

CITY OF BROOK PARK, OHIO

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ORDINANCE NO: 1110-2019

INTRODUCED BY: COUNCIL AS A WHOLE

**AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE ELECTORATE
OF AN AMENDMENT TO ARTICLE XI, SECTION 11.04(a);
OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO,
AND DECLARING AN EMERGENCY.**

BE IT ORDAINED, by the Council of the City of Brook Park, County of Cuyahoga, State of Ohio, with not less than five of its members concurring that:

SECTION 1: Pursuant to Article X, Section 4 of the Ohio Constitution and Article XVI, Section 16.01 of the Charter of the City of Brook Park, Ohio hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the City, at the general election to be held on Tuesday, the 5th day of November, 2019, the question of the creation of Article XI, Section 11.04(a); of the Charter of the City of Brook Park, Ohio, the respective text to be set forth herein (additions bolded and deletions stricken):

SECTION. 11.04 BOARD OF ZONING AND BUILDING APPEALS.

(a) Organization. The Board of Zoning and Building Appeals shall consist of a member of City Council and six (6) appointed members who shall not be members of the Planning Commission, **subject to the approval of a majority of the Members of Council**. The terms of the members appointed by the Mayor shall be five (5) years each.

be submitted to a vote of the qualified electors of the City at the General Election to be held on Tuesday, November 5, 2019, at the regular places of voting in the City between the hours of 6:30 A.M. and 7:30 P.M.

SECTION 2: The ballots for said election shall, at the top thereof, be entitled "PROPOSED CHARTER AMENDMENT," and the questions to be submitted on said ballot shall be in words following:

"Shall Article XI, Section 11.04(a), be amended to have a majority of Council members approve the Mayor's appointments to the Board of Zoning and Building Appeals?"

Under said wording shall appear the words "Yes" and "No," and each voter shall indicate his vote by following the proper voting procedure for the voting instrument provided on that occasion.

SECTION 3: Public notice of the time and place of holding such election shall be given by publication of notice thereof at least ten (10) days prior to the day of such election, in a newspaper published and of general circulation in the City.

SECTION 4: The Clerk of Council be and is hereby directed to mail a copy of the above proposed Charter Amendments to each elector whose name appears upon the registration books of the last regular election held in the City, at least thirty (30) days before the date of such election, and to certify a copy of this Ordinance to the Board of Elections in Cuyahoga County.

SECTION 5: To pay the cost of printing and mailing said copies of said proposed Charter Amendments and of publishing said notice, there be and hereby appropriated from the general fund such sum of money as may be needed.

SECTION 6: 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 of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 7: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason that there is an immediate need to submit this Ordinance to the Cuyahoga Board of Elections for it to be placed on the November 5, 2019 ballot; therefore provided this Ordinance receives the affirmative vote of at least five (5) 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.

PASSED: August 20, 2019

[Signature]
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak
Clerk of Council

APPROVED: [Signature]
MAYOR

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS

Stamm	Yes	
Mendini	Yes	
Orcutt	Yes	
Scott	Yes	
Burgio	Yes	
Poindexter	Yes	
Salvatore	Yes	

CERTIFICATE

Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 1110-2019 passed on the 20 day of August 2019 by said council.
Michelle Blazak
Clerk of Council

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six (6) of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5590 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.
commencing August 21, 2019
Michelle Blazak
MICHELLE BLAZAK
Clerk of Council