-2020
Sponsored by: Mr. Griffin

TITLE: PROPOSED CHARTER AMENDMENT
PLANNING COMMISSION / PLANNING DIRECTOR

AN ORDINANCE TO PROVIDE FOR AN ELECTION ON A PROPOSED CHARTER AMENDMENT FOR THE CITY OF BARBERTON REGARDING THE APPOINTMENT OF THE DIRECTOR OF PLANNING, AND FOR GIVING NOTICE THEREOF, AND DECLARING AN EMERGENCY.

WHEREAS, the voters of the City of Barberton at the general election held in this City on November 6, 1973, adopted by a majority vote the Barberton City Charter; and

WHEREAS, pursuant to Section 12.02 of this Charter, a Charter Review Commission was duly appointed and submitted the following recommendation to Council; and

WHEREAS, pursuant to Section 12.01 of this Charter, Council may, by a 2/3's affirmative vote, submit any proposed amendment(s) to this Charter to the electors in accordance with the provisions of the Constitution and laws of Ohio.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio:

SECTION 1. That in accordance with Section 12.02 of the Barberton City Charter, the Council hereby directs the Summit County Board of Elections that certain proposed Charter amendments be placed before the electors of the City of Barberton at the general election to be held on November 3, 2020, and that the proposed amendments be stated on the ballot as follows:

1. That Section 6.01(b), "Planning Commission – Powers and Duties," of the Charter regarding the Planning Commission and the Director of City Planning be amended, with the language to be deleted shown in ~~striketrough~~ and the language to be added shown in **bold**, which reads as follows:

SECTION 6.01. PLANNING COMMISSION

(a) Membership and Organization. There is hereby established a Planning Commission which shall consist of a total of five (5) citizen members who shall be electors of the Municipality, not holding other Municipal office or appointment. The Mayor shall appoint each member of the Planning Commission, with confirmation by a majority of Council, for a term of four (4) years to serve without compensation unless otherwise provided by ordinance.

Any vacancy occurring during the term of any member shall be filled for the unexpired term in the manner authorized for an original appointment.

The Commission shall choose from its five (5) members a Chairman, Secretary and such other officers as it shall deem necessary, shall make its own rules and regulations, and shall keep a journal of its proceedings. The Commission shall appoint or reappoint its officers at its regular meeting in January of each year.

The Commission shall, at its first meeting in January of each year, adopt a schedule of meeting dates for the calendar year. The Commission shall schedule at least one (1) meeting in each of not fewer than eleven (11) months in each year. Meetings shall be open to the public and a record shall be kept showing the vote of each member on each question. A majority of the voting membership of the Commission shall constitute a quorum for the transaction of business. The affirmative vote of three (3) voting members of the Commission shall be necessary for any official action.

The Mayor, the Director of City Planning, and a member of Council selected annually by Council from its committee having responsibility for planning and zoning matters, shall be ex-officio members of the Commission and shall have all the powers, duties and rights of any other member of the Commission except that they shall not have the right to vote on any issue.

(b) Powers and Duties. **There shall be a Director of City Planning who shall be the head of the Planning Department. He/she shall be appointed by and shall serve at the pleasure of the Mayor.** ~~The Commission shall appoint and provide for the duties of a Director of City Planning who shall serve at the pleasure of the Commission. The Commission may provide for such other employees as are necessary for the execution of its duties. Such other full-time employees authorized by the Commission shall be certified and classified under Civil Service rules and regulations.~~

Council shall appropriate sufficient funds each year to carry out the planning and zoning provisions of this Charter.

The Planning Commission shall act as the platting Commissioners of the Municipality, and as such it shall have control of planning and shall provide regulations relating to the platting of all lands within the Municipality so as to secure the harmonious development thereof in accordance with the official master plan for the entire Municipality.

It shall make such regulations as it deems necessary as to the manner in which streets and other public ways shall be graded and improved and the manner in which and the extent to which water, sewer and other utility mains, piping or other facilities shall be installed, and in addition may establish any other conditions precedent to the approval of a proposed plat.

The Planning Commission shall maintain a comprehensive general plan to be known as the official master plan which shall provide for the overall development of the Municipality and shall review said plan periodically and may revise the same as it deems necessary.

The Commission may make, review, and revise such other plans and maps of the whole or any portion of the Municipality, where said plans or maps, in the opinion of the Commission, bear a reasonable relation to the planning of the Municipality, provided that said plans or maps are not found to be in conflict with an approved comprehensive general plan.

It shall have such powers as may be conferred upon it by ordinance of Council concerning the plan, design, location, removal, relocation, and alteration of any public building or structure or any building or structure located on public streets or property; the location, relocation, widening, extension and vacation of streets, alleys, public ways, parks, playgrounds, recreation areas, parkways, and other public places; the regulation and restriction of the location of buildings and other structures and of premises to be used for trade, industry, residence, or other specified uses; the regulation and limitation of height of buildings and other structures to be erected or altered; the regulation of the bulk and location of buildings and other structures to be erected or altered, including the percentage of lot occupancy, setback building lines, and the area of yards, courts and other open spaces; the zoning and rezoning of the Municipality for any lawful purpose; and such other powers as now or may hereafter be conferred upon it by ordinances or by the general law to the extent not inconsistent with this Charter or such ordinances.

(c) Mandatory Referral. No public building, street, boulevard, parkway, park, playground, dock, bridge, tunnel, publicly or privately owned utility or part thereof shall be constructed or authorized to be constructed in the Municipality; 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 adopted unless and until the action

proposed to be taken, or the ordinance or regulation proposed to be adopted, shall have been submitted to the Planning Commission for report and recommendation. Any matter so referred to the Planning Commission shall be acted upon by it within sixty (60) days from the date of referral unless an additional period of time not to exceed thirty (30) days is provided by Council. If the Planning Commission shall fail to make a report and recommendation on such matter within the time allotted, it shall be deemed to have approved such matter. Any resolution, ordinance or order, or any part of provision thereof, disapproved by formal action of the Planning Commission shall require a two-thirds (2/3) vote of the entire Council's voting membership for adoption or authorization.

(d) Qualification for Director. The Director of City Planning shall have at least the following minimum qualifications at the time of original appointment to the position of Director: Bachelor degree in planning or a related field, as recognized by the American Planning Association.

That the ballot language for the election of the above-proposed amendments shall be as follows:

YES NO Shall Section 6.01(b) of the Charter be amended to eliminate the authority for the Planning Commission to hire the Director of Planning and any other full-time employees?

SECTION 2. That the Clerk of this Council is hereby directed to immediately forward a certified copy of this ordinance to the Summit County Board of Elections.

SECTION 3. That the Summit County Board of Elections shall cause notice of the election to be held on November 3, 2020, on the question of the proposed amendments of the Charter of the City of Barberton to be given in the manner provided by law and shall prepare ballots and otherwise conduct and supervise such election and canvas and certify the results thereof in the manner provided by law.

SECTION 4. That the Clerk of this Council is hereby directed to either (1) cause copies of the proposed Charter amendments to be printed or otherwise legibly reproduced and to cause copies of said proposed Charter amendments to be mailed to each elector of this City whose name appears on the registration books of the last general election held in this City, as provided by Article XVIII, Section 8 of the Constitution of the State of Ohio or (2) publish the full text of these proposed Charter Amendments in accordance with Ohio Revised Code Section 731.211.

SECTION 5. That there is hereby appropriated from the general fund a sufficient sum of money to pay the costs of carrying out the authorization and directions of this ordinance.

SECTION 6. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, and for the reason that it concerns the efficient operation of the City because of the necessity of filing a certified copy of this ordinance with the Board of Elections by a certain date, and it shall, therefore, be in full force and effect immediately upon its passage and approval by the Mayor.

Passed _____ 2020

Clerk of Council

President of Council

Approved _____ 2020

Mayor