

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 12-112

INTRODUCED BY: Antoskiewicz, Nickell, Petrusky, Willey,
Marnecheck, Muller, Kasaris, Mayor Stefanik

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF NORTH ROYALTON A CERTAIN AMENDMENT TO ARTICLE XII PLANNING COMMISSION, SUBSECTION (d) MANDATORY REFERRAL, OF THE CHARTER OF THE CITY OF NORTH ROYALTON TO CLARIFY AND CORRECT IMPRECISE LANGUAGE, AND DECLARING AN EMERGENCY

WHEREAS: The 2012 North Royalton Charter Review Commission has determined to provide a ballot issue to clarify and correct imprecise language pertaining to Planning Commission referrals to City Council; and

WHEREAS: In order to provide for the above it is necessary to recommend amending Article XII Planning Commission, Subsection (d) Mandatory Referral, of the Charter of the City of North Royalton; and

WHEREAS: Pursuant to Article XVIII, Subsection (f) of the Charter, the Council is obligated to submit the Charter Review Commission recommendations to the electors.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article XVIII, Subsection (e) of the Charter of the City of North Royalton, the Council hereby authorizes and directs the submission to the electors of the City of North Royalton, at an election to be held in usual places of voting in said City on November 6, 2012, an amendment to Article XII Planning Commission, Subsection (d) Mandatory Referral of the Charter of the City of North Royalton which shall upon adoption read as follows:

(d) MANDATORY REFERRAL.

No public building, street, boulevard, parkway, park, playground, bridge, 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 it 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 a shorter or longer time be allowed by Council. Public notice of hearing shall be given by the Planning Commission on matters submitted to it in such manner as Council may by ordinance provide. If the Planning Commission shall fail to act within the time allotted, it shall be deemed to have approved such matter. Any ~~provision or any resolution, ordinance or other~~ disapproval by formal action of the Planning Commission **which requires subsequent Council review** shall require a two-thirds (2/3) vote of all the members of the Council for adoption or authorization.

If any plan, design, or other proposal concerning the character, extent, location or use of any public improvement or public property or change thereof within the territorial limits of the Municipality does not, under the law or Charter covering same, fall within the province of the Council or other official or agency of the Municipality, then the submission to the Planning Commission shall be by the State, County, District, School, Township, or other official body, board or commission having jurisdiction over such public improvement or property in accordance with the provisions of the general laws of the State of Ohio. The Planning Commission's disapproval may be overruled at any time after seven (7) days written notice by the excepting body to the Planning Commission stating the reasons for such exception. Such overruling disapproval must be adopted by at least two-thirds (2/3) of such excepting body.

Section 2. The ballot for said question shall be in substantially the following form:

PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage.

SHALL THE CHARTER OF THE CITY OF NORTH ROYALTON, ARTICLE XII
PLANNING COMMISSION, SUBSECTION (d) MANDATORY REFERRAL BE
AMENDED TO CLARIFY AND CORRECT IMPRECISE LANGUAGE.

	YES
	NO

Section 3. The foregoing proposed amendment, if approved by a majority of the electors voting thereon at the aforesaid election to be held on November 6, 2012, shall become a part of the Charter of this City and shall be effective as of the date that said amendment or amendments have been certified by the Cuyahoga County Board of Elections as having been approved by a majority of the voters.

Section 4. The Director of Legislative Services in her capacity as Clerk of Council is hereby authorized and directed to deliver immediately to the Board of Elections a certified copy of this Ordinance.

Section 5. The Director of Legislative Services in her capacity as Clerk of Council is hereby authorized and directed, pursuant to laws passed by the General Assembly, to give notice of these proposed amendments by newspaper advertising.

Section 6. There shall be and hereby is appropriated from the General Fund a sufficient sum of money to pay the cost of printing and mailing copies of said proposed Charter amendment to the electors for publishing such election notice, and other costs incidental to carrying out the terms of this Ordinance.

Section 7. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 8. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that this Ordinance must be effective immediately in order to permit necessary arrangements to be made in sufficient time for said election.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Larry Antoskiewicz
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik
MAYOR

DATE PASSED: July 3, 2012

DATE APPROVED: July 5, 2012

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading July 3, 2012

YEAS: Antoskiewicz, Nickell, Petrusky, Willey
Marnecheck, Muller, Kasaris

NAYS: none