

ORDINANCE NUMBER 2013-13

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE A REVISED CHARTER FOR THE VILLAGE OF BUCKEYE LAKE AND DECLARING AN EMERGENCY

WHEREAS, Council desires to amend the Village Charter regarding the Planning and Zoning Commission and the Parks and Recreation Commission; and

WHEREAS, Council reviewed the proposed amendments to the Buckeye Lake Charter and is in agreement with the proposed Revised Charter;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BUCKEYE LAKE, LICKING-FAIRFIELD COUNTIES, OHIO, TWO-THIRDS (2/3) OF ITS MEMBERS CONCURRING:

SECTION 1 That Section 6.01 of the Charter of Buckeye Lake Ohio, entitled “General Provisions” be amended to read as follows:

SECTION 6.01. General Provisions.

- a) The Village shall have a Department of Finance, Department of Public Works, Police Department, Fire Department, and Development Department. The Mayor, with the consent of Council, may *combine or* establish new departments or divisions.

SECTION 2 That Section 6.02 of the Charter of Buckeye Lake Ohio, entitled “Department of Finance” be amended to read as follows:

SECTION 6.02. Department of Finance.

- b) Beginning on January 1, 2006, the Clerk-Treasurer shall be appointed by the Mayor and confirmed by the Council by a majority vote of its members. The Clerk-Treasurer need not be an elector or resident of the Village, but *should* be qualified for office by reason of training or experience in matters pertaining to accounting, financial reporting and management, and other fiscal or related matters. The Mayor shall have the sole discretion for determining the qualifications for such office. The Clerk-Treasurer shall hold no other appointed or elected office in the Village during the term of office. Nothing in this Charter will prohibit the Clerk-Treasurer from holding other public or private employment that is not in conflict with the Clerk-Treasurer’s duties for the Village or in conflict with this Charter. Notwithstanding the above provision, nothing in this Charter shall prevent or prohibit the Clerk-Treasurer from holding office in a political party, serving as a delegate to a political party convention, serving as a notary

public, or serving as a member or officer in the military reserve or National Guard. The Clerk-Treasurer, other than the initial Clerk-Treasurer, shall serve at the pleasure of the Mayor and may be removed without cause by the Mayor.

SECTION 3 That Section 6.03 of the Charter of Buckeye Lake Ohio, entitled “Department of Public Works” be amended to read as follows:

SECTION 6.03. Department of Public Works.

- c) When the position of the Director of Public Works is created, that person, appointed by the Mayor, need not be an elector or resident of the Village, but *should* be qualified for the position by reason of training or experience in matters pertaining to the streets and roads construction and repair, and the administration and operation of other public works, improvements, buildings and utilities. The Mayor shall have the sole discretion for determining the qualifications for such office. Except as otherwise allowed by this Charter, the Director of Public Works shall hold no other appointed or elected office with the Village, during the term of office. Nothing in this Charter will prohibit the Director, when hired, from holding other public or private employment that is not in conflict with the Director’s duties for the Village or in conflict with this Charter. Notwithstanding the above provision, nothing in this Charter shall prevent or prohibit the Director of Public Works from holding office in a political party, serving as a delegate to a political party convention, serving as a notary public, or serving as a member or officer in the military reserve or National Guard. The Director of Public Works shall serve at the pleasure of the Mayor and may be removed without cause by the Mayor.

SECTION 4 That Section 6.05 of the Charter of Buckeye Lake Ohio, entitled “Department of Development” be amended to read as follows:

SECTION 6.05. Department of Development.

- b). The Development Director shall be appointed by the Mayor, need not be an elector or resident of the Village, but *should* be qualified for the position by reason of training or experience in matters pertaining to economic development, planning, housing, neighborhood services, land management, and building services. The Mayor shall have the sole discretion for determining the qualifications for such office. The Development Director shall, except as provided in this Charter, hold no other appointed or elected office with the Village, during the term of office. Nothing in this Charter will prohibit

the Director, when hired, from holding other public or private employment that is not in conflict with the Director's duties for the Village or in conflict with this Charter, or prevent or prohibit the Development Director from holding office in a political party, serving as a delegate to a political party convention, serving as a notary public, or serving as a member or officer in the military reserve or national guard. The Development Director shall serve at the pleasure of the Mayor and may be removed without cause by the Mayor.

- d) The Development Department shall have the following powers, duties and functions:
- 1) exercise all powers, duties and functions relative to planning and platting of the Village;
 - 2) development and implementation of a program for preservation of historic buildings and sites;
 - 3) implementation of a five year plan for the growth and development of the Village;
 - 4) issuing building permits, inspecting buildings, and enforcing zoning and building code regulations *in collaboration with the Planning Commission and other administrative officials, as deemed necessary.*

SECTION 5 That Section 7.01 of the Charter of Buckeye Lake Ohio, entitled "Planning and Zoning Commission" be amended to read as follows:

SECTION 7.01. Planning and Zoning Commission.

- a) The Village shall have a Planning and Zoning Commission consisting of seven members, three of whom are appointed by the Mayor, and four of whom are appointed by Council. *At least four members must be electors of the Village who shall serve until their successors are appointed and qualified, while three of the members may be non-electors of the Village who shall be reconfirmed on an annual basis.*
- g) Said Commission shall elect one of its members to serve as Chair. He or she shall serve for a term of one year until his or her successor is elected and qualified. The Commission shall adopt rules and regulations for the government of the Commission and the Board of Zoning and Building Appeals. The rules shall provide that the Commission and the Board shall each hold, separately, regular *meetings to ensure that all pending duties, activities and related business is addressed in a timely manner.*

SECTION 6 That Section 7.03 of the Charter of Buckeye Lake Ohio, entitled "Parks and Recreation Commission" be amended to read as follows:

SECTION 7.03. Parks and Recreation Commission.

- a) The Village shall have a Parks and Recreation Commission which shall consist of five *members*. *Two* of whom will be appointed by the Mayor and three of whom will be appointed by the Council. *At least three of the members must be electors of the Village who shall serve until their successors are appointed and qualified, while two of the members may be non-electors of the Village who shall be reconfirmed on an annual basis.* A vacancy shall be filled by the vacating member's appointer, the Mayor or Council. The Mayor, with the concurrence of council, may at any time remove any commissioner so appointed for malfeasance in office, having first given to such member a copy of the charges and an opportunity to be heard in person or by defense counsel before the Mayor and Council. Such removal shall be final.

SECTION 7 It is council's request and intent that each section shall be considered as a separate issue on the ballot.

SECTION 8 The Law Director is hereby authorized to consult with the appropriate Board of Elections and take all actions necessary in order to submit the foregoing revisions to a vote of the electors of the Village at the next General Election to be held on November 5, 2013, at the regular places of voting in the Village.

SECTION 9 In order to protect the health, safety and welfare of the citizens of the Village of Buckeye Lake, this ordinance is an emergency measure to allow the Village to comply with the timelines required by the County Board of Elections for placing Charter Amendments on the ballot and the ordinance shall become effective on its passage and signature of the Mayor.

ADOPTED this 28th day of May, 2013

Attest: Valerie L. Hans Council Clerk, Valerie L. Hans
Charlene C. Hayden Council President, Charlene Hayden

Date filed with Mayor: May 28, 2013

Date Approved by Mayor: May 28, 2013

Richard E. Baker
Mayor, Richard E. Baker

Approved as to Form: Richard S. Bindley
Richard S. Bindley, Solicitor