

Dear Resident,

The upcoming November election will give you an opportunity to vote on some specific changes to the Charter for the Village of Buckeye Lake. It is very cumbersome to vote on the Charter in its entirety, so Council has voted to put forth Articles 7 & 8 for this voting cycle. Below are some key bullet points that will highlight the major changes in each article. A complete copy of each of these articles with the recommended changes is also attached and it is suggested that you read these sections in their entirety. You may also obtain a copy in the Village office or by going to the Village of Buckeye Lake website and clicking on the link for Proposed Charter Changes.

### **Article 7 Proposed Changes**

#### **Boards & Commissions**

- All suggested “clerical” changes will occur without a vote.
- All suggested changes are printed in red ink.
- The current Charter provides for a Planning and Zoning Commission. Based on the growing demands and the new Comprehensive Plan, the new Charter will create a Planning Commission, a Zoning Commission, and a Board of Zoning Appeals.
- The responsibilities of each Commission are spelled out in the suggested Charter changes.
- All Commission members and the Board of Zoning Appeals members are appointed by the Mayor, with Council approval.
- All Commission members and Board of Zoning Appeals members must be qualified electors of the Village.

#### **Charter Review Commission**

- A Charter Review Commission must report suggested Charter changes within one year of their appointment.

#### **Parks & Recreation Commission**

- The Commission may designate three months within the year to not hold a meeting.
- The Commission will submit an annual budget to the Village Finance Committee.
- The Commission may use appropriated funds to improve park facilities based on community growth and trends.

### **Article 8 Proposed Changes**

- The Mayor may advertise bids online and with social media instead of advertising in a newspaper or general circulation.
- The Village will not incur debts in excess of the limitations imposed by the Constitution and the laws of the State of Ohio.

## 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.
- 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 improvement 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.
- 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 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.

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#### 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.~~
- c) ~~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.~~
- 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.

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**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.
- b) Said commission shall ~~organize as a "recreation and parks commission" by the election of elect~~ of a Chair, who shall serve for a term of one year or until his or her successor is

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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.

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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 when necessary and 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.

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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.

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e)f) The ~~recreation and~~ 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 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.

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#### 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.

## ARTICLE 8 FINANCE, TAXATION AND DEBT

#### SECTION 8.01. General Provisions.

The laws of Ohio relating to budgets, appropriations, taxation, debts, bonds and notes, assessments and other fiscal matters shall be applicable to the Village, except as modified by or necessarily inconsistent with the provisions of this Charter, or when provision therefore is made in the Constitution of Ohio.

#### SECTION 8.02. Purchasing and Contracting Procedures.

- a) The Mayor shall award and execute all contracts on behalf of the Village;
- b) When a proposed contract or expenditure exceeds the State of Ohio limit for competitive bidding, the Council shall authorize the Mayor to cause plans and specifications to be prepared and advertised for bids once a week for two consecutive weeks in at least one newspaper of general circulation within the Village, on social media and/or online and the Council shall appropriate funds for that purpose unless they have been previously appropriated and remain unencumbered. Upon such authorization, the appropriate official or employee shall cause such plans and specifications to be prepared and such advertising to be made. The Council, by Ordinance or Resolution adopted by a vote of a majority of its members, may authorize, without competitive bidding, contracts and expenditures for any other purpose where the statutory or common law of Ohio does not

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c) When it becomes necessary to make alterations or modifications in connection with any work or improvements covered by contracts, such alterations or modifications shall be made only upon the order of the Mayor. No order for the alteration or modification of any contract shall be effective until the price to be paid for the work or material, or both, under the altered or modified contract, shall have been agreed upon in writing and signed by the contractor and the Mayor on behalf of the Village. Modifications or alterations in contracts will not require further advertising or bidding.

d) No contract, agreement or other contractual obligation involving the expenditure of money shall be entered into or authorized by the Mayor unless the Clerk-Treasurer Fiscal Officer or a duly authorized representative of the Clerk-Treasurer Fiscal Officer shall first certify:

- 1) That the money required for the contract, agreement, obligation or expenditure is in the Village's treasury or in the process of collection, and
- 2) That the money has been appropriated by Council for the purpose, and remains unencumbered.

e) The certification as to the availability of funds shall be filed and recorded in the accounting records of the Village and a copy furnished the vendor or contractor. Without the certification, contractual obligations shall be void and unenforceable against the Village unless authorized by an Ordinance of the Council. The Clerk-Treasurer Fiscal

Officer shall not arbitrarily withhold the certificate required by this division.

f) The Council or the Mayor shall not divide any order or contract to avoid the requirements of competitive bidding.

g) Copies of all written contracts and purchase orders shall be filed with and maintained as public records by the Clerk-Treasurer Fiscal Officer.

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### SECTION 8.03. Limitation on Taxation.

The power of Council to levy taxes shall be subject to the limitations now or hereafter provided by this Charter, and the Constitution and the general laws of the State of Ohio. Nothing contained in this Charter shall be construed as authorizing Council to levy any taxes in excess of such limitations, or to levy a tax on the income of the residents of the Village, or a tax on sales of goods or services in the Village without a first submitting the question of whether to levy the tax or the increased tax to a vote of the people.

### SECTION 8.04 Limitation of Debt

The Village shall not incur debt in excess of the limitations imposed by the Constitution and the laws of the State of Ohio.

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