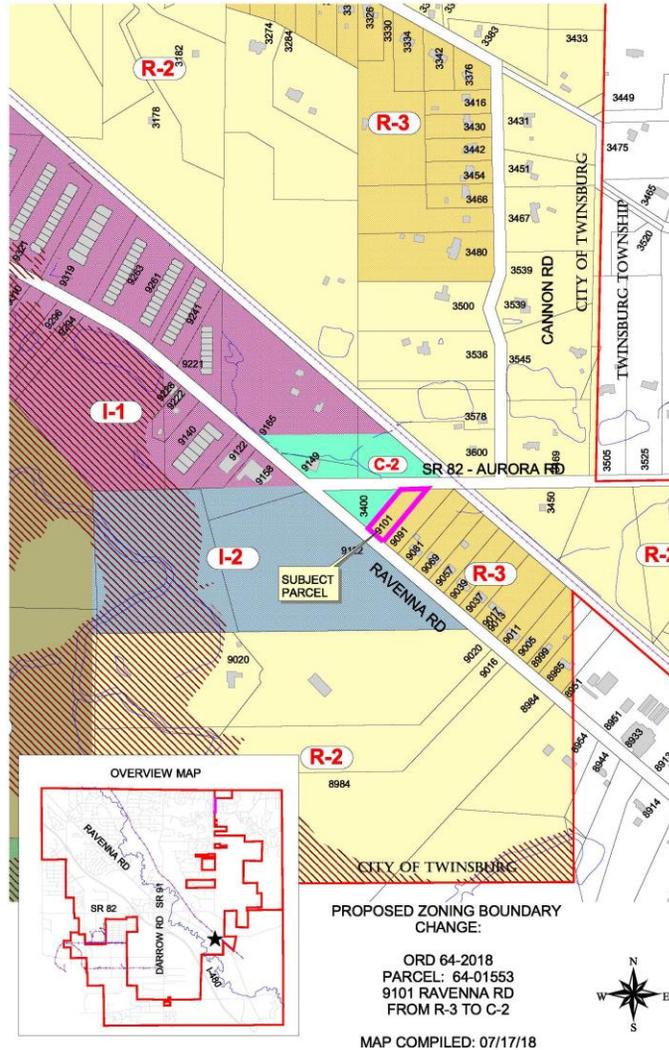


Issue #30

Rezoning of 9101 Ravenna Road (Parcel 64-01553)

Proposed Zoning Amendment

Shall Ordinance 64-2018 rezoning certain property located at 9101 Ravenna Road, Twinsburg, Ohio (Parcel #64-01553) from R-3 (Residential) use to C-2 (Commercial) use be approved?



Issue #31

Article III of the Charter of the City of Twinsburg regarding The Council

Proposed Charter Amendment

Shall Article III of the Charter of the City of Twinsburg be amended to require sitting members of Council who have two years or more left in their Council terms to resign their Council seat before filing petitions to run for any other Council seat; eliminate references to the defunct "Twinsburg Development Foundation"; allow for Council members to be notified of special Council meetings by electronic mail; and require legislation that specifically authorizes the expenditure of money to be read on three (3) different days unless five (5) members of Council vote to suspend this rule?

ARTICLE III THE COUNCIL

SECTION 3.01 COUNCIL - NUMBER AND TERMS.

All the legislative powers of the 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) voting members, five (5) of whom shall be elected from wards, and two (2) at large. The Mayor shall be considered a member of Council pursuant to Section 4.05 B of the Charter.

Council members-Elect shall assume office on the 1st day of December next following their election. The regular term of Councilmember shall be four (4) years.

SECTION 3.02 WARDS - DISTRICTING COMMISSION.

- A. Wards. The City shall, by this Charter, be divided into five (5) wards, and one (1) Councilmember shall be elected from each ward, and two (2) Councilmembers elected from the City at large.
- B. Districting Commission. The Council shall appoint five (5) qualified voters, one from each ward of the City, determined from the registration from the last general election, who shall comprise the Districting Commission. The voters chosen shall not be employed by the City in any other capacity. ~~excepting therefrom members of the Twinsburg Development Foundation.~~
- C. Report/Specifications. By the tenth (10th) day of January at least every five (5) years from the date of the report of the last preceding Districting Commission, or as often as necessary to comply with the statutes of the State of Ohio, said Commission shall file with the

Clerk of Council a report containing a recommended plan for adjustment of the Council ward boundaries to comply with these specifications:

1. Each ward shall be formed of compact, contiguous territory.
2. Each ward shall contain as nearly as possible the same number of qualified voters, determined from the registration for the last statewide general election, but wards shall not differ in size by more than ten percent (10%) of the voters in the smallest ward created.

This report shall include a map and description of the wards recommended and shall be drafted as a proposed ordinance. Once filed with the Clerk, the report shall be treated as an ordinance introduced by a Councilmember, but shall be subject to amendment or deletion in whole or in part by a majority vote of Councilmembers so long as the above specifications are complied with. The Council may, by ordinance, provide for the creation of a Districting Commission to convene and report at such earlier dates as it deems advisable.

- D. Procedure. The procedure for the Council's consideration of the report shall be the same as for other ordinances. It must include both the map and description of the recommended wards.
- E. Failure to enact ordinances. The Council shall adopt the ordinance as recommended or amended at least one hundred eighty (180) days before the next regular municipal election. If the Council fails to do so by such date, all Councilmembers to be elected at such election shall be elected at large and shall serve as Councilmembers-at-Large until their terms of office expire. After such an election at large, the Districting Commission shall convene and adjust the ward boundaries in accordance with the specifications, requirements and procedure earlier provided in this section, except that the ordinance shall be enacted at least one hundred eighty (180) days before the next regular municipal election following such election at large.
- F. Effect of enactment. The new Council wards and boundaries, as of the date of enactment, shall supersede previous Council wards and boundaries, for all purposes of the next election. The new wards and boundaries shall supersede previous wards and boundaries for all other purposes as of the date on which all Councilmembers elected at that regular election take office.

SECTION 3.03 COUNCIL QUALIFICATIONS.

In addition to the qualifications contained in Section 8.04, a Councilmember elected to represent a ward, shall have been for at least one (1) year immediately prior to the date of the Councilmember's election, and during the Councilmember's term of office shall continue to be a resident of the ward from which the Councilmember was elected or a resident of the territory annexed thereto or a resident of the territory affected by redistricting. Whenever ward boundaries become amended, the same shall take effect at the earliest period allowed by law, however, no Councilmember shall be displaced thereby and such

Councilmember shall continue to serve the original ward district from which the Councilmember was elected until the expiration of the Councilmember's term in office.

Any sitting Councilmember, who has two (2) or more years left on their current term, shall be prohibited from running for a different Council seat without first resigning his/her current seat on Council. Such resignation shall take place prior to the Councilmember filing petitions with the Board of Elections for the new Council seat.

SECTION 3.04 ELECTION OF PRESIDENT OF COUNCIL.

Council, at its first regular meeting in December of each calendar year, shall elect one of its members as President of Council for a term of one year upon concurrence of a majority of members elected or appointed to Council.

At the same meeting, Council shall elect a Vice President of Council for a term of one year upon the concurrence of a majority of the members elected or appointed.

SECTION 3.05 REMOVAL.

(EDITOR'S NOTE: Section 3.05 was repealed by Charter amendments passed November 4, 1980, which created Section 9.04 providing uniform standards for removal of all City officers.)

SECTION 3.06 VACANCIES.

Any vacancy in the Office of Councilmember, except as otherwise provided in this Charter, shall be filled by appointment by a majority vote of the remaining members of Council. If any such vacancy in the Office of Councilmember is not filled within thirty (30) days, the Mayor shall fill such vacancy by appointment of a person qualified under the provisions of Section 3.03 of the Charter.

The appointee shall hold office for the unexpired term of the member in whose office the vacancy occurred or until a successor to such vacant office is elected and qualified as required by this Charter. No person who resigns or is removed from the Office of Councilmember shall be reappointed for the balance of the term of office from which the member resigns or is removed.

A successor to the vacated council seat shall be elected by the electors of the Municipality in the event the vacancy occurs in the Office of Councilmember at Large, or by the electors of the ward in the event the vacancy occurs in the Office of Ward Councilmember, at the next regular Municipal election for such seat provided that:

1. Such election occurs more than two (2) years prior to the expiration of the term of the office vacated; and
2. Such vacancy occurs more than sixty (60) days prior to such election.

SECTION 3.07 MEETINGS OF COUNCIL.

All meetings of Council shall be open to the public and in accordance with Section 121.22 Revised Code of the State of Ohio.

- A. Regular Meetings. At the first regular meeting of Council in December of each calendar year, the Council shall convene and organize at the Council Chambers of the City. Thereafter, the Council shall meet at such times as may be prescribed by its rules, regulations or by ordinance except that it shall hold regular meetings on the second and fourth Tuesday of each month providing that when a regular meeting date falls on a holiday or holiday eve Council or, due to other extenuating circumstances, may, by motion, reschedule such meeting date. Meetings shall commence as close as possible to published starting time. After the first meeting in July, the Council shall not be required to hold another meeting until the last scheduled meeting in August. (Amended November 6, 2001)
- B. Special Meetings. Special meetings of the Council may be called in accordance with and as provided for by the rules, regulations or bylaws adopted by the Council. In absence of such provisions, special meetings may be called by a vote of the Council taken at any regular or special meeting thereof, or shall be called by the Clerk of Council upon written request of the Mayor, or three (3) members of Council. Any such request shall state the time, place and date thereof, and the subject or subjects to be considered at the meeting, and no other subject or subjects shall be considered thereat. Notice in writing of each such special meeting called at the request of the Mayor, or the three (3) members of Council, shall be given to each member of Council and the Mayor, by serving on each of them personally or **by electronic mail at their e-mail address(s) provided to the Clerk for City Council business,** ~~leaving a copy thereof at his usual place of residence,~~ not less than twelve (12) hours preceding the date and hour of such meeting. Service of such notice may be waived in writing. ~~(Amended November 7, 2000)~~

SECTION 3.08 QUORUM.

Four (4) members of Council shall constitute a quorum to do business but a lesser number may adjourn.

SECTION 3.09 RULES AND JOURNAL OF COUNCIL.

- A. Rules/Journal. Council shall adopt its own rules, regulations and bylaws and shall keep a journal of all of 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 Councilmember shall be entered upon the journal. Council shall elect its own committees and committees shall elect their own chairpersons. No committee shall consist of more than three (3) Councilmembers.
- B. Clerk of Council. The Council shall appoint the Clerk of Council. The Clerk shall attend all regular and special meetings of the Council and keep a record of its proceedings and all rules, bylaws, resolutions, ordinances and motions passed or adopted, which shall be subject to the inspection of all persons interested. The Clerk shall authenticate all records, documents and instruments of

the City of which authentication is proper and for that purpose, shall have and use a seal, which shall be the seal of the City. Failure to affix the seal shall not affect the validity of any instrument. (Amended November 2, 1976)

SECTION 3.10 ORDINANCES AND RESOLUTIONS.

All legislative action by the Council shall be by ordinance or resolution introduced in written or printed form, and on the passage of each ordinance or resolution, the vote shall be taken by yeas and nays, entered upon the journal, but this shall not apply to the ordering of an election.

No bylaw, ordinance or resolution of a general or permanent nature, or granting a franchise, or creating a right, **or specifically authorizing** involving the expenditure of money, or the levying of a tax, or for the purchase, lease, sale or transfer of property, shall be passed unless it has been fully and distinctly read on three (3) different days, **unless five (5) members of Council vote to suspend this rule.** ~~and with respect to any such bylaw, ordinance or resolution, there shall be no authority to dispense with this rule except by a vote of five (5) members of Council taken by yeas and nays on each bylaw, ordinance or resolution and entered upon the journal.~~

Whenever Council is required to pass more than one ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, Section 9.02 of Article IX of this Charter shall apply only to the first ordinance or other measure required to be passed, and not to any subsequent ordinance and other measures relating thereto. Ordinances or other measures providing for the appropriation of the current expenses of the Municipality or for street improvements petitioned for by the owners of a majority of the foot front of the property benefited and to be especially assessed for the cost thereof, and emergency ordinances or measures necessary for the immediate preservation of the public peace, health or safety in the Municipality, shall go into immediate effect. Such emergency ordinances or measures must receive a vote of five (5) members of Council, and the reason for such emergency shall be set forth in one section of the ordinance or preamble. All other ordinances or other measures, except those subject to referendum, shall go into effect upon passage, or at such other time as may be provided therein.

No action of the Council in authorizing the surrender of any of its powers or in granting any franchise, or in contracting for the supply to the Municipality or its inhabitants of the product or service of any utility, whether municipally owned or not, shall be taken as an emergency measure.

Except as otherwise provided in this Charter, the adoption, rejection, amendment, authentication and recording, time of taking effect and the signing of every ordinance, resolution, bylaw or measure shall be in the manner provided by the laws of the State of Ohio as the same apply to cities.

SECTION 3.11 POWERS.

All the legislative power of the City and the determination of all matters of policy shall be vested in the Council. Without limitation of the foregoing, the Council may by ordinance make provision differing from the general law with respect to:

- a. The time and place of regular meetings of the Council, subject to the provisions of Section 3.07 of this Charter.

- b. The method of calling special meetings of the Council.
- c. The method of giving public notice of the enactment of its ordinances and adoption of its resolutions, and of any other of its acts or proceedings which it deems proper to publish.
- d. The procedure for making public improvements and the levying of assessments, including the procedure for combining two or more public improvements in one proceeding if the Council finds that it will be economical and practical to undertake such improvements jointly.
- e. The making, advertising and awarding of contracts, except as provided in Section 6.03 of this Charter.
- f. Such other general regulations as the Council may deem necessary, including regulations as to the custody and use by the Clerk of Council of an official seal which shall be the seal of the City.

SECTION 3.12 NON-ELIGIBILITY TO HOLD OFFICE.

No elected official shall become a full-time employee or appointed full-time official within one (1) year after leaving office.

Issue #32

Article IV of the Charter of the City of Twinsburg regarding The Mayor

Proposed Charter Amendment

Shall Article IV of the Charter of the City of Twinsburg be amended to provide for a vacancy in the office of Mayor to be filled by election if more than six months remain in the term when the vacancy occurs, such election to be held on the day of the next primary or general election that occurs more than 90 days after the vacancy occurs; provide for any individual who becomes Acting Mayor as a result of a vacancy to be compensated as an elected Mayor would be or to serve part time with pro rata compensation; entitle the Mayor to the benefits of other full time employees; establish the compensation of the Mayor at 5% above the highest paid Department Head except the Law Director; and require that the Mayor's compensation be increased only at the same percentage rate granted all other Department Heads?

ARTICLE IV THE MAYOR

SECTION 4.01 ELECTION OF MAYOR.

The Mayor shall be elected by the popular vote of the electors of the City and shall devote full time and attention to the discharge of the duties of the Mayor's office.

SECTION 4.02 MAYOR-TENURE AND QUALIFICATIONS FOR OFFICE

- A. The Mayor shall be elected for a four (4) year term.
- B. The Mayor shall have lived within the corporate limits of the City for a period of not less than two (2) years immediately prior to the date of the Mayor's election and during the Mayor's term of office, shall continue to be a resident of the City.

SECTION 4.03 REMOVAL.

There shall be no removal of the Mayor except through the recall provisions of Section 9.03 of this Charter.

SECTION 4.04 VACANCY IN OFFICE OF MAYOR.

- A. When ~~temporarily~~ the Mayor is ~~temporarily absent or inaccessible, or is~~ unable for any cause or reason to perform the Mayor's duties, the President of Council shall become the Acting Mayor, but shall not thereby cease to be Councilmember.

- B. In the event the Office of Mayor shall become vacant for any reason, the President of Council shall thereupon become the Acting Mayor and serve for the unexpired term if such term is not in excess of six (6) months, or shall serve until the filling of such vacancy by the electorate of the City **as set forth in Section D below**, but shall not thereby cease to be a Councilmember. If the President of Council is unable or unwilling to serve as Acting Mayor, the Vice President of Council shall thereupon become Acting Mayor and serve for the unexpired term if such term is not in excess of six (6) months, or shall serve until the filling of such vacancy by the electorate of the City **as set forth in Section D below**, but shall not cease to be a Councilmember.
- C. When neither the President or Vice President of Council is available or willing for any reason to perform the duties as Acting Mayor, then Council, by a vote of the majority of all members of Council, shall elect one of their members to serve as Acting Mayor and such member shall serve for the unexpired term if such term is not in excess of six (6) months, or shall serve until the filling of such vacancy by the electorate of the City **as set forth in Section D below**, but shall not cease to be a Councilmember.
- D. In the event of a vacancy in the office of Mayor, and the unexpired term of the Mayor is in excess of six (6) months, the office of Mayor shall be filled by the electorate of the City at an election. The election to fill the vacancy in the office of the Mayor for the remainder of the unexpired term shall be held at either the next Primary Election or the next General Election, whichever comes first, after the expiration of ninety (90) days after the vacancy occurs.
- E. In the event that any individual becomes the Acting Mayor as a result of vacancy in the office of Mayor, such Acting Mayor shall be entitled to be compensated in the same capacity as if he/she was duly elected to the position. Any Councilmember that accepts the position of Acting Mayor shall be permitted to do so in a part-time capacity at the pro rata compensation rate as if he/she was full-time. However, anyone serving in the capacity of Acting Mayor shall only be entitled to compensation as Acting Mayor and not councilmember. This provision shall not apply to any temporary absence or incapacity of the Mayor as contemplated in Section "A" above.

SECTION 4.05 POWERS OF THE MAYOR.

- A. Executive. The Mayor shall be the chief executive officer of the City. The Mayor shall supervise the administration of the City's affairs, and shall exercise control over all departments and divisions. The Mayor shall be the chief conservator of the peace within the City and shall see that all laws and ordinances are enforced therein. The Mayor shall be responsible for the preparation and submission of the annual estimate of receipts and expenditures, and appropriate measures, and shall at all times keep the Council fully advised as to the financial condition and needs of the City. The Mayor shall recommend to the Council such measures, as the Mayor deems necessary or expedient. The Mayor shall see that all terms and conditions imposed in favor of this City or its inhabitants in any franchise or contract to which this

City is a part are faithfully kept and performed.

The Mayor shall serve as the Director of Public Safety for the City and he/she shall serve in that capacity unless and until the Mayor appoints another individual to serve as the Safety Director.

Subject to provisions of the Civil Service Regulations and the provisions of this Charter, the Mayor shall have the power to appoint, promote, discipline, transfer, reduce or remove any employee of the City except: (a) those required by this Charter to be elected, and (b) those whose terms of office may be fixed by this Charter. All appointive officers shall serve at the pleasure of the Mayor. Members of all Commissions shall serve at the pleasure of the Mayor and Council.

The Mayor shall review annually the wages of all City employees and appointed officers of the City and submit the Mayor's recommendations to Council.

Unless otherwise provided for in this Charter, 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. The Mayor 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. The Mayor shall have his/her office at the City Hall. (Amended November 4, 2014)

- B. Legislative. The Mayor shall be entitled to a seat in Council but shall have no vote therein except the Mayor shall have a vote on appointments to all Boards and Commissions. The Mayor shall have the right to recommend and introduce legislation and to take part in the discussion of all matters coming before Council. Every ordinance passed or resolution adopted shall be signed by the President of Council or other presiding officer and presented promptly to the Mayor by the Clerk of Council. If the Mayor approves such ordinance or resolution the Mayor shall sign and return it to the Clerk of Council within ten (10) days after its passage or adoption by Council, but if the Mayor does not approve it, the Mayor shall deliver it, within ten (10) days, together with the Mayor's written objections thereto, to the Clerk of Council who shall forthwith return it to Council. The Mayor's objections shall be read at the next Council meeting and be entered in full on the journal of Council. The Mayor may approve or disapprove the whole or any section of an ordinance or resolution. When the Mayor disapproves any section of an ordinance or a resolution, it will not affect the remaining sections of such ordinance or resolution, but otherwise the Mayor's approval or disapproval shall be addressed to the entire ordinance or resolution.

If the Mayor does not return an ordinance or resolution within the time limit provided in this section, it shall take effect in the same manner as if the Mayor had signed it. When the Mayor

disapproves an ordinance or resolution, or any part thereof, and returns it to the Council with the Mayor's objections, Council shall, but not later than its next regular meeting, reconsider it and, if such ordinance, resolution or section, upon reconsideration is approved by the vote of at least two-thirds (2/3) of all members of Council, it shall become effective notwithstanding the veto of the Mayor. (Amended November 4, 2014)

- C. Judicial. The Mayor shall have all the judicial powers granted by the general laws of Ohio to mayors of cities, unless and until other lawful provisions shall be made for the exercise of such powers.
- D. Salary. The Mayor shall be entitled to all benefits currently afforded other full-time employees of the City. The salary of the Mayor shall be five percent (5%) above the salary of the highest paid Department Head in the City, excluding the Law Director, as established by ordinance adopted by Council. Should the salary of the highest paid Department Head decrease in any given year, the Mayor's salary shall not be reduced but shall only increase at the same percentage rate granted all other Department Heads. ~~When the salary of the Mayor as established by ordinance is the highest salary paid to any city employee or official, Council shall have no authority to raise said salary by more than 7%. Council shall not reduce the Mayor's salary.~~

Sec. 4.05 Powers of the Mayor

- A. Executive. The Mayor shall be the chief executive officer of the City. The Mayor shall supervise the administration of the City's affairs, and shall exercise control over all departments and divisions. The Mayor shall be the chief conservator of the peace within the City and shall see that all laws and ordinances are enforced therein. The Mayor shall be responsible for the preparation and submission of the annual estimate of receipts and expenditures, and appropriate measures, and shall at all times keep the Council fully advised as to the financial condition and needs of the City. The Mayor shall recommend to the Council such measures, as the Mayor deems necessary or expedient. The Mayor shall see that all terms and conditions imposed in favor of this City or its inhabitants in any franchise or contract to which this City is a part are faithfully kept and performed.

The Mayor shall serve as the Director of Public Safety for the City and he/she shall serve in that capacity unless and until the Mayor appoints another individual to serve as the Safety Director.

Subject to provisions of the Civil Service Regulations and the provisions of this Charter, the Mayor shall have the power to appoint, promote, discipline, transfer, reduce or remove any employee of the City except: (a) those required by this Charter to be elected, and (b) those whose terms of office may be fixed by this Charter. ~~The Director of Public Safety, the Director of~~

~~Public Service and a~~ All appointive officers shall serve at the pleasure of the Mayor. Members of all Commissions shall serve at the pleasure of the *Mayor and* Council.

The Mayor shall review annually the wages of all City employees and appointed officers of the City and submit the Mayor's recommendations to Council.

Unless otherwise provided for in this Charter, 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. The Mayor 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. The Mayor shall have his/her office at the City Hall.

Issue #33

Section 6.02 of Article VI of the Charter of the City of Twinsburg regarding Salaries and Bonds

Proposed Charter Amendment

Shall Section 6.02 of the Charter of the City of Twinsburg be amended to eliminate the power of Council to fix the compensation of the Mayor?

ARTICLE VI FINANCES

SECTION 6.02 SALARIES AND BONDS.

The Council shall have the power to fix the compensation of its members ~~and that of the Mayor~~ and the members of any boards or commission of the City, whether elected, appointed or chosen and shall establish bonds of the Clerk, the Mayor, police officers and other officials or employees, as may be determined by the Council, for the faithful discharge of the duties of the office. The premium on any bond required by the Council shall be paid by the City.

The compensation of each member of Council shall be uniformly fixed by the Council, but no change in compensation shall take effect unless approved by Council more than 120 days prior to the commencement of the term to which such change applies. No elected official shall receive compensation for serving in multiple capacities, except Council may grant additional compensation to its President.

Issue #34

Article VII of the Charter of the City of Twinsburg regarding Administrative Departments, Commission and Boards

Proposed Charter Amendment

Shall Article VII of the Charter of the City of Twinsburg be amended to require vacancies on Boards and Commissions that are less than full term be filled from the most recent list of applicants for a full-term appointment; eliminate the requirements that the terms of office of the Finance Director and Law Director be concurrent with that of the Mayor, that the appointments be made within sixty (60) days after the Mayor's term begins, and that the Finance Director and Law Director serve until a successor is appointed; to empower the Mayor to appoint the Police and Fire Chiefs, to eliminate the requirement that the Council approve the promotion, hiring, and appointment of personnel in the Police and Fire Divisions other than the Chiefs; eliminate the duty of the Public Safety Director to make and publish, with the approval of Council, rules for government of the Police and Fire Divisions and for the conduct and discipline of the members and personnel thereof; and eliminate references to the defunct "Twinsburg Development Foundation"?

ARTICLE VII ADMINISTRATIVE DEPARTMENTS, COMMISSIONS AND BOARDS

SECTION 7.01 GENERAL PROVISIONS.

The City shall have a Department of Law, Department of Finance, Department of Public Works, Department of Public Safety, Department of Parks and Recreation and Department of Community Planning and Development and Council shall provide by ordinance for the organization and duties thereof not provided in this Charter.

The City shall have the following Commissions, Boards and Commissions:

1. Civil Service Commission.
2. City Planning Commission.
3. Board of Zoning and Building Code Appeals.
4. Parks and Recreation Commission.
5. Capital Improvement Board.
6. Architectural Review Board and Historic Preservation Commission.
7. Districting Commission.
8. Environmental Commission.
9. Charter Review Commission.

The Council may by ordinance establish additional departments, and

commissions or divisions thereof, and provide for such boards, officers and employees as it may deem necessary. All boards and commissions of the City of Twinsburg shall make provision in all public meeting agendas for public participation and such participation shall take place prior to the voting on issues.

The Council may, by affirmative vote of five (5) members combine or abolish any department, division, board, commission, non-elective office or job classification created by Council, but may not combine or abolish any department, division, board, commission non- elective office or job classification created by this Charter.

The City shall invite eligible persons to apply for available appointments to boards and commissions by publishing notice of the terms of and qualifications for such appointments in a newspaper of general circulation within the City. Such notices shall appear once 60 days prior to the expiration date and once 30 days prior to the expiration date of the term of each such appointment. **Any vacancy in a board and/or commission, that is less than the full term, shall be filled from the most recent list of interested candidates that applied to the notice for full term appointments as set forth above. If no candidates are available or interested,** advertising notices for other than full term appointments shall appear at least 30 days prior to the making of such appointment.

Council shall make an appointment no later than the expiration date of the term. Applications shall be closed seven (7) days following the last published notice.

Members of boards and commissions appointed for a given ward shall remain eligible to serve when Ward residency changes due to redistricting and shall continue to represent the Ward from which originally appointed until the expiration of the term of appointment.

As pertains to all departments, commissions and boards, no person shall be appointed or in any way favored or discriminated against with respect to any appointive City position or administrative office because of race, sex, political or religious opinions or affiliations.

No elected officer or appointed employee of the City, whether engaged full time or part time shall have any interest in the conduct of his/her office other than his/her fixed compensation, nor shall the public office be used to promote a monetary advantage or to create any conflict of interest as such is defined by the laws of the State of Ohio.

SECTION 7.02 DEPARTMENT OF FINANCE.

A. The Mayor shall, subject to the approval of Council, appoint a Finance Director, who shall serve at the pleasure of the Mayor. **Said appointment shall be concurrent with the Mayor's elected term and shall expire at the end of each**

~~such term.— Said appointment shall be made within 60 days of the commencement of the Mayor's term and the previously appointed Director of Finance shall serve until the appointment is effective.~~

B. The Finance Director shall be in charge of the Department of Finance, and shall be the fiscal officer of the City and shall supervise the keeping of all the financial accounts of the City and the several departments and officers thereof. It shall be the Finance Director's duty to keep an accurate account of all taxes and assessments, of all the money due to and all receipts and disbursements by the City, of all the assets and liabilities of the City, and of all appropriations made by the Council. The Finance Director shall examine and approve if in proper order and sign all warrants. The Finance Director shall assist the Mayor and the Council in the preparation of estimates, budgets and appropriations and shall perform all other duties required by this Charter and by ordinance of Council. Until other provisions ~~are~~ **are** is made by Council, the Finance Director shall collect, receive, hold, deposit, invest and disburse the moneys and funds of the City in accordance with the Charter and all ordinances or other measures enacted by Council.

C. "Investment Board" - The investment of the City moneys shall be managed by the Twinsburg Treasury Investment Board in such manner as Council shall prescribe. The composition of such Board shall be as prescribed by Council, except that one (1) member of Council shall be a member of the Board.

SECTION 7.03 DEPARTMENT OF PUBLIC SAFETY.

A. The Director of Public Safety shall be the executive head of the Division of Fire and Division of Police, and shall be charged with the duty of enforcing all police, health and safety regulations that may be prescribed by the ordinances of the City or the general laws of the State of Ohio.

~~B.~~ The Division of Police shall consist of a Chief of Police **appointed by the Mayor** and such other officers, police officers and personnel, as **recommended by the Mayor and approved by** Council shall deem advisable. **All promotions, hiring and appointments, other than the Chief, all of whom** shall be appointed from the Civil Service Register by the Director of Public Safety. ~~with approval of Council.~~

~~C.~~ The Division of Fire shall consist of a Fire Chief **appointed by the Mayor** and such other officers and personnel as **recommended by the Mayor and approved by** Council shall deem advisable. **All promotions, hiring and appointments, other than the Chief, all of whom** shall be appointed from the Civil Service Register by the Director of Public Safety. ~~with approval of Council.~~

~~—D. The Director of Public Safety shall make and publish, with the approval of~~

~~Council, written rules for the government of the Divisions of Police, Fire and the conduct and discipline of members and personnel thereof.—(Amended November 2, 2004)~~

SECTION 7.04 DEPARTMENT OF PUBLIC WORKS.

The Department of Public Works shall consist of the Division of Public Service and Wastewater Treatment Division, for which Council shall provide, and of such other divisions and staffing as Council may provide.

The Director of Public Works shall:

- A. Manage and administer when established, the municipal utility undertakings of the City; promulgate such bylaws and regulations as (s)he deems necessary for the safe, economical and efficient management and protection of such utilities, which bylaws and regulations, when approved by Council, shall be enforced as ordinances if not in conflict with other ordinances or this Charter or the Constitution of the State of Ohio, and otherwise perform the functions and duties of the Board of Public Affairs of the City except as may be provided otherwise by the Charter.
- B. Supervise the improvements, maintenance and repair of City streets, alleys, lanes, sidewalks, culverts, sewers, ditches, drains and bridges and water courses, the removal and disposal of rubbish and garbage, and the lighting and cleaning of streets and other public places.
- C. Supervise the construction and maintenance of public buildings and other property of the City.

SECTION 7.05 CIVIL SERVICE COMMISSION.

The Civil Service Commission shall consist of three (3) electors of the City not holding other municipal office ~~in Twinsburg excepting there from membership in the Twinsburg Development Foundation~~ to be appointed by the Council to serve for terms of six years, except that the first appointment shall be for six (6), four (4), and two (2) years respectively. ~~A vacancy occurring during the term of any member of the Commission shall be filled for the unexpired term in the manner herein for an original appointment.~~

The Civil Service of the City is hereby divided into the Unclassified and Classified Service.

- A. The Unclassified Service shall include:
 1. All officers elected by the people and those persons appointed to fill positions pending an election.

2. All Directors of Departments to include, but not limited to:
 - a. Chief of Fire
 - b. Chief of Police
 - c. Director of Finance
 - d. Director of Parks and Recreation.
 - e. Director of Human Resources
 - f. Director of Information Technology
 - g. Director of Public Works
 - h. Golf Course Manager
 - i. ~~Director of Golf Maintenance Course Superintendent~~
 - j. Building Commissioner
 - k. Municipal Engineer
 - l. Law Director
 - m. Director of Planning and Community Development
 - n. ~~Director of Restaurant Operations~~
 - o. ~~Director of Banquet Operations~~
3. Clerk of Council.
4. The members of all boards and commissions.
5. Any temporary, seasonal, or part-time position.
6. Secretary to the Civil Service Commission.
7. Volunteer Fire Fighters.
8. One Clerk, Secretary or Administrator appointed to any board or commission.
9. One Executive Assistant ~~Secretary~~ to the Mayor.
10. An Executive Assistant ~~Secretary~~ to the Fire Chief ~~Department~~ and an Executive Assistant ~~Secretary~~ to the Police Chief ~~Department~~.
11. All persons who work without compensation.

B. The Classified Service shall comprise all positions not specifically included by this Charter in the Unclassified Service. There shall be in the Classified Service, two groups to be known as the Competitive and the Non-Competitive group.

The Competitive Group shall include:

1. Police Dispatchers, and all Police Officers and all Firefighter/Paramedic positions except those defined as Unclassified positions.

The Non-Competitive group shall include:

1. All positions that require a license issued by an agent of the State or Federal Government.
2. All skilled and unskilled labor.
3. Clerical Staff.

The Civil Service Commission shall make necessary rules and regulations for the appointment, promotion, transfer, layoff, reinstatement, suspension, removal and in general, for the enforcement of the merit system, in the Classified Service **that are not covered by collectively bargained agreements.**

The Commission shall report its proceedings to Council upon request and shall make a report to Council at the beginning of each fiscal year.

All persons who have been continuously employed in the service of the Municipality in the same or similar position herein included in the Classified Service for at least thirty (30) days preceding the adoption of this amendment shall retain their position until discharged, reduced, promoted or transferred in accordance with the provisions of this Charter. Council may provide for such additional classifications of employees as it deems appropriate by future enactments.

Before any rules or amendments of the Civil Service become effective, they shall be published in writing and an opportunity given for a public hearing thereon to be held after reasonable notice has been given by the Commission.

The Commission shall provide rules for the procedure of the Commission for the standardization and classifications of the positions, for competitive and non-competitive tests, for qualifications in meeting reasonable requirements as to age, physical condition and moral character, for investigating and keeping a record of the efficiency of the personnel in the Classified Service and for requiring reports relative thereto from appointing authority, or their delegated authority, for such other rules as may be necessary and proper for the enforcement of the merit system and for appeals from the action of appointing authority in the case of transfer, reduction or removal and the action of the Commission in any such appeal shall be final

SECTION 7.06 DEPARTMENT OF LAW.

The Mayor shall, subject to confirmation by the majority of Council, appoint an Attorney-at-Law who shall be the Director of Law. The Director of Law shall be duly admitted to the practice of law in Ohio. He or she shall have a minimum of five (5) years of practice in the field of municipal law. Said Director shall serve at the pleasure of the Mayor. ~~The appointment shall be concurrent with the Mayor's elected term and shall expire at the end of each such term. Said appointment shall be made within 60 days of the commencement of the Mayor's term and the previously appointed Director of Law shall serve until the appointment is confirmed by Council.~~ The Director of Law shall act as legal advisor to, and attorney for, the City and for all officers, boards and commissions of the City. The Director of Law shall represent the City or its officers in their official capacities in any action or proceedings in any court of law and shall perform such

other duties as may be required by the Mayor or Council. Nothing herein shall preclude Council and/or the Mayor from contracting for additional legal services as may periodically be required.

SECTION 7.07 PLANNING COMMISSION.

The Planning Commission shall consist of five (5) qualified electors of the City, one (1) member from each of the five wards, not holding another City office or appointment, ~~excepting membership on the Twinsburg Development Foundation,~~ all of whom shall be appointed by Council and one (1) of whom shall serve as Chairperson of the Commission. In addition, the Mayor or the Mayor's delegated representative shall be an ex-officio non-voting member.

Those persons appointed by Council shall be appointed for a term of three (3) years. ~~A vacancy occurring during the term of any member of the Planning Commission shall be filled for the unexpired term in the manner authorized for an original appointment.~~

SECTION 7.08 POWERS.

The Planning Commission shall have all powers to consider the following matters:

1. Land use and other zoning regulations;
2. Location, or vacation of public buildings, thoroughfares, public ways and open spaces;
3. Public and private utilities; planning of developments and sub-division of land;
4. Comprehensive and Master Planning;
5. Such other powers as are now or may hereafter be conferred upon it by Council.

All matters before Council pertaining to zoning or land use shall be referred to the Planning Commission for report and recommendation. No matter so referred which receives a negative report and/or recommendation shall be enacted by Council unless it shall receive votes of five (5) members of Council. Any matter so referred which does not receive a recommendation or report within sixty (60) days shall be deemed to have received an affirmative recommendation.

Any action by the Planning Commission may be nullified by vote of five (5) Councilmembers taken within thirty (30) days of such action by the Commission.

SECTION 7.09 BOARD OF ZONING AND BUILDING CODE APPEALS.

There shall be a Board of Zoning and Building Code Appeals composed of five (5) electors, one (1) member from each of the five (5) wards, to be appointed by the Council. The appointments to the Board shall be for a term of three (3) years

and shall be staggered as established heretofore. A vacancy occurring during the term of any member of the Board shall be filled for the unexpired term in the manner authorized in an original appointment. No member shall hold any other City office.

SECTION 7.10 POWERS AND DUTIES.

All meetings of the Board of Zoning and Building Code Appeals shall be public. The Board shall have power to hear and determine appeals from refusal of building and sign permits and to permit exceptions to and variations from the building code regulations in individual cases as may be required to afford justice and avoid unreasonable hardships to property owners in accordance with standards established by Ordinances of Council.

Any action by the Board of Zoning and Building Code Appeals regarding exceptions or variances may be nullified by vote of five (5) members of Council taken within thirty (30) days following such action by the Board.

SECTION 7.11 DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT.

The Department of Community Planning and Development shall consist of a Director of Community Planning and Development, the City Planner, the Building Commissioner, the City Engineer, the City Architect and other personnel as determined appropriate by Council. The Department of Community Planning and Development shall administer the Comprehensive Plan, Zoning Code, Building Code and Subdivision Regulations. The Director shall be appointed by the Mayor and shall review and coordinate all planning and development activities in all divisions and departments of the City. The Director shall report and make recommendations to the Mayor and Council on all planning and development issues, and shall provide staff support for the Planning Commission, the Board of Zoning Appeals, the Architectural Review Board and the Environmental and Historic Preservation Commission.

SECTION 7.12 DEPARTMENT OF PARKS AND RECREATION.

The Department of Parks and Recreation shall administer and promote the City of Twinsburg's public parks and recreation facilities and shall provide for the added enjoyment of life through recreation. The Department of Parks and Recreation shall consist of a Director of Parks and Recreation who shall be appointed by the Mayor. The duties of the Director of Parks and Recreation shall include: knowledge of municipal park and recreation operations, budgetary and supervision skills.

Issue #35

Article VIII of the Charter of the City of Twinsburg regarding Nominations, Elections and Qualifications

Proposed Charter Amendment

Shall Section 8.01 of the Charter of the City of Twinsburg be amended to eliminate the current prohibition on circulating nominating petitions for City Council more than 150 days before the Election; reduce from two years to one year the length of time a candidate for Council must have resided in the City; and move the primary election for Mayor from the first Tuesday after the first Monday in May to the first Tuesday after the first Monday in August?

ARTICLE VIII

NOMINATIONS, ELECTIONS AND QUALIFICATIONS

SECTION 8.01 NOMINATIONS.

Nominations for elective offices other than the office of Mayor shall be made by petition only, signed by not less than twenty-five (25) registered voters, on the standard forms for the nomination of non-partisan candidates for such office, filed with the Board of Elections at least ninety (90) days before the day of election. ~~Such nominating petitions shall not be circulated prior to one hundred fifty (150) days before said election.~~ Each candidate shall file a separate petition; group petitions shall not be used. The signature of the candidate indicating acceptance of the nomination and willingness to accept the office if elected, shall appear on each copy of any nominating petition. The petition may be in a number of parts, but each part shall be verified under oath by the circulator as required by law.

Qualified candidates for the office of Mayor, shall be nominated at a non-partisan primary election to be held on the first Tuesday after the first Monday in ~~May~~ **August** of each year in which an election for the office of Mayor is conducted.

Candidates for the office of Mayor at any regular Municipal election shall be the two candidates receiving the highest number of votes at the primary election. In the event that no more than two persons have filed nomination petitions for the office of Mayor, then said persons shall be candidates at the regular Municipal election and the primary election for the office of Mayor shall not be held.

Each person desiring to become a candidate for the office of Mayor shall, not later than 4:00 pm of the seventy-fifth day before the primary election date set by this Charter, file with the Board of Elections a nominating petition with the signatures of registered electors residing in the City of Twinsburg as follows: not less than fifty (50) nor more than one hundred and fifty (150).

SECTION 8.02 BALLOTS.

The names of all candidates nominated for elective office in the City shall be printed on the official ballot without party designation. The names of all candidates shall be rotated on the ballot as provided by the laws of the State of Ohio. Except as otherwise provided in this Charter, the laws of the State of Ohio shall govern the nominations and election of elective officers of this City.

SECTION 8.03 ELECTIONS.

The regular City election shall be held on the first Tuesday after the first Monday in November of odd numbered years. The Council may by resolution order a special election to be held at any time, the purpose and date of which shall be set forth in the resolution. Such resolution shall be certified within five days to the Board of Elections of Summit County which shall conduct the election at the time fixed in such resolution and in the manner provided by law.

SECTION 8.04 QUALIFICATIONS.

Each elective officer of the City shall be a qualified elector of the City and shall have resided therein or in territory annexed thereto for a period of at least two (2) continuous years for any candidate for Mayor and one (1) year if a candidate for Council and shall continue to reside therein during their term. (S)he shall hold no incompatible office under the national, state or county government, nor shall (s)he have any financial interest in any contract to which the City is a party, or in any expenditure of money by the City other than their fixed compensation and expenses for traveling.

Issue #36

Section 9.03 of Article IX of the Charter of the City of Twinsburg regarding Recall

Proposed Charter Amendment

Shall Section 9.03 of the Charter of the City of Twinsburg be amended to allow only residents of the ward to vote in a recall election of a Ward Councilmember?

ARTICLE IX INITIATIVE, REFERENDUM AND RECALL

SECTION 9.01 INITIATIVE.

The electors of this City shall have the power to propose ordinances and other measures by initiative petition submitted to the Clerk of Council in accordance with the provisions of the Constitution and laws of Ohio now or hereafter in effect.

SECTION 9.02 REFERENDUM.

The electors of this City shall have the power to approve or reject at the polls any ordinance or other measure enacted by Council by referendum petition submitted to the Clerk of Council in accordance with the provisions of the Constitution or laws of Ohio now or hereafter in effect.

SECTION 9.03 RECALL.

The electors shall have the power to remove from office by a recall election any elected officer of the City. If an elected officer shall have served six (6) months of their term, a form of petition demanding their removal may be filed with the Clerk of Council, who shall note thereon the name and address of the person filing the petition and the date of such filing, and deliver to such person a receipt therefore and attach a copy thereof to said petition. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds for the removal. Except as otherwise provided herein, such petition shall be signed by at least that number of electors which equals twenty-five percent (25%) of the electors voting at the last preceding November election; provided, however, that in the case of a Councilmember elected from a ward, such signatures must be obtained from the ward electing such Councilmember and shall be signed by at least that number of electors which equals twenty-five percent (25%) of the electors voting in said Councilmember's ward in the last preceding November election. Within ten (10) days after the day on which such petition shall have been filed, the Clerk of Council shall determine whether or not it meets the requirements hereof. If the Clerk of Council shall find the petition insufficient, (s)he shall promptly certify the particulars in which the petition is defective, deliver a copy of his/her certificate to the person who filed the petition with him, and make a record of such delivery.

Such person shall be allowed a period twenty (20) days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk of Council shall find the petition sufficient, (s)he shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than sixty (60) days nor more than seventy-five (75) days after the date of such delivery. At such recall election this question shall be placed upon the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with provisions being made on the ballot for voting affirmatively or negatively on such question. **If the Councilmember that is the subject of the recall is a Ward councilmember, the ballot issue shall only be presented to that Councilmember's Ward for consideration. If the Councilmember that is the subject of the recall is an At-Large Councilmember, the ballot issue shall be presented to the entire electorate.** If a majority of the votes cast at such election shall be voted affirmatively such officer shall remain in office. If a majority of the votes shall be voted negatively, such officer shall be considered as removed, his/her office shall be declared vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

SECTION 9.04 REMOVAL.

Council may expel or remove any of its own members, and any member of a board or commission of the City for violation of their oath of office, neglect of duty, incompetency, failure to maintain qualification for office, or malfeasance, nonfeasance, or misfeasance in office. Council, board, or commission members may also be removed for persistent failure to abide by the adopted rules of Council, or of the applicable board or commission, or for absence without justifiable excuse from three (3) consecutive regular meetings of Council, or of the applicable board or commission. Any member of Council, or board or commission member shall be removed if convicted of a felony or other crime involving moral turpitude. Removal shall take place only after opportunity has been given for a public hearing before Council, to be held no sooner than ten (10) working days after written charges and notice thereof have been given to the accused member. Such charges must allege by affidavit the specific cause and specific act constituting grounds for removal. The accused member shall be heard in person or with counsel, and shall be permitted to present evidence and examine witnesses. Council shall conduct a hearing no later than 30 days after written charges and notice have been served and shall render a decision no later than 30 days after the hearing. The accused member shall remain in office with all authority until Council renders a decision. Expulsion or removal of a Councilmember under this section shall be upon concurrence of five (5) or more members of Council, and such action shall be final. Board of Commission members shall be removed by vote of five (5) or more council members and such action shall be final. Thereupon, the office of any such removed or expelled member shall be vacant and filled as provided in this Charter.