

PROPOSED AMENDMENTS TO CHARTER OF
THE CITY OF HUDSON
(5/6/15)

SECTION 3.02 MEETINGS.

The Council shall conduct an organizational meeting at 7:30 p.m. ~~on the~~ at its first ~~Wednesday of regularly scheduled meeting in~~ December following each regular Municipal election. The Mayor shall preside at this organizational meeting and also at subsequent regular or special meetings at which legislative action may be taken. After this the Council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than twice each month. If the day of an organizational meeting as provided in this section is a holiday as established by Municipal ordinance, the meeting shall be held on the next succeeding day which is not a holiday. All regular meetings of the Council and all special meetings at which legislative action may be taken shall be open to the public, except as may be provided by State law. Any resident of the Municipality shall be entitled to speak at such meetings of the Council. Such right shall not be unreasonably abridged by any rules and regulations which the Council may adopt. Council may also conduct work session meetings, as necessary, at which no legislative action shall be taken to discuss legislative and other actions, which meetings shall be open to the public but shall not require any resident of the Municipality to be entitled to speak at such meetings.

SECTION 3.03 PRESIDENT.

At each organizational meeting of Council the members first shall elect by majority vote a member to the office of President of Council for a two (2) year term. A member so elected for two (2) consecutive full two-year terms shall thereafter be ineligible for that office for the next succeeding term.

The President of Council shall exercise all of the powers and perform all of the duties of the Mayor in accordance with the provisions of Sections ~~4.02,~~ 4.03 and 4.04.

The President of Council may appoint committees of Council to advise the Council on any functions of the Municipal government.

The President of Council shall preside at all meetings of Council at which no legislative action may be taken.

SECTION 3.04 CLERK OF COUNCIL.

Council shall appoint a Clerk of Council, who shall serve at the pleasure of Council. The Clerk of Council shall attend all meetings of Council at which legislative action may be taken, keep its records and perform all other duties prescribed by Council. During the absence or disability of the Clerk, the Council shall appoint a clerk *pro tempore* to perform all of the duties of the office.

SECTION 3.05 POWERS.

All the legislative powers of the Municipality and the determination of all matters of policy shall be vested in the Council. Without limitation of the foregoing, the Council may by ordinance make provision differing from the general law with respect to:

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(e) The making, advertising and awarding of contracts, except as provided in Section ~~6.03-6.04~~ of this Charter;

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(i) The Council shall have the right to request and receive information in a timely manner on all matters addressed by, or participated in, by the Mayor in the Mayor's official capacity.

SECTION 3.07 QUORUM AND PROCEDURE.

A majority of the members of Council shall constitute a quorum for the transaction of any business at any meeting of the Council, but if a quorum is not present, a lesser number may adjourn the meeting from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. At any meeting where legislative action may be taken at which a quorum is present, any ordinance or resolution may be passed or adopted and any other action may be taken by the affirmative votes of four (4) members of the Council unless a larger number be required by the provisions of this Charter or by the laws of Ohio.

SECTION 3.09 ORDINANCES AND RESOLUTIONS THAT TAKE IMMEDIATE EFFECT.

Ordinances or resolutions shall go into immediate effect if they provide for: appropriations for current expenses of the Municipality; or street and utility improvements petitioned for by the owners of a majority of the feet front of the property benefitted and to be especially assessed for the cost thereof; or emergency ordinances or measures necessary for the immediate preservation of the public peace, health or safety in the Municipality. Such emergency ordinances or measures shall contain a statement of the specific reasons for such necessity in a separate section of the ordinance or other measure. Every such emergency measure or ordinance shall require the affirmative vote of at least five (5) members of the Council for its enactment except that six (6) affirmative votes shall be required if all members are present. If such an emergency measure fails to receive the necessary affirmative votes but receives a necessary majority for adoption or passage as a regular measure, it shall be considered adopted or passed as a regular measure.

No action of the Council in authorizing the surrender of any of its powers or in granting any franchise, or in contracting for the supply to the Municipality or its inhabitants of the product or service of any utility, whether Municipally owned or not, or any ordinance referring to zoning

or building codes or other regulations controlling the use or development of land, shall be taken as an emergency measure.

SECTION 3.11 VACANCIES.

Any vacancy in the Council shall be filled temporarily by appointment by a majority of the remaining members of the Council, and then by the voters for the remainder of the term at the next regular Municipal election, unless that election occurs within sixty (60) days, the period necessary to allow time for candidates to file, then at the subsequent regular Municipal election. The term of the person chosen at such election to succeed such appointee for any unexpired term shall begin at the first regular Council meeting in December following the election and shall continue for the remainder of such unexpired term. If the Council fails to fill a vacancy within ~~thirty-sixty~~ (30/60) days, a special election will be called by Council. However, the term of a member shall not be lengthened by resignation and subsequent appointment. Any vacancy in the office of President of Council shall be filled by a member elected by the majority of the members of Council.

SECTION 3.12 ADMINISTRATIVE SERVICE.

The Council and its members shall deal solely through the City Manager in respect to any part of the administrative service, or the daily operations thereof, for which the City Manager is responsible. The Council may by ordinance adopt rules and regulations for its members with respect to the provisions of this section.

SECTION 5.01 REMOVAL PROCESS.

The City Manager may be suspended by a resolution approved by the majority of the total membership of the Council which shall set forth the reasons for suspension ~~and pending a~~ proposed removal of the City Manager. A copy of such resolution shall be served immediately upon the City Manager. The City Manager shall have fifteen (15) days in which to reply thereto in writing, and upon request, shall be afforded a ~~public~~ hearing at a public meeting, which shall occur not earlier than ten (10) days nor later than fifteen (15) days after such hearing is requested. If a hearing is not requested by the City Manager within the fifteen (15)-day period, the removal of the City Manager is effective on the sixteenth (16th) day after service of the resolution provided for above. After the ~~public~~ hearing, if one be requested, and after full consideration, the Council may adopt a final resolution of removal. A final resolution of removal shall be acted upon by the Council within fifteen (15) days after the close of all testimony and arguments at the Council's hearing and it shall be effective immediately upon its passage. The City Manager shall continue to receive full salary until the effective date of a final resolution of removal.

SECTION 5.03 POWERS AND DUTIES.

The City Manager shall be the Chief Administrative Officer of the Municipality, responsible to the Council for the proper administration of all affairs of the Municipality and the enforcement of all laws and ordinances within the scope of the designated powers and duties of

the office. The City Manager shall manage all divisions and departments of the Municipal government and to this end shall have the power and be required to:

(a) Appoint, promote, transfer, reduce or remove, subject to the provisions of this Charter and enactments of Council pursuant thereto, any officer or employee of the Municipality, except those required by this Charter to be elected and those persons as whose appointment or term of office may otherwise be provided for by this Charter; and the City Manager may appoint an Assistant City Manager, provided such position is provided for by an ordinance of the Council and such appointment is approved by the Council;

(b) Execute on behalf of the Municipality all contracts, conveyances, evidence of indebtedness, and all other instruments to which the Municipality is a party, and affix the seal of the Municipality to all of said instruments, but the absence of the seal shall not affect the validity of any such instrument;

(c) Attend all Council meetings, with the right to participate in discussions and bring matters to the attention of Council but without the right to vote;

(d) Recommend the adoption or repeal of any legislation by Council;

(e) Submit annually prior to January 1 of the next year, a five (5) year financial plan to include capital improvements. The capital improvement plan should list major proposed capital improvements for the next five (5) years with supporting information as to their necessity, cost estimates, the methods of possible financing and suggested time schedule for each improvement;

(f) Submit an annual budget to Council and be responsible for its proper execution as covered by appropriation ordinances of Council;

(g) Submit to Council a monthly report showing the condition of all funds, and Council shall by ordinance prescribe the specific form of report;

(h) Prepare and submit to Council at the end of each fiscal year, a complete report on the finances and administrative activities of the Municipality for the preceding year;

(i) Act as purchasing agent for the Municipality;

(j) Assist the Council to develop long-term goals for the Municipality and strategies to implement these goals;

(k) Provide to Council on a timely basis any information data, documents and reports related to Municipal matters as requested by Council; and

(l) Perform all other duties prescribed for the City Manager in this Charter or by Council.

SECTION 6.04

CONTRACTS AND PURCHASING.

The City Manager may, within the amounts and items appropriated by the Council, make purchases and enter into contracts in behalf of the Municipality involving expenditures for the whole of any authorized project, asset or service not in excess of twenty-five thousand dollars (\$25,000) without competitive bidding, except as may otherwise be provided by ordinance of the Council. No purchase or contract involving an expenditure of more than twenty-five thousand dollars (\$25,000) shall be made except with the lowest and best bidder as determined by Council after advertising for bids, in writing, for a period of at least once a week for two (2) weeks in a newspaper of general circulation within the Municipality; provided, however, that the Council may authorize contracts without advertising for bids for professional services, for the acquisition of real estate, for the joint use of facilities or exercise of powers with other political subdivisions, or for the product or services of public utilities (including those Municipally operated), and the Council may authorize a purchase or a contract involving an expenditure of more than twenty-five thousand dollars (\$25,000) without advertising for bids if it determines and declares by an affirmative vote of not less than five (5) members that an emergency exists affecting life, health, property or public peace and sets forth the nature of the emergency in its resolution or ordinance. The Council may also authorize a purchase or a contract involving an expenditure of more than twenty-five thousand dollars (\$25,000) without advertising for bids if the purchase or contract is made through another political subdivision's contract for purchases or a joint or cooperative purchasing program, as such methods of purchasing and contracting are authorized by state law.

SECTION 8.05

MUNICIPAL PARKS.

The Municipality shall operate and maintain public parks and public lands acquired or designated by Council. The Park Board shall, as may be directed by Council, supervise-make recommendations as to the following matters: the operation of the parks, submit an annual budget with the advice of the City Manager for the to Council's for its approval and appropriation of funds, approve park expenditures in accordance with the appropriation, for payment by the Finance Director, provide for conservation and recreation activities within the Parks System and it shall perform such other tasks as may be designed by Council. The City Manager shall hire Parks management personnel, with the advice of the Park Board.

Tax levies designated for the operation of the public park system shall be recommended by the Park Board and may be approved by Council for placement on the ballot. Funds collected and appropriated for park purposes shall be maintained as a Special Revenue Fund by the Finance Director of the Municipality.

With the approval of the Council, tThe Park Board shall provide for lands suitable for park activities and programs, and for lands suitable for natural preserves. Land acquisitions for park purposes shall be recommended by the Park Board and may be approved by Council and shall conform to the Comprehensive Plan and enacting ordinances in effect at the time of the acquisition. Except by a vote of a majority of the electors of the Municipality, No Land under the jurisdiction of the Park Board-owned by the Municipality and devoted to public park purposes shall not be sold or otherwise transferred to another owner, nor used by the Municipality for purposes other than public park purposes, which would result in a net reduction of the land area of the public park, unless the reduction in land area would be for a public

purpose that enhances the function of that particular park. ~~except by a vote of a majority of the electors of the Municipality.~~

SECTION 9.02 PLANNING COMMISSION - POWERS AND DUTIES.

All meetings of the Commission shall be public, except as may be provided by the laws of the State of Ohio. No public building, street, boulevard, parkway, park, playground, bridge or tunnel shall be constructed or authorized to be constructed in the Municipality, nor shall any street, avenue, parkway, boulevard or alley be opened for any purpose whatsoever, nor shall any street, avenue, parkway, boulevard or alley be widened, narrowed, relocated, or its use changed or any ordinance referring to zoning or building codes or other regulations controlling the use or development of land be passed unless and until Council shall have submitted the same to the Planning Commission for report and recommendation. Any foregoing matter so referred to the Planning Commission shall be considered by the Commission at a public hearing, except streets and land subdivision within zoning districts where both industrial and office uses are permitted. Notice of a public hearing shall be given in the manner provided by ordinance of Council, and thereafter shall be acted upon by the Planning Commission within one hundred twenty (120) days from the date of the regular Planning Commission meeting at which the matter was accepted, unless a longer time be allowed by Council. The Planning Commission report and recommendation shall be filed with the Clerk of Council within the prescribed time. Any proposed action by Council relating to changes of zoning, building codes, or other regulations controlling the use or development of land shall require five (5) votes of Council for passage. Four (4) votes by Council shall be required to return a recommendation to the Planning Commission for further consideration, and this may be done only once. In addition to the foregoing, the Planning Commission shall be the Platting Commission of the Municipality, shall have the power and duty to review, approve, disapprove, or approve subject to conditions, all applications for zoning certificates for new non-residential buildings within zoning districts where both industrial and office uses are permitted, and shall have such other powers as are now or may hereafter be conferred upon it by the laws of Ohio or by ordinance of Council.

SECTION 9.07 ARCHITECTURAL AND HISTORIC BOARD OF REVIEW -POWERS AND DUTIES.

All meetings of the Architectural and Historic Board of Review shall be public, except as may be provided by the laws of the State of Ohio. The Board shall have the power and the duty to review, approve, disapprove, or approve subject to conditions, all applications for zoning certificates other than zoning certificates for new non-residential buildings within zoning districts where both industrial and office uses are permitted, which shall be reviewed in accordance with the provisions of Section 9.02, and other than minor improvements to either residential or non-residential properties, such as fences, small accessory buildings, building additions, and signs, as specified by Council, which minor improvements may be administratively reviewed, approved, disapproved, or approved subject to conditions by the City Manager or the Manager's designee(s). With respect to applications to construct, erect, alter, remove, move or demolish any and all structures, buildings or landmarks within any Historic District established and defined by Council, the Board shall also have the power and duty to issue or deny a Certificate of Appropriateness pursuant to procedures established by Council. In

the exercise and fulfillment of these specified powers and duties, the Board shall protect and preserve the value, appearance and use of property on which buildings are constructed or altered, to maintain a high character of community development, to protect the public health, safety, convenience and welfare and to protect real estate within the Municipality from impairment or destruction of value. Guidelines for the fulfillment of such duties shall be specified with respect to architectural values in architectural criteria as adopted, and as may be amended, by Council. Any provisions of the Codified Ordinances of Hudson relating to the Architectural and Historic Board of Review existing pursuant to such ordinances at the time of adoption of this section shall continue in effect and shall be applicable to the Board established by this section unless and until modified or repealed by Council. The Board shall also have such other powers and duties as are now or may hereafter be conferred upon it by the laws of Ohio or by ordinance of Council.

Council, the Planning Commission and the City Manager shall consult with the Architectural and Historic Board of Review on application of the architectural criteria adopted by Council to physical development of the Municipality.