

**ORDINANCE NO. 2011-17**

**AN ORDINANCE  
PROVIDING FOR THE SUBMISSION OF PROPOSED  
CHARTER AMENDMENTS TO THE ELECTORS OF  
THE VILLAGE OF WAITE HILL, OHIO AND  
DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Article XII, Section 12.1 of the Waite Hill Village Charter and Article XVIII, Section 9, of the Ohio Constitution, this Council, by a two-thirds vote of all members of Council, recommends several changes to the Charter of the Village of Waite Hill and desires to submit such changes to the electors; and

WHEREAS, this Council chooses the date of March 6, 2012, for the election on the charter amendment proposals hereinafter set forth, which election is not less than sixty (60) days nor more than one hundred twenty (120) days from the date of passage of this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WAITE HILL, COUNTY OF LAKE, STATE OF OHIO, AT LEAST TWO-THIRDS (2/3) OF THE MEMBERS OF COUNCIL CONCURRING:**

**SECTION 1.** That this Council hereby authorizes and directs the submission to the electors of Waite Hill Village, at an election to be held at the usual places of voting in said Village, on Tuesday, March 6, 2012, of the following proposal to amend the Charter of the Village.

That existing part subsection 2.17, Vacancy, of Section 2.1, The Office, of Article II, The Mayor, of the Charter of the Village of Waite Hill, be amended to read and provide, in its entirety, as follows:

“2.17 Vacancy.

If the office of Mayor becomes vacant, the President of Council shall forthwith become Mayor. If the President of Council declines to serve as Mayor, the Vice President of Council shall forthwith become Mayor. **If the President or Vice President succeeds to the office of Mayor, Council shall then choose a new President or Vice President to fill the vacant Council officer position.** If the President and Vice President of Council both decline to serve as Mayor, Council shall then appoint, by a majority vote of its members, **any registered elector of the Village** as Mayor. After the vacancy in the office of Mayor is filled, the vacancy on Council, **if any**, shall be filled in the manner provided hereinafter.

If a Mayor-elect fails to qualify for office, a vacancy shall be deemed to exist and the Council shall appoint any registered elector to the office of Mayor. A Mayor taking office by operation of this section shall serve until a successor is elected and qualified for office. Said election shall be held at the next regular general election occurring more than one hundred twenty (120) days from the date of the initial vacancy in office. The petitions for candidates seeking said office shall be filed not later than four o'clock p.m. on the ninetieth day before said election. The successor shall begin serving the first day of January of the year next following the election and shall serve either for the balance of the unexpired term or for the full term, if applicable, to which he or she is elected."

Further, if this amendment is adopted, existing part subsection 2.17, Vacancy, of Section 2.1, The Office, of Article II, The Mayor, of the Charter of the Village of Waite Hill, shall be repealed. All other parts and subsections of Article II, Section 2.1 of the Charter shall not be affected hereby, and shall remain as currently enacted. A majority affirmative vote of those voting on the issue shall be necessary to adopt this amendment.

**SECTION 2.** That the form of the ballot to be cast at the election for the proposed charter amendment contained in Section 1 shall read and provide as follows:

**"PROPOSED CHARTER AMENDMENT**  
A majority affirmative vote is necessary for passage

Shall the Charter of the Village of Waite Hill be amended so as to provide that a Mayor taking office by succession and not by vote of the electors shall serve only until a successor is elected and qualified; that the election to determine such successor shall occur at the next regular general election; and the successor shall begin serving on the first day of January of the year next following the election; and that the elected successor shall serve either for the balance of the unexpired term or for the full term, if applicable, to which he or she is elected?"

**SECTION 3.** That this Council hereby authorizes and directs the submission to the electors of Waite Hill Village, at an election to be held at the usual places of voting in said Village, on Tuesday, March 6, 2011, of the following proposals to amend the Charter of the Village.

That existing part subsection 7.11, Composition, of Section 7.1, Planning and Zoning Commission, of Article VII, Boards and Commissions, of the Charter of the Village of Waite Hill, be amended to read and provide, in its entirety, as follows:

“SECTION 7.11 Composition. There shall be a Planning and Zoning Commission consisting of five (5) members, one of whom shall be the Mayor **or the Mayor’s designee**, one of whom shall be a member of Council appointed by his fellow councilmen at the organizational meeting of Council, and the remaining three (3) shall be electors to be appointed by the Mayor subject to confirmation by a majority of Council.

Of the three (3) appointees first appointed by the Mayor, one shall be appointed for a term of three (3) years, one shall be appointed for a term of two (2) years and one shall be appointed for a term of one (1) year; thereafter, the terms of such appointments shall be for three (3) years.”

That existing part subsection 7.31, Composition, of Section 7.3, Architectural Board of Review, of Article VII, Boards and Commissions, of the Charter of the Village of Waite Hill, be amended to read and provide, in its entirety, as follows:

“SECTION 7.31 Composition. There shall be an Architectural Board of Review consisting of five (5) members, one of whom shall be the Mayor **or the Mayor’s designee**, one of whom shall be a member of Council appointed by his fellow Councilmen at the Organizational meeting of Council, and the remaining three (3) shall be electors appointed by the Mayor, subject to confirmation by a majority of the members of Council. Of the three (3) appointed members who are first appointed by the Mayor, one shall be appointed for a term of three (3) years, one shall be appointed for a term of two (2) years and one shall be appointed for a term of one (1) year; thereafter, the terms of such appointments shall be for three (3) years. In addition to the five (5) members of the Board, there shall be at least two (2) Architect Advisors who are licensed and registered architects in the State of Ohio and who need not be residents of the Village of Waite Hill. Architect Advisors to the Board shall not be members of the Board and shall have no vote on matters before the Board, but at least one Architect Advisor must be present in order for the Board to conduct its meeting. All Architect Advisors shall be appointed by the Mayor, subject to confirmation by a majority of the members of Council, and shall serve at the pleasure of the Mayor.”

Further, if these amendments are adopted, existing part subsection 7.11, Composition, of Section 7.1, Planning and Zoning Commission, of Article VII, Boards and Commissions, and existing part subsection 7.31, Composition, of Section 7.3,

Architectural Board of Review, of Article VII, Boards and Commissions, of the Charter of the Village of Waite Hill shall be repealed. All other parts and subsections of Article VII, Section 7.1 and Article VII, Section 7.31 of the Charter shall not be affected hereby, and shall remain as currently enacted. A majority affirmative vote of those voting on the issue shall be necessary to adopt this amendment.

**SECTION 4.** That the form of the ballot to be cast at the election for the proposed charter amendment contained in Section 3 shall read and provide as follows:

**"PROPOSED CHARTER AMENDMENT**  
A majority affirmative vote is necessary for passage

Shall the Charter of the Village of Waite Hill be amended so as to provide that the composition of the Planning and Zoning Commission and the Architectural Board of Review shall include the Mayor or the Mayor's designee, thereby enabling the Mayor to designate an individual to serve on the Planning and Zoning Commission and the Architectural Board of Review in lieu of the Mayor?"

**SECTION 5.** That if such amendments, or any of them, are approved by a majority of the electors voting thereon at such election, such amendment as is or are approved shall become effective from and after the official certification of the election results by the Lake County Board of Elections.

**SECTION 6.** That the Clerk-Treasurer is hereby authorized and directed to cause copies of said proposed charter amendments to be mailed at least thirty (30) days prior to said election, to each elector in this Village whose name appears upon the registration book of the last regular or general elections held in the Village; provided, however, that in lieu of such mailing and to the extent provided by law, the Clerk-Treasurer is hereby authorized to cause a copy of the proposed charter amendments to be published in such manner as may be authorized by law.

**SECTION 7.** That the Clerk-Treasurer be, and hereby is, authorized and directed to forward a certified copy of this ordinance to the Board of Elections of Lake County.

**SECTION 8.** That the Board of Elections of Lake County is hereby requested to cause appropriate notice of such election to be duly given in accordance with law.

**SECTION 9.** That there is hereby appropriated from the General Fund of the Village, an amount sufficient to pay the cost of carrying out the directions of this ordinance, including the cost of printing or otherwise preparing and mailing or publishing said copies of said proposed charter amendments and of publishing notice of such election.

**SECTION 10.** That this Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village of Waite Hill and, further, reason that this ordinance must be immediately effective in order to permit necessary arrangements to be made in sufficient time for said election; wherefore, this ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: \_\_\_\_\_, 2011

\_\_\_\_\_

Council President

Submitted to the Mayor  
for his approval on this  
\_\_\_\_\_ day of \_\_\_\_\_, 2011

Approved by the Mayor

ATTEST:

\_\_\_\_\_, 2011

\_\_\_\_\_  
Clerk-Treasurer

\_\_\_\_\_  
Mayor