

RECORD OF ORDINANCES

Resolution No. 2022-49

Passed JULY 6, 2022

SPONSOR: CHARTER REVIEW COMMITTEE

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF MOGADORE, OHIO DEALING WITH THE COMPOSITION OF THE BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY

WHEREAS, the current Charter provides that one of the seven members of the Board of Zoning Appeals (“BZA”) shall also be a member of the Planning and Zoning Commission and appointed thereby; and,

WHEREAS, the current Charter provides that the BZA member appointed by the Planning and Zoning Commission shall serve a term of one year; and,

WHEREAS, the current Charter provides that if a vacancy occurs with respect to the BZA member appointed by Planning and Zoning Commission, a replacement shall be appointed by such Commission for the unexpired term of such member; and,

WHEREAS, the Planning and Zoning Commission currently has a seat filled by a member of the Council, and vacancies of that position are filled by Council; and,

WHEREAS, the Charter Review Commission has determined that the BZA and Planning and Zoning Commission make-up should be similar and that there is a higher likelihood of attendance and meeting quorum if the BZA has a seat filled by a member of Council; and,

WHEREAS, the Charter Review Commission has determined and recommended that the BZA member seat, appointed by the Planning and Zoning Commission, should be converted to a seat filled by a member of the Council, and vacancies of this position shall be filled by Council as provided; and,

WHEREAS, the Council for the Village of Mogadore has determined that an amendments to Article X, Section 10.01 should be submitted to the electorate of the Village of Mogadore on November 8, 2022.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Mogadore, Counties of Portage and Summit, State of Ohio, that:

SECTION 1: The Council submits to the electorate that Section 10.01 of the Charter be amended as follows (with those words in bold being added and those with strikethrough lines being deleted):

RECORD OF ORDINANCES

Resolution No. 2022-49

Passed JULY 6, 2022

SECTION 10.01 BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall consists of seven (7) members who are electors of the Municipality. All members of this Board shall have been continuously a resident and an elector of the Municipality for at least one (1) year prior to the date of his/her appointment and each such member shall continue to be a resident and an elector therein through his/her term. ~~One of the seven members shall also be a member of the Planning and Zoning Commission and shall be designated and appointed by such Commission. The term of such member on the Board of Zoning Appeals shall be one year.~~ **One member shall be a member of Council selected by the Council to serve during the remainder of his/her term on Council.** The remaining six members of the Board of Zoning Appeals shall be appointed by the Mayor with Council approval to serve staggered three year terms, two new members being appointed each year to replace the two members whose terms are expiring. Vacancies with respect to those members appointed by the Mayor shall be filled by appointment by the Mayor and the approval of Council for **the remainder of the** unexpired terms. ~~A vacancy with respect to the member appointed by the Planning and Zoning Commission shall be appointed by such Commission for the unexpired term of such member.~~ **Vacancies with respect to the member appointed by the Council shall be filled by the Council as provided in this Section.**

SECTION 2: The proposed amendment to Section 10.01 of the Charter of the Village of Mogadore shall be placed before the qualified electors of the Village of Mogadore for their approval on the ballot of the November 8, 2022 general election.

SECTION 3: The Village Council of Mogadore requests the following ballot language:

Shall Section 10.01 of the Charter of the Village of Mogadore be amended, effective January 1, 2023, to remove the requirement that one member of the Board of Zoning Appeals be a member of the Planning and Zoning Commission and replace it with the requirement that one member of the Board of Zoning Appeals be a member of Council, who will serve for the remainder of his/her term on Council, and in the case of a vacancy of that member, the vacancy shall be filled by Council appointing a different member of Council to serve for the remainder of his/her term on Council?

 FOR THE AMENDMENT AGAINST THE AMENDMENT

SECTION 4: The Clerk-Treasurer shall certify a copy of this Resolution to the Board of Elections, along with a copy of the proposed ballot language, in sufficient time to meet the deadline for submission of the foregoing Charter amendment at the 2022 general election.

RECORD OF ORDINANCES

Resolution No. 2022-49

Passed JULY 6, 2022

SECTION 5: The Village of Mogadore finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 6: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare of Village residents, to allow for the timely submission of the Charter amendment to the Board of Elections, and to allow for the continued operations of the Village Administration and other departments and shall, therefore, take effect and be in force from and immediately after its passage.

Michael Raddish 7-6-22

President of Council

Date

Michael

7-6-22

Mayor

Date

Attest:

Scott K. V.
Clerk-Treasurer