

AN ORDINANCE PROVIDING FOR A SEPARATE AMENDMENT TO THE CHARTER OF THE CITY OF STOW, OHIO, UNDER AUTHORITY OF SECTION 19.01 CHARTER, AS ORIGINALLY ADOPTED BY THE ELECTORATE ON NOVEMBER 4, 1958, AS AMENDED, TO BE SUBMITTED TO THE ELECTORATE AT THE NEXT GENERAL ELECTION ON NOVEMBER 5, 2019, WHICH SHALL AMEND SECTION 10.01, "PLANNING COMMISSION – COMPOSITION AND TERM", TO PROVIDE FOR A TERM LIMIT OF TWO CONSECUTIVE FOUR-YEAR TERMS; DIRECTING THE CLERK OF COUNCIL TO FORWARD THIS ORDINANCE TO THE SUMMIT COUNTY BOARD OF ELECTIONS; AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Stow is desirous of placing the following amendment to the Charter of the City of Stow on the ballot:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW, COUNTY OF SUMMIT AND STATE OF OHIO, WITH AT LEAST FIVE OF SAID MEMBERS ELECTED OR APPOINTED THERETO CONCURRING:

SECTION 1. That the question of a proposed separate amendment to the Charter of the City of Stow, as originally adopted by the electorate on November 4, 1958, and as amended from time to time, be, and the same is, hereby directed to be submitted to a vote of the qualified electors of the City of Stow, Ohio, at the next regular general election to be held on the 5<sup>th</sup> day of November, 2019 at the regular places of polling in said City between the hours of 6:30 a.m. and 7:30 p.m. and that said issue shall be submitted as a separate and distinct Charter Amendment and shall not be dependent upon any other proposed amendment to the Charter.

SECTION 2. That the ballot shall at the top thereof be entitled "City of Stow Charter Amendment Issue" and the question to be separately submitted on said ballot shall be substantially in the words and form that follows:

Shall Section 10.01 "PLANNING COMMISSION – COMPOSITION AND TERM" of Article X "PLANNING COMMISSION AND ZONING PROCEDURE" of the Charter of the City of Stow be amended (as listed below) to provide for the partial repeal and insertion of additional language within Section 10.01:

ARTICLE X PLANNING COMMISSION AND ZONING PROCEDURE

SECTION 10.01 PLANNING COMMISSION – COMPOSITION AND TERM.

The Planning Commission shall consist of one member of the Park Board and 4 electors of the Municipality not holding other municipal office, all of whom shall serve without compensation. The Mayor, the Director of Public Service and the City Engineer shall serve as ex officio members without the right to vote.

The Park Board, by majority vote, shall each January, elect its representative to the Planning Commission for the year. The 4 electors, one from each of the 4 wards, shall be appointed by the Mayor with confirmation by Council.

**Commencing with the term of January 2, 2020** each regular appointment of an elector to the Planning Commission shall be for a term of 4 years without affecting previously established terms. **No Planning Commission member shall serve more than two consecutive four-year terms as a member of the Planning Commission. Any Planning Commission member disqualified from holding such public office due to the aforementioned term limitation shall become eligible to hold the same public office upon the expiration of four years.** A vacancy occurring during the term of any member of the Planning Commission shall be filled for the unexpired term in the manner authorized for an original appointment.

To the left of or below said wording, in boxes with appropriate places of marking shall appear the words "YES" and "NO" and each voter shall indicate his vote by marking a cross mark "X" or filling in the place so provided.

SECTION 3. That in the event said separate amendment to the City Charter is approved by a majority of the electors voting thereon, it shall become part of the Charter of the City of Stow and shall become effective according to law, and the present existing section or subsections of said Charter shall thereby be then repealed or amended as are affected thereby.

SECTION 4. That the Clerk be, and she is, hereby directed to give Public Notice of the time and place of holding such election by publication of such notice at least ten (10) days prior to the date of such election, in a newspaper published and of general circulation in said City.

SECTION 5. That the Clerk be, and she hereby is, directed to publish the full text of the proposed Charter Amendment Issue at least fifteen (15) days before the date of such election.

SECTION 6. That the Clerk be, and she hereby is, directed to certify a copy of this ordinance to the Board of Elections of Summit County. That this ordinance be, and hereby is, determined sufficient authority upon filing with the Summit County Board of Elections to cause that government body to proceed to place the herein prescribed Charter Issue upon the Stow City ballot at the November 5, 2010, general election, and that such authority be deemed granted to the Board upon receipt of a certified copy hereof.

SECTION 7. That to pay the costs of printing and mailing said copies of said proposed Charter Amendment Issue and publishing notice thereof be, and hereby is, appropriated from the general fund the appropriate sums of monies so needed and the Director of Finance shall cause payment to be made therefore from such funds as are heretofore or hereinafter lawfully appropriated by Council for such purpose.

SECTION 8. That this ordinance was adopted pursuant to Section 4.11 Charter, and is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety for the reason that immediate submission to the Summit County Board of Elections is required by Section 8, Article XVIII of the Ohio Constitution, and, pursuant to Section 4.13 Charter, shall take effect upon its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ADOPTED BY COUNCIL \_\_\_\_\_

ATTEST \_\_\_\_\_  
Bonnie J. Emahiser  
CLERK OF COUNCIL

\_\_\_\_\_  
Matt Riehl  
PRESIDENT OF COUNCIL

FILED WITH MAYOR \_\_\_\_\_

APPROVED

FILED WITH CLERK \_\_\_\_\_

\_\_\_\_\_  
John Pribonic  
MAYOR

APPROVED AS TO FORM

EFFECTIVE DATE \_\_\_\_\_

\_\_\_\_\_  
Amber K. Zibritosky  
LAW DIRECTOR