

CITY OF BEXLEY, OHIO

ORDINANCE NO. 57 - 07

By: Matthew Lampke

An Ordinance authorizing the submission of various amendments to the Charter to the electors of the City at the general election to be held therein on November 6, 2007.

BE IT ORDAINED by the City Council of the City of Bexley, Franklin County, Ohio, two-thirds of all of the members elected thereto concurring:

Section 1. That Council desires to submit to the electors of the City the question of amending Article IV, Section 25 of the Charter to read as follows:

ARTICLE IV – LEGISLATIVE

Section 25. Enactment of Ordinances and Resolutions.

Each proposed ordinance or resolution shall be introduced in written or printed form and shall be read by title only, provided Council may require any reading to be in full by a majority vote of its members then in office. Each ordinance or resolution shall be passed, except as otherwise required by law, by a vote of at least a majority of the members of Council then in office, excluding abstentions. The vote on the passage of each ordinance or resolution shall be taken by yeas and nays and entered in the minutes. An ordinance or resolution shall be read on three different days, provided that Council may dispense with the requirement by a vote of at least three-fourths of its members then in office, excluding abstentions. At the meeting at which a vote of Council shall be taken on any ordinance or resolution, Council shall provide an opportunity for public comment thereon before the vote is called. The Mayor shall have the veto power over ordinances and resolutions subject to limitations and provisions of the statutes of the State of Ohio relating to such powers. Actions by Council, not required by law to be by ordinance or resolution, including, without limitation, procedural matters and elections among and appointments made or confirmed by Council, may be taken by motion on a voice vote approved by at least a majority of the members of Council present at a duly called meeting at which a quorum is present. Council shall by ordinance provide for the publication of the subject matter of all introduced and enacted legislation, provided that the failure to publish such information shall not invalidate any action of Council.

Section 2. That Council desires to submit to the electors of the City the question of amending Article IX, Section 47 of the Charter to read as follows:

ARTICLE IX – POLICE DEPARTMENT

Section 47. Term; Removal of Chief.

The Chief of Police shall be appointed by the Mayor and confirmed by Council for a term fixed by Council. The Chief of Police may serve one or more terms; provided, however, that appointment and confirmation is at the sole discretion of the Mayor and Council and the failure of the Mayor to appoint or Council to confirm such appointment for any reason at the end of any term shall be final. During such term of office, the Mayor shall have the right to suspend the Chief of Police for cause, including, but not limited to, incompetence, neglect of duty, moral turpitude, substance abuse or use of an illegal substance, and failure to obey lawful orders given by a proper authority. The Mayor shall forthwith certify the fact of any such suspension, together with the cause thereof, to Council, and Council shall, within ten days from the receipt of such notice, proceed to hear such charges and render judgment thereon, which judgment may be suspension, reduction in rank or dismissal, and shall be final.

Section 3. That Council desires to submit to the electors of the City the question of amending Article XIII of the Charter to read as follows:

ARTICLE XIII – PLANNING AND ZONING

Section 56. Creation; Composition; Terms.

Council by ordinance shall create one or more boards or commissions to perform the powers and duties of a city planning commission and to administer the City zoning code. Each such board or commission shall consist of electors of the City who shall serve without compensation and who, with the concurrence of Council, shall be appointed by the Mayor for terms of three years. The members of the existing City Planning Commission shall continue in office until said commission is reorganized or replaced by ordinance of Council.

Section 57. Powers and Duties.

The duties, powers and procedures of Council and each board or commission created by Council pursuant to Section 56 with respect to planning and zoning may be prescribed by ordinance of Council to the maximum extent such legislative authority is conferred upon the City under the Ohio Constitution. In the absence of such ordinance, City officials shall perform their duties and exercise their powers in accordance with the general laws of the State of Ohio not in conflict with this Charter.

Section 4. That the question of such Charter amendments shall be submitted to the electors of the City at the election to be held therein on November 6, 2007 (the "Election Date").

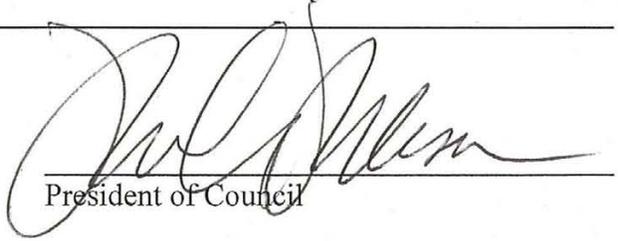
Section 5. That the Clerk of Council is hereby directed and shall certify, not later than August 24, 2007 (which date is not less than 75 days prior to the Election Date), to the Franklin County Board of Elections a copy of this Ordinance.

Mr. McClelland seconded the motion and, after discussion, a roll call vote was taken and the results were:

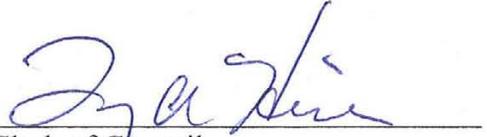
Ayes: Ms. Jones, Mr. Lampke, Mr. McClelland, Mr. Robyars, Mr. Wassenburg, Mr. Weber and Mr. Manser

Nays: Ø

Passed: 7-10, 2007

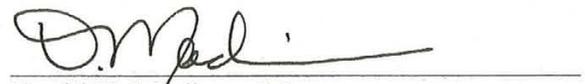


President of Council

Attest: 

Clerk of Council

Approved: 7/10, 2007



David H. Madison, Mayor

6-12-07 First Reading
6-26-07 Second Reading
7-10-07 Third Reading
Passed.

September 5, 2007

NOTICE TO POLITICAL SUBDIVISION/BOARD OF EDUCATION:

Enclosed are certain instruments relative to the forthcoming General Election to be held on November 6, 2007 on a proposed Charter Amendment – Article XIII, Sections 56 and 57 – City of Bexley in your subdivision.

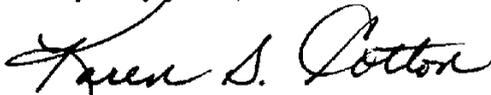
Notice of Election
Proposed ballot language

Please sign the duplicate copy of the letter provided and return to acknowledge receipt. Any corrections should be noted on the copy and returned immediately with this letter no later than September 13, 2007 to proceed with ballot printing.

Publication of notice of election in the COLUMBUS DISPATCH has been ordered for:

October 22nd, 2007

Very truly yours,



Karen S. Cotton
Manager, Administration and Election Operations Divisions

*Receipt Acknowledged
City of Bexley
By James H. Gross, City
Attorney
9/11/07*

*Corrections noted on
attached notice and
ballot language*

September 5, 2007

NOTICE TO POLITICAL SUBDIVISION/BOARD OF EDUCATION:

Enclosed are certain instruments relative to the forthcoming General Election to be held on November 6, 2007 on a proposed Charter Amendment – Article IV – City of Bexley in your subdivision.

Notice of Election
Proposed ballot language

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Karen S. Cotton
Manager, Administration and Election Operations Divisions

Receipt Acknowledged
City of Bexley
By James H. Gross, City
Attorney
9/11/07

No corrections

OFFICIAL
QUESTIONS AND ISSUES BALLOT
GENERAL ELECTION
FRANKLIN COUNTY, OHIO
NOVEMBER 6, 2007

**#18 PROPOSED CHARTER AMENDMENT
CITY OF BEXLEY**

A Majority Affirmative Vote is Necessary for Passage.

“Article XIII – Planning and Zoning;

Section 56. Creation; Composition; Terms.

Council by ordinance shall create one or more boards or commissions to perform the powers and duties of a city planning commission and to administer the City zoning code. Each such board or commission shall consist of electors of the City who shall serve without compensation and who, with the concurrence of Council, shall be appointed by the Mayor for terms of three years. The members of the existing City Planning Commission shall continue in office until said commission is reorganized or replaced by ordinance of Council.”

Section 57. Powers and Duties.

The duties, powers and procedures of Council and each board or commission created by Council pursuant to Section 56 with respect to planning and zoning may be prescribed by ordinance of Council to the maximum extent such legislative authority is conferred upon the City under the Ohio Constitution. In the absence of such ordinance, City officials shall perform their duties and exercise their powers in accordance with the general laws of the State of Ohio no in conflict with this Charter.”

Shall Sections 56 and 57 of Article XIII of the Charter of Bexley be amended?

YES

NO



BOARD OF ELECTIONS

Matthew M. Damschroder, Director Dennis L. White, Deputy Director

280 E. Broad Street, Room 100
Columbus, Ohio 43215
www.FranklinCountyOhio.gov/BOE

(614) 462-3100
(614) 462-3489 Fax

September 5, 2007

NOTICE TO POLITICAL SUBDIVISION/BOARD OF EDUCATION:

Enclosed are certain instruments relative to the forthcoming General Election to be held on November 6, 2007 on a proposed Charter Amendment – Article IX – City of Bexley in your subdivision.

Notice of Election
Proposed ballot language

Please sign the duplicate copy of the letter provided and return to acknowledge receipt. Any corrections should be noted on the copy and returned immediately with this letter no later than September 13, 2007 to proceed with ballot printing.

Publication of notice of election in the COLUMBUS DISPATCH has been ordered for:

October 22nd, 2007

Very truly yours,

Karen S. Cotton
Manager, Administration and Election Operations Divisions

*City of Bexley
Receipt Acknowledged
By James H. Gross,
City Attorney
9/11/07.*

*Corrections noted on
Attached Notice
and Ballot Language*

Board Members

William A. Anthony, Jr.-Chairman ★ Michael F. Colley ★ Kimberly E. Marinello ★ Carolyn C. Petree

NOTICE OF ELECTION ON PROPOSITION¹

Rev. Code, Secs. 322.02; 511.01, .21, .25; 513.06; 517.04, .05; 709.29, .39; 721.14, .15; 749.03; 3501.11 (G)

Notice is hereby given that in pursuance of _____ Ordinance 57-07 _____ of the
Resolution or Ordinance
City Council _____ of the _____ City of Bexley

_____, Ohio, passed on the _____ 10th

day of _____ July _____, 2007 _____ there will be submitted to a vote of the people of said
(Year)

City _____ at the _____ General _____ ELECTION
Primary, General or Special

to be held in the _____ City of Bexley
(Name of Subdivision)

Ohio, at the regular place _____ of voting therein, _____

_____ on _____ Tuesday _____, the _____ 6th

day of _____ November _____, 2007 _____ the question of _____
(Year)

"Article XIII - Planning and Zoning;
Section 56. Creation; Composition; Terms.
Council by ordinance shall create one or more boards or commissions to perform the powers and duties of a city planning commission and to administer the City zoning code. Each such board or commission shall consist of electors of the City who shall serve without compensation and who, with the concurrence of Council, shall be appointed by the Mayor for terms of three years. The members of the existing City Planning Commission shall continue in office until said commission is reorganized or replaced by ordinance of Council."
Section 57. Powers and Duties.
The duties, powers and procedures of Council and each board or commission created by Council pursuant to Section 56 with respect to planning and zoning may be prescribed by ordinance of Council to the maximum extent such legislative authority is conferred upon the City under the Ohio Constitution. In the absence of such ordinance, City officials shall perform their duties and exercise their powers in accordance with the general laws of the State of Ohio no in conflict with this Charter."
Shall Sections 56 and 57 of Article XIII of the Charter of Bexley be amended?
State

The Polls for said Election will be open at 6:30 A.M. and remain open until

7:30 P.M. of said day.

By order of the Board of Elections,

of _____ FRANKLIN _____ County, Ohio.

William A. Anthony Jr

Chairperson
Matthew Williams

Director

Dated _____ August 29 _____, 2007 _____
(Year)

1. This notice shall be posted or published in accordance with the provisions of the law governing the submission of the proposition in question.

OFFICIAL
QUESTIONS AND ISSUES BALLOT
GENERAL ELECTION
FRANKLIN COUNTY, OHIO
NOVEMBER 6, 2007

**#17 PROPOSED CHARTER AMENDMENT
CITY OF BEXLEY**

A Majority Affirmative Vote is Necessary for Passage.

“Article IX – Police Department; Section ^{one}47. Term; Removal of Chief

The Chief of Police shall be appointed by the Mayor and confirmed by Council for a term fixed by Council. The Chief of Police may serve ^{one} or more terms; provided, however, that appointment and confirmation is at the sole discretion of the Mayor and Council and the failure of the Mayor to appoint or Council to confirm such appointment for any reason at the end of any term shall be final. During such term of office, the Mayor shall have the right to suspend the Chief of Police for cause, including, but not limited to, incompetence, neglect of duty, moral turpitude, substance abuse or use of an illegal substance, and failure to obey lawful orders given by a proper authority. The Mayor shall forthwith certify the fact of any such suspension, together with the cause thereof, to Council, and Council shall, within ten days from the receipt of such notice, proceed to hear such charges and render judgment thereon, which judgment may be suspension, reduction in rank or dismissal, and shall be final.”

Shall Section 47 of Article IX of the Charter of Bexley be amended?

YES

NO

September 5, 2007

NOTICE TO POLITICAL SUBDIVISION/BOARD OF EDUCATION:

Enclosed are certain instruments relative to the forthcoming General Election to be held on November 6, 2007 on a proposed Charter Amendment – Article IV – City of Bexley in your subdivision.

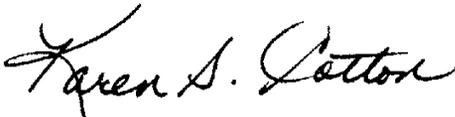
Notice of Election
Proposed ballot language

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Publication of notice of election in the COLUMBUS DISPATCH has been ordered for:

October 22nd, 2007

Very truly yours,



Karen S. Cotton
Manager, Administration and Election Operations Divisions

Board Members

William A. Anthony, Jr.-Chairman ★ Michael F. Colley ★ Kimberly E. Marinello ★ Carolyn C. Petree

September 5, 2007

NOTICE TO POLITICAL SUBDIVISION/BOARD OF EDUCATION:

Enclosed are certain instruments relative to the forthcoming General Election to be held on November 6, 2007 on a proposed Charter Amendment – Article XIII, Sections 56 and 57 – City of Bexley in your subdivision.

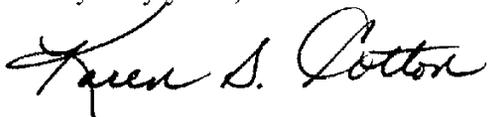
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Karen S. Cotton
Manager, Administration and Election Operations Divisions

September 5, 2007

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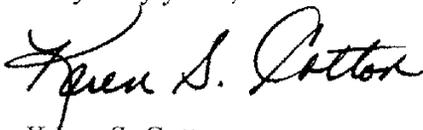
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NOTICE OF ELECTION ON PROPOSITION¹

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, Ohio, passed on the 10th

day of July, 2007, there will be submitted to a vote of the people of said
(Year)

City at the General ELECTION
Primary, General or Special

to be held in the City of Bexley
(Name of Subdivision)

Ohio, at the regular place s of voting therein, on Tuesday, the 6th

day of November, 2007, the question of one
(Year)

"Article IX - Police Department; Section 47. Term; Removal of Chief
The Chief of Police shall be appointed by the Mayor and confirmed by Council for a term fixed by Council. The Chief of Police may serve one or more terms; provided, however, that appointment and confirmation is at the sole discretion of the Mayor and Council and the failure of the Mayor to appoint or Council to confirm such appointment for any reason at the end of any term shall be final. During such term of office, the Mayor shall have the right to suspend the Chief of Police for cause, including, but not limited to, incompetence, neglect of duty, moral turpitude, substance abuse or use of an illegal substance, and failure to obey lawful orders given by a proper authority. The Mayor shall forthwith certify the fact of any such suspension, together with the cause thereof, to Council, and Council shall, within ten days from the receipt of such notice, proceed to hear such charges and render judgment thereon, which judgment may be suspension, reduction in rank or dismissal, and shall be final."
Shall Section 47 of Article IX of the Charter of Bexley be amended?

The Polls for said Election will be open at 6:30 A.M. and remain open until
7:30 P.M. of said day.

By order of the Board of Elections,

of FRANKLIN County, Ohio.

William A. Anthony Jr
Chairperson
Matthew W. ...
Director

Dated August 29, 2007
(Year)

1. This notice shall be posted or published in accordance with the provisions of the law governing the submission of the proposition in question.

OFFICIAL
QUESTIONS AND ISSUES BALLOT
GENERAL ELECTION
FRANKLIN COUNTY, OHIO
NOVEMBER 6, 2007

**#16 PROPOSED CHARTER AMENDMENT
CITY OF BEXLEY**

A Majority Affirmative Vote is Necessary for Passage.

“Article IV – Legislative; Section 25. Enactment of Ordinances and Resolutions.

Each proposed ordinance or resolution shall be introduced in written or printed form and shall be read by title only, provided Council may require any reading to be in full by a majority vote of its members then in office. Each ordinance or resolution shall be passed, except as otherwise required by law, by a vote of at least a majority of the members of Council then in office, excluding abstentions. The vote on the passage of each ordinance or resolution shall be taken by yeas and nays and entered in the minutes. An ordinance or resolution shall be read on three different days, provided that Council may dispense with the requirement by a vote of at least three-fourths of its members then in office, excluding abstentions. At the meeting at which a vote of Council shall be taken on any ordinance or resolution, Council shall provide an opportunity for public comment thereon before the vote is called. The Mayor shall have the veto power over ordinances and resolutions subject to limitations and provisions of the statutes of the State of Ohio relating to such powers. Actions by Council, not required by law to be by ordinance or resolution, including, without limitation, procedural matters and elections among and appointments made or confirmed by Council, may be taken by motion on a voice vote approved by at least a majority of the members of Council present at a duly called meeting at which a quorum is present. Council shall by ordinance provide for the publication of the subject matter of all introduced and enacted legislation, provided that the failure to publish such information shall not invalidate any action of Council.”

Shall Section 25 of Article IV of the Charter of Bexley be amended?

YES

NO