
Agenda

1. **Open Meeting**
2. **Pledge of Allegiance**
3. **Invocation**
4. **Roll Call**
5. **Minutes**

[Regular Meeting Minutes of November 1, 2023](#)

6. **Special Presentations and Resolutions**

[Resolution No. R16-2023](#)

[COMMENDING DOYLE H. WEBSTER FOR HIS DEDICATION AND SERVICE TO THE CITY OF SPRINGDALE](#)

[Resolution No. R17-2023](#)

[COMMENDING KATHY MCNEAR FOR HER DEDICATION AND SERVICE TO THE CITY OF SPRINGDALE](#)

7. **Committee and Official Reports**

Civil Service Commission

Rules and Laws

Finance Committee

Planning Commission

Board of Zoning Appeals

Board of Health

Capital Improvements

O-K-I

Mayor's Report

Clerk of Council/Finance Director

Administrator's Report

Law Director's Report

Engineer's Report

Mr. Coleman - Mrs. Nienaber - Mrs. Darby

Mrs. Ghantous

Mr. Hawkins - Mr. Ramirez

Mrs. Sullivan-Wisecup - Mr. Ramirez

Mrs. Ghantous - Mr. Anderson

Mr. Jacobs

Mrs. Ghantous

Mr. Anderson

Mayor Webster

Mrs. McNear

Mr. Jones - Mr. Uhl

Mr. Braun

Mr. Riggs

8. **Communications**

9. **Communications from the Audience** *(Five minutes each speaker, Springdale Code §30.05)*

10. **Ordinances and Resolutions**

[Ordinance No. 45-2023](#)

[AN ORDINANCE AMENDING CHAPTERS 30 AND 38 AND REPEALING SECTION 94.202 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, OHIO, AND DECLARING AN EMERGENCY](#)

[Ordinance No. 46-2023](#)

[AN ORDINANCE ENACTING AND ADOPTING THE 2023 S-26 SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, OHIO AND DECLARING AN EMERGENCY](#)

11. **Old Business**

12. **New Business**

13. **Meetings and Announcements**

14. **Communications from the Audience** *(Five minutes each speaker, Springdale Code §30.05)*

15. **Update on Legislation Still in Development**

16. **Recap of Legislative Items Requested for Next Council Meeting**

17. **Adjournment**

City of Springdale Council

November 1, 2023

President of Council Vanover called Council to order on November 1, 2023

The governmental body and those in attendance recited the Pledge of Allegiance.

Mrs. McNear took roll call. Council members Anderson, Ghantous, Hawkins, Jacobs, Ramirez, Sullivan-Wisecup, and Vanover were present.

The minutes of the October 18, 2023 meeting were considered. Mrs. Sullivan-Wisecup made a motion to accept the minutes; Mr. Jacobs seconded. The minutes were approved with six affirmative votes, with one abstention (Ghantous).

Communications

Mrs. McNear: We do have one official notification from Frank LaRose, the Ohio Secretary of State notifying the public that we do have an upcoming election on November 7th, and there are two issues that will be on the ballot. That is all I have this evening.

Communications from the Audience - None

Ordinances and Resolutions

Ordinance No. 44-2023

AN ORDINANCE AUTHORIZING THE MAYOR AND CLERK OF COUNCIL/FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH SAMANTHA R. PHILLIPS FOR PUBLIC DEFENDER SERVICES FOR THE CITY OF SPRINGDALE, OHIO, AND DECLARING AN EMERGENCY

Mr. Hawkins made a motion to adopt Ordinance No. 44-2023; Mrs. Ghantous seconded.

President Vanover: Just a note Council, our packets list October, and it is now November. It was a typo, she corrected the official copy.

Mr. Hawkins: Ms. Phillips is a University of Cincinnati undergraduate degree holder. Went to the University of Dayton for law school. She has been practicing for about seven and a half years, has a focus in her own practice with criminal offense. She also does Public Defender work in Middletown Municipal Court, and she's also an Assistant Prosecutor for the City of Hamilton; super conscientious, uber, uber prepared, and if she hadn't been practicing as long as she has been, I would say she is a young rising star, but she's been practicing long enough that she's there. So, she's doing a great job.

Ordinance No. 44-2023 passes with seven affirmative votes.

Ordinance No. 45-2023

AN ORDINANCE AMENDING CHAPTERS 30 AND 38 AND REPEALING SECTION 94.202 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, OHIO

President Vanover: Council, you've heard the reading of Ordinance No. 45-2023. It is a first reading. Is there any discussion this evening?

Mr. Jacobs: I'm looking at page 13, Section 38.06. I can just read it. It's a pretty simple question. "There is hereby created the position of Clerk of Council. Under the guidance and supervision of the City Administrator, the duties of the Clerk of Council may be assigned or employed in a full or part-time capacity." Do we know going forward whether this one is going to be full or part-time?

Mr. Uhl: The duties will be a part-time assignment to a full time employee. So, it would just be part of their duties.

Mr. Jacobs: Thank you.

President Vanover: Alright, seeing no more lights, we will see this at the next meeting.

City of Springdale Council

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Resolution No. R15-2023

A RESOLUTION ADOPTING THE 2023 HAMILTON COUNTY MULTI-HAZARD MITIGATION PLAN

Mrs. Ghantous made a motion to adopt Resolution No. R15-2023; Mrs. Sullivan-Wisecup seconded.

Mr. Jones: Briefly, we did this a few years ago, and it's a requirement to FEMA (Federal Emergency Management Agency). One of the things I wanted to point out is the adoption of the updated plan allows the City to continue to remain eligible for federal disaster relief funds and potential hazard mitigation funding. It also, if we do not do it, it requires that we do our own plan, and we would prefer not to do that. We'd appreciate your support on this. Thank you.

Resolution No. R15-2023 passes with seven affirmative votes.

Executive Session – Economic Development

Mrs. Sullivan-Wisecup: I move that we go into Executive Session pursuant to Article 2(D)(1) of the Charter of the City of Springdale to consider Economic Development matters.

Mrs. Ghantous: Second

President Vanover: Administration do we anticipate anything coming out of this action.

Mr. Jones. No. Thank you.

Motion to go into Executive Session pursuant to Article 2(D)(1) of the Charter of the City of Springdale to consider Economic Development matters passed with seven affirmative votes. Council departed chambers at 7:11 p.m. Council returned at 8:07 p.m.

Old Business - None

New Business

Mr. Jones: I have a couple of things that, well, technically they could be under "Meetings and Announcements", but I just want to ask if there would be some discussion tonight about the special meeting of Council for December 1st? Just wanted to make sure I brought that up. But, when we get to the next section, I'll have a few announcements.

President Vanover: Okay. Well, December 1st our terms end, well the terms of, it will be the newly elected, which would be the at-large people and the Mayor on November 30th, and, so, December 1st we have a swearing-in ceremony to swear in the new Council members, and the new Mayor, in this case. Time; typically we've always held the same time, 7:00 everybody good with that? We will have a judge here to do the process. Mr. Braun if you want to expound on that.

Mr. Braun: Just so you know, I'm in the process of obtaining an alternate judge. Our favorite judge, Judge Marsh is in the same position the Mayor is in. She's having a knee replacement surgery on November 28th. So, she said to me, "As much as I love the City of Springdale, I don't know if I'll be able to attend because of my surgery." And I said, "Hm, I don't like those odds." But, she was carrying on about the fact that she would love to be here, and that I was to send her regards. So, I am working to obtain an alternative judge to handle the swearing-in, and both options that I'm looking at, I think, are very good. I'll keep you updated.

President Vanover: Mr. Jones, you have anything else to add?

Mr. Jones: The only thing else I wanted to add in on that. I talked to our Mayor and what will be our incoming Mayor and we're working on arrangements on where to go subsequent to the meeting.

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President Vanover: Okay. Alright, well, we'll await further decision on that.

Meetings and Announcements

Mrs. Sullivan-Wisecup: Planning (Commission) will meet in these chambers on Tuesday, November 14th at 7:00 p.m.

Mr. Jacobs: Springdale Board of Health will meet on November 9th, next Thursday, adjacent to these chambers at 7:00 p.m.

Mrs. Ghantous: Board of Zoning Appeals will meet on November 28th, which is a Tuesday here in the Council Chambers at 7:00.

Mr. Uhl: Civil Service Commission will meet tomorrow, Thursday, November 2nd at 2:00 p.m. in the Council Conference Room.

Mr. Hawkins: There will be a family dance this Saturday, November 3rd at the Rec Center from 6:00 to 8:00 p.m. This used to be the Daddy Daughter Dance, and it's been opened up to make sure that mothers and sons are not excluded. But, there will be raffles, games, and obviously, music. Thank you.

Mr. Jones: Friday, November 10th Mayor, I don't know if I'm going to steal your thunder here about Veteran's Day Ceremony. I just wanted to make sure we got that out there.

Mayor Webster: Okay, go ahead.

Mr. Jones: That was first on my list. You were too late on the draw there. Also, so that will be at 1:00. November 23rd, the City Administration Building will be closed in observance of Thanksgiving Day. Monday, November 27th, is going to be the tree lighting ceremony at 7:00 p.m., here. Saturday, December 2nd, you're favorite event, you jogger/walkers. The Santa 5k Fun Run/Walk and Christmas Vendor Village. Tickets are on sale, and can be purchased online for \$20. The race starts at 9:00 a.m. and the Christmas Vendor Village is from 9:00 a.m. until 3:00 p.m. that day and that will be held in the Auxiliary Gym. Thank you.

President Vanover: Just for announcements, I will not be here next meeting. I am planning to do a "O.J.", I'm coming back from out of the country and come through the airport, so, uh, yes, the airport, the Hertz Rent A Car commercial. I don't wear gloves (laughter), so, I hope to be in. I may not be in full dress attire, but will hopefully get through. We're touching down about 6:30 p.m., so, depending on the efficiency of American Airlines, and if I can get a Police escort from CVG in, and my running abilities, yes, exactly.

Mr. Ramirez: Mr. Jones, did you say the Veteran's ceremony was on the 10th on Friday?

Mr. Jones: The 10th at 1:00 p.m.

Mr. Ramirez: But, Veteran's Day is the 11th, Saturday.

Mr. Jones: Yes, we're doing our event on Friday.

Mr. Ramirez: Okay. Just so you know, the 10th happens to be the Marine Corps Birthday.

President Vanover: There you go.

Mr. Ramirez: So, can we get that in.

President Vanover: There you go, get it in. Hoo rah.

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Communications from the Audience

Ms. Chapman: Good evening. My name is Megan Chapman, and I live on Vista Glen Drive. I came this evening to say something regarding audience communications from the previous two Council meetings. Two meetings ago, a speaker was admonished for campaigning from the podium, and last meeting, an individual came up and was essentially campaigning for the Mayor's wife, and nothing was said to that individual. I just, it's infuriating to me that, like, things are not applied equally, and it's just seems it's convenient for some people to allow situations to play out whereas, other situations get gaveled.

Mr. Haugh: It's going to take me a second. Sorry. First off, can everybody hear me? There's been a lot of talk in the last few meetings about respect, and respecting each other, and communicating with each other. There seems to be a notion that the residents have to earn respect of the Councilmembers. That's not shared by all Councilmembers. Certain Councilmembers have said this, and I want to know how do we earn that respect? What can we do, you know, there's people in the Community for 40 years, have coached, have been a part of things, and you know, people have come out and said they have your respect. I've only been in the Community for 12 years, and I want to know how, and I've been told that, you know, I have to earn respect, and I want to know how I earn respect? I don't understand how I have to earn that respect.

Mr. Hawkins: I can only speak for myself. Sometimes questions come up that are directed maybe not to everybody that is on the dais. But, everybody deserves respect just like if it was a complete stranger, still going to be respectful to that individual, I would hope they would be respectful to me. Folks come through, I think it's the goal of elected officials to be respectful. We're here and there's an opportunity for residents to speak twice in the meetings, to get input. Sometimes it's going to be critical, sometimes it might be positive, but, the opportunity is here for folks to come in and give their input, concerns, questions, what have you. As we've talked about, sometimes they'll be addressed that evening, sometimes it'll have to be looked at and addressed later. But, at any rate, as we go through that, there should be respect from the dais, and as well as respect from folks that come through the well of Council to ask questions and address concerns. So, I personally think I've been respectful to everybody that's come through that I've addressed and talked to. So, I can't speak for anybody else, or anything other than that. But, I think everybody should be respectful.

Mayor Webster: I think every situation is different. Every person is different. In your particular case, for you to earn respect, I wouldn't begin to know where to start. Because, you've got a long, long way to go. Thank you.

Mr. Anderson: I just want to say I agree with Mr. Hawkins and his comments about respect. I think sometimes we get lost in a heated conversation where somebody might be asking a very specific question. If we don't know the answer, sometimes we don't like the answer that we get, these types of things happen. I'm also one of the people that believe all people deserve respect on face just for being a person, and I think it takes a lot of initiative, and wanting to do good in the Community to even come up to Council and have a conversation. I think sometimes the time and place matters. So, sometimes very specific questions are best handled outside of this meeting. We've had that conversation before. But, to be fair, you always have the right to come and give that feedback to Council in an open meeting. And, this Council has never pushed back on that. We've not taken away the opportunity to have two feedback sessions. I think that's important. But, to answer your question, I personally always enter into a conversation from a position of respect and kindness matters. But, that's just how I approach this. I agree with Mr. Hawkins' comments and I think that's how the vast majority of people engage in those conversations. But, people's reactions are going to be different, right? People's conversation styles are different, people's ways of asking questions are different. I've been accused of being disrespectful because I've asked questions. I just understand that people are coming from different places. So, to answer your very specific question, "How do you earn respect?", at least from me as an elected official, the fact that you live here, work here, and want and have good intentions, that's enough. Even if you have bad intentions, I'm willing to listen to you. I hope that that will continue, and I hope that you get the answers that you're looking for when you come to Council. But, I do push back though on this idea that people up here are not working in the best interest of the Community.

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Mr. Anderson (continued): I think we just go about it in different ways sometimes. So, I respect you, I respect anyone that comes forward, and I think that everyone here would continue to do that moving forward. Thanks.

Update on legislation still in development

Mr. Hawkins: As you review your Internal Memorandum, Item Number I was addressed with Ordinance No. 44-2023; An Ordinance Authorizing the Mayor and Clerk of Council/Finance Director to Enter Into an Agreement with Samantha R. Phillips for Public Defender Services for the City of Springdale, Ohio, and Declaring an Emergency. That passed with a 7-0 vote. Item Number II was addressed, well, will be coming forth at the next meeting. Item Number III was addressed with Ordinance No. 45-2023; An Ordinance Amending Chapters 30 and 38 and Repealing Section 94.202 of the Code of Ordinances of the City of Springdale, Ohio, and that was a first reading. Item Number IV was addressed with Resolution No. R15-2023; A Resolution Adopting the 2023 Hamilton County Multi-Hazard Mitigation Plan, and that passed with a 7-0 vote.

Recap of legislative items requested for next Council meeting

Mr. Hawkins: There's a request for An Ordinance Enacting and Adopting the 2023 S-26 Supplement to the Code of Ordinances of the City of Springdale, Ohio and Declaring an Emergency. There will also be a second reading of Ordinance No. 45-2023; An Ordinance Amending Chapters 30 and 38 and Repealing Section 94.202 of the Code of Ordinances of the City of Springdale, Ohio. I believe we will also have legislation regarding the prosecutor and magistrate for the next meeting?

Mr. Jones: We were talking about that today, Mr. Hawkins. One of the things we put in place last year was if it's a continuation of contract and nothing changes, then, they just roll over.

Mr. Hawkins: Okay.

Mr. Jones: So, actually, there will not be anything further on those two since the discussion is that folks will stay in place.

Mr. Hawkins: The only other thing I think there would be some resolutions of appreciation, unless there's anything else from Council or the Administration.

Mr. Uhl: Since we're having so much fun with Code, I anticipate another Code supplement to come forward as it pertains to the Clerk of Council/Finance Director position.

Mr. Anderson: I just want to be clear, Mr. Hawkins mentioned resolutions of appreciation. Is he expecting one moving over to his new position for his role on City Council, or can we just defer that until after his successful four years, whichever you prefer, I just wanted to make sure we're prepared for the meeting.

Mr. Hawkins: No appreciation regarding me.

Mr. Anderson: I appreciate the work you've done, for what it's worth.

Mr. Hawkins: I appreciate that.

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Adjournment

Mr. Hawkins made a motion to adjourn; Mrs. Sullivan-Wisecup seconded. Meeting adjourned at 8:26 p.m.

Respectfully submitted,

Kathy McNear
Clerk of Council/Finance Director

Minutes Approved:
Tom Vanover, President of Council

_____, 2023



RESOLUTION NO. R16-2023
COMMENDING DOYLE H. WEBSTER FOR HIS DEDICATION AND
SERVICE TO THE CITY OF SPRINGDALE

WHEREAS, Doyle H. Webster made Springdale his home in 1964, when he moved here from Covington after meeting his wife LaVonne while working at Central Trust Bank. Over their 64 years of marriage, the Websters resided on Whallon Court, Yorkhaven, and now Peak Drive; and

WHEREAS, during Mayor Webster’s early years in Springdale, he became engaged in community service through volunteering and coaching sports, with softball and baseball being his favorite. Through recreation, former Mayor Ray Norrish met Mayor Webster and appointed him as chair of the Parks and Recreation Commission in 1970; and

WHEREAS, Mayor Webster was elected as Clerk of Council/Finance Director in 1971, a position he held for 24 years. He was elected Mayor in 1995; and

WHEREAS, Mayor Webster’s banking expertise was hard at work over the years as he created a plan to make the city debt-free, while guiding municipal spending on resident services, including an 8.2 million bond to re-pave all residential streets, and the building of the Community Center and expansion; the police station, fire station and municipal building; and

WHEREAS, Mayor Webster was instrumental in creating many community partnerships which led to programs that helped our citizens and further connected our residents with one another, like Springdale Offering Support, camp at Heritage Hill, Veterans Day honor guard, United Way, tree lighting ceremony, City Service & U, blood drives, community block parties, Santa Fun Run, Arbor Day tree plantings, Memorial Day parade, and many more; and

WHEREAS, Doyle H. Webster is the seventh Mayor of the city, having served in the role of Mayor from December 1995 through November 2023, and has a total of 52 years serving our community.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Springdale, Ohio, _____ members elected thereto concurring:

Section 1. That Doyle H. Webster is hereby given the commendation of the Council of the City of Springdale for his outstanding and distinguished service to our City.

Section 2. That the Clerk of Council/Finance Director is hereby directed to certify a copy of this Resolution to Doyle H. Webster.

Section 3. This Resolution shall take effect on the earliest date allowed by law.

Passed this 15th day of November, 2023.

Lawrence C. Hawkins, III
Vice President of Council

Attest:

Kathy McNear
Clerk of Council/Finance Director



**RESOLUTION NO. R17-2023
COMMENDING KATHY MCNEAR FOR HER DEDICATION AND
SERVICE TO THE CITY OF SPRINGDALE**

WHEREAS, Kathy Gillen McNear began calling Springdale home in 1969, when she moved here from Philadelphia with her family and resided in the Beacon Hills Subdivision. A Princeton High School graduate, she married her high school sweetheart, Jim McNear. The McNears lived in several neighborhoods in Springdale and their grandchildren are 4th generation Springdale residents.

WHEREAS, in 1972, during the inaugural year of the Springdale Recreation Center, Kathy was hired for her first job, at the age of 15, at the Recreation Center where she worked in the basket room. In this role, she learned customer service skills and a variety of tasks such as concession stand operations, setting up for weddings and parties in the gym, cleaning up after parties, assisting in the office with memberships, typing, grounds supervisor, and that all important line on every job description that reads: and anything else as assigned. She also taught gymnastics and ceramics; and

WHEREAS, Kathy became inspired by her Springdale experience as an employee during her youth and endeavored to give back to the community by looking for a means to serve. She was appointed to the Charter Revision Committee and the Board of Zoning Appeals. Kathy also served as a soccer coach, a volunteer, and a treasurer for FRYs. Jim McNear contributed by being with their two sons while Kathy pursued these activities, and he also coached baseball and basketball.

WHEREAS, in 1994, Kathy served as an at-large council member in an unexpired term, and was re-elected for the 4-year full term in the next year. Kathy quoted this as a true test of the strength of your marriage to run a political campaign twice in a year; and

WHEREAS, during her tenure as an at-large member of council for 13 years, she also served on the Board of Zoning Appeals, Vice President of Council, President of Council, and History Book Committee Member. Many artifacts and pictures from her family are included in the History Book.

WHEREAS, Kathy made the recommendation to Mayor Doyle Webster that we take advantage of the beautiful Pine Tree on the municipal building grounds and use it for a Tree Lighting Ceremony and thankfully he granted that request and it has been a tradition for over 20 years; and

WHEREAS, Kathy was elected in 2007 as Springdale’s 6th Clerk of Council/Finance Director. Over the course of 4 terms, the finance department worked continuously to improve and automate processes. In consideration of the excellence in accounting designation awards for over 25 years and the quality of the CAFR, on line reporting, full time accounting professionals on site, it was the recommendation of Kathy, Administration, and the Finance Office/Tax Commissioner that the elected position she held be eliminated and the responsibilities absorbed and reassigned into other roles which resulted in a savings to the City in salary and benefit costs. This change was successfully passed by the electors as a Charter change in November 2021.

WHEREAS, Kathy leaves the formal role as elected official, employee, volunteer from teenager to senior after a 51 year commitment of service to a new role of full time Professional Grandparent; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Springdale, Ohio, _____ members elected thereto concurring:

Section 1. That Kathy McNear is hereby given the commendation of the Council of the City of Springdale for her outstanding and distinguished service to our City.

Section 2. That Clerk of Council/Finance Director Kathy McNear receive a certified copy of this Resolution as a remembrance of this action.

Section 3. This Resolution shall take effect on the earliest date allowed by law.

Passed this 15th day of November, 2023.

Lawrence C. Hawkins, III
Vice President of Council

Attest:

Kathy McNear
Clerk of Council/Finance Director

ORDINANCE NO. 45-2023

AN ORDINANCE AMENDING CHAPTERS 30 AND 38 AND REPEALING SECTION 94.202 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, OHIO, AND DECLARING AN EMERGENCY

WHEREAS, a Charter Amendment was passed by the voters of Springdale in the general election of November 2021 which eliminated the elected position of Clerk of Council/Finance Director and created the appointed position of Clerk of Council; and

WHEREAS, the approved elimination of the position of Clerk of Council/Finance Director and creation of the position of Clerk of Council becomes effective December 1, 2023; and

WHEREAS, Council seeks to make certain amendments to Chapters 30 and 38, and repeal Section 94.202 of the Code of Ordinances consistent with the Charter revisions that eliminated the position of Clerk of Council/Finance Director Charter and created the position of Clerk of Council; and

WHEREAS, along with these changes, other revisions are being recommended to other City positions consistent with current City operations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Springdale, _____ members elected thereto concurring:

Section 1. Chapters 30, 38, and 94 of the Code of Ordinances of the City of Springdale shall be amended as provided for in the attached Exhibit A which is incorporated herein by reference. Section 94.202 of the Code of Ordinances of the City of Springdale shall be repealed in its entirety. All other provisions contained in Chapters 30, 38, and 94 of the Code of Ordinances of the City of Springdale not specifically amended or repealed herein shall remain in full force and effect.

Section 2. Council hereby finds and determines that all formal actions relative to the passage of this legislation were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall be effective immediately. The reason for the emergency is to enact and adopt code reflective of current City operations at the earliest possible date and to ensure immediate compliance Charter revisions becoming effective December 1, 2023.

Section 4. This Ordinance shall take effect on the earliest date allowed by law.

Passed this 15th day of November, 2023.

Vice President of Council

Attest:

Clerk of Council/Finance Director

Approved:

Mayor

Date

EXHIBIT A
Ordinance 45-2023

CHAPTER 30: COUNCIL

Editor's Note: Councilmanic districts are established by map attached as Exhibit A to Ordinance 7-2013, passed April 3, 2013.

Section

Rules of Procedure

- 30.01 Officers
- 30.02 Standing committees and boards and commissions
- 30.03 Ordinances and resolutions
- 30.04 Special functions
- 30.05 Meetings
- 30.051 Confidential information
- 30.052 Executive sessions; Committee of the whole
- 30.053 Pre-election meetings and mailings
- 30.06 Parliamentary authority
- 30.07 Amendments

Other Rules

- 30.10 Captions and section numbers for ordinances
- 30.11 Correction of form of ordinance
- 30.12 Newsletter authorized; content

RULES OF PROCEDURE

§ 30.01 OFFICERS.

(A) President of Council.

(1) At the first meeting of record of a new Council, the current President of Council, or Vice President if the President is not present, shall cause an election for President of Council to be held.

(2) The term for President of Council shall be for two years unless vacated by reason of death, resignation or recall.

(3) The duties and responsibilities of the President of Council shall be as prescribed in the Charter of the city and such additional duties and responsibilities as are described in the Council Rules of Procedure.

EXHIBIT A Ordinance 45-2023

(4) The President of Council shall conduct all regular and special meetings of Council and all committee meetings of Council as a whole unless he or she is acting Mayor or is unable to preside.

(5) As soon as possible after the hour appointed for Council to meet, the President shall call the meeting to order. He or she shall preserve proper decorum during the meeting and shall enforce the Council Rules of Procedure.

(6) It shall be his or her responsibility to see that all members of Council and also the Mayor and Clerk of Council/~~Finance Director~~ receive notice of all meetings. This responsibility can logically be delegated to the Vice President or another Councilmember.

(7) The President of Council or his or her designated representative shall notify members of boards and commission appointed by Council of their appointment.

(8) The President of Council shall assume the office and duties of acting Mayor in the event of vacancy in the office of Mayor.

(9) The President of Council shall appoint the standing committees established by the Council rules of procedure and such other special committees as may be required from time to time.

(B) Vice President.

(1) At the first meeting of record of a new Council, the new or current President of Council shall cause the election of Vice President of Council to be held.

(2) The term for Vice President for Council shall be for two years unless vacated by reasons of death, resignation or recall.

(C) Vacancies.

(1) When the office of President of Council becomes vacant by reasons of death or resignation, the Vice President will immediately succeed to that office. At the first meeting of record thereafter, he or she shall cause a new election to be held for the post of President of Council for that unexpired term.

(2) When the office of Vice President becomes vacant by reason of death, resignation or his or her election to the office of President of Council, the President of Council shall cause an election to be held for the office of Vice President to serve the unexpired term of that office.

(3) The procedures provided for in divisions (C)(1) and (2) above shall not apply to vacancies caused by recall.

(D) Recall procedure. The President and Vice President of Council can be removed from their respective offices at any time by Council for reasons of health or lack of confidence. The following procedures for removal may be used.

(1) A motion for removal must be made and seconded.

(2) Affirmative vote of at least five members of Council are necessary for this motion to carry.

(3) A motion naming the person to succeed office must be made and seconded.

(4) Upon approval of the motion by a simple majority vote the person so named will succeed immediately to this office.

(Ord. 13-2011, passed 4-20-11; Am. Ord. 4-2018, passed 2-7-18)

EXHIBIT A Ordinance 45-2023

§ 30.02 STANDING COMMITTEES AND BOARDS AND COMMISSIONS.

(A) Appointments to standing Committees shall be made by President of Council as soon as practical after his election. Appointments can be changed from time to time by the President of Council on his or her own initiative or at the request of five members of Council.

(B) Appointments to special Committees shall be made by the President of Council with the concurrence of a majority of Council.

(C) Each Committee shall consist of a chairperson and one or more additional members. In the absence of the chairperson, the other member (or one of the other members) of the Committee shall act in his or her stead and present his or her report or recommendations to Council.

(D) It shall be the duty of each Committee to study and discuss all matters assigned to it, to make reports and recommendations to Council, and to request ordinances and resolutions pertaining to the work of the Committee as required.

(E) All ordinances, resolutions, or other matters requiring special study or research shall be referred to the appropriate standing Committee. Legislation on matters of a general nature may be referred to a special Committee appointed for the specific purpose of taking the matter under study or it may be studied by Council as a Committee of the Whole. It shall be the duty of the chairperson or designee of the Committee to bring before the Council the findings and recommendations pertaining to any legislation or other matters referred to his or her Committee for study.

(F) The following standing Committees, with duties and general nature as outlined, shall be appointed, along with such other standing committees as may be established as provided by amendment of the Council Rules of Procedure.

(1) Finance - matters pertaining to a financial nature;

(2) Public Works - matters pertaining to streets, highways, sewers, and sidewalks, buildings and grounds; extension and repair of such services;

(3) Public Utilities - matters pertaining to gas, electricity, water, and other public utilities, contracts for such services; extension of such public utilities;

(4) Rules and Laws - matters pertaining to enforcement of the Council Rules of Procedure.

(G) Council shall have the authority to appoint one member to serve as a liaison to the Board of Health, but in no event shall that Council member hold a seat on such Board.

(H) All other board and commission appointments, including but not limited to Board of Health, Planning Commission, Board of Zoning Appeals, Volunteer Firefighters' Dependents Board, Tax Review Board, Charter Revision Committee, Civil Service Commission, and Civil Service Review Board shall be made pursuant to the Charter and ordinances of the city.

(Ord. 13-2011, passed 4-20-11)

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§ 30.03 ORDINANCES AND RESOLUTIONS.

(A) With the exception of pre-drafted ordinances or resolutions from other governmental agencies, ordinances and resolutions shall be prepared by the Law Director in writing and may be submitted to Council:

- (1) By the appropriate Committee which requests an ordinance or resolution;
- (2) By an individual Councilmember who drafts or requests an ordinance or resolution;
- (3) At the request of Council after recognizing the need or desirability of such an ordinance or resolution;
- (4) By the Mayor (administrative ordinances of appointment, and the like only, which require approval by Council); and
- (5) By the Law Director (administrative matters of a legal nature only).

(B) Except for emergency ordinances and resolutions, requests to the Law Director to make final drafts of an ordinance or resolution shall be made not less than ten days prior to the next Council meeting at which Council will hear the first reading.

(C) Except for emergency ordinances and resolutions, all others must be at the Clerk of Council/~~Finance Director~~'s office no later than 4:00 p.m. on the Friday prior to the regular Council meeting.

(D) There shall be a standard distribution of all ordinances and resolutions established. That shall be: Council, the Mayor, the Clerk of Council, ~~Finance Director~~Officer/Tax Commissioner, the Law Director, ~~the Secretary~~, the City Administrator, and the Assistant City Administrator.

(E) Tabled ordinances and resolutions shall be automatically placed on the agenda by the Clerk of Council/~~Finance Director~~ for the next meeting, or for any other meeting as specified by Council at the time the ordinance or resolution is tabled.

(F) An ordinance or resolution, or one similar in effect to one, that has been defeated by Council, shall not be brought to the floor of Council by any member for consideration for 90 days after the date of defeat except by prior motion of Council, with four votes in favor.

(Ord. 13-2011, passed 4-20-11)

§ 30.04 SPECIAL FUNCTIONS.

(A) The Law Director shall be engaged by contract, as provided by the charter, to keep the Council, the Mayor, and the ~~Clerk of Council/Finance Director~~City Administrator informed as to the legality of actions taken or expected to be taken, and under such other terms as the Council deems advisable. He or she shall be present at all regular meetings of Council and such special meetings and Committee meetings as required by Council. He or she may introduce ordinances or resolutions of an administrative legal nature. This contract for services shall not preclude Council's prerogative to seek other professional help in this area.

(B) The City Engineer shall be engaged by contract, as provided by the Charter, to keep the Council, the Mayor, City Administrator and the ~~Clerk of Council/Finance Director~~Public Works Director

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informed on matters of an engineering nature. When there are items involving matters pertaining to engineering to be discussed or acted upon, he or she should be present to give a report on the progress or status of the project and be prepared to answer questions pertaining to it as required. He or she shall be required to keep the Council, the Mayor and the Clerk of Council/~~Finance Director~~ supplied with the latest revision of the municipal zoning map. This contract for services shall not preclude Council's prerogative to seek other professional help in this area.

(C) The chairperson of all boards, commissions, standing committees, and special committees shall be present at Council meetings at the request of council. Such boards, commissions, and committees shall be required to furnish a written copy of their reports to the Clerk of Council/~~Finance Director~~ in order to ensure greater accuracy in recording the activities of such boards, commissions, and committees.

(Ord. 13-2011, passed 4-20-11)

§ 30.05 MEETINGS.

(A) Regular meetings of Council will be held the first and third Wednesday of each month at 7:00 p.m. unless a change is announced at a regular meeting of Council.

(1) Any elected officials unable to attend a Council meeting shall notify the city administration prior to the meeting.

(2) In the event that the President of Council is absent, the Vice President shall preside over the Council meeting. If the President and the Vice President are absent, ~~the Clerk of Council/Finance Director~~ Council, by majority vote, will appoint a President Pro Tempore to ~~shall~~ preside over the Council meeting.

(3) In the event that the Clerk of Council/~~Finance Director~~ is absent, another individual employed or appointed by the City Administrator may serve as the Acting Clerk of Council ~~the Vice President shall assume the roll of the Clerk of Council/Finance Director~~ for that Council meeting.

(B) All special meetings shall be limited to the discussion of the subject which was the reason for calling such a special meeting, except as provided by the Charter, which requires assent of the majority of the membership of Council to consider and act upon any other business properly presented. Providing legal notice of special meetings shall be the responsibility of the Clerk of Council/~~Finance Director~~.

(C) Special meetings of Council as a Whole may be called by the President of Council as required. They may also be called by any three members of Council who have specific items for discussion, in accordance with general law. A quorum of Council is required to conduct any business at a special meeting.

(D) The conduct of business of the Council may be in accordance with the following suggested agenda. With consent of the majority of the members of Council or by general assent, the order in which the items are disposed of may be changed.

- (1) Call meeting to order by President.
- (2) Pledge of Allegiance/Invocation.
- (3) Roll call by Clerk of Council/~~Finance Director~~.
- (4) Acceptance of minutes of previous regular meeting.

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- (5) Committee reports.
- (6) Official reports (for example, Mayor's report ~~and Clerk of Council/Finance Director's report~~).
- (7) Communications.
- (8) Communication from the residents.
- (9) Ordinances and resolutions.
- (10) Old business.
- (11) New business.
- (12) Meetings and announcements.
- (13) Adjournment.

(E) The Clerk of Council/~~Finance Director~~ shall furnish each member of Council, the Mayor, the Law Director, and the engineer with a copy of the minutes prior to the next regular meeting. The minutes need not be read at the meeting, but may be corrected and approved without reading. The minutes should give a complete and objective account of what happened at the meeting and shall become a permanent record which may be referred to concerning all business discussed and all actions taken. Every motion, whether adopted or rejected, should be recorded with the name of its maker, the person seconding it, together with the results of any action taken on the same.

(F) Debate shall be germane or limited to the item before the Council and shall be of a reasonable length so as not to delay the conduct of business needlessly.

(G) Any individual or organization outside the city wishing to address the Council may be required to make known his or her desire to the Clerk of Council/~~Finance Director~~ at least 48 hours before the scheduled meeting. He or she shall include his or her name and the purpose of appearing before Council. His or her remarks shall be limited to the subject as stated in his or her request. The rule requiring permission does not apply in the case of a public hearing which has been properly announced.

(H) It shall be the duty of the Clerk of Council/~~Finance Director~~ to give notice of the time, place, and purpose of any special meetings at least 12 hours in advance of the meeting, except in the event of an emergency requiring immediate official action, in accordance with the Charter and the Ohio Sunshine Law as provided for in R.C. § 121.22. In the event of such an emergency, the Clerk of Council/~~Finance Director~~ shall immediately notify the news media that have requested notification of the time, place and purpose of the meeting. Notice of public hearing shall be published by the Clerk of Council/~~Finance Director~~.

(I) Any person or group ~~that provides the Clerk of Council/Finance Director with a self-addressed stamped envelope will be seeking to receive given~~ notice of any change in regular meeting dates and any scheduled special meeting dates, as well as notice of a regular meeting at which any specific type of public business (such specific type to be designated by such person or group in writing) is to be discussed, may elect to receive email notifications on the City's website.

(J) All official action shall be taken, and all deliberations upon official business shall be conducted by Council only in open meetings, except that Council may hold an executive session at a regular or special meeting by either placing the item on the agenda or by motion of Council and consent of a majority present and voting, notwithstanding any provisions under R.C. § 121.22, for the sole purpose of considering any of the following matters:

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(1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee or official. Except as otherwise provided by law, Council shall not hold an Executive Session for the discipline of an elected official for conduct related to the performance of his official duties or for his removal from office.

(2) (a) To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal or private interest is adverse to the general public interest. No public employee or official shall use this division as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.

(b) If the minutes of Council show that all meetings and deliberations of Council have been conducted in compliance with this section, any instrument executed by Council purporting to convey, lease, or otherwise dispose of any right, title, or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

(3) Conferences with an attorney for the city concerning disputes involving the city that are the subject of pending, possible, or imminent court action.

(4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.

(5) Matters required to be kept confidential by federal law or rules or state statutes.

(6) Specialized details of security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.

(7) Conference involving matters pertaining to future development of the community, including meetings with the Planning Commission or the Community Improvement Corporation and outside consultants, if premature disclosure of information could give an unfair competitive or bargaining advantage to any person.

(K) An ordinance or resolution is invalid unless adopted in an open meeting of the public body. An ordinance or resolution adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in division (J) of this section and conducted at an Executive Session held in compliance with that section.

(Ord. 13-2011, passed 4-20-11)

§ 30.051 CONFIDENTIAL INFORMATION.

(A) No Councilmember shall disclose or use, without appropriate authorization, any information acquired in the course of his or her official duties which has been clearly designated by the presiding officer of the meeting to him or her as confidential when such confidential designation is warranted

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because of the status of the proceedings or the circumstances under which the information was received, and preserving its confidentiality is necessary to the proper conduct of government business.

(B) Councilmembers who violate this rule shall be subject to expulsion by a vote of five members of Council, after receiving notice of the charge and an opportunity to be heard.

(Ord. 13-2011, passed 4-20-11)

§ 30.052 EXECUTIVE SESSIONS - COMMITTEE OF THE WHOLE.

(A) The City Council may conduct Executive Sessions of Council, or as they are referred to in the Charter “Council meeting as a Committee of the Whole” according to the terms of the Charter and the Council Rules of Procedure. Although the subject matter of Committee of the Whole meetings or Executive Sessions is not limited by the Charter, the Council has chosen to limit the subject matter as set out in § 30.05(J) of the Council Rules of Procedure.

(B) The following officials who have traditionally been present at executive sessions shall continue to be present: the Mayor, ~~Clerk of Council/Finance Director~~, City Administrator, Assistant City Administrator and all Council members. In addition, the Law Director and City Engineer will be in attendance unless excused. Also members of City Commissions and Boards, individuals working as consultants for Council and/or other persons required for discussion on a specific topic may be requested to attend if approved by a majority of the Council members.

(C) There are some instances where individuals may choose to excuse themselves from an Executive Session. In other instances, it may be desirable to excuse certain non-elected and contract employees:

(1) If there is a conflict of interest or the possibility of a conflict of interest, any individual participant should request to withdraw from said Executive Session of Council. If a majority of the Council members feel that any participant, other than the Council members themselves and the Mayor ~~or Clerk of Council/Finance Director~~, should be excluded from any particular Executive Session of Council for a valid reason, said issue shall be resolved by a majority vote of the Council members present and voting after an informal discussion about the potential conflict of interest. A valid reason shall include, but not be limited to, a conflict of interest as set forth in division (C)(1) of this section, in addition to those items set forth below in divisions (C)(2) and (C)(3).

(2) In the event that a discussion is scheduled pertaining to job performance, salary, professional contract or other matters of a personal nature involving any contract employee or other non-elected official who normally attends Executive Sessions (for example, Law Director, City Engineer, City Administrator, Assistant City Administrator), then that individual will be excused from that portion of the session.

(3) In the event that it is determined prior to an Executive Session that the subject to be discussed does not involve a particular contract employee or other non-elected official (for example, Law Director, City Engineer, City Administrator, Assistant City Administrator), then that individual will be excused prior to the meeting.

(D) All subjects discussed in Executive Sessions are considered confidential unless the President of Council or the person chairing the Executive Session or Committee of the Whole meeting releases from said confidentiality. Once confidentiality has been released as provided for in this section, all those in attendance shall be released from any confidentiality requirements.

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(E) Council members who are not present at an Executive Session of Council may be informed of the content of the Executive Session on a confidential basis by any other member of Council, provided that the absent Council member is not precluded from having the information due to conflict that might otherwise exclude that Council member from participating in the executive session.

(Ord. 13-2011, passed 4-20-11)

§ 30.053 PRE-ELECTION MEETINGS AND MAILINGS.

Although special meetings called by an elected official and mailings relative to city business can be paid for at city expense, no such meetings or mailings shall take place within 75 days prior to any municipal election. It is the intent of Council that such meetings and mailings not appear to give an advantage to an elected official over a new candidate. However, any elected official may call meetings and provide mailings at his or her own expense at any time. Further, the 75-day limitation shall not apply to special meetings called by the City Council as a Whole, or to publications or mailings related to Charter amendment.

(Ord. 13-2011, passed 4-20-11)

§ 30.06 PARLIAMENTARY AUTHORITY.

The rules contained in Robert's Rules of Order, Revised, shall govern the conduct of business in all cases to which they are applicable, and in which they are not inconsistent with the Charter or this chapter.

(Ord. 13-2011, passed 4-20-11)

§ 30.07 AMENDMENTS.

The provisions of this chapter may be amended by a favorable vote of at least five members of Council.

(Ord. 13-2011, passed 4-20-11)

OTHER RULES

§ 30.10 CAPTIONS AND SECTION NUMBERS FOR ORDINANCES.

Each measure enacted as provided in the Charter shall be assigned an appropriate caption and section number.

('68 Code, § 4.6) (Ord. 39-2010, passed 12-15-10; Am. Ord. 13-2011, passed 4-20-11)

§ 30.11 CORRECTION OF FORM OF ORDINANCE.

It shall be the duty of the Clerk of Council/~~Finance Director~~ and of the Law Director, or either, whenever the form of a proposed measure does not comply with the provisions of the Charter, to call

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attention of Council thereto, and the Law Director shall submit a draft of such measure which, if adopted, will correct the omission.

(68 Code, § 4.8) (Ord. 39-2010, passed 12-15-10; Am. Ord. 13-2011, passed 4-20-11)

§ 30.12 NEWSLETTER AUTHORIZED; CONTENT.

(A) Council may determine that it is desirable and authorize the publication of a city newsletter. The City Administration shall be responsible for such publication.

(B) The content of said newsletter should be limited to subjects concerning the health, safety and general welfare of the community. Under no circumstances should the newsletter be used to advance partisan politics or personal gain in violation of the Ohio Ethics Laws.

(C) Distribution of the newsletter shall not be made on election day or within 75 days prior thereto in any year in which there is an election involving any city offices.

(Ord. 34-1981, passed 6-17-81; Am. Ord. 26-1990, passed 4-4-90; Am. Ord. 39-2010, passed 12-15-10; Am. Ord. 13-2011, passed 4-20-11)

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CHAPTER 38: OTHER DEPARTMENTS AND STAFF

Section

Administrative Staff

- 38.01 City Administrator
- 38.02 Assistant City Administrator
- 38.03 ~~Senior Administrative~~ Assistant to the City Administrator
- 38.04 Administrative Assistant
- 38.05 Finance Officer/Tax ~~e~~Commissioner
- 38.06 ~~Tax commissioner's secretarial assistant~~ Clerk of Council
- 38.07 ~~School crossing guards~~ Human Resources Administrator
- 38.08 ~~Public Safety Planning Coordinator~~ Reserved
- 38.09 ~~Assistant to the City Administrator~~/Economic Development Director

Recreation Center Staff

- 38.10 Recreation ~~d~~Director
- 38.11 Assistant ~~r~~Recreation ~~d~~Director
- 38.12 Administrative ~~a~~Assistant
- 38.13 Part ~~t~~Time and ~~s~~Seasonal ~~r~~Recreation ~~staff~~Staff
- 38.14 Fitness Center Manager

Park Maintenance Force

- 38.20 Complement and classification

Public Works Department

- 38.25 ~~Superintendent~~ Director of ~~p~~Public ~~w~~Works
- 38.26 Assistant ~~superintendent~~ Director of ~~p~~Public ~~w~~Works
- 38.27 Complement and ~~e~~Classification
- 38.28 Temporary and ~~s~~Seasonal ~~p~~Personnel
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Building Department

- 38.30 Chief ~~b~~Building ~~e~~Official
- 38.31 Plan ~~r~~Review
- 38.32 Building ~~i~~Inspector
- 38.33 Property ~~m~~Maintenance ~~i~~Inspector

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38.34 Administrative ~~a~~Assistant

~~38.35 Administrative secretary~~

Miscellaneous

38.50 ~~Custodian~~ Facilities Maintenance

38.51 Technical Services Administrator

ADMINISTRATIVE STAFF

§ 38.01 CITY ADMINISTRATOR.

The City Administrator is appointed by the Mayor and serves under his general direction as the Chief Administrative Officer of the city. The City Administrator has oversight responsibility for and authority over all executive departments under the appointing authority of the Mayor. The position is in the unclassified service.

(Ord. 34-1997, passed 4-16-97)

§ 38.02 ASSISTANT CITY ADMINISTRATOR.

The Assistant City Administrator serves under the general direction of the City Administrator, and is appointed by the Mayor. With the exception of the City Administrator, the Assistant City Administrator shall have executive authority over all personnel appointed by the Mayor. The position is in the unclassified service.

(Ord. 34-1997, passed 4-16-97)

§ 38.03 ~~SENIOR ADMINISTRATIVE ASSISTANT~~ to the CITY ADMINISTRATOR.

There is hereby created the classified position of ~~Senior Administrative Assistant~~ to the City Administrator in the Administrative Office. The ~~Senior Administrative Assistant~~ to the City Administrator shall provide administrative support under the general direction of the City Administrator and the Assistant City Administrator.

(Ord. 34-1997, passed 4-16-97)

§ 38.04 ADMINISTRATIVE ASSISTANT.

There is hereby created the classified position of Administrative Assistant in the Administrative Office. The Administrative Assistant shall provide administrative support under the general direction of the City Administrator and the Assistant City Administrator.

(Ord. 34-1997, passed 4-16-97)

§ 38.05 FINANCE OFFICER/TAX COMMISSIONER.

There is hereby established the unclassified position of Finance Officer/Tax Commissioner. ~~tax commissioner whose duties shall be those set out in § 94.13.~~ The Finance Officer/Tax Commissioner shall serve as the director for both the Finance and Tax Departments and serve under the general direction of the City Administrator and Assistant City Administrator. The position shall be responsible for all financial

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responsibilities and obligations of the City. The Finance Officer/Tax Commissioner shall serve as the Tax Administrator for the City and shall have the responsibilities and authority expressed in the Charter and Ohio Revised Code.

(Ord. 34-1997, passed 4-16-97)

§ 38.06 TAX COMMISSIONER'S SECRETARIAL ASSISTANT.

~~—There is established the position of secretarial assistant for the tax commissioner who shall be appointed by the Clerk, subject to the rules and regulations of the Civil Service Commission.~~

~~(Ord. 34-1997, passed 4-16-97)~~

§ 38.06 CLERK OF COUNCIL

There is hereby created the position of Clerk of Council. Under the guidance and supervision of the City Administrator, the duties of the Clerk of Council may be assigned or employed in a full or part-time capacity. The Clerk of Council shall exercise all powers and duties created by the city's Charter; keep all records of Council; keep all records of Council current and up to date; maintain all public records for examination; and perform all other duties as assigned by the City Administrator.

§ 38.07 SCHOOL CROSSING GUARDS.

~~—(A) The Mayor is authorized to employ two persons who, in his opinion, are suitable for the position, to serve as school crossing guards.~~

~~—(B) The Mayor may employ such additional school crossing guards as are required to provide safe street crossing for pedestrian school children, as traffic conditions, from time to time, dictate.~~

~~—(C) The hours and stations of duty of the school crossing guard shall be as directed by the Mayor, with consultation with the Chief of Police.~~

~~—(D) They shall receive no benefits in addition to their hourly compensation.~~

~~(Ord. 34-1997, passed 4-16-97)~~

§ 38.07 HUMAN RESOURCES ADMINISTATOR.

There is hereby created the unclassified position of Human Resources Administrator. The Human Resources Administrator serves as a member of the management team under the supervision of the City Administrator and Assistant City Administrator. The Human Resources Administrator shall be responsible for a wide range of administrative tasks, maintaining employee records, coordination with all departments regarding the selection process for full and part-time employees, policy development, benefits administration, and ensures compliance with employment laws and regulations.

§ 38.08 PUBLIC SAFETY PLANNING COORDINATOR.

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~~—There is hereby created the position of Public Safety Planning Coordinator. The Public Safety Planning Coordinator is responsible for the long-term emergency preparedness planning activities for the city, and the coordination of such planning with all elements of the organization including the Fire, Police, Building, Public Works, Health and Recreation Departments. The Public Safety Planning Coordinator reports directly to the City Administrator.~~

~~(Ord. 40-2001, passed 7-19-01)~~

§ 38.08 RESERVED

**~~§ 38.09 ASSISTANT TO THE CITY ADMINISTRATOR/ECONOMIC DEVELOPMENT~~
DIRECTOR.**

There is hereby created the unclassified position of ~~assistant to the City Administrator~~/Economic Development Director. The ~~assistant to the City Administrator~~/Economic Development Director serves as a member of the municipal management team along with the City Administrator and Assistant City Administrator; plans and coordinates the city's economic development program; performs administrative and management responsibilities on behalf of the City Administrator as directed; conducts studies, surveys and other research on administrative, organizational, and operational matters; other appropriate duties as assigned by the City Administrator. The ~~assistant to the City Administrator~~/Economic Development Director reports ~~directly~~ to the City Administrator and Assistant City Administrator.

(Ord. 57-2001, passed 11-7-01)

RECREATION CENTER STAFF

§ 38.10 RECREATION DIRECTOR.

There is hereby created the position of Recreation Director. The Recreation Director is the executive director of the Recreation Department and the Park Maintenance Work Force. The Recreation Director serves under the general direction of the City Administrator, and is appointed by the Mayor. The position is in the unclassified service.

(Ord. 34-1997, passed 4-16-97)

§ 38.11 ASSISTANT RECREATION DIRECTOR.

There is hereby created the position of Assistant Recreation Director. The Assistant Recreation Director serves under the direction of the Recreation Director. The number of persons filling such position shall be no more than three. The position is in the unclassified service.

(Ord. 34-1997, passed 4-16-97)

§ 38.12 ADMINISTRATIVE ASSISTANT.

There is created the classified position of Administrative Assistant for the Springdale Recreation Department. The Administrative Assistant shall provide administrative support under the direction of the Recreation Director and the Assistant Recreation Directors.

(Ord. 27-1997, passed 4-2-97; Am. Ord. 34-1997, passed 4-16-97)

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§ 38.13 PART TIME AND SEASONAL RECREATION STAFF.

There are hereby created the part-time and seasonal positions of Aquatic Director, Assistant Aquatic Director, life guard, concession worker, party worker, ~~office helper~~ customer service representative, instructor, ~~park patrol officer~~ recreation attendant and ~~temporary seasonal~~ maintenance worker. There shall also be such part-time and seasonal employees as deemed necessary by the Recreation Director and approved by the Mayor or City Administrator. These employees shall be in the unclassified service.

(Ord. 34-1997, passed 4-16-97)

§ 38.14 FITNESS CENTER MANAGER.

There is hereby created the position of Fitness Center Manager. Under the direction of the Parks and Recreation Director, the Fitness Center Manager will be responsible for the daily management and operation of the Springdale Community Center Fitness Center. This involves the development and implementation of policies, schedules and written material relevant to the Fitness Center and supervision of fitness instructors. In addition, the Fitness Center Manager is expected to provide equipment orientations, health screenings, fitness assessments and instruction on the proper and safe use of the fitness equipment to patrons. The Fitness Center Manager will be responsible for the instructional programs primarily hosted in the Studio. These duties will include but not be limited to the selection and scheduling of programs as well as recruitment of contract instructors to conduct the classes.

(Ord. 30-2001, passed 4-18-01)

PARK MAINTENANCE FORCE

§ 38.20 COMPLEMENT AND CLASSIFICATION.

(A) The Park Maintenance Force shall consist of such probationary and/or permanent classified employees as may, ~~in~~ at the discretion of the Mayor, be deemed necessary from time to time. The Park Maintenance Force shall be authorized to have the following classifications:

- (1) Parks Supervisor
- (2) Crew leader.
- ~~(2)(3)~~—Maintenance worker.

(B) There shall also be such temporary and seasonal employees as deemed necessary by the Recreation Director and approved by the Mayor or City Administrator. These employees shall be in the unclassified service.

(Ord. 34-1997, passed 4-16-97)

PUBLIC WORKS DEPARTMENT

§ 38.25 ~~SUPERINTENDENT~~ DIRECTOR OF PUBLIC WORKS.

The ~~Superintendent~~ Director of Public Works is the executive director of the Public Works Department. The ~~Superintendent~~ Director of Public Works serves under the general ~~director~~ direction of the City Administrator, and is appointed by the Mayor. The position is in the unclassified service.

(Ord. 34-1997, passed 4-16-97)

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§ 38.26 ASSISTANT ~~SUPERINTENDENT-DIRECTOR~~ OF PUBLIC WORKS.

There is hereby created the position of Assistant ~~Superintendent-Director~~ of Public Works who shall serve under the direction of the ~~Superintendent-Director~~ of Public Works. The position is in the unclassified service.

(Ord. 34-1997, passed 4-16-97)

§ 38.27 COMPLEMENT AND CLASSIFICATION.

The Public Works Labor Force shall consist, in addition to the ~~Superintendent-Director~~ of Public Works and Assistant ~~Superintendent-Director~~ of Public Works, of such probationary and/or permanent classified employees as may, ~~in-at~~ the discretion of the Mayor, be deemed necessary from time to time. The labor force in the Public Works Department shall be authorized to have the following classifications:

- (A) Crew Leader;
- (B) Public Works Inspector;
- (C) ~~Motor Equipment Fleet~~ Mechanic;
- (D) Maintenance Workers; and
- (E) Administrative ~~Secretary Assistant~~.

(Ord. 27-1997, passed 4-2-97; Am. Ord. 34-1997, passed 4-16-97)

§ 38.28 TEMPORARY AND SEASONAL PERSONNEL.

There shall also be such temporary and seasonal employees as deemed necessary by the ~~Superintendent Director~~ of Public Works and approved by the Mayor or City Administrator. These employees shall be in the unclassified service.

(Ord. 34-1997, passed 4-16-97)

§ 38.29 ~~INSPECTOR OF PUBLIC WORKS~~ INSPECTOR.

(A) In addition to the work force of the Public Works Department, the Mayor is authorized to contract for such additional personnel as he deems necessary for the purpose of inspecting the construction of public works whether the work is done by the city, by contract, by private developer or otherwise.

(B) When such improvement is being performed by a private developer, the developer shall be charged an hourly rate for each hour of inspection services required, to cover the compensation of the Inspector and the cost of overhead.

(Ord. 34-1997, passed 4-16-97)

BUILDING DEPARTMENT

§ 38.30 CHIEF BUILDING OFFICIAL.

The Chief Building Official is the executive director of the Building Department. The Building Official serves under the general direction of the City Administrator, and is appointed by the Mayor. The position is in the unclassified service.

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(Ord. 34-1997, passed 4-16-97)

§ 38.31 PLAN REVIEW.

For the assistance of the Chief Building Official, the Mayor may, at his discretion, contract with a registered architect or professional engineer for the purpose of plan review. ('68 Code, § 14.6) (Ord. 34-1997, passed 4-16-97)

§ 38.32 BUILDING INSPECTOR.

(A) There ~~are-is hereby~~ established ~~two-the~~ positions of Building Inspector ~~as assistant to under the supervision of the Chief Building Official as directed by the Mayor and City Administrator.~~

(B) The Mayor, at his discretion, may contract for the services of any competent person as a Building Inspector.

(Ord. 34-1997, passed 4-16-97)

§ 38.33 PROPERTY MAINTENANCE INSPECTOR.

(A) There is hereby established the position of Property Maintenance Inspector under the supervision of the Building Official as directed by the Mayor and City Administrator.

(B) The Property Maintenance Inspector shall inspect existing buildings and properties for conformance with the city's property maintenance and zoning codes and issue notices and orders for compliance as necessary and perform other duties as directed.

(Ord. 17-1990, passed 2-21-90; Am. Ord. 34-1997, passed 4-16-97)

§ 38.34 ADMINISTRATIVE ASSISTANT.

There is hereby created the classified position of Administrative Assistant in the Springdale Building Department. The Administrative Assistant shall provide administrative support under the direction of the Building Official.

(Ord. 27-1997, passed 4-2-97; Am. Ord. 34-1997, passed 4-16-97)

~~**§ 38.35 ADMINISTRATIVE SECRETARY.**~~

~~—There is hereby created the classified position of Administrative Secretary to be shared by the Building Department and Health Department. The Administrative Secretary shall be under the direction of both the Building Official and the Health Commissioner. See § 37.08.~~

~~(Ord. 27-1997, passed 4-2-97; Ord. 34-1997, passed 4-16-97)~~

MISCELLANEOUS

§ 38.50 ~~CUSTODIAN.~~ FACILITIES MAINTENANCE

EXHIBIT A
Ordinance 45-2023

There is hereby created the position of ~~eustodian~~ Facilities Maintenance within the classified civil service of the city. The Mayor may ~~employee-employ~~ such ~~eustodial~~ personnel as he deems necessary to maintain the facilities of the city.

(Ord. 34-1997, passed 4-16-97)

§ 38.51 TECHNICAL SERVICES ADMINISTRATOR.

There is hereby established the position in the classified service of Technical Services Administrator, under the direction of the City Administrator and Assistant City Administrator. ~~;~~ ~~pursuant to the job description on file with the City of Springdale, which job description is attached to Ordinance 6-2009 as Exhibit A, and incorporated herein by reference, and which may be amended in the future to reflect the city's need concerning the responsibilities of the Technical Services Administrator.~~ The Technical Services Administrator coordinates technical support for the City's network and provides technical assistance for all information technology infrastructure.

(Ord. 6-2009, passed 3-18-09)

EXHIBIT A
Ordinance 45-2023

CHAPTER 94: TAXATION (EFFECTIVE BEGINNING JANUARY 1, 2016)

Section

~~94.202 RESPONSIBILITY OF CLERK OF COUNCIL/FINANCE DIRECTOR
AND TAX COMMISSIONER.~~

~~—There is created one unclassified position of Tax Commissioner for this city. The Tax Commissioner shall be appointed by the Clerk of Council/Finance Director. The appointment is subject to the approval and confirmation of the City Council, who shall set forth compensation as provided. The Clerk of Council/Finance Director shall also appoint other clerical and administrative assistants as are required for the proper administration of the tax, subject to the rules of the Civil Service Commission, at such compensation as set by the Council. The final responsibility for the administration and collection of the earnings tax rests with the Clerk of Council/Finance Director. The Tax Commissioner shall be responsible to and subject to the supervision of the Clerk of the Council/Finance Director in the exercise of all powers and duties assigned by this chapter.~~

Repeal section as the responsibilities are now incorporated into Chapter 38

ORDINANCE NO. 46-2023

AN ORDINANCE ENACTING AND ADOPTING THE 2023 S-26 SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, OHIO AND DECLARING AN EMERGENCY

WHEREAS, the City of Springdale contracts annually with American Legal Publishing Corporation to prepare an update to the Code of Ordinances of the City of Springdale, Ohio (the “City Code”) to reflect changes and ensure that the City Code is in compliance with recent revisions to local, state and federal laws.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Springdale, Ohio, _____ members elected thereto concurring:

Section 1. That the 2023 S-26 Supplement to the Code of Ordinances of the City of Springdale, Ohio, as prepared and submitted by American Legal Publishing Corporation, a copy of which is on file with the Clerk of Council/Finance Director, who certifies that the codification, renumbering and rearrangement in book form is correct, is hereby adopted and incorporated by reference as if set forth herein in its entirety.

Section 2. Council hereby finds and determines that all formal actions relative to the passage of this legislation were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance shall take effect on the earliest date allowed by law.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II(D)(3)(d) of the Charter, be effective immediately. The reason for the emergency is to enact and adopt the 2023 S-26 Supplement at the earliest possible date to ensure immediate compliance with revisions made to local, state and federal laws since the last update.

Passed this 15th day of November, 2023.

Vice President of Council

Attest:

Clerk of Council/Finance Director

Approved:

Mayor

Date

CITY OF SPRINGDALE, OHIO

CODE OF ORDINANCES

2023 S-25~~25~~26 Supplement contains:
Local legislation current through ~~12-31-22~~16-23
State legislation current through 6-28-22

Published by:
AMERICAN LEGAL PUBLISHING
525 Vine Street # Suite 310 # Cincinnati, Ohio 45202
1-800-445-5588 # www.amlegal.com

ORDINANCE NO. 34-2023

AN ORDINANCE ENACTING AND ADOPTING THE 2023 S-25 SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, OHIO AND DECLARING AN EMERGENCY

WHEREAS, the City of Springdale contracts annually with American Legal Publishing Corporation to prepare an update to the Code of Ordinances of the City of Springdale, Ohio (the "City Code") to reflect changes and ensure that the City Code is in compliance with recent revisions to local, state and federal laws.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Springdale, Ohio, 7 members elected thereto concurring:

Section 1. That the 2023 S-25 Supplement to the Code of Ordinances of the City of Springdale, Ohio, as prepared and submitted by American Legal Publishing Corporation, a copy of which is on file with the Clerk of Council/Finance Director, who certifies that the codification, renumbering and rearrangement in book form is correct, is hereby adopted and incorporated by reference as if set forth herein in its entirety.

Section 2. Council hereby finds and determines that all formal actions relative to the passage of this legislation were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance shall take effect on the earliest date allowed by law.

Section 4. That this Ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall, subject to the terms of Article II(D)(3)(d) of the Charter, be effective immediately. The reason for the emergency is to enact and adopt the 2023 S-25 Supplement at the earliest possible date to ensure immediate compliance with revisions made to local, state and federal laws since the last update.

Springdale - Adopting Ordinance

Passed this 16th day of August, 2023.

/s/ Thomas Vanover
President of Council

Attest:

/s/ Kathy McNear
Clerk of Council/Finance Director

Approved:

/s/ Doyle H. Webster
Mayor

August 16, 2023
Date

SPRINGDALE CITY CHARTER

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b. Form. Each proposed ordinance and resolution shall be introduced in writing by a member of the Council, shall contain only one (1) subject which shall be clearly expressed in the title, and shall commence with the clause: "Be it ordained (or resolved) by the Council of the City of Springdale, Ohio." (Approved by electors 5-6-86)

c. Adoption. Before adoption, every ordinance shall be read fully and distinctly at an official meeting on two (2) separate days unless said ordinance contains a clause declaring the necessity of its immediately going into effect by reason of a stated emergency, in which cases, such ordinance may be read once and passed on the day of such reading as provided in subparagraph (d). If an ordinance does not contain an emergency clause, Council may, by a vote of not less than five (5) of its members, dispense with the requirement that the ordinance be read on two (2) separate days, and authorize the adoption of the ordinance or resolution upon its first reading. Furthermore, Council may, by a vote of not less than five (5) of its members, dispense with the requirement that an ordinance shall be read fully and distinctly for its first or second reading or for both its first and second reading, and authorize it to be read by title only for its first or second or both its first and second reading. An ordinance may only be read by title only on the first or second occasion if copies of the proposed ordinance are available in council chambers for public inspection during the Council meeting. No ordinance shall be passed without the affirmative vote of at least four (4) members of Council. Every vote taken upon a motion to suspend the two (2) reading rule and every vote upon the adoption of every ordinance and resolution and upon any other manner as to which any member of Council shall so demand, shall be taken upon a roll call of the members and the vote of each member entered upon the journal of the proceedings of Council, which shall be kept by the Clerk of Council/~~Finance Director~~. Resolutions shall be introduced in writing by a member of Council and may be acted upon immediately after single reading. Adoption of every ordinance and every resolution shall be certified by the signature of the President of Council and attested to by the Clerk of Council/~~Finance Director~~. The failure or refusal of either of said officers to make such certification or attestation shall not in any way affect the validity of the legislation or delay its going into effect. Immediately upon passage, all ordinances and resolutions shall be submitted by the Clerk of Council/~~Finance Director~~ to the Mayor for signature. The Clerk of Council/~~Finance Director~~ shall record all ordinances and resolutions in full, in separate ordinance volumes, and resolution volumes which shall be a public record available for examination at all reasonable times by all persons. (Approved by electors 11-4-75; 5-6-86; 11-4-86; 11-5-96; 11-2-21)

d. Emergency ordinances. Whenever Council determines that it is necessary for the immediate preservation of the public peace, health, or safety of the municipal corporation, for an ordinance to become effective immediately, it may designate such ordinance as an emergency ordinance and, upon the affirmative vote of at least five (5) members of Council, it shall go into immediate effect upon its adoption. An emergency ordinance shall contain a separate section in which is set forth the reason for the determination of the emergency. Council's determination that an emergency exists shall be final. An emergency ordinance shall not be subject to referendum but the right to repeal such ordinance by the electorate upon initiative petition, shall be preserved. Emergency ordinances shall be published as other

ordinances, as hereinafter provided. If an ordinance containing an emergency clause fails to pass as an emergency measure, but still receives the approval of four (4) members, it becomes effective as other ordinances.

e. Time of effectiveness. Emergency ordinances shall become effective immediately upon approval by the Mayor or upon passage over the Mayor's veto. Ordinances providing for the day to day operation of the Municipality, for appropriations for current expenses, for street improvements petitioned for by the owners of a majority of the front footage of property benefited and to be especially assessed for the cost thereof, and ordinances levying taxes or creating debt, shall be effective immediately upon approval by the Mayor or upon passage over the Mayor's veto. All other ordinances shall take effect and be in force thirty (30) days after their approval by the Mayor or their passage over his veto, or the completion of the period of publication required by this Charter, whichever date is the later, unless suspended by the filing of a valid referendum petition, in which event the effective date of such ordinance shall be the date of the certification by the Board of Elections of the approval of such ordinance by the electorate. Resolutions shall take effect upon adoption, without publication.

f. Adoption of standard codes by reference. The Council may adopt model or standard codes prepared and published by public or private agencies on such matters as, but not limited to, fire prevention, building construction, electrical wiring, plumbing, heating, ventilating, air conditioning, pipe and boiler installation, and other similar codes, by reference, including in said reference the source and date of the code, without reproducing it fully in the ordinance; provided, however, that any addition, modification, or deletion from the code as promulgated shall be clearly stated in the enacting ordinance. In the enacting ordinance, the Council may also provide that any amendments to the incorporated code by the promulgating agency shall also, without further action by Council, be deemed an amendment to the enacting ordinance. Publication in full of a code adopted by reference shall not be required; provided, however, that publication of the enacting ordinance into which the code is incorporated by reference, shall be published as in all other cases. A copy of each such code adopted by reference shall be kept in the office of the Clerk of Council/~~Finance Director~~ for inspection by interested persons at all reasonable times and additional copies shall always be available for sale, at cost, by the Clerk of Council/~~Finance Director~~ or by a person designated by him. (Approved by electors 11-4-86; 11-2-21)

g. Publication.

1. All ordinances shall be published by title, at least one time in a newspaper of general circulation, on the City's website, or in any other manner designated by Council, within fifteen (15) days after passage, provided, however, that in the event of the exercise of the veto power of the Mayor, then such publication shall be within fifteen (15) days after the re-passage of the ordinance over the Mayor's veto. (Approved by electors 11-2-21)

2. The codification, renumbering, rearrangement or publication in book form, if certified as correct by the Clerk of Council/~~Finance Director~~, shall not require additional publication, provided no new legislation is included therein and the ordinances so printed shall have the same legal effect as at the time of their initial enactment and publication. (Approved by electors 11-2-21)

(II.D.3.g. in its entirety approved by electors 11-4-86; 11-2-93)

E. INITIATIVE AND REFERENDUM.

1. Powers Reserved. The people of the Municipality of Springdale hereby reserve to themselves the legislative power of the initiative and referendum, to be exercised in accordance with the provisions of this Charter.

2. Initiative. Ordinances providing for the exercise of any powers of government granted by the Constitution or delegated by the General Assembly to Charter municipalities, may be proposed by initiative petition. Such initiative petition must contain the signatures of not less than fifteen percent (15%) of the total number of electors who voted in the preceding gubernatorial election. The form, content, verification of and other requirements for initiative petitions shall be those prescribed by the constitution and the general laws of the State of Ohio relating to initiative petitions for the enactment of state laws. When a petition is filed with the Clerk of Council/~~Finance Director~~, signed by the required number of electors proposing an ordinance, such Clerk of Council/~~Finance Director~~ shall certify the text of the proposed ordinance to the Council at its next regular meeting, which shall set the time for and hold a public hearing on the question of the proposed legislation at its next succeeding regular meeting. At said meeting, after said public hearing, Council shall either adopt the proposed ordinance or submit the question of its adoption to the electors at the next succeeding primary or general election. No ordinance proposed by initiative petition and approved by a majority of the electors voting upon the question shall be subject to the veto of the Mayor. All other matters relating to the exercise of the initiative powers of the electors shall be as determined by the Revised Code of the State of Ohio. (Approved by electors 11-2-21)

Referendum. Any ordinance, except such ordinances as, by this Charter, go into immediate effect, shall be subject to the referendum. When a petition, signed by fifteen percent (15%) of the total number of ~~electors~~ who voted in the preceding gubernatorial election, is filed with the Clerk of Council/~~Finance Director~~ within thirty (30) days after any ordinance subject to the referendum is adopted by the Council, or in case the Mayor has vetoed the ordinance and returned it to Council, within thirty (30) days after Council has passed the ordinance over his veto, ordering that such ordinance be submitted to the electors of the Municipality for their approval or rejection, such Clerk of Council/~~Finance Director~~ shall, after determining the validity of said petition, certify the content thereof to the Council at its next regular meeting. Upon said public hearing, the Council shall either repeal the ordinance which is the subject of the referendum petition or provide for its submission to the electors at the next succeeding primary or general election. All other matters relating to the question of the exercise of the powers of referendum shall be regulated by the provisions of the Revised Code of Ohio relating to referendum petitions. The ordinance which is the subject of the referendum petition shall not go into effect until the Board of Elections certifies that the ordinance has been approved by a majority of the electors, whereupon, the ordinance shall go into effect immediately. (Approved by electors 11-2-21)

Whenever the Council of the municipal corporation is required to pass more than one (1) ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, the referendum provisions of this Charter shall apply only to the first ordinance required to be passed and not to any subsequent ordinances relating thereto.

(II.E.2. in its entirety approved by electors 11-4-86)

ARTICLE III - EXECUTIVE

A. GENERAL.

All executive power of the Municipality shall be vested in a Mayor, City Administrator, Chief of Police, Fire Chief, Director of Public Works, Chief Building Official, ~~Clerk of Council/Finance Director~~, and such other departments or offices as are created by the Council.

(Approved by electors 5-6-86; 11-4-86; 11-2-21)

B. MAYOR.

1. Powers and Duties. The Mayor shall be the chief executive and administrative officer of the Municipality. He shall appoint a full-time City Administrator and all executive department heads, with the exception of the Finance Officer/Tax Commissioner. Said officials shall be under the authority of the Mayor and answerable to the Mayor in the manner which he determines. He shall be the chief administrator and shall have the power of appointment to all positions not otherwise provided for in this Charter. He shall be recognized as the official head of the Municipality for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor of the State of Ohio for military purposes. He shall have such judicial powers as are conferred upon mayors of municipalities by the constitution and general law of the State of Ohio. He shall have the power of veto of ordinances enacted by the Council except as otherwise specifically limited by this Charter. However, resolutions enacted by the Council are not subject to the veto of the Mayor. His failure to subscribe his name to ordinances enacted by Council within seven (7) days from their passage, shall constitute the exercise of his veto power, and no legislation so vetoed shall go into effect unless it is reenacted by Council within thirty (30) days by a vote of not less than five (5) of the seven (7) members of Council. The Mayor shall have such other powers as are specifically provided by this Charter.

(Approved by electors 11-4-75; 11-8-77; 11-2-82; 11-7-89)

2. Term. The Mayor shall be elected for a term of four (4) years. The term of the Mayor shall commence on the first day of December following his election. He shall be elected by the electors at large.

(Approved by electors 11-4-86)

3. Qualifications. The Mayor shall have been a registered elector of the Municipality qualified to vote at the next preceding general municipal election. An interim Mayor elected for an unexpired term shall have the same qualifications as a Mayor elected for a full term.

(Approved by electors 11-4-75; 11-8-16)

4. Compensation. The compensation of the Mayor shall be as established by Council. The President of Council, as acting Mayor, shall receive no compensation in addition to his compensation

E. DEPARTMENT OF PUBLIC WORKS.

There is hereby established a Department of Public Works which shall be under the supervision of a Director of Public Works, who shall be appointed by the Mayor. The Council shall provide for the organization of the Department of Public Works and for the compensation of the employees of the department. He shall have all the powers and duties of the street commissioner under the general law and such other duties as the Council may assign to his office. He shall be the supervisor of the labor force of the Municipality.

(Approved by electors 5-6-86; 11-3-09)

F. BUILDING DEPARTMENT.

There is hereby established a Building Department which shall be under the management and supervision of a Chief Building Official. It shall be the duty of the Chief Building Official to enforce the Building Code of the Municipality. The Chief Building Official shall be appointed by the Mayor. Council may provide for such assistants as the Chief Building Official shall require in the performance of his duties and shall provide compensation therefor consistent with available funds as determined by Council. Such assistants shall be appointed by the Mayor. The provision for the enforcement of the Building Code in effect under existing ordinances at the time of the adoption of this Charter shall remain in effect under this Charter until amended by Council.

(Approved by electors 5-6-86)

G. CLERK OF COUNCIL/~~FINANCE DIRECTOR.~~

~~1. Powers and Duties. The Clerk of Council/Finance Director shall be the chief fiscal officer of the Municipality and shall have the combined powers and duties of Treasurer, Clerk of Council, and Auditor of the City as provided by the general law. The Clerk of Council/Finance Director shall appoint the Finance Officer/Tax Commissioner with confirmation of Council.~~

~~(Approved by electors 11-2-82; 11-7-89)~~

~~2. Term. The Clerk of Council/Finance Director shall be elected for a term of four (4) years. The term of the Clerk of Council/Finance Director shall commence on the first day of December following his election. He shall be elected by the electors at large.~~

~~3. Qualifications. The Clerk of Council/Finance Director shall have been a registered elector of the Municipality qualified to vote at the next preceding general municipal election.~~

~~(Approved by electors 11-4-75; 11-8-16)~~

~~4. Compensation. The compensation of the Clerk of Council/Finance Director shall be as established by Council.~~

~~5. Absence, Disability or Vacancy. In the absence or disability of the Clerk of Council/Finance Director, a member of Council, appointed by a majority of Council, shall be the Acting Clerk of Council/Finance Director. Said Acting Clerk of Council/Finance Director shall exercise all of the powers and duties of the Clerk of Council/Finance Director during such absence or disability. In the event of a vacancy in the office of the Clerk of Council/Finance Director, the position shall be filled by the election by Council of a person qualified as herein provided. If the Council does not so elect a~~

~~successor to fill the unexpired term of the Clerk of Council/Finance Director at the regular council meeting after the vacancy is created, then the Mayor shall fill said vacancy by appointment.
(Approved by electors 11-7-00)~~

~~6. Special Requirements. In addition to all other duties and powers created by law, the Clerk of Council/Finance Director of the Municipality shall:~~

- ~~a. Keep all records of Council;~~
- ~~b. Keep all records up to date at all times;~~
- ~~c. Pay all bills on or before due or discount dates;~~
- ~~d. Prepare monthly financial report and properly distribute;~~
- ~~e. With the Mayor and City Administrator, prepare the budget and annual supplemental appropriations ordinance;~~
- ~~f. Maintain all public records for examination;~~

- ~~g. Keep Council advised of availability of funds for projects, etc.;~~
- ~~h. Prepare certificates of availability of funds within forty-eight (48) hours of requisition by procurement agencies, if funds are available and the expenditure is proper;~~
- ~~i. Invest any such funds as Council, by resolution, declares are not needed for any Municipal purpose for more than ninety (90) days. In addition to such other investments as authorized by general law funds so declared by Council as being not needed for Municipal purposes, may be deposited in any financial institution which is chartered by the State of Ohio and which is also insured by an authorized agency of the State of Ohio;~~
- ~~j. Be responsible for the conduct of an annual audit of all records maintained by the City in accordance with the Ohio Revised Code;~~
- ~~k. Be responsible for the conduct of an annual audit of all financial data in accordance with the Ohio Revised Code including those of the Mayor's court, which funds are supervised by the Mayor and Chief of Police;~~
- ~~l. On a schedule directed by Council, recommend to the Finance Committee financial institutions for the City's banking business and/or depositories for funds described in item i of this section. (Approved by electors 11-3-09; 11-2-21)~~
- ~~7. A Clerk of Council/Finance Director retiring from the office shall not have completed his duties until he has turned over to his successor in office the accounts and records of the Municipality completely posted and an accurate statement of balances, both current as of the date of turnover. (H.G. in its entirety approved by electors 11-4-86)~~
1. Role - The Clerk of Council shall be an individual appointed or employed by the City Administrator.
 2. Absence, Disability or Vacancy - In the absence or disability of the Clerk of Council, another individual employed or appointed by the City Administrator may serve as the Acting Clerk of Council. Said Acting Clerk of Council shall exercise all of the powers and duties of the Clerk of Council during such absence or disability.
 3. Powers and Duties - In addition to all other duties and powers created by this Charter, the Clerk of Council of the municipality shall:
 - a. Keep all records of Council;
 - b. Keep all records of Council up to date at all times;
 - c. Maintain all public records for examination; and
 - d. Perform all other duties the City Administrator shall require.
- (Approved by electors 11-2-21)

4. Vacancy. The Mayor shall appoint a successor within one hundred twenty (120) days after a vacancy occurs. The Mayor may, by letter filed with the Clerk of Council/~~Finance Director~~, appoint a qualified administrative officer of the Municipality to exercise the powers and duties of the City Administrator during the City Administrator's temporary absence, disability, suspension, or during any period that a vacancy occurs. (Approved by electors 11-4-86; 11-2-21)

5. Political. The City Administrator shall not directly or indirectly, personally or through an agent or representative use his official authority or influence for the purpose of interfering with or affecting the result of a Municipal election, nor take an active part in a Municipal political campaign. Provided, however, the City Administrator shall retain the right to vote in any election as he chooses and to express as an individual his opinion freely on all political subjects and candidates. Conduct prohibited by this section shall constitute conduct contrary to the best interest of the Municipality and shall subject the City Administrator to removal under Article IV, Section B of this Charter.

(III.H. in its entirety approved by electors 11-8-77)

ARTICLE IV - ADMINISTRATIVE

A. CIVIL SERVICE.

1. Civil Service Commission. There is hereby established a Civil Service Commission which shall consist of three (3) electors of the Municipality who shall serve for three (3) year terms with such compensation as is established by Council. The members of the Commission shall be appointed by Council. All members of the Commission shall be appointed for the full three (3) year term. A vacancy occurring during the term of any member of the Commission shall be filled for the unexpired term by appointment by Council. No member of the Commission shall hold any other office or employment with the Municipality. The regulations adopted by the Civil Service Commission shall become operative as of the first day of June of the year following the election of the Council making the initial appointment of the Commission.

(Approved by electors 11-4-86)

2. Duties of the Commission. The Civil Service Commission shall provide by rule for the ascertainment of merit and fitness as the basis for appointment and promotion in the service of the Municipality as required by the constitution of Ohio, and for appeals from the action of any board, official or Council in any case of transfer, reduction or removal. The action of the Commission on any such appeal shall be final except as otherwise provided by the laws of Ohio or this Charter. The Commission shall have the power to subpoena witnesses and require production of records.

3. Classification of Service. The civil service of the Municipality is hereby divided into classified and unclassified service.

a. The classified service shall include only the following:

Full-time members of the Police Department;

Full-time members of the Fire Department at such time only as the Council establishes a paid Fire Department;

Full-time hourly workers;

All persons in positions not specifically included in this Charter in the unclassified service.

The total net indebtedness created or incurred by the municipal corporation shall never exceed ten percent (10%) of the total value of all property in the City as listed and assessed for taxation.

In ascertaining the limitations prescribed by this section, the bonds or other evidences of indebtedness excepted in Section 133.02 and Section 133.03 of the Revised Code of Ohio, as presently enacted or in their amended or substituted versions, shall not be considered.

(VII.C. in its entirety approved by electors 11-2-71)

D. BUDGET.

In each fiscal year, which shall be the calendar year from January 1 through December 31, the Mayor, the City Administrator, and the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** shall prepare and submit to Council a tax budget for the following fiscal year. The tax budget shall be submitted to Council at a meeting prior to the date that the tax budget is required to be submitted to the County Budget Commission. It shall include an estimate of all expenditures which will be necessary for the operation of the Municipality during the following fiscal year and an estimate of revenues which will be received for that period. Any disagreement between the Mayor and the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** as to either expenditures or revenue shall be clearly noted upon the budget as submitted. The Council shall approve or amend the tax budget as submitted, and shall adopt same, by resolution, after a public hearing of which at least ten (10) days notice is given in the manner prescribed for the publication of ordinances. The tax budget shall be in the form prescribed by the office of inspection and supervision of public offices of the State of Ohio, except to the extent that modification is required by any provision of this Charter, and all proceedings regarding the adoption of an annual budget, not specifically provided for in this section, shall be in accordance with the provisions of the Ohio Revised Code.

(Approved by electors 11-8-77; 11-4-86; 11-3-09; **11-2-21**)

E. APPROPRIATIONS.

An annual appropriation ordinance shall be prepared by the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** of the municipal corporation, in the form prescribed by the general law, based upon the revised budget as approved by the Hamilton County Budget Commission and the official certificate of estimated resources or amendments thereof as issued by the County Auditor. The proposed appropriation ordinance shall be submitted to the Council as soon as practicable after the issuance of such certificate of estimated resources. On or about the first day of each year, the Council shall pass an appropriation ordinance based upon such proposed appropriation ordinance submitted by the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner**, amended or revised as it sees fit. If it desires to postpone the passage of the annual appropriation ordinance until an amended certificate is received from the County Auditor, based on the actual balances, Council may pass a temporary appropriation ordinance for meeting the ordinary expenses of the Municipality until not later than the first day of April of the current year, and the appropriations made therein shall be chargeable to appropriations in the annual appropriation ordinance for that fiscal year when passed. For the purpose of meeting the actual requirements of the Municipality as they appear as the fiscal year progresses, Council may pass such supplemental appropriation ordinances as it deems necessary, adjusting the appropriations between the various appropriation funds. The total amount appropriated for any fiscal year shall not exceed the total balances carried over from the previous fiscal year plus the estimated revenue for the current fiscal year, as both of such sums appear upon the latest issued certificate of resources. (Approved by electors

11-2-21)

No amending or supplemental appropriation ordinance shall be required to be published. Such ordinances shall be effective immediately, and shall not be subject to veto by the Mayor.

No money shall be drawn from the treasury of the municipal corporation except in pursuance of appropriations made by the Council, and no expenditure shall exceed any balance of any appropriation fund account for the fiscal year, said balance being determined by reducing the initial or amended appropriation amount by the total expenditures validly drawn against such account plus any other encumbrances or obligations against such account which have not actually been paid.

The authorization of a bond issue shall be deemed to be an appropriation of the proceeds of the same for the purpose for which such bonds were issued. In the case of an improvement, the cost of which is to be paid in full or part by special assessments, a contract may be executed without an appropriation or certificate for that portion of the cost derived from special assessments, provided that an ordinance authorizing such an assessment and the bonds or notes to be issued in anticipation thereof has been lawfully passed, or that such contract is for the provision of engineering, legal, or other necessary professional services in connection with such improvement. (VII.E. in its entirety approved by electors 11-4-86)

F. CONTRACTS AND EXPENDITURES.

No expenditure of municipal funds shall be made except by a proper warrant drawn against an appropriate fund, which warrant shall show, upon its face, the appropriation in pursuance of which such expenditure is made and the fund against which the warrant is drawn. All such warrants shall be signed by the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner**. (Approved by electors 11-4-86; 11-2-21)

No contract involving the expenditure of money or purchase order shall be made unless there is attached thereto the certificate of the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** that the amount required to meet the obligation of such contract or purchase order, or in the case of a continuing contract to be performed in whole, or in part, in an ensuing fiscal year, the amount required to meet the same in the fiscal year in which the contract is made, has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of appropriate fund free from any previous encumbrances. Every such contract or purchase order made without such a certification shall be void and no warrant shall be issued in payment of any amount due thereon. If no certificate is furnished as required, upon receipt by Council of a certificate of the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** stating that there was at the time of the making of such contract or purchase order and at the time of the execution of said certificate a sufficient sum appropriated for the purpose of such contract or purchase order and in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances, the Council may authorize the issuance of a warrant in payment of amounts due upon such contract or purchase order by ordinance, but such ordinance shall be passed within thirty (30) days from the receipt of such certificate of the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner**; provided that if the amount involved is less than five hundred dollars (\$500) the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** may authorize it to be paid without such approval of the Council, if such expenditure is otherwise valid. (Approved by electors 11-5-85; 11-4-86; 11-2-21)

The foregoing provisions notwithstanding, the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** may establish petty cash funds, any of which individual fund shall never

the municipality. No individual purchase shall exceed an amount established by Council. These accounts shall be replenished from time-to-time. At the time of replenishment all expenditures made from such fund shall be audited in accordance with established accounting practices. Additionally, Council may, on an annual basis, adopt a resolution exempting municipal purchases up to a dollar figure to be determined by them from the certification requirements of this section but no more than that allowed by the Ohio Revised Code. The resolution shall state the dollar amount that is exempted from the certification requirement and whether the exemption applies to all purchases, to one or more specific classes of purchases or to the purchase of one or more specific items. (Approved by electors 11-5-85; 11-4-86; 11-3-09; 11-2-21)

Upon certification by the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** that a certain sum of money, not in excess of the limits imposed under Ohio Revised Code Section 5705.41, and as the same may be amended and/or recodified, has been lawfully appropriated, authorized, or directed for a certain purpose and is in the treasury or in the process of collection to the credit of a certain fund free from previous and then outstanding obligations or certification, then for said purpose and from said fund, over a period not exceeding three (3) months and not extending beyond the end of the fiscal year, expenditures may be made, purchase orders may be issued, and contracts or obligations calling for or requiring the payment of money may be paid, provided that the aggregate sum of money included in and called for such expenditures, orders, and contracts shall not exceed the sum so certified. An itemized statement of obligations incurred and expenditures made under such certificate shall be rendered by the department head to the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** before another such certificate may be issued, and not more than one such certificate shall be outstanding at a time. (Approved by electors 11-4-86; 11-3-09; 11-2-21)

In addition to providing the certification for expenditures as set forth in the previous paragraph, the City also may make expenditures, issue orders for payment, and make contracts or obligations calling for or requiring the payment of money made and assumed for specified permitted purposes from a specific line-item appropriation account in a specified fund for a sum of money exceeding five thousand dollars (\$5,000) upon the certification by the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** of the City that this sum of money has been lawfully appropriated, authorized, or directed for a permitted purpose and is in the treasury or in the process of collection to the credit of the specific line-item appropriation account in the specified fund free from previous and then-outstanding obligations or certifications; provided that the aggregate sum of money included in and called for by the expenditures, orders, and obligations shall not exceed the certified sum. The purposes for which the City may lawfully appropriate, authorize, or issue such a certificate are the services of an accountant, architect, attorney at law, physician, professional engineer, construction project manager, consultant, surveyor or appraiser by or on behalf of the City or contracting authority; fuel oil, gasoline, food items, roadway materials, and utilities; and any purchases exempt from competitive bidding under section 125.04 of the Ohio Revised Code and any other specific expenditure that is a recurring and reasonably predictable operating expense. Such an expenditure shall not extend beyond the end of the fiscal year. Such a certificate shall be signed by the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** and may, but need not, be limited to a specific vendor. An itemized statement of obligations made under such a certificate shall be rendered to the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** for each certificate issued. More than one (1) such certificate may be outstanding at any time. (Approved by electors 11-2-21)

In any case in which a contract is entered into upon a per unit basis, the head of the department,

to become due upon such contract, which estimate shall be certified, in writing, to the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner**. Such a contract may be entered into if the appropriation covers such an estimate or so much thereof may be due during the current year. In such a case, the certificate of the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner**, based upon the estimate, shall be a sufficient compliance with the law requiring a certificate. (Approved by electors 11-4-86; 11-2-21)

Any certificate of the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** attached to a contract shall be binding upon the municipality as to the facts set forth therein. Upon request of any person, firm or corporation receiving an order or entering into a contract with the municipality, the certificate of the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** shall be attached to such order or contract. "Contract" as used in this section excludes current payrolls of regular employees and officers. Taxes and other revenue in process of collection, or the proceeds to be derived from authorized bonds, notes, or certificates of indebtedness sold and in process of delivery shall, for the purpose of this Charter, be deemed in the treasury or in the process of collection and in the appropriate fund. (Approved by electors 11-4-86; 11-2-21)

Expenditures for the payment of current payrolls upon the authority of a proper appropriation for such purpose, provided that the position of such employees and their compensation had been determined prior thereto by ordinance, or in any other matter provided by law, may be made without the express certification of the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** herein provided for. (Approved by electors 11-4-86; 11-2-21)

All contracts or purchase orders involving the expenditure of funds in the amount for which advertising and bidding on public contracts is required in Ohio Revised Code Section 735.05, and as the same may be amended and/or recodified, may be entered only after being advertised at least once in a newspaper of general circulation in the City, on the City's website, or by such other means as designated by City Council for a minimum of five (5) days and not more than twenty (20) days prior to the final day of receipt of such bids; shall bear the certification of the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** as to the availability of funds; shall be in writing and executed by the Mayor and the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner**; and may be entered only after the necessary expenditures are authorized by ordinance of Council. All bids must be accompanied by a bond conditioned upon entering into a proper contract in accordance with the terms of the advertisement. Said bid bonds, or certified check in lieu thereof, shall be in the amount of ten percent (10%) of the consideration stated in the bid. The adequacy of the bid bond shall be determined by Council. Additionally, each contract for one (1) year or less shall be secured by a performance bond, the sufficiency of which shall be determined by the Mayor, in an amount equal to one hundred percent (100%) of the consideration of the contract. Each multi-year contract shall be secured by a performance bond, the sufficiency of which shall be determined by the Mayor, in an amount at least equal to one hundred percent (100%) of the consideration for the performance of the first year of the contract. This performance bond shall be renewed for subsequent years at least fifteen (15) days prior to the expiration of each year of the contract. The renewal shall be in an amount at least equal to one hundred percent (100%) of the consideration for the performance of the next year of the contract. The contract or purchase order may be entered only with the best bidder, as determined by Council in its absolute discretion. Contracts for professional or expert personal services should be excluded from the foregoing provisions for advertising and bonds, and shall be secured by Council upon such terms as it is able to negotiate. However, any contract for such services shall be in writing if the total consideration thereon

is in the amount for which advertising and bidding on public contracts is required in Ohio Revised Code Section 735.05, and as the same may be amended and/or recodified. Such contracts may be in the form of an ordinance, setting forth the terms thereof, which shall be binding upon the municipality and other party either upon acceptance by the other party in writing or by the commencement of the services called for by such ordinance. (Approved by electors 11-2-82; 11-8-83; 11-4-86; 11-2-21)

All contracts and purchase orders for an expenditure less than the amount for which advertising and bidding on public contracts is required in Ohio Revised Code Section 735.05 and as the same may be amended and/or recodified, need not be advertised, bid or authorized by Council but shall be in the form of a written requisition signed by the Mayor. The Mayor may delegate any part of his authority to the City Administrator, in which event such contract may be signed by the City Administrator to the extent of the authority so delegated. Such written requisition shall bear the certification of the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner as to the availability of funds for validation. (Approved by electors 11-8-77; 11-2-82; 11-4-86; 11-2-21)

All contracts properly made by the City shall be administered by the Mayor. The Mayor may delegate any part of such duty to the City Administrator, in which event, such contracts shall be administered by the City Administrator to the extent so delegated. (Approved by electors 11-8-77)

The requirements for competitive bidding and for authorization by Council, in the case of contracts or purchase orders, the consideration of which is in the amount for which advertising and bidding on public contracts is required in Ohio Revised Code Section 735.05, and as the same may be amended and/or recodified, may be waived in the case of emergency, provided that the Mayor secures the approval of the Council in any such situation where a meeting of Council is to be held in time to deal with the emergency or, in the absence of such sufficient time for such meeting, the Mayor secures the informal written approval of five (5) Council members. For the waiver of such requirements, the emergency must be such as to make it imperative that immediate action be taken in order to maintain the essential operations of the municipal government or preserve the public peace, health, or safety. (Approved by electors 11-2-82)

Whenever equipment is being purchased by contract, purchase order or requisition, a condition of transaction may be the trade-in or sale of other equipment, the property of the municipality, declared by Council to be not needed in municipal purposes, the value of the unneeded equipment, as determined by the best bid or offer, being credited on the purchase price of the equipment purchased. (VII.F. in its entirety approved by electors 11-5-96; 11-7-00)

ARTICLE VIII - PROCEDURES

A. EMINENT DOMAIN.

The municipal corporation may appropriate, enter upon, and hold real estate within and without its corporate limits, for any valid municipal purpose, including, but not limited to, those purposes set out expressly in the general law regarding appropriation of property by municipal corporations.

When the Council deems it necessary to appropriate a property for municipal purposes it shall initiate the proceedings by the passage of an ordinance declaring the intent to appropriate the specific property, defining the purpose for which the property will be used, and setting forth a pertinent description of the land and the estate or interest therein desired to be appropriated. Such ordinance shall declare the necessity for the appropriation and the determination of the Council as to the necessity of the appropriation for the purposes of the Municipality shall be final. Such ordinance shall also contain a section wherein the act of appropriation is effectual, subject only to the determination of reasonable compensation to the owner of the property, either by negotiation or by the verdict of a jury.

The Clerk of Council/~~Finance Director~~ of the Municipality shall be responsible for effecting actual notice of the adoption of the appropriation ordinance, either by personally serving said owner or his agent authorized for such purposes with a copy of such ordinance or by mailing, by certified or registered mail, such copy to the owner or his authorized agent. Actual notice upon the property owner by one of the foregoing means is jurisdictional and the Municipality cannot acquire title to any interest in any property which it intends to appropriate without such notice. A return receipt from the United States postal authorities in the usual course of business or the certificate of the Clerk of Council/~~Finance Director~~ that he has personally served the owner or the owner's authorized agent, shall be prima facie proof of notice.

(Approved by electors 11-4-86; 11-2-21)

If a satisfactory settlement of the question of compensation has not been made between the owner and Council, and the transfer of title or a valid written contract to transfer title of such agreed compensation has not been consummated or entered into not later than thirty (30) days from the date of notice actually served upon the property owner as aforesaid, then the Municipality shall file its petition in the court of common pleas in the county in which the property in question lies, praying that a jury be impaneled to determine just compensation for the property appropriated. Proceedings shall then be had in accordance with the general law and the rules of the court of common pleas.

If the owner or authorized agent of the owner cannot be found within the county in which the property to be appropriated lies, or if ownership of the property cannot be determined with reasonable application and diligence, then service of the notice shall be by publication once each week on the same day of two (2) consecutive weeks in a newspaper of general circulation in the municipal corporation.

All provisions of the general law applicable to appropriation of property, not otherwise herein provided for, shall apply to the appropriation of property by the Municipality.

B. PUBLIC IMPROVEMENTS BY SPECIAL ASSESSMENTS.

1. General. The Council shall have power by ordinance to provide for the construction, reconstruction, repair, and maintenance of all things in the nature of public improvements as provided by general law and to provide for the payment of any part or all of the cost of any such improvement by levying and collecting special assessments upon abutting, adjacent and contiguous or other specially benefited property. The amount assessed against the property especially benefited to pay for such improvements shall not exceed the amount of the benefits accruing to such property. Any cost for such

improvement in excess of any sum assessed therefor shall be paid by the municipality. Such improvement may be by contract or directly by the employment of labor, in the discretion of Council, provided however, if directly by the employment of labor, the amount to be assessed shall not exceed the preliminary estimate of the Engineer hereinafter provided for.

2. Methods of Special Assessments. Special assessments upon property deemed benefited by a public improvement shall be by any one or any combination of the following methods:

- a. In proportion to the benefits which may result from the improvement;
- b. By a percentage of the tax value of property assessed;
- c. By the front footage of the property bounding and abutting upon the improvement.

3. Plans and Specifications. When it is deemed necessary to make a public improvement to be paid for in whole or part by special assessment, the Council shall provide for the services of an engineer who shall submit to the Council preliminary plans, specifications, profiles and estimates of the costs of such improvement, along with an apportionment of said costs, as he deems reasonable, upon each of the aforementioned methods of special assessments, upon each parcel or lot of land which could reasonably be expected to be benefited by the improvement.

4. Resolution of Necessity. If, upon consideration of such preliminary plans, specifications, profiles, estimates and apportionment of costs, submitted to it by the Engineer, the Council deems it in the public interest to proceed further with the proposed improvement, it shall adopt an ordinance declaring the necessity therefor, and such ordinance shall contain a statement of the portion of the total cost to be assessed, the method of assessment, the mode of payment and the number of annual or semi-annual installments in which the assessment shall be paid, the period of said installment not exceeding the number of years over which the maximum maturity of bonds issued for the purpose could be extended under the uniform bond law, shall describe the properties or the area to be benefited by the improvement and shall require that notice of the adoption of the resolution and the apportionment of the estimated cost of the improvement be served upon all owners of property who may be assessed any part of the cost of the improvement. Such notice shall be served personally by the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner or person designated by him or by the mailing of a registered or certified letter containing same, on or to the owner of the premises to be benefited, or his agent. The certificate of the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner or the return receipt of the postal authorities shall be prima facie evidence of service. If no address can be found with reasonable diligence for a property owner or his agent, service may be had by publishing the notice once in a daily or weekly newspaper of general circulation in the Municipality. The Council may provide compensation for the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner or person designated by him, for the service of such notices, which shall be included as a cost of the improvement. (Approved by electors 11-4-86; 11-2-21)

5. Owner May File Objection. The owner of any property to be assessed, who objects to the tentative apportionment of the cost of the improvement to his property, may file, in writing, with the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner such objection. Such written

objections shall be filed not later than a date specified in the resolution of necessity, which date shall not be earlier than fourteen (14) days nor later than thirty (30) days from the service of the last notice, personally or by mail, or the date of publication as aforesaid, whichever is later, the objection shall contain an address to which notice of the hearing provided for hereinafter may be mailed.

(Approved by electors 11-4-86; 11-2-21)

6. Equalization Board. In the event any written objection to the tentative apportionment of costs is filed, the Council shall appoint an assessment Equalization Board composed of three (3) disinterested freeholders of the Municipality who shall hold a hearing within twenty (20) days after appointment. First class mail notice to the objectors shall be mailed at least fourteen (14) days before the hearing, to the addresses specified in the written objections. The power and duties of the Equalization Board shall be outlined in Section 727.17 of the Revised Code of Ohio. Compensation of the Equalization Board shall be as provided by Council.

7. Ordinance Determining to Proceed with the Public Improvement. After the expiration of the time for filing objections to the tentative apportionment of the assessment, or, in the event objections have been filed, after the report of the Assessment Equalization Board has been approved by Council, Council shall determine whether or not it will proceed with proposed improvement. In the event the Council determines to proceed with the improvement it shall pass an ordinance reciting such determination, adopt the estimated assessment, either as filed by the Engineer or as an approved report of the Assessment Equalization Board, and shall by such ordinance direct the Engineer to proceed with the completion of detailed working plans, specifications, and profiles, and shall either direct the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner to advertise for bids for the construction of said improvement, in accordance with the general law or direct the Mayor to proceed by the direct employment of labor upon completion of said plans, specifications and profiles.

(Approved by electors 11-4-86; 11-2-21)

8. Procedure When Low Bid Exceeds Estimates. In the event that the lowest and best bid for the construction of the public improvement exceeds by more than fifteen percent (15%) the total estimated cost as filed by the Engineer with the Council prior to the resolution declaring the necessity for the improvement, then no contract shall be entered into until Council makes a redetermination by ordinance to proceed with the improvement, after a public hearing, ten (10) days written notice of which has been given to all of the persons entitled to notice of the passage of the resolution of necessity, in the same manner in which notice of the passage of such resolution was given. If after such hearing, the Council determines by such ordinance that the improvement should be made, a contract may be let for the construction of such improvement on the basis of the lowest and the best bid, or the Mayor may be directed to make said improvement by the direct employment of labor as herein provided.

9. Assessing Ordinance. After completion of a public improvement to be constructed upon an assessment basis and after the actual cost has been ascertained, the Council shall by ordinance assess, in the manner provided in resolution of necessity, upon the property designated therein, that portion of the total cost of the improvement to be paid for by special assessments, and the assessment on each property shall be increased or decreased in the same proportion to the estimated assessment on each

Art. VIII

C. MUNICIPAL PROPERTY.

1. Dedication. Private property may be dedicated to Municipal purposes in any of the following manners:

a. By use by the public for such period and under such conditions as have been established by the common law for the acquiring of public rights by prescription.

b. By the deed of dedication by the owner to the municipality, conveying property for Municipal purposes upon such terms and conditions and with such restrictions as are set out in such deed.

c. By any procedure now or hereafter established by general law. The Municipality shall not have the responsibility of the care and maintenance of any public property dedicated under paragraphs "a" and "b" above, unless the acceptance of the dedication of such property has been confirmed by the Council, by special ordinance adopted for such purpose of confirmation.

2. Vacation. Property previously dedicated and accepted for Municipal purposes shall be vacated only by an ordinance for the purpose, adopted by a vote of at least five (5) members of Council after a public hearing of which notice has been given to all persons in the municipality by advertisement in a newspaper of general circulation in the Municipality once each week on the same day of three (3) consecutive weeks, and said hearing shall be not earlier than thirty (30) days after the last such publication. Such vacation proceedings may be instituted upon formal or informal petition or upon Council's own initiative.

3. Purchase, Sale and Lease. Except as is otherwise provided in this Charter for the procedures for the purchase of goods and chattels, there shall be no restriction upon the authority of the Council in the purchase, sale and lease of, real and personal property. By ordinance, the Council shall declare the need for such property as it deems is necessary for Municipal purposes, and prescribe the terms of the purchase or lease of same, or declare that property is no longer needed for Municipal purposes or useful as such, absolutely or temporary, and prescribe the terms of the its sale or lease. Property valued by the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner at less than five hundred dollars (\$500.00) may be sold by the Mayor if, in the opinion of the Mayor, the property is no longer needed for Municipal purposes. (Approved by electors 11-4-86; 11-2-21)

D. ZONING.

The Council shall prescribe procedures for the regulation of the use of all land and improvements thereon in the Municipality. Until such time as the Council adopts procedures for the zoning of land and improvements, the existing statutory provisions for such zoning shall remain in effect.

The lawful use of any dwelling, building, or structure and any land or premises, as existing and lawful at the time of enacting a zoning regulation or amendment thereto, may be continued, although such use does not conform with the provisions of such regulations or amendments but if any such nonconforming use ceases for one (1) year or more, any future use of such land shall be in conformity with the zoning regulation. The Council shall provide in any zoning regulation for the completion,

ARTICLE X - SCHEDULE

A. This Charter shall take effect and be in force from and after the certification by the election authorities of Hamilton County, Ohio of its adoption by the voters of the Municipality of Springdale.

B. All elected officers and Councilmen in office at the time of the effective date of this Charter shall continue in office and in the performance of their duties until their successors are elected and take office under the provisions of this Charter. ~~The incumbent in the existing office of Clerk of Council/Finance Director shall continue to hold the office of Clerk of Council/Finance Director under this Charter, for the purpose of this paragraph.~~ Such officers and Councilmen holding over under this Charter shall be governed by the provisions hereof ~~to the extent practicable and shall implement the mandatory provisions~~ hereof to the extent possible during the duration of their tenure in office.

(Approved by electors 11-4-86; 11-2-21)

C. The first election of Municipal officers under this Charter shall be held on the date of the general election in November, 1965.

D. All appointive offices, boards, commissions and positions in the Municipality prior to the adoption of this Charter shall be abolished on the first day of December, 1965. After such date there shall exist only such appointive offices, boards, commissions and positions as are provided by this Charter or as are established by ordinance under the authority of this Charter.

E. Officers and employees who are members of the Police Department on the effective date of this Charter shall retain their positions as though appointed thereto under the provisions of this Charter. Employees who are members of the labor force of the Municipality on the effective date of this Charter shall retain their positions as employees of the Department of Public Works as though so employed under the provisions of this Charter. Members of the Volunteer Fire Department as of the effective date of this Charter shall retain their positions as though appointed thereto under the provisions of this Charter. In all the cases referred to in this paragraph, the incumbents in any position holding over under this Charter shall thereafter be subject to the rules and regulations of the Civil Service Commission.

F. All ordinances and other legislative enactments of the Municipality, to the extent they are not inconsistent with this Charter and are in force when it takes effect, shall continue in force until amended or repealed by Council.

G. All contracts and agreements entered into by the Municipality or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect.

H. Public improvements, the appropriation of property, and other lawful procedures for which legislative action has been taken under general law at the time this Charter takes effect, may be carried to completion in accordance with such law, including the levy of assessments for improvements.

I. No action or proceeding, civil or criminal, pending in any court at the time this Charter takes effect, brought by or against the Municipality or any office, agency or officer thereof, shall be abated