

ORDINANCE NO. 09-2020

INTRODUCED BY: Council as a Whole

AN ORDINANCE AMENDING SECTION 220.01(a) “MEETINGS,” SECTION 220.02 “OPENING PROCEEDINGS,” AND SECTION 220.11(a) “PUBLIC HEARINGS” IN CHAPTER 220 ENTITLED “COUNCIL” AND DECLARING AN EMERGENCY

WHEREAS, Olmsted Falls City Council, as a whole, have determined to amend the time of the Regular Council meeting from 7:30 p.m. to 7:00 p.m.; and

WHEREAS, Olmsted Falls Charter changes were passed by the electorate on November 6, 2018 amending Article IV Section 4.04 and Article V Section 5.02(a) modifying the duties of the Mayor and President of Council so that the President of Council shall now preside at regular and special Council meetings; and

WHEREAS, it is deemed appropriate to amend and bring the Codified Ordinances of the City of Olmsted Falls in conformance with the Charter to reflect those mergers. Now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, CUYAHOGA COUNTY, OHIO, THAT:

SECTION 1. That Sections 220.01(a); 220.02; and 220.11(a) of current Chapter 220 are hereby amended to read as shown on Exhibit “A” attached hereto and incorporated herein by reference, and current Sections are therefore repealed.

SECTION 2. All prior legislation inconsistent with this legislation in whole or in part are hereby repealed to the extent necessary to avoid conflict with this legislation.

SECTION 3. Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure for the immediate preservation of the health, safety and welfare of the residents of the City of Olmsted Falls for the further reason that it is immediately necessary to update the Codified Ordinance to be in compliance with the City Charter. Therefore, this Ordinance shall take effect immediately upon the affirmative vote of not less than five (5) members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

Exhibit "A"

CHAPTER 220 – Council

220.01 MEETINGS.

(a) Regular Meetings. Regular meetings of Council shall be held at ~~7:00~~ 7:30 p.m. at the City Hall designated by Council, on the second and fourth Tuesdays of each month, except that Council may elect by motion to recess during the entire months of July and August in any year. Should any regular meeting day be a legal holiday, the regular meeting shall be postponed until the next day which is not a legal holiday, at the same time and place. Meetings may be adjourned to some other convenient place if the demand for space for the audience present requires it. In such event, a notice of adjournment stating the new location shall be conspicuously posted at the official location and the meeting shall be delayed for an amount of time sufficient to allow interested persons to travel from one location to the other.

220.02 OPENING PROCEEDINGS.

At the appointed time and place for any meeting, the ~~Mayor~~ COUNCIL PRESIDENT shall take the Chair of the Presiding Officer and shall call the meeting to order. In the absence of the ~~Mayor~~ COUNCIL PRESIDENT, the President PRO-TEMPORE of Council shall take the Chair of the Presiding Officer and shall call the meeting to order. Should neither the COUNCIL PRESIDENT ~~Mayor~~ nor the President PRO-TEMPORE of Council be present, the ~~President Pro Tempore~~ COUNCILMAN-AT-LARGE shall take the Chair of the Presiding Officer and shall call the meeting to order.

220.11 PUBLIC HEARINGS.

In all public hearings conducted by Council where the procedure is not otherwise provided by law, procedure shall be as follows:

- (a) The ~~Mayor~~ COUNCIL PRESIDENT shall preside over the meeting.
- (b) The Chairman will recognize the party appealing to Council or otherwise wishing to change the status quo, permitting him to make an introductory statement; the Chair shall then recognize the opposing views, including those of residents or members of any City board, commission, department or office, permitting them to make a short introductory statement. In all cases the Chair shall use its discretion concerning the number of persons who may advocate a cause for any one side and the length of time they may speak.
- (c) Thereafter each side, in the order in which it was called upon to make statements, may produce any evidence not deemed irrelevant or immaterial by Council acting through the Chair. Once again the Chair shall have discretion to limit the amount, quantity and quality of the evidence.
- (d) After all of the evidence has been presented, Council may, through the Chair, request the various positions to submit a short summary statement.
- (e) Council shall make its decision by public vote or secret ballot as it so chooses, after having considered the same either in public or in retirement, with the majority of Council prevailing.