

**Pepper Pike Charter Review Commission
Report to Pepper Pike City Council
December 19, 2024**

The Pepper Pike Charter Review Commission (“the Commission”) was established by the Pepper Pike City Council to conduct a comprehensive review of the City’s Charter. The goal of this review, as directed by Ordinance 2024-13, passed on April 17, 2024, is to ensure that the Charter reflects current best practices for a responsive, transparent, and effective local government.

The Commission was sworn in at an organizational meeting on July 31, 2024, then began the process of reviewing the Charter. The Commission solicited input from residents, the Mayor, members of City Council, and employees of Pepper Pike. Residents were apprised of the process and encouraged to submit input by means of a letter mailed to all residents, as well as four emails sent to Pepper Pike residents on the City’s email distribution list and inclusion in three of the monthly Pepper Pike Post newsletters. The Commission met seventeen times between July 31 and December 19, 2024, for a total of over 36 hours. The schedule of meetings was posted on the City website and included in the email updates sent to residents, all meetings were open to the public, and public comment was welcomed at all meetings. The minutes of Commission meetings and a redline draft of the charter are, and have been throughout the Commission’s review process, posted on the City website. The Mayor and the Council’s designated liaisons to the Commission attended Commission meetings, as did the City Law Director, who provided input and advice throughout the review process.

This review marks the first in-depth examination of the Charter since its original adoption in 1966, and it represents a commitment to upholding and modernizing the principles that govern Pepper Pike. This report summarizes the items considered by the Commission, the Commission’s recommended improvements to the Charter, as well as items that were considered but did not result in recommended changes. For ease of reference, the sections of the current Charter are included, marked to indicate the Commission’s suggested additions, deletions, and revisions, each followed by a description of the Commission’s recommendations with respect to that section. The end of this report addresses items considered by the Commission that did not result in recommended changes to the Charter, followed by brief concluding remarks. A copy of the complete Charter, marked to indicate the Commission’s recommended changes, is attached.

Suggested Overall General Modernization Revisions

The Commission recommends revisions throughout the Charter to update language that is antiquated, archaic, or no longer relevant to the City. The Commission also recommends other non-substantive revisions in the interest of clarity and consistency within the document. These changes include:

- Replacing references to the “Village of Pepper Pike” with “City of Pepper Pike” and references to “Village,” “Municipality,” and “Pepper Pike, where appropriate, with “City.”
- Replacing references to “Councilman” with “member of Council” and references to “Councilmen” with “members of Council.”
- Replacing pronouns, which are primarily masculine in the current Charter, by referring to persons by their roles.
- Replacing references to “journals” of proceedings with references to “minutes” and “records” of proceedings and deleting references to using a “seal” to authenticate City records.
- Standardizing references to numbers by using word form followed by standard numerals in parentheses, e.g., “four (4)”.

Suggested Revisions by Charter Sections

Following are sections of the Charter, marked to show the Commission’s recommendations. Underlines represent suggested additions, and strikethrough markings represent suggested deletions. The Table of Contents has not been included in this report because the City Law Director advised that the editors update the Table of Contents when publishing.

CHARTER OF THE ~~MUNICIPALITY~~CITY OF PEPPER PIKE, OHIO

PREAMBLE

We, the people of the ~~Village~~City of Pepper Pike (~~“City”~~), in the County of Cuyahoga, State of Ohio, in order to secure the benefits of municipal home rule and local self-government under the Constitution and laws of the State of Ohio, do hereby adopt this Charter.

Commission Recommendation: Change “Municipality” and “Village” to “City.”

ARTICLE I NAME AND BOUNDARIES

The ~~Municipality~~City now existing in the County of Cuyahoga, State of Ohio, and known as the ~~Village~~City of Pepper Pike shall continue to be a body politic and corporate under the name of Pepper Pike, with the same boundaries as now exist, but with power and authority to change its boundaries in the manner authorized by the laws of Ohio, ~~except that no territory shall be detached from or annexed to the Municipality, nor shall the Municipality be annexed to, or merged with, any other body politic, nor shall the corporate existence of the Municipality be terminated, without the consent of the Council of the Municipality and of a majority of its electors voting on such question at a general election.~~

Commission Recommendation: a) Update “Village” and “Municipality” to “City,” and b) Delete language requiring both a Council and referendum vote of the electors of the City prior to the detachment or annexation of territory to the City, the merger of the City with another body politic, or the termination of the corporate existence of the City. The City Law Director advised the Commission that an Ohio Supreme Court case held that such language in a charter is not consistent with state law and is, therefore, unconstitutional.

ARTICLE II POWERS

~~Pepper Pike~~The City shall have all the powers, general or special, governmental or proprietary, which may now or hereafter lawfully be possessed or exercised by municipalities under the laws of Ohio. All such powers may be exercised in the manner prescribed in this Charter, or, if not prescribed herein, in such manner as the Council may determine, or, unless a contrary intent appears in this Charter or in the enactments of the Council, in such manner as may now or hereafter be provided by the laws of Ohio.

Commission Recommendation: Update “Pepper Pike” to “the City”.

ARTICLE III THE COUNCIL

Section III-1. COMPOSITION AND TERM.

The Council shall consist of seven ~~(7)~~ members, elected at large for a term of four ~~(4)~~ years beginning on the first day of January next following their election. Three ~~(3)~~ members of ~~the~~ Council shall be elected at the regular municipal election in 1967 and every fourth year thereafter and four ~~(4)~~ members of ~~the~~ Council shall be elected at the regular municipal election in 1969 and every fourth year thereafter.

Commission Recommendation: Update number format.

Section III-1A. QUALIFICATIONS

~~Each member of Council shall have been an elector of the City for a period of at least two (2) continuous years immediately preceding the first day of the member's term of office and shall remain an elector of the City during the member's term of office. During the member's term of office, a member of Council shall hold no other employment with the City and no other elected public office.~~

Commission Recommendation: The addition of this section establishing qualifications to become a member of Council. Unlike most modern Charters, including those of neighboring communities, the current Charter does not contain a qualifications provision. The only residency requirement for Council members in the current Charter is provided

in Article VII, which states that an elected official can be removed from office if that official does not meet the one-year residency rule of the Ohio Revised Code. It is imperative that our elected officials understand our community and the concerns of our residents in order to represent our community effectively. It takes time to learn about the characteristics of Pepper Pike and to connect with fellow residents.

The Commission recommends adding a two-year residency requirement for members of Council as well as a provision that a Council member will not hold other employment with the Municipality nor any other elected office during the Member's term. Our neighboring communities require similar, or longer, periods of residency for council members: two (2) years in Chagrin Falls, Orange Village, and Mayfield Village; three (3) years in Gates Mills; and five (5) years in Hunting Valley.

Section III-2. ORGANIZATION.

In ~~January, 1967, and in~~ January of each year ~~thereafter~~, the Council shall meet in the Council Chamber and organize. At such organization meeting, or as soon as practicable thereafter, the Council shall elect ~~one (1) member of Council as the President of Council, one (1) member of Council as the Vice President of Council, one (1) member of Council as a member of the City Planning Commission, and one (1) member of Council as an alternate representative of the Council to the City Planning Commission~~ ~~one member of Councilman as the Vice Mayor and one member of Councilman as a member of the City Planning Commission~~, each to serve for the balance of that year and until ~~his or hersuch member's~~ successor shall have been elected, unless ~~he or shesuch member~~ shall cease in the meantime to be a ~~member of~~ Councilman. The Council shall also appoint a Clerk of Council who shall serve at the pleasure of the Council.

Commission Recommendation: Delete the reference to the first organizational meeting of Council in January 1967 and change the Council positions elected at Council's annual organization meeting from 1) Vice Mayor and 2) one member of the City Planning Commission to 1) President of Council, 2) Vice President of Council, 3) a member of the City Planning Commission, and 4) an alternate to the Council representative to the City Planning Commission.

Both elected officials and members of the public expressed or documented communication issues between the executive and legislative branches of Pepper Pike government in recent years. To address these concerns, the Commission recommends the addition of a President of Council, a position which exists in almost every other community in Cuyahoga County, including the neighboring communities of Chagrin Falls, Gates Mills, Hunting Valley, Moreland Hills, and Orange Village. Members of Council provided feedback that creating this position would not only help facilitate communication between the Council and the Mayor, but would also increase efficiencies within the Council itself.

The Commission concludes that the addition of this position will increase collaboration, communication, and efficiency between the legislative and executive branches of government, and that it will not diminish the role of the Mayor, who is, and will continue to be, the chief executive officer of the City.

The Commission also is recommending the addition of the position of Vice President of Council, so that another Council member is positioned to act as the President of Council pro tem in the President's absence.

The Commission recommends that the position of Vice Mayor be removed because it is redundant with the creation of the President of Council. The Vice Mayor's only role is to fill the role of the Mayor in the event of the Mayor's absence. The President of the Council will work closely with the Mayor, and, therefore, be best positioned to fill in should the Mayor be absent or the office be vacated.

The addition of an alternate to Council's representative to the City Planning Commission is to provide a back-up to the representative, reflecting the importance of a Council member being present at City Planning Commission meetings.

Depending upon the effective date Council designates for any amendments being presented to voters, as discussed under Section XII-1, the first sentence of this Section may need to be amended to read "In [insert first month in which the revised Charter is effective] and in the January of each year thereafter, the Council shall meet in the Council chamber and organize."

Section III-2A. PRESIDENT OF COUNCIL.

The President of Council shall have all the powers, duties, functions, obligations and rights as any other member of Council, including the right to vote, shall preside at all meetings of the Council, shall confer with other members of Council and the Mayor, shall appoint the various committees of the Council and coordinate their work, and shall have such other powers and duties as may be established by ordinance. The Vice President of Council shall act as President of Council pro tem in the absence of the President of Council.

Commission Recommendation: The Commission recommends the addition of this newly-created section describing the role and responsibilities of the person elected to the position of President of Council. The President of Council shall confer with other members of Council and with the Mayor, preside at Council meetings, appoint the various committees of Council and coordinate their work, and have such other powers and duties as may be established by ordinance.

Section III-3. POWERS.

All the legislative powers of Pepper Pike, and all such other powers as may be granted by this Charter, together with all such powers as are now or may hereafter be granted by the laws of Ohio to boards of control, municipal tax commissions, boards of health or any other municipal commission, board or body now or hereafter created, shall be vested in the Council except as otherwise provided in this Charter.

Commission Recommendation: No changes.

Section III-4. MEETINGS.

The Council shall hold at least one regular meeting in each calendar month. All meetings of the Council shall be open to the public, except for the purposes and as permitted by the laws of Ohio. The ~~minutes~~journal of its proceedings shall be available for public inspection at all reasonable times. A majority of the members of ~~the~~ Council shall constitute a quorum for the transaction of business at any meeting of the Council, but a lesser number may adjourn the meeting from time to time and compel ~~or~~ excuse the attendance of absent members. At any time at which a quorum is present, any ordinance or resolution may be passed or adopted, or any other action taken, by the affirmative votes of at least four (4) members of ~~the~~ Council unless a larger number is required by the provisions of this Charter or by the laws of Ohio. ~~Any member of the Council present and not voting shall be deemed to have voted with the majority and his or her vote shall be so recorded, except in the case of a tie vote when the vote of any Councilman present and not voting shall be counted as a negative vote.~~

The Clerk of the Council shall keep a record of the proceedings of the Council ~~in a journal~~ in which the "yes" or "no" vote of each member of Councilman shall be recorded. ~~He or she~~The Clerk of Council shall authenticate all records, documents and instruments of the ~~Municipality~~City on which authentication is proper and for that purpose shall have and use an seal or any other authentication method permitted by applicable law. ~~The Clerk of Council shall also act as Secretary of the City Planning Commission, and as Secretary of the Civil Service Commission, when established. He or she~~The Clerk of Council shall keep the records of said bodies and in addition shall perform such other duties consistent with his or hersuch office as the Council may direct. ~~(Amended Nov. 7, 1989)~~

Commission Recommendation: In addition to general language updates, the Commission recommends deletion of the language that classified a Council member's abstention as an affirmative vote, or a negative vote in the case of a tie. The Commission believes that Council members should be permitted to abstain for cause. The City Law Director recommended deletion of the language because Ohio's Ethics Laws sometimes require a member of Council to abstain from a vote, and a Charter provision that interferes with this action may result in the member of Council violating the law.

The Commission also recommends the deletion of the language that the Clerk of Council shall act as the Secretary of the City Planning and the Civil Service Commissions. The Commission's recommended revision of Section V-5 includes a provision that the City Planning Commission shall appoint its Secretary, and Council shall provide funding for that position. The Commission's recommended revision of Section V-4 provides that the Clerk of Council will serve as the Secretary of the Civil Service Commission.

Section III-5. GENERAL ORDINANCES.

The Council shall by ordinance make provision for:

- a. The time and place of regular meetings of the Council;
- b. The method of calling special meetings of the Council;
- c. The form and method of enactment of its ordinances and adoption of its resolutions;
- d. ~~The method of giving public notice of the enactment of its ordinances and adoption of its resolutions, and of any other of its acts or proceedings which it deems proper to publish;~~
- e. The procedure for making public improvements and levying assessments, including the procedure for combining two (2) or more public improvements, and the levying of assessments therefor, in one (1) proceeding if the Council finds that it will be economical and practical to undertake such improvements jointly;
- f. The advertising and awarding of contracts; and
- g. Such other general regulations as the Council may deem necessary, including regulations as to the custody and use by the Clerk of Council of an official seal authentication method permitted by applicable law.

Commission Recommendation: No change other than updating the format of referencing numbers and replacing the antiquated “seal” language.

Section III-6. EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.

Each ordinance providing for the appropriation of money, or for an annual tax levy, or for improvements petitioned for by the owners of a majority of the foot frontage of the property benefited and to be specially assessed therefor, and any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health or safety, shall take effect, unless a later time be specified therein, upon its signature by the Mayor, or upon the expiration of the time within which it may be disapproved by the Mayor, or upon its passage after disapproval by the Mayor, as the case may be. No other ordinance or resolution shall go into effect until thirty (30) days after its final passage by the Council. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative votes of at least five (5) members of ~~the~~ Council for its enactment. No action of the Council in authorizing any change in the boundaries of the MunicipalityCity, or the surrender or joint exercise of any of its powers, or in granting any franchise, or in contracting for the supply to the MunicipalityCity or its inhabitants of the product or service of any utility, whether municipally owned or not, shall be taken as an emergency measure.

Commission Recommendation: No change other than updating the format of referencing numbers and references to “Municipality”.

Section III-7. VACANCIES.

Whenever the office of a Councilmanmember of Council shall become vacant, the vacancy shall be filled by a majority vote of all the remaining members of ~~the~~ Council, and if the vacancy shall not be so filled within forty-five (45) days, the Mayor shall fill it by appointment. Each Councilmanmember of Council so elected or appointed to fill a vacancy shall hold office for the balance of the unexpired term or until the beginning of the term of a successor elected for the unexpired term as hereinafter provided. A successor shall be elected for the unexpired term at the next municipal election if (a) such election shall occur more than two (2) years prior to the expiration of the unexpired term, and (b) the vacancy shall have occurred more than one hundred ~~twenty-eighty~~ (180) days prior to such election. ~~The vacancy in the office of Councilman by reason of the adoption of this Charter shall be filled as provided in this section and for a term ending December 31, 1967.~~

Commission Recommendation: General language updates and the deletion of the sentence relating to filling the Council vacancy created by the adoption of the Charter in 1966. At the suggestion of the City Law Director, lengthening the time between a vacancy occurring on Council and the date of election of a successor, from 120 to 180 days, to accommodate a relatively recent change in the federal election laws, adopted by Ohio, which require earlier filing deadlines to permit overseas and military voting to be completed in a timely fashion.

Section III-8. ZONING ORDINANCES.

No ordinance or resolution amending the Zoning Code of the City (Codified Ordinances of Pepper Pike, Part Twelve) shall go into effect unless it receives the affirmative votes of at least five (5) members of Council. Before any such ordinance or resolution may be passed, the Council shall hold a public hearing thereon, and shall give at least thirty (30) days' notice of the time and place thereof ~~in a newspaper of general circulation in the City, by posting on the City's website and by ordinary mail, electronic communication or such other method reasonably likely to provide actual notice to persons who have requested such notice.~~ Further, no such ordinance or resolution shall be passed as an emergency measure or take effect until thirty (30) days after its final passage by the Council, unless a later date is stated in the ordinance or resolution. ~~(Enacted November 6, 2012) No ordinance or resolution which lessens the use, height, or area restrictions to which a zoning district is subject under the Zoning Code of the City or which amends the Zone Map of the City shall go into effect unless first submitted to a vote of the electors upon referendum and approved by a majority of the electors voting on such issue as provided by Section VIII-1.~~

Commission Recommendation: Given the importance of notifying residents of proposed changes to the Zoning Code of the City and the fact that “newspapers of general circulation” no longer are available, the Commission recommends updating the method for providing notice to residents before the hearing on any such ordinance or resolution. The Commission recommends that notice be provided both by posting it on the City website and by ordinary mail. The Commission has left open for Council to determine, based on its ordinances and past practices, how to define to whom such notice should be given to reasonably notify residents, property owners, and other potentially impacted parties.

The recommendation to remove the antiquated requirement of providing notice to “persons who requested such notice,” reflects input from Council that no such current list exists.

The second paragraph has been moved to this section from section VIII-1, at the suggestion of the City Law Director that it more appropriately belongs under Zoning Ordinances.

Section III-9. REMOVAL.

The Council shall be the judge of the election and qualifications of its own members as provided in this Charter. The Council may remove any member of Council from office for

- a. gross misconduct or malfeasance, misfeasance or nonfeasance in office;
- b. disqualification for office;
- c. the conviction while in office of a crime involving moral turpitude;
- d. having been adjudicated legally incompetent; or
- e. a violation of the oath of office (subsections (a) through (e) collectively, "Grounds for Removal").

For a member of Council, Grounds for Removal shall also include a persistent failure to abide by the rules of the Council. The charge or charges against the accused member shall be initiated by at least three (3) members of Council signing and introducing written charges at a regular or special meeting of the Council. The accused member shall not vote on the question of removal.

Any such removal shall not take place

- x. until the accused individual shall have been notified in writing of the charge at least ten (10) days in advance of a public hearing upon such charge;
- y. until the accused individual or the accused individual's counsel has been given an opportunity at such hearing to be heard, present evidence, or examine any witness appearing in support of the charge (subsections (x) and (y) collectively, "Due Process Procedure"); and
- z. without the affirmative votes of at least five (5) members of Council.

Commission Recommendation: Addition of this section to provide for circumstances under which a Council member can be removed from office by vote of fellow Council members (defined as "Grounds for Removal") and the process for such removal (defined as "Due Process Procedure"). A similar section is proposed with respect to the Mayor and Commission members. The current Charter does not provide a process to remove an elected official other than by a recall process. These sections will provide guardrails to protect the City by allowing Council to remove an elected official under certain circumstances. Removal provisions are very common in modern municipal charters, and the recommended language is standard language.

ARTICLE IV THE MAYOR

Section IV-1. TERM OF OFFICE.

The Mayor shall be elected at the regular municipal election in the year 1967 and every fourth year thereafter, for a term of four (4) years commencing on the first day of January next after such election.

Commission Recommendation: No changes other than number format.

Section IV-1A. QUALIFICATIONS.

The Mayor shall have been an elector of the City for a period of at least four (4) continuous years immediately preceding the first day of the Mayor's term of office and shall remain an elector of the City during the Mayor's term of office. During the Mayor's term of office, the Mayor shall hold no other employment with the City, except as may be provided by ordinance, and no other elected public office.

Commission Recommendation: Similar to the Commission's recommendation to add Section III-1A with respect to Council, adding this Section establishing qualifications to

become Mayor. As is the case with Council, the current Charter only requires one year of residency to qualify to serve Mayor. As is stated above with respect to Council, it is imperative that our elected officials understand our community and the concerns of our residents in order to represent our community effectively. Our neighboring communities also require periods of residency beyond the statutory one (1) year requirement for their respective mayors: two (2) years in Chagrin Falls and Orange Village, three (3) years in Gates Mills and Mayfield Village; and five (5) years in Hunting Valley.

The Mayor is the chief executive officer of the City. The office of Mayor requires a deep understanding of the unique characteristics and customs of the City. Accordingly, the Commission recommends adding a four-year residency requirement for Mayor, as well as a provision that the Mayor shall hold no other employment with the Municipality, except as may be provided by ordinance (to allow the Mayor to also fill the role of Safety Director) nor any other elected office.

Section IV-2. JUDICIAL POWERS.

The Mayor shall have all the judicial powers granted generally by the laws of Ohio to mayors of municipalities unless, until and to the extent that other lawful provisions shall be made for the exercise of all or any such powers.

Commission Recommendation: No changes.

Section IV-3. LEGISLATIVE POWERS.

The Mayor shall ~~preside at~~ attend all meetings of the Council and shall provide oral and written reports as appropriate at such all meetings of the Council, but shall have no vote therein. The Mayor may, ~~however,~~ introduce ordinances and resolutions and take part in the discussion on all matters coming before the Council. The Mayor shall confer with the President of Council.

Commission Recommendation: Change “The Mayor shall preside at meetings of the Council” to reflect that the President of Council shall preside, and the Mayor shall attend and provide written or oral reports, as appropriate, at Council meetings. Also, addition of the provision that the Mayor shall confer with the President of Council, which mirrors the provision in Section III-2A that the President of Council shall confer with the Mayor.

Section IV-4. VETO POWERS.

Every ordinance or resolution passed by the Council shall be attested by the Clerk of Council and promptly presented to the Mayor. If the Mayor approves such legislation, ~~he or she~~the Mayor shall sign it within ten (10) days after its passage or adoption by the Council, but if ~~he or she~~the Mayor does not approve it, ~~he or she~~the Mayor shall return it to the Clerk within ~~said ten days~~such ten (10) day period together with a written statement of ~~his or her~~ objections, which objections shall be entered in full in the ~~journal records~~ of the Council by the Clerk of Council. The Mayor may approve or disapprove the whole or any item of an ordinance appropriating money, but otherwise ~~his or her~~the Mayor's approval or disapproval shall be addressed to the entire ordinance or resolution. If the Mayor shall not sign or veto an ordinance or resolution within the period above specified, it shall take effect in the same manner as if ~~he or she~~the Mayor had signed it on the last day of ~~said ten day~~such ten (10) day period. Following the disapproval by the Mayor of an ordinance or resolution, or an item thereof as herein provided, the Council may, but not later than ~~at its next regular meeting~~thirty (30) days after the date of such ~~disapproval~~, reconsider the legislation vetoed by the Mayor, and if such legislation shall ~~be then~~ ~~be~~ approved by the affirmative votes of at least five (5) members of ~~the~~ Council, it shall become effective notwithstanding the veto of the Mayor.

Commission Recommendation: In addition to general language updates, changing the time period for Council to reconsider a vetoed ordinance or resolution from “at its next regular meeting” to “30 days after the date of such disapproval” to allow Council a reasonable amount of time to reconsider should the veto occur in close proximity to its next regular meeting.

Section IV-5. EXECUTIVE POWERS.

The Mayor shall be the chief executive officer of the ~~Municipality~~City. Except as otherwise provided by this Charter, the Mayor shall:

- a. Supervise the administration of the City's affairs;
- b. Exercise control of all departments and divisions;
- c. Be the chief conservator of the peace within the territory of the City, and shall see that all laws and ordinances are enforced therein;
- d. Execute on behalf of the City all appropriately authorized contracts, conveyances, evidences of indebtedness and all other instruments to which the City is a party;
- e. Have the custody of the authentication method permitted by applicable law of the City and the Mayor or the Mayor's designee may affix it to any municipal record, but the absence of the authentication method permitted by applicable law shall not affect the validity of any such instrument;
- f. See that all terms and conditions imposed in favor of the City or its inhabitants in any franchise or contract to which the City is a party are faithfully kept and performed;
- g. Keep the Council fully advised as to the financial condition and needs of the City in accordance with this Charter;
- h. Be recognized as the official and ceremonial head of the Government of the City by the Governor for military purposes, and by the Courts for the purpose of serving civil processes;
- i. Hire employees of the City, subject, if applicable, to the rules of the classified civil service, provided that the Council has, by ordinance, created and funded the position pursuant to its authority under this Charter. Any employee who is hired by the Mayor pursuant to this section shall serve at the pleasure of the Mayor, except as limited by an applicable collective bargaining agreement or the rules of the classified civil service; and
- j. Appoint heads of departments, subject to confirmation by the Council, who shall serve at the pleasure of the Mayor.

~~—The Mayor shall be the chief executive officer of the Municipality. He or she shall supervise the administration of the Municipality's affairs and shall exercise control of all departments and divisions. He or she shall be the chief conservator of the peace within the territory of the Municipality, and shall see that all laws and ordinances are enforced therein.~~

~~—Subject to the other provisions of this Charter, the Mayor shall have the power to appoint, promote or transfer any officer or employee of the Municipality except those required by this Charter to be elected by a vote of the people or appointed exclusively by the Council and except for the head of any department established by this Charter who shall be appointed by the Mayor, subject to the confirmation of the Council. Any officer or employee of the Municipality for whom provision is made herein for appointment by the Mayor, either with or without the confirmation of the Council, or who has been appointed by the Mayor, shall, subject to the other provisions of this Charter, serve at the pleasure of the Mayor and may be removed from office by the Mayor at any time without the approval of the Council, except those whose terms of office are fixed by this Charter, other than the head of the Law Department and the head of the Finance Department. The provisions of Title VII of the Revised Code of Ohio shall not govern the appointment, continuation in office or removal from office of the head of any department established by this Charter, and when this Municipality reaches city status under the laws of Ohio, the offices of Chief of the Police Department and Chief of the Fire Department shall not be included within the classified service and may be filled by the Mayor without any examination, subject to the confirmation of the Council, and they shall serve at the pleasure of the Mayor under the terms and conditions stated above.~~

~~—The Mayor shall also be responsible for the preparation and submission of the annual estimate of receipts and expenditures, and of appropriation measures, and shall at all times keep the Council fully advised as to the financial condition and needs of the Municipality. He or she shall see that all terms and conditions imposed in favor of the Municipality or its inhabitants in any franchise or contract to which the Municipality is a party are faithfully kept and performed.~~

~~—The Mayor shall execute on behalf of the Municipality all contracts, conveyances, evidences of indebtedness and all other instruments to which the Municipality is a party. He or she shall have the custody of the seal of the Municipality and may affix it to all the above-mentioned instruments, but the absence of the seal shall not affect the validity of any such instrument. The Mayor shall be recognized as the official and ceremonial head of the Government of the Municipality by the Governor for military purposes, and by the Courts for the purpose of serving civil processes.~~

Commission Recommendation: At the Commission's request, this entire Section was rewritten by the City Law Director. Section IV-5 in the current Charter is very confusing and does not clearly delineate the Mayor's executive powers. The Commission's recommended revision to Section IV-5 clearly sets forth the Mayor's Executive Powers in bullet form. The City Law Director also recommended updating the provisions relating to the Mayor's hiring and firing authority to reflect the current civil service laws and union contracts. No substantive changes have been made to the Mayor's executive powers in this Section.

Section IV-6. ~~THE VICE MAYOR. SUCCESSION.~~

~~During any period when the Mayor shall be absent, inaccessible or unable for any reason to perform the duties of Mayor, the President of Council shall be the Acting Mayor and shall also continue as President of Council and as a member of Council with all the powers and duties of a member of Council.~~

~~In case the office of Mayor shall become vacant pursuant to Section VII-2,~~

- ~~a. the President of Council shall thereupon serve as Mayor for the unexpired term and until a successor shall have been elected and shall no longer be a member of Council and~~

b. the President of Council's office as member of Council shall become vacant.

The Vice President of Council shall be the acting Mayor during any period that the Mayor and the President of Council are absent, inaccessible, or unable for any reason to perform the duties of Mayor. If the office of Mayor becomes vacant and such office is not filled by the President of Council, then the Vice President of Council shall become Mayor for the unexpired term and until a successor shall have been elected and shall no longer be a member of Council. If the office of Vice President of Council has become vacant, the Council shall elect a new Vice President of Council to serve for the unexpired term and until a successor shall have been elected.

~~During any period when the Mayor shall be absent or inaccessible or unable for any cause to perform his or her duties of Mayor, the Vice Mayor shall be the Acting Mayor and shall also continue as a Councilmanmember of Council with all the powers and duties of a Councilmanmember of Council. In case the office of Mayor shall become vacant, the Vice Mayor shall thereupon become Mayor and his or hersuch member's office as Councilmanmember of Council shall become vacant, and he or she the Vice Mayor shall serve as Mayor for the unexpired term or until the beginning of the term of a successor duly elected as hereinafter provided.~~

Commission Recommendation: Deletion of The Vice Mayor provision, since that position is being eliminated with the creation of the President of Council position, and addition of a new Succession section reflecting the Commission's recommendation that the President of Council will serve as the acting Mayor in the event the Mayor is absent, inaccessible, or unable to perform the duties of Mayor and that, should the office of the Mayor become vacant, the Council President will become Mayor, and the Vice President of Council will become the Council President. If the Mayor and the President of Council are absent, inaccessible, or unable to perform the duties of Mayor, the Vice President of Council will be the Mayor.

Section IV-7. ELECTION OF SUCCESSOR IN CASE OF VACANCY.

In case the office of Mayor shall become vacant, a successor for the unexpired term shall be elected as Mayor at the next regular municipal election, ~~provided that if~~ (a) such election shall occur more than two (2) years prior to the expiration of the unexpired term, and (b) the vacancy shall have occurred more than one hundred and ~~twenty-eighty (180)~~ days prior to such election. A President of Council, or successor, who has become Mayor pursuant to Section IV-6 above may be a candidate to succeed ~~himself or herself as Mayor~~.

Commission Recommendation: In addition to general language updates, addition of language providing that a President of Council, or successor, who became Mayor due to the office of the Mayor being vacated, may be a candidate to fill the unexpired term under the circumstances where the unexpired term is filled at the next regular election.

Section IV-8. REMOVAL.

The Council may remove the Mayor from office on the basis of one or more Grounds for Removal (as defined in Section III-9). The charge or charges against the Mayor shall be initiated by at least three (3) members of Council signing and introducing written charges at a regular or special meeting of the Council. Any such removal shall not take place without the completion of the Due Process Procedure (as defined in Section III-9) and the affirmative votes of at least five (5) members of Council.

Commission Recommendation: Similar to the Commission's recommendation to add Section III-9 with respect to Council members, the addition of this section to provide for circumstances under which a Mayor can be removed from office (the defined Grounds for Removal) and the process for such removal (the defined Due Process Procedure). This

section will provide guardrails to protect the City and will bring the Charter in line with the standard in modern municipal charters by allowing Council to remove the Mayor under specified circumstances.

ARTICLE V

ADMINISTRATIVE DEPARTMENTS AND COMMISSIONS

Section V-1. GENERAL PROVISIONS.

~~Initially, the Municipality~~City shall have a Law Department, a Finance Department, a Service Department, a Police Department, ~~and a Fire Department, and the Council shall provide by ordinance for the organization and duties thereof, except as provided for in this Charter. The Municipality shall also have a City Planning Commission, and when it reaches city status under the laws of Ohio, a Civil Service Commission; provided, however, that~~ The Council may by ordinance establish additional departments and commissions, or divisions thereof, and ~~provide for such boards, officers and employees as it may deem necessary. The Council may separate, divide, combine or abolish any department, division, board, or commission, nonelective office or job classification. The Council shall provide by ordinance for the organization and duties of such departments, divisions, boards, commissions, and nonelective offices or job classifications~~ and may authorize one (1) person to serve in two (2) or more departments, divisions, boards or commissions.

Commission Recommendation: General clean-up of the language to make the provision more understandable, deletion of the reference to “when the Municipality reaches city status,” and addition of a provision which clarifies that, not only may Council by ordinance establish additional departments and commissions, but it may also provide for their respective organization and duties.

Section V-2. DIRECTOR OF LAW.

The Director of Law shall be the head of the Law Department and shall be appointed by the Mayor, subject to confirmation by the Council, for a term expiring on the date of the organization meeting of the Council in the next succeeding ~~even-numbered~~ year. ~~He or she~~The Director of Law shall serve the Mayor, the Council, ~~the individual members of Council,~~ the Administrative Departments and the officers, boards, and commissions of the ~~Municipality~~City as legal counsel in connection with municipal affairs, and, subject to the direction of the Mayor, shall represent the ~~Municipality~~City in all proceedings in court or before any administrative board. ~~He or she~~The Director of Law shall perform all other duties now or hereafter imposed upon municipal solicitors under the laws of Ohio, unless otherwise provided by ordinance of the Council, and ~~he or she~~the Director of Law shall perform such other duties consistent with ~~his or hersuch~~ office as the Mayor or the Council may request. No person shall act as Director of Law unless duly admitted to practice law in the State of Ohio. ~~The Mayor may at any time remove the Director of Law, subject to confirmation by the Council. In addition, the Council may at any time remove the Director of Law with the affirmative votes of at least five (5) members of Council.~~

Commission Recommendation: The Commission recommends that the City Law Director be appointed for a term of one year, which is the norm in neighboring communities, rather than two years. The addition of the language that the City Law Director shall serve the individual members of Council, as well as the Mayor and the Council, addresses Council members’ request for clarification that they may individually request the City Law Director’s services to draft ordinances. Similar to the recommendation that provisions be added to allow for the removal of the Mayor, Council members, or Commission members, the Commission recommends adding a provision with respect to the City Law Director and the Treasurer, providing that they may be

removed by either the Mayor, subject to confirmation of Council, or by a “super majority” (five members) of Council.

Section V-3. TREASURER.

The Treasurer shall be the head of the Finance Department and the fiscal officer of the ~~Municipality~~City. ~~He or she~~The Treasurer shall be appointed by the Mayor, subject to confirmation by the Council, for a term expiring on the date of the organization meeting of the Council in the next succeeding ~~even-numbered~~ year. ~~He or she~~The Treasurer shall serve the Mayor and the Council as financial advisor in connection with municipal affairs. The Treasurer shall examine all payrolls, bills and other claims against the ~~Municipality~~City and shall issue no warrant, unless ~~he or she~~the Treasurer shall find that the claim is in proper form, correctly computed and duly approved, that it is due and payable, and that an appropriation has been made therefor, and ~~he or she~~the Treasurer shall perform such other duties consistent with ~~his or her~~the Treasurer's office as the Mayor or the Council may request. The Mayor may at any time remove the Treasurer, subject to confirmation by the Council. In addition, the Council may at any time remove the Treasurer with the affirmative votes of at least five (5) members of Council.

The Council may provide by ordinance that the duties of the Clerk of Council and the Treasurer be combined into one office to be known as the Clerk-Treasurer and such office shall be filled in the manner herein provided for the Treasurer.

Commission Recommendation: Consistent with the changes with respect to the City Law Director, the Commission recommends that the Treasurer's term be reduced from two years to one and that the same removal provisions be added with respect to this position.

Section V-4. THE CIVIL SERVICE COMMISSION.

The Civil Service Commission shall consist of three ~~(3)~~ electors of the ~~Municipality~~City, not holding other municipal office, to be appointed by the Mayor subject to confirmation ~~of by the~~ Council, for a term of six ~~(6)~~ years except that of the three ~~(3)~~ appointed when this section becomes effective, one ~~(1)~~ shall be appointed for a term of two ~~(2)~~ years, one for a term of four ~~(4)~~ years, and one for a term of six ~~(6)~~ years. A vacancy occurring during the term of any member of the Civil Service Commission shall be filled for the unexpired terms in the manner authorized for an original appointment. The Mayor may at any time remove any appointed elector member of the Civil Service Commission on the basis of one or more Grounds for Removal (as defined in Section III-9), subject to completion of the Due Process Procedure (as defined in Section III-9) and confirmation by the Council. In addition, the Council may at any time remove any appointed elector member of the Civil Service Commission on the basis of one or more Grounds for Removal, subject to completion of the Due Process Procedure and the affirmative votes of at least five (5) members of Council. The Clerk of Council shall serve as the Secretary to the Civil Service 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~~City as required by the

Constitution of Ohio, and for appeals from the action of the Mayor 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. Civil service examination shall not be required for the appointment

- a. ~~of any member of a board or commission;~~
- b. ~~of any head of a department;~~ or any assistant to the head of any department;
- c. ~~of any secretary to the Mayor, or to the head of any department, or any board or commission;~~ or
- d. ~~for appointment~~ to any other office or position requiring peculiar and exceptional qualifications.

~~Any person who shall have served the Municipality for at least one year next preceding the effective date for this section may be retained in the same or any similar position without examination.~~ Except as herein provided, the Civil Service Commission shall determine the practicability of competitive examinations for any nonelective office or job classification in the service of the ~~Municipality~~City.

For original appointments in all departments of the City, including the Police and Fire Departments, the Civil Service Commission shall certify to the Mayor the names of the ten (10) persons standing highest on the eligible list and the Mayor shall fill the position with any one (1) of the ten (10) persons certified.

For promotions in all departments of the City, including the Police and Fire Departments, the Civil Service Commission shall certify to the Mayor the names of the three (3) persons standing highest on the eligible list and the Mayor shall fill the available position with any one of the three (3) persons certified.

Council shall determine the amount of additional credit to be given to an applicant's examination for veteran's status. (Amended Nov. 7, 2000)

Commission Recommendation: Update references to numbers and add the same removal provisions as added with respect to the Mayor and Council members. Addition of the provision that the Clerk of Council will serve as the Secretary of the Civil Service Commission, which previously was provided for in Section III-4.

Section V-5. THE CITY PLANNING COMMISSION.

The City Planning Commission shall consist of ~~the Mayor,~~ one (1) member of ~~the~~ Council to be appointed by the Council, and ~~three-four~~ (4) electors of the ~~Municipality~~City, not holding other municipal office, to be appointed by the Mayor ~~and the Council through an application process determined by ordinance, subject to the confirmation of the Council.~~ The member of Council shall serve as Chair of the City Planning Commission. When the member of Council is unable to attend a meeting, the alternate representative of the Council shall serve as such Chair and shall also have the right to vote in place of the member of Council. The terms of the present members of the City Planning Commission shall terminate on December 31, ~~2025~~1966, and their successors shall be appointed ~~by the Mayor as herein provided~~ for a term of ~~six-four~~ (4) years, except that of the ~~three-four~~ (4) appointed for the terms beginning January 1, ~~1967~~2026, one (1) shall be appointed for a term of ~~two-one~~ (1) years, one (1) for a term of ~~four-two~~ (2) years, ~~and one (1) for a term of six-three (3) years, and one (1) for a term of four (4) years.~~ A vacancy occurring during the term of any member of the City Planning Commission shall be filled for the unexpired term in the manner authorized for an original appointment. The Mayor may at any time remove any appointed elector member of the City Planning Commission on the basis of one or more Grounds for Removal (as defined in Section III-9), subject to completion of the Due Process Procedure (as defined in Section III-9) and confirmation by the Council. In addition, the Council may at any time remove any appointed elector member of the City Planning Commission on the basis of one or more Grounds for Removal, subject to completion of the Due Process Procedure and the affirmative votes of at least five (5) members of Council.

~~The City Planning Commission shall have such powers and duties as shall be conferred upon it by ordinance of the Council concerning the plan, design, location, removal, relocation and alteration of any buildings or structures owned by the public or located on public streets or public property; the location, relocation, widening, extension and vacation of streets, parkways and other public places, or the improvement thereof; the approval of plats for the subdivision of land; and the zoning of the Municipality for any lawful purpose or purposes.~~ The City Planning Commission shall have such powers and duties as may be prescribed by City ordinances ~~of the Council~~ or the general laws of the State of Ohio ~~and all such powers may be exercised in the manner prescribed in this Charter, or, if not prescribed herein, in such manner as the Council may determine, or, unless a contrary intent appears in this Charter or in the enactments of the Council, in such manner as may now or hereafter be provided by the laws of Ohio not inconsistent therewith.~~ The City Planning Commission shall appoint a Secretary to the City Planning Commission ~~(whose salary, if any, the Council shall fund)~~, who need not be a member, ~~and~~ who may ~~either be a City employee or hold a Municipal City~~ office appointment. The City Planning Commission may appoint such other officers as it shall deem necessary, shall make its own rules and regulations, ~~and~~ shall keep a detailed written record of its proceedings. The City Planning Commission shall meet when called by the Chair of the City Planning Commission or any three (3) members of the City Planning Commission. A majority of the members of the City Planning Commission shall constitute a quorum for the transaction of business and the affirmative votes ~~of~~ at least three (3) members of the City Planning Commission shall be necessary for any official action.

Commission Recommendation: In addition to updating references to numbers, the Commission recommends changing the structure of the City Planning Commission. The Commission received input from members of Council and members of the public, expressing concern about the current City Planning Commission structure, in which the Mayor serves as the Chair and a voting member and appoints all three electorate members. Much of the feedback focused on the City Planning Commission making decisions on requested variances from City ordinances.

Accordingly, the Commission recommends that membership of the City Planning Commission be changed to consist of one member of Council to be appointed by Council, who shall serve as the Chair of the City Planning Commission, and four electors of the City, selected by a joint vote of the Mayor and Council members. The City Planning Commission's decisions should be made by residents with expertise in planning and related fields. This structure increases the representation and voting power of the appointed electors on the City Planning Commission and puts the appointment power of those electors in the hands of all eight of the City's elected officials. It retains Council representation so that the legislative branch of the City government is represented, which is critical given that the City Planning Commission is interpreting ordinances.

The new structure keeps the Mayor involved as an administrator and the City's chief executive officer via the Mayor's role in voting on the appointments. The length of City Planning Commission members' terms is recommended to be reduced from six years to four years with a goal of widening the potential applicant pool and increasing community member involvement. The Commission recommends that the terms of the elector members continue to be staggered to allow for continuity of experience.

The Commission also recommends, as is provided for in section III-2, that Council appoint an alternate to the Council's representative to the City Planning Commission, so that, should the

Council representative not be available for a meeting, the alternate can attend and chair the meeting.

Additionally, the Commission recommends adding the same removal provisions added with respect to the Mayor, Council members, and members of the Civil Service Commission.

The addition of the sentence regarding the City Planning Commission appointing a Secretary, whose salary, if any, shall be funded by Council, reflects the change from Section III-4, and is intended to give the City Planning Commission more flexibility in staffing this position.

Though not a recommended change to the Charter, in response to the input received, the Commission recommends that Council adopt legislation establishing procedures for applying for and considering variances. The Commission also recommends that Council establish by ordinance a standard application process to identify interested residents to serve on commissions and committees, in the hopes of developing a pool of interested residents and increasing community member involvement.

ARTICLE VI

SALARIES AND BONDS

~~Except for such salaries, benefits and other compensation that are established by a collective bargaining agreement, t~~The Council shall fix the salary or compensation of each officer, employee and member of any board or commission of the ~~Municipality~~City. ~~Any such person~~officer or employee may be required by the Council, from time to time, to furnish a bond or bonds for the performance of ~~his or hersuch~~ duties, and the Council may provide ~~additional or alternative insurance coverage to protect that the premium for any such bond insurance shall be paid by the Municipality~~City. ~~The premium for any such bond or insurance shall be paid by the City.~~ The compensation of the Mayor and of each member of ~~the~~ Council shall be fixed at least thirty ~~(30)~~ days before the time for filing nominating petitions for the terms beginning on the next succeeding first day of January, and shall not thereafter be changed in respect of any such terms or any part thereof. ~~The compensation of each other officer, employee and member of a board or commission of the Municipality shall be fixed by the Council and, subject to the power of the Council to provide otherwise by ordinance or resolution, may be changed at any time in its discretion.~~ The Council may authorize the payment or reimbursement of expenses incurred by any officer or employee of the ~~Municipality~~City, or by any member of any board or commission of the ~~Municipality~~City, ~~in including reimbursement for~~ trips taken in the interest of the ~~Municipality~~City.

Commission Recommendation: This language was updated to reflect that Council's authority to fix compensation is subject to collective bargaining agreements, and that Council may require insurance coverage rather than bonds to cover employees for the performance of their duties.

ARTICLE VII NOMINATIONS AND ELECTIONS

Section VII-1. PROCEDURES.

Nominations for elective offices of the ~~Municipality~~City shall be made only by petition, signed by ~~registered~~ electors of the ~~Municipality~~City not less in number than three percent (3%) of the number voting at the last preceding general election, and shall be accompanied by the written acceptance of the nominee. The nomination of each candidate shall be made by a separate petition. No primary election shall be held for the selection of any candidate for any elective office of this ~~Municipality~~City and no nominations for any such office shall be of any effect unless made as required by this section. The ballot used in the election of officers of the ~~Municipality~~City shall be without party mark or designation. The names of all candidates for any municipal office shall be placed upon the same ballot and shall be rotated in the manner provided by the laws of Ohio. Except as otherwise provided in this Charter, the laws of Ohio shall govern the nomination and election of the elective officers of this ~~Municipality~~City.

Commission Recommendation: Updating format of references to numbers.

Section VII-2. VACANCIES IN ELECTIVE OFFICES.

The office of an elected officer of the ~~Municipality~~City shall become vacant upon ~~his or hersuch officer's~~ death, resignation, ~~removal pursuant to Section III-9 or Section IV-8 (as applicable)~~, or recall pursuant to Section ~~VIII-2 of Article VIII hereof~~, or may be declared vacant by resolution of the Council if ~~such officer~~:

- a. ~~He or she~~She shall not be an ~~registered~~ elector of the ~~Municipality~~City; ~~or~~
- b. ~~He or she~~She shall not reside in the ~~Municipality~~City, or shall not have ~~resided in the Municipality continuously for a period of one year next preceding his or hersuch officer's election~~met the ~~residency qualifications for such office as provided in Section III-1A and Section IV-1A (as applicable)~~; ~~or~~
- c. ~~He or she~~She shall hold any other ~~elected~~ public office ~~to which he or shesuch officer has been elected by a vote of the people at a general election~~; ~~or~~
- d. ~~He or she~~She shall hold any other appointive public office where ~~he or shesuch officer~~ is in a position to exert material influence or authority in conflict with any lawful interest of this ~~Municipality~~City; ~~or~~
- e. ~~He or she~~Such officer shall have any ~~unlawful~~material financial interest in any contract to which the ~~Municipality~~City is a party.

Commission Recommendation: Language updated for clarity and to reflect that elective offices might also become vacant due to removal with the addition of the Removal provisions in Section III-9 and IV-8. In (b), replacement of the statutory minimum residency requirement of one year with the residency requirements being recommended by the Commission, i.e. two (2) years for members of Council and four (4) years for the Mayor. Also, at the recommendation of the City Law Director, replacement in (e) of “material” with “unlawful” for consistency with the Ohio Revised Code.

ARTICLE VIII

INITIATIVE, REFERENDUM AND RECALL

Section VIII-1. INITIATIVE AND REFERENDUM.

Ordinances and other measures may be proposed by initiative petition and adopted by election, and ordinances and other measures adopted by the Council shall be subject to referendum, to the extent and in the manner now or hereafter provided by this Charter or the Constitution and the laws of Ohio. Any such petitions shall be filed with the Clerk of Council, who shall note thereon the name and address of the person filing the petition and the date of such filing.

~~No ordinance or resolution which lessens the use, height, or area restrictions to which a zoning district is subject under the Zoning Code of the City of Pepper Pike (Codified Ordinances, Part Twelve) or which amends the Zone Map of the City of Pepper Pike shall go into effect unless first submitted to a vote of the electors upon referendum and approved by a majority of the electors voting on such issue. (Amended November 6, 2012)~~

Commission Recommendation: At the recommendation of the City Law Director, addition of a sentence providing that initiative and referendum petitions may be filed with the Clerk of Council. The Charter does not specify with whom initiative and referendum petitions should be filed. In the absence of such a provision, Ohio law requires that initiative and referendum petitions be filed with a city's treasurer. Given that section VIII-2 provides that recall petitions should be filed with the Clerk of Council, the absence of a similar provision with respect to initiative and referendum petitions could easily result in confusion. Accordingly, it is recommended that this sentence be added so that, like recall petitions, initiative and referendum petitions should be filed with the Clerk of Council.

Also at the recommendation of the City Law Director, relocation of the second paragraph of this section to section III-8, Zoning Ordinances.

Section VIII-2. RECALL.

The electors shall have the power to remove from office by a recall election any elected officer of the ~~Municipality~~City. If an elected officer shall have served for at least six (6) months of ~~his or hersuch~~officer's term, a petition demanding ~~his or hersuch officer's~~ removal may be filed with the Clerk of Council who shall note thereon the name and address of the person filing the petition and the date of such filing.

Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one (1) instrument. Each part shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds for the removal. Such petition shall be signed by at least that number of electors which equals twenty-five percent (25%) of the electors voting at the last preceding general election. Within ten (10) days after the day on which such petition shall have been filed, the Clerk of Council shall determine whether or not it meets the requirements hereof. If the Clerk of Council shall find the petition insufficient, ~~he or shesuch officer~~ shall promptly certify the particulars in which the petition is defective, deliver a copy of ~~his or hersuch officer's~~ certificate to the person who filed the petition with ~~him or her~~the Clerk of Council, and make a record of such delivery. Such person shall be allowed a period of twenty (20) days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk of Council shall find the petition sufficient, ~~he or shesuch officer~~ shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than sixty (60) nor more than seventy-five (75) days after the date of such delivery.

At such recall election this question shall be placed on the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted affirmatively, such officer shall remain in office. If a majority of the votes cast shall be voted negatively, such officer shall be considered as removed, ~~his or hersuch officer's~~ office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

Not more than three (3) persons holding an office to which they have been elected pursuant to this Charter may be removed at any recall election. Successive recall elections shall not be held more frequently than once every ninety (90) days.

Commission Recommendation: General language updates and the division of this section into paragraphs to make it more understandable.

ARTICLE IX FINANCES

Section IX-1. CONTRACTS AND FISCAL MATTERS.

The laws of Ohio relating generally to budgets, appropriations, deposits, expenditures, debts, bonds, contracts and other fiscal matters of the ~~Municipality~~City shall be applicable to the ~~Municipality~~City except as modified by, or necessarily inconsistent with, the provisions of this Charter.

Commission Recommendation: Language updates.

Section IX-2. LIMITATION ON THE RATE OF TAXATION.

The aggregate amount of taxes that may be levied by the taxing authority of this ~~Municipality~~City without a vote of the people, on any taxable property assessed and listed for taxation according to value, for all purposes of the ~~Municipality~~City, shall not in any one (1) year exceed five and one-half (5.5) mills for each dollar of assessed valuation. Of said total maximum levy, an amount shall annually be levied sufficient to pay the interest, sinking fund and retirement charges on all notes and bonds of the ~~Municipality~~City heretofore or hereafter authorized to be issued without the authority of an election, which levy shall be placed before and in preference to all other levies and for the full amount thereof. Of the remaining portion of said total maximum levy, an amount shall annually be levied sufficient to provide the amounts required by law for police and firemen's pensions, and the balance thereof, but not to exceed five (5) mills, may be levied annually for the purpose of paying the current operating expenses of the ~~Municipality~~City.

Commission Recommendation: Language and number format updates. The Commission considered whether to add a definition of “mills” to make this provision more understandable, but it was determined that, like many terms used in this Charter, the definition is derived from current Ohio law. For reference, “millage” is a rate of taxation expressed in mills per dollar. A mill is equal to 1/10 of a cent.

Section IX-3. OPERATING BUDGET, CAPITAL IMPROVEMENTS, FINANCIAL FORECAST.

The Mayor shall: submit to the Council for its approval, not less than forty-five (45) days prior to the end of each fiscal year, a current year-end estimate, a one (1) year fixed operating and capital budget, and a four (4) year projection, each of which will include the following:

- a. Revenues for each fund shown by revenue source;
- b. Operating expenditures for each fund shown by department and category;
- c. Capital expenditures for each fund shown by department and category;
- d. Ending expected fund balances;
- e. Year-end outstanding debt; and
- f. A written message summarizing the financial performance and position of the City which includes the following: revenue source by amount and percent and trends; operating expense amounts and trends by major department or category; capital spending amounts and trends; major capital projects completed during the year and projected during the forecast period; and city debt and reserve levels and trends.

The form and content of such financial documents shall conform to any ordinances that may be adopted by the Council.

- a. ~~1. Submit to the Council not less than 45 days prior to the beginning of each fiscal year, a proposed operating budget for the upcoming fiscal year, which shall contain at least the following:~~
 1. ~~a. A statement of projected fund balances at the end of the current year and estimated revenues from all sources for the new fiscal year;~~
 2. ~~b. A statement of proposed expenditures, shown by department and by category, and a presentation of aggregate projected positive or negative cash flow and its projected impact on year-end surplus;~~
 3. ~~c. A schedule of proposed expenditures for each department on a monthly basis, subject to guidelines approved by Council; and~~
 4. ~~d. A summary of the contents of the proposed operating budget.~~

- ~~b.—2. Submit to the Council not less than 45 days prior to the beginning of each fiscal year a capital improvements programs, which shall contain at least the following:~~
- ~~1.—a. The capital improvements scheduled for or proposed to be undertaken within the upcoming fiscal year, along with the estimated cost of each improvement and the proposed or established method of financing;~~
 - ~~2.—b. The capital improvements projected for the four years following the upcoming fiscal year; and~~
 - ~~3.—c. A financial forecast for the revenue and expenditures of the Municipality, including the capital improvements program, for the four years following the upcoming fiscal year.~~
- ~~c.—3. Submit a written message to the Council accompanying the proposed operating budget and capital improvements program explaining them both in fiscal terms and in terms of work to be done, outlining the proposed financial policies of the Municipality for the upcoming fiscal year and describing the important features of the operating budget and the capital improvements program. The message shall include any proposals for major changes in financial policies and in expenditures, appropriations and revenues as compared with the current fiscal year and the reasons for such proposals.~~
- ~~4. Submit to the Council during the first 120 days of each fiscal year a report on the financial condition of the Municipality as of the end of the preceding fiscal year, which report shall include a recommendation as to whether an increase or decrease in revenue may be advisable. (Enacted August 3, 2010)~~

Commission Recommendation: Changes to the current financial reporting requirements, made at the request of Council members, designed to provide the information needed for oversight of the City's operations.

ARTICLE X FRANCHISES

The Council may by ordinance grant a non-exclusive franchise to any person, firm or corporation to construct or operate a public utility on, across, over, above or under any public street or real estate within the ~~Municipality~~**City** for a period not in excess of twenty-five ~~(25)~~ years, and it may prescribe in the ordinance the kind or quality of service or product to be furnished, the rate or rates to be charged therefor, and such other terms as it shall deem conducive to the public interest. Such franchise may be amended or renewed in the manner and subject to the provisions established herein for original grants. No consent of the owner of property abutting on any public street or real estate shall be necessary to the effectiveness of any such grant, amendment or renewal. All such grants, amendments and renewals shall be made subject to the continuing right of the Council to provide reasonable regulations for the operation of such utilities with reference to such streets and public real estate, including the right to require such reconstruction, relocation, alteration or removal of structures and equipment used in such streets or public grounds as shall, in the opinion of the Council, be necessary in the public interest.

Commission Recommendation: Update language and number format.

ARTICLE XI AMENDMENTS TO CHARTER

The Council may, by the affirmative vote of at least five (5) of its members, submit any proposed amendment to this Charter to the electors, or, upon receipt of a petition signed by not less than ten percent (10%) of the ~~registered~~ electors of the ~~Municipality~~City setting forth any proposed amendment to the Charter, it shall submit such proposed amendment to the electors. The Council shall determine the manner of the submission of any proposed amendment to the electors to the extent that such submission is not governed by the Constitution and the laws of Ohio. If any such proposed amendment shall be approved by a majority of the electors voting thereon, it shall become a part of this Charter, except that if two (2) or more inconsistent proposed amendments on the same subject shall be submitted at the same election, only the one (1) of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of this Charter.

Commission Recommendation: Update language and number format.

ARTICLE XI-A CHARTER REVIEW COMMISSION

~~Beginning in the month of October, 2029 and at least once every sixth year thereafter in the month of October, the Council shall by ordinance appoint a Commission of nine (9) electors of the City to be known as the Charter Review Commission. Each member of the Commission shall have been an elector of the City for at least three (3) years preceding the appointment and shall continue to remain an elector during the member's term of office. Members of the Commission shall not hold any other elected or appointed public office of the City. The Commission shall review this Charter and make recommendations to Council as to any amendments to this Charter which it deems necessary and advisable.~~

Commission Recommendation: The Commission recommends the addition of this Section which requires, and provides the process for, a review of the Charter every six years, beginning with the selection of a Charter Review Commission in October 2029. The period of six years beginning in 2029 was chosen to allow for the Commissions' respective reports to be considered by Council in general election years during which Pepper Pike voters are not voting for Mayor or Council positions.

ARTICLE XII MISCELLANEOUS

Section XII-1. EFFECTIVE DATE OF CHARTER.

~~This Charter shall be in effect from and after the first day of January, 1967, provided, however, that a~~All elected officers and members of ~~the Council of this Municipality~~ now holding office may serve out their present terms. They shall be governed in the performance of their duties by the terms of this Charter and they shall have the powers prescribed herein. ~~The Village Clerk shall perform the duties of the Clerk of Council and the Treasurer shall perform the duties of the Treasurer as provided for under this Charter until the expiration of their present terms.~~

Commission Recommendation: Deletion of language relating to the effective date of the 1967 Charter that would not be relevant to updated provisions relating to this review. The Commission recommends that Council evaluate how much time would be required to put in place legislation necessitated by the changes to the Charter and then select an effective date accordingly. That effective date should be inserted in this Section prior to submitting the recommended revisions to the voters.

Should the chosen effective date be prior to the first day of January, 2026, the first sentence of Section III-2 would need to be amended to provide “In [insert first month in which the amendment is effective] and in January of each year thereafter, the Council shall meet in the Council Chamber and organize.”

Section XII-2. EFFECT OF PARTIAL INVALIDITY.

A determination that any part of this Charter is invalid shall not invalidate or impair the force or effect of any other part hereof, except to the extent that such other part is dependent for its operation upon the part declared invalid.

Commission Recommendation: No changes.

Section XII-3. EFFECT ON EXISTING LAWS AND RIGHTS.

This Charter shall not affect any vested rights or accrued liabilities of the ~~Municipality~~City of Pepper Pike, nor any right or liability in any pending suit or prosecution either on behalf of or against the ~~Municipality~~City, nor any contract heretofore entered into by the ~~Municipality~~City, nor any franchise heretofore granted by the ~~Municipality~~City, nor any prior or pending proceeding for the authorization of public improvements or the levy of assessments therefor. Except as a contrary intent appears herein, all acts of the Council ~~of the Municipality in effect at the end of December 31, 1966,~~ shall continue ~~thereafter~~ in effect until lawfully amended or repealed by action of the Council and the Council shall complete alignment of any conflicting ordinances to the Charter as soon as practicable but no later than six (6) months following adoption of the amendments to this Charter.

Commission Recommendation: Language update and providing a timeframe in which Council shall complete the alignment of existing ordinances that conflict with new Charter provisions.

Section XII-4. INTERPRETATION OF CHARTER.

The article and section headings herein have been inserted for convenience in reference and are not intended to define or limit the scope of, or otherwise affect, any provision of this Charter.

Commission Recommendation: No changes.

ARTICLE XIII ZONING

For the purposes of promoting the public health, safety, morals, convenience, prosperity, peace, quiet and general welfare of the ~~Municipality~~City, to assure the financial stability of the ~~Municipality~~City, to prevent traffic congestion and hazards, and for the protection of property values within the ~~Municipality~~City, ~~the~~ Council shall by ordinance regulate the height, bulk and location of buildings and other structures, the percentage of lot occupancy, the area, width, depth and street frontage of land required for buildings and other structures, off-street parking, garaging and unloading of motor vehicles, setback building lines, the size of front, rear and side yards, courts and other open spaces, the density of population, and the uses of land, buildings and other structures, and for such purposes, the Council shall divide the territory of the ~~Municipality~~City into districts or zones of such number, shapes and areas as it determines.

No such ordinance shall authorize or permit in any zone or district established for single-family dwellings any use of land, buildings or other structures for a hospital, home for the aged, convalescent home, children's home, burial ground, church, temple or other building for public worship, school, college, university or institution for education and learning, professional office, wholesale or retail business, trade, industry or manufacturing purpose, except facilities for public utilities, and no building

or other structure shall hereafter be constructed in any single-family district or zone within the MunicipalityCity for any such purposes.

~~When fifteen percent of the total land area of the Municipality is used for purposes which are expressly exempt from taxation under the laws of the State of Ohio and have been exempted from such taxation, no additional land shall be available for or used for any such tax exempt purpose within the Municipality, except land required for public streets or highways, as approved by the Council, land owned by an established governmental subdivision for public use, or where any such tax exempt use existed on the effective date of this Article.(Adopted Nov. 5, 1968)~~

Commission Recommendation: Language updates and, at the recommendation of the City Law Director, deletion of the last paragraph regarding a limitation on the percentage of land in the Municipality that can be used for purposes which are exempt from taxation because it is inconsistent with state law, which governs the taxability of property.

Other Changes Considered by the Commission

The Commission carefully considered the recommendations and input received from the stakeholders in our City. The following items were considered, but did not result in recommendations to change the Charter.

Creation of a Board of Zoning Appeals: The Commission considered whether to recommend the creation of a Board of Zoning Appeals, distinct from the City Planning Commission. After a robust discussion, the Commission concluded that the new structure of the City Planning Commission addresses concerns raised about that entity. Accordingly, the Commission is not recommending the creation of a Board of Zoning Appeals, but is recommending that the next Charter Commission in 2029 evaluate the operation of the restructured City Planning Commission to determine whether the creation of a Board of Zoning Appeals is necessary.

Inclusion of the Architectural Board of Review in the Charter: The Commission discussed whether the Architectural Board of Review should be added to the Charter, concluding that it should not, and should continue to be governed by ordinance.

Term Limits: The Commission received input suggesting the addition to the Charter of term limits for elected officials. After deliberation and a recognition that there are valid arguments in favor of establishing term limits, the Commission voted not to recommend that term limits be added to the Charter. The Commission based this recommendation on the fact that voters can effectively term limit elected officials at the ballot box and the concern that term limits can prohibit an exemplary official from continuing to serve. The Commission noted that, with the mandated periodic Charter review being recommended, this issue could be revisited in a future charter review should the electors deem it to be worthy of reconsideration.

Conflicts of Interest: The Commission received input regarding conflicts of interest and appearances of impropriety. The City Law Director has stated that the Charter does not need explicit language addressing conflicts of interest because this concern is covered by the Ohio Revised Code.

Standard Application Process for Commissions and Committees: Though not recommended as a change to the Charter, the Commission recommends that Council adopt legislation establishing a standard application process to identify residents to serve on commissions and committees with the hope of developing a pool of interested residents to help foster community involvement. The process used to select the members of this Charter Commission was collaborative, as both the Mayor and Council were able to consider and rank candidates. This might be a good template for the City to use going forward for future commission and committee appointments.

Items More Appropriately Handled by Ordinance:

Several of the recommendations made by the public to the Commission were deemed, upon the advice of the City Law Director, to be more appropriately handled by ordinance, rather than in the Charter, including:

- Change of Council meeting schedule (which Council has done since the Commission's inception);
- Timing of agenda setting for Council meetings;
- Timing of allowing resident input in Council meetings;
- Allowing for remote participation in Council meetings;
- Time management of Council meetings;
- Rules for signs in yards;
- Prohibiting chickens/roosters on residents' property.

Conclusion: In reviewing the Charter, the Charter Review Commission was guided by its charge to ensure that the Charter reflects current best practices for a responsive, transparent, collaborative, and effective local government. As is noted above, throughout the process, the Commission solicited and carefully considered input from Pepper Pike elected officials and community members, consulted with Council liaisons and the City Law Director, and studied charters of neighboring communities. Commission members met extensively in the past approximately five months. This Report is the culmination of the Commission's examination and careful consideration of the current City Charter.

The Commission's recommendations primarily fall within four categories:

1. Revisions to update language that is antiquated, archaic, no longer in accordance with Ohio law, or no longer relevant to the City (several of which were suggested by the City Law Director), and largely non-substantive revisions in the interest of clarity and consistency.
2. The addition of provisions that are common to most modern city charters and are intended to establish "guardrails" to protect the City, including establishing qualifications for elected officials and setting forth rules allowing for the removal of elected and appointed officials under defined circumstances. The recommendation to restructure the City Planning Commission is in response to concerns expressed by Council members and the public that the current structure, with the Mayor serving as the Chair and a voting member, as well as appointing all three elector members, is not ideal. The revised structure is intended to increase community involvement, increase the representation and voting power of the appointed electors, and provide for appointment of the elector representatives by all eight of the City's elected officials. Additionally, given the importance of zoning changes, the Commission recommends that the requirements for giving notice of proposed zoning changes be updated to provide for a method that will reasonably notify residents and other potentially impacted parties.

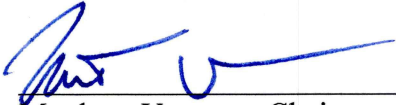
3. The recommendation to establish the position of the Council President comes in response to a very significant amount of input from City elected officials and community members documenting shortfalls in communication between the executive and legislative branches of our City government. They have told the Commission that frequent last minute agenda changes have led to inefficiencies, as Council members often do not have enough time to review proposed legislation or the supporting documents prior to meetings and, thus, must do their due diligence and ask a lot of questions during the meeting, which leads to lengthier Council meetings and, on occasion, an inability for Council members to comfortably vote on a matter. An overwhelming majority of municipalities in Cuyahoga County have Council Presidents, including the neighboring communities of Chagrin Falls, Gates Mills, Hunting Valley, Moreland Hills, and Orange Village. Council members also told the Commission that having a President would allow them to function more efficiently as a legislative body. Creating this position will provide for a clearer separation of powers between the City's legislative and executive branches and will provide a point of contact in the legislative branch for community members. Though communication and collaboration cannot be legally mandated, the structural changes recommended by the Commission, along with the provisions that the Mayor and the President of Council shall confer with each other, should encourage and facilitate communication and collaboration within our City government, resulting in a more responsive, transparent, and effective local government.
4. The addition of a mandated periodic charter review process, by a commission of citizens, every six years. This process will allow citizens to evaluate the effectiveness of any revisions adopted as a result of this Commission's work, as well as whether changes are warranted to reflect changes in our City, technology, or whatever the future might hold.

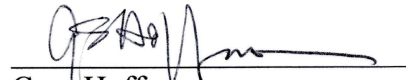
The Commission's focus was on the Charter. The impact of the recommended amendments to the Charter on existing ordinances was not within the scope of this project. Council will need to evaluate the effect of any proposed changes on existing ordinances and determine a timeline to implement legislation necessitated by any Charter amendments. Once this timeline is established, Council will be in a position to set the effective date of any amendments being presented to the voters.

Pepper Pike Charter Review Commission Report
December 19, 2024

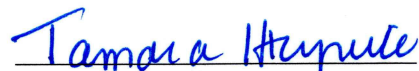
Respectfully submitted to the Pepper Pike City Council on December 19, 2024,

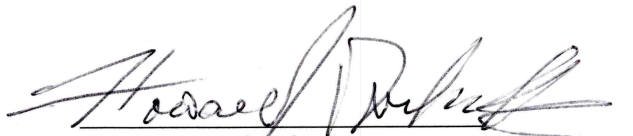
Pepper Pike Charter Review Commission


Matthew Vazzana, Chairperson



Gary Hoffman


Cindy Eichhoff, Vice-Chairperson

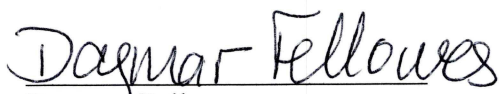

Tamara Hrynik


Howard Bochnek, Secretary


Stephanie Jarrett


Scott Bilsky


Robert Reznick


Dagmar Fellowes

Attachment: Charter of the Municipality of
Pepper Pike, Ohio, marked to show the
Commission's recommended changes