

ORDINANCE NO. 2024-33
VILLAGE OF BUCKEYE LAKE
FIRST READING

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF THE VILLAGE OF BUCKEYE LAKE AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF BUCKEYE LAKE PROPOSING TO AMEND ARTICLE 7 BOARDS AND COMMISSIONS OF THE CHARTER CLARIFYING THE RESPONSIBILITIES AND QUALIFICATIONS OF BOARDS AND COMMISSIONS AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Charter Section 7.02, Council has received recommendations from the Charter Review Commission to amend certain provisions of the Charter; and

WHEREAS, as required by Section 9, Article XVIII of the Ohio Constitution all amendments to the Charter must be approved by the electorate of the municipality;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Buckeye Lake, at least two-thirds (2/3) of its members concurring to dispense with the requirements of Charter Section 4.04 requiring three readings on three separate days with at least one week between the readings:

SECTION 1: There be submitted to the electors of the Village of Buckeye Lake at the next general election, November 5, 2024, at the regular place or places and hours of voting in the Village, as established by the Licking County and Fairfield County Boards of Election, the proposed amendment to the Charter of the Village of Buckeye Lake, as amended in Exhibit A.

SECTION 2: The form of ballot to be given at the election on the question of this municipal Charter amendment shall be substantially as follows:

A MAJORITY AFFIRMATIVE VOTE IS NECESSARY FOR PASSAGE:

"Shall the Charter of the Village of Buckeye Lake Article 7 be amended to clarify the responsibilities and qualifications of Boards and Commissions?"

For the Amendment _____

Against the Amendment _____

SECTION 3: Revised Code 3505.06 requires that when condensed text is used on a ballot question, issue, or amendment, the full text of the proposed question, issue, or amendment, together with the percentage of affirmative votes necessary for passage, shall be posted in each polling place, the attached Exhibit A shall be used as the full text of the proposed ballot item at each polling place.

SECTION 4: The Clerk of Council is hereby directed and authorized to give notice of the proposed Charter amendment as required by law. Specifically, pursuant to Revised Code 731.211, the Clerk shall "mail a copy of the proposed charter amendment to each elector whose name

appears upon the poll or registration books of the last regular or general election held” in the Village and such mailing shall occur not less than thirty (30) days prior to the election.

SECTION 5: The Clerk of Council is hereby authorized and directed to certify a copy of this Ordinance immediately after its effective date and prior to August 7, 2024, to the Board of Elections of Licking and Fairfield Counties, Ohio for the purpose of having the question set forth in Section 2, above, placed on the ballot in order to submit the proposed Charter amendment to the electors of the Village of Buckeye Lake, Ohio, at the election to be held on November 5, 2024.

SECTION 6: That upon passage of this amendment to the Village of Buckeye Lake Charter by a majority of the electors, Article 7 as presently read shall be repealed and replaced by the provisions as set forth in Section 1.

SECTION 7: That 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 of R.C. §121.22.

SECTION 8: For the reasons noted in the preamble, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, or welfare of the citizens of Buckeye Lake and therefore, this Ordinance shall become effective upon its passage by Council.

PASSED this 22nd day of July, 2024

Attest:

Samantha Torres
Council Clerk, Samantha Torres

John Lemmon
Council President, John Lemmon

Date Filed with Mayor 7/24/2024
Date Approved by Mayor 7/24/2024

Linda Goodman
Mayor, Linda Goodman

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ARTICLE 7

BOARDS AND COMMISSIONS

SECTION 7.01 Planning, Zoning, and Zoning Appeals:

a) The Planning Commission supports the Village Council and the Administration by preparing, updating and maintaining the long-term strategic plans of the Village. The Zoning Commission is an administrative function creating zoning maps and property guidelines in accordance with the long-term plans of the Village and provides a forum for processing zoning matters and hearing zoning variance requests. The Board of Zoning Appeals creates appeals guidelines and provides a process to hear appeals from residents, businesses and property owners who take exception to the findings of the Zoning Commission.

b) Each Commission/Board shall elect one of its members to serve as Chair. The Chair shall serve for a term of one year. The Commission/Board shall adopt rules and regulations for the governance of the Commission/Board. The rules shall provide that the Commission/Board shall each hold, separately, regular meetings to ensure that all pending duties, activities and related business is addressed in a timely manner. Each appointed member of a Commission/Board shall not hold a position on one of the other Commissions/Boards.

7.01-01 The Village shall have a Planning Commission consisting of three members who shall be qualified electors of the Village.

a) The Mayor shall appoint the members which must be approved by the affirmative majority vote of the members of Council.

b) The Development Director shall be an ex-officio member of the Planning Commission.

c) The Council shall elect by a majority vote of its members, one of its members to serve as an ex-officio member of the Planning Commission. The Development Director and the member of Council as hereinabove provided for as members of the Planning Commission shall serve during their respective job as Development Director and term as member of Council.

d) The appointments shall be as follows: one member shall be appointed for a two-year term and two members shall be appointed for a four-year term, creating overlapping terms that become effective January 1, 2024.

e) A vacancy of any Planning Commission member shall be appointed by the Mayor which must be approved by a majority vote of Council, for the unexpired term.

f) The Commissioners may be reappointed by the Mayor and reaffirmed by a majority vote of Council for another four-year term.

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g) Once each year, or more often if requested or required by the Mayor or Council, the Commission shall prepare and furnish a written report of the activities undertaken by the Commission during the year.

h) The Mayor, with a majority vote 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.

i) The Planning Commissions' duties are as follows:

1. The Commission shall develop and update a five-year plan for the growth and development of the Village.

2. Prepare plans and reports relative to the overall planning of growth, development, redevelopment and renewal of the Village.

3. The Commission shall conduct studies as needed.

4. The Planning Commission shall continuously review and report to the Council its recommendations concerning the Village's capital improvements programs, subdivision, platting and zoning ordinances and regulations.

7.01-02 The Village shall have a Zoning Commission consisting of five members who shall be qualified electors of the Village.

a) The Mayor shall appoint the members which must be approved by the affirmative majority vote of the members of Council.

b) The appointments shall be as follows: two members shall be appointed for a two-year term and three members shall be appointed for a four-year term, creating overlapping terms that become effective January 1, 2024.

c) A vacancy of any Zoning Commission member shall be appointed by the Mayor which must be approved by a majority vote of Council, for the unexpired term.

d) The Commissioners may be reappointed by the Mayor and reaffirmed by a majority vote of Council for another four-year term.

e) Once each year, or more often if requested or required by the Mayor or Council, the Commission shall prepare and furnish a written report of the activities undertaken by the Commission during the year and the number and status of variance, building and zoning issues heard or pending in the Village.

f) No Village employee or official may serve as a Commission member while so employed, elected or appointed.

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g) The Mayor, with a majority approval 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.

h) The Zoning Commission's duties are as follows:

1. Establish maps and maintain zoning rules and procedures for zoning matters

a) These shall be in the interest of the promotion of the public health, safety, convenience, comfort, prosperity, or general welfare, may regulate and restrict the location of buildings and other structures.

b) Maintain and enhance the value of buildings, structures and land throughout the Village.

2. Hear requests for zoning variances and other matters.

3. Make advisory recommendations to Council and Planning Commission concerning zoning matters as it believes to be in the best interest of the Village.

7.01-03 The Village shall have a Board of Zoning Appeals consisting of five members who shall be qualified electors of the Village

a) The Mayor shall appoint the members which must be approved by the affirmative majority vote of the members of Council.

b) The appointments shall be as follows: two members shall be appointed for a two-year term and three members shall be appointed for a four-year term, creating overlapping terms that become effective January 1, 2024.

c) A vacancy of any Board of Zoning Appeals member shall be appointed by the Mayor and approved by a majority vote of Council for the unexpired term.

d) The Board members may be reappointed by the Mayor and reaffirmed by a majority vote of Council for another four-year term.

e) Once each year, or more often if requested or required by the Mayor or Council, the Board shall prepare and furnish a written report of the activities undertaken by the Board during the year.

f) No Village employee or official may serve as a Board member while so employed, elected or appointed.

g) The Mayor, with a majority approval of Council, may at any time remove any Board member so appointed for malfeasance in office, having first given to such member a copy

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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.

h) The Board of Zoning Appeals' duties are as follows:

1. To hear and decide appeals of the Zoning Commission's findings where it is alleged there is an error in any order, requirement, decision, interpretation, or determination.

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.~~

~~b) — The members shall serve until their successors are appointed and qualified. 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 of 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.~~

~~e) — The purpose of this Planning and Zoning Commission is to preserve and promote the public health, safety and welfare by means of regulations and restrictions enacted to:~~

~~1) — encourage the orderly growth and development of the Village;~~

~~2) — develop and update a five year plan for the growth and development of the Village;~~

~~3) — provide for adequate light, air, open space and convenience of access and protect against fire and natural hazards through planning;~~

~~4) — maintain and enhance the value of buildings, structures and land throughout the Village through planning; and~~

~~5) — make advisory recommendations concerning zoning matters as it believes to be in the best interest of the Village.~~

~~f) — In addition to the duties set forth herein, the Planning and Zoning Commission shall serve as a Board of Zoning and Building Appeals. The Board members will include the seven members of the Planning and Zoning Commission. The Director of Development or his designee shall attend every meeting and serve in an advisory capacity. No Village employee or official may serve as a Board member while so employed, elected or appointed.~~

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~~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.~~

~~h) — Once each year, or more often if requested or required by the Mayor or Council, the Commission shall prepare and furnish a written report of the activities undertaken by the Commission and the Board during the year and the number and status of variance, building and zoning issues heard or pending in the Village.~~

~~i) — The Board of Zoning and Building Appeals shall have the power to hear and decide appeals for exceptions to and variances in the application of resolutions, ordinances, regulations, measures and orders of administrative officials or agencies governing zoning, building and housing in the Village, as may be required to afford justice and avoid unreasonable hardship, subject to such reasonable standards as shall be prescribed by Council by Ordinance. The Board shall have such additional powers, duties and functions, relative to appeals from actions of administrative officers or employees concerning public buildings, streets or other public property or works, as provided by Ordinance or Resolution.~~

~~j) — The Commission shall have such other powers, duties and functions, consistent with this Charter as provided by the Village's Ordinances and Resolutions.~~

SECTION 7.02. Charter Review Commission.

a) During the month of January, 2008, and each five years thereafter, Council shall appoint, by a majority vote, a Charter Review Commission consisting of five members who are electors of the Village. Notwithstanding the above, Council may appoint a Charter Review Commission, with membership as provided in this division, at any time, if approved by a majority vote of Council.

b) The Commission shall study and review the provisions of this Charter and the operations of the Village and shall report its recommendations, if any, for changes or revisions in this Charter to the Council no later than one year from the date ~~the first day of December of the year~~ of their appointment.

c) On or before the last meeting of the year in which Council received recommendations for changes or revisions to this Charter, Council shall vote whether to place such recommendations on the ballot at the next general or primary election occurring in the Village. A concurring vote of at least three-fourths of the membership of Council shall be necessary to withhold from the ballot the recommendations of the Charter Review Commission.

SECTION 7.03. Parks and Recreation Commission.

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- 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.
- b) Said commission shall ~~elect~~ organize as a "recreation and parks commission" by the election of a Chair, who shall serve for a term of one year or until his or her successor is elected and qualified. The commission shall adopt rules and regulations for the government of the commission and for the operation of the various recreational facilities and public parks under its control. The rules shall provide that the Commission shall hold at least one regular meeting each month; except the Commission, by its rules or by a majority vote of its members, may designate ~~one month~~ three months in which regular meetings shall not be held.
- c) Once each year, or more often if requested or required by the Mayor or Council, the Commission will prepare and furnish a written report of its activities during the year and the status of the parks under the Commission's jurisdiction.
- d) The Parks and Recreation Commission shall review the Village's parks and recreation operations, facilities and programs and shall prepare and submit an annual budget to the Village Finance Committee for review and approval, and when necessary make advisory recommendations to the Mayor and the Council concerning such parks and recreational programs, operations, staffing and facilities as the Commission believes to be in the best interest of the Village and its residents.
- e) The Commission shall also, in accordance with their annual funds appropriated, with the approval of Council and the Mayor, equip, operate, direct and maintain all the existing recreational facilities and parks facilities, and ~~from time to time, to~~ acquire, improve and construct additional facilities in conjunction with community activity trends and growth. ~~The recreation and parks commission may receive donations and bequests, of money or property, in trust or otherwise, for recreational and park purposes. The Clerk-Treasurer shall be the custodian of all such trust funds which may be received by gift, devise, in trust, or otherwise. Said Clerk-Treasurer shall carefully preserve, control and invest the said trust funds as required by the deeds of trust, and shall disburse the income from the same as shall be directed by said commission in accordance with and subject to the terms and conditions of said deeds of trust.~~
- f) The Parks and Recreation Commission may receive donations and bequests, of money or property, in trust or otherwise, for recreational and park purposes. The Clerk-Treasurer Fiscal Officer shall be the custodian of all such trust funds which may be received by gift, devise, in

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trust, or otherwise. Said Clerk-Treasurer Fiscal Officer shall carefully preserve, control and invest the said trust funds as required by the deeds of trust, and shall disburse the income from the same as shall be directed by said commission in accordance with and subject to the terms and conditions of said deeds of trust.

SECTION 7.04. Other Boards and Commissions.

The Council may create, change and abolish other boards and commissions as it determines to be necessary, and may provide for their organization, membership, terms of office of members, powers, duties and functions by Ordinance.