

MINUTES OF COMMITTEE OF THE WHOLE MEETING

PERRYSBURG CITY COUNCIL

JULY 23, 2018

Council President Jim Matuszak called the meeting to order at 6:00 p.m. Present were Council Members Deborah Born, Haraz N. Ghanbari, Jim Matuszak, Tim McCarthy, Jonathan Smith, Barry VanHoozen, and Becky Williams (7). Also present Mayor Mackin, Karlene Henderson, Law Director, and David Creps, Clerk of Council.

The purpose of the meeting was to consider the recommendations of the Charter Review Commission, a copy of which is attached hereto and made a part of these minutes.

Aram Ohanian, 826 Walnut Street, served as Chairman of the Charter Review Commission. Mr. Ohanian said that when reviewing the Charter, the Commission looked at how the City has changed and how it might change in the future. He said that the emphasis was to look at the Charter on a non-political basis and to work together to make the City run more efficiently. He said that it was personally a rewarding experience, and he thanked his fellow Commission members. He said that he hopes City Council will adopt all the proposed recommendations.

Mr. Matuszak asked if there were any substantive issues that did not pass. Mr. Ohanian said that there were several including a ward system for City Council and making the mayor's position full time. Mr. Matuszak thanked the Commission for their work.

Jon Orser, 125 E. Front Street, served on the Charter Review Commission and he recommended that City Council not put all charter changes on as one issue.

Article III, Section 3.0 Compensation: The first recommended change is this section is a change to the timing of Council salary increases. The second proposed change is to Council salaries. The Charter Review Commission recommended that Council salaries be tied to the amount needed for a full year of service credit from Ohio Public Employees Retirement System. Ms. Born said she is not in favor of the change because it is not necessary since City Council controls the purse strings. There was discussion regarding what the amount needed for a full year of service credit would be. Mr. Ghanbari said that according to the OPERS website, the current amount is \$660 per month.

Article III, Section 8.0 Vacancies: The recommended change would give City Council 45 days to fill a vacancy instead of the current 30 days. This was considered a housekeeping issue.

Article III, Section 9.0 Meetings: Mr. Creps explained that the Charter currently specifies reasons to go into Executive Session. This change would remove those specific reasons and state that City Council can go into Executive Session in compliance with Ohio Sunshine Laws. Mr. McCarthy said that this makes sense to stay consistent with Ohio Law. The change to Section B regarding Special Meetings was considered a housekeeping issue.

Article III, Section 12.0 Publication of Ordinances, Resolutions and Notices: Mr. Matuszak said that the proposed change to add "or circulated" brings us into the 21st century.

Article IV, Section 3.0 Compensation: The proposed change is related to timing of salary increases for the Mayor based on election dates.

Article V, Section 1.0: This change would remove a residency requirement for the Finance Director based on state law. Ms. Born said that she would recommend leaving it in. Mr. Orser said that it should be left in because if the law is overturned the language will be in there. Mr. McCarthy noted that City Council could impose a residency requirement by ordinance. Mr. Orser added that it won't pass because voters want management to live in the city. Mr. Smith said if that is true, then there is no reason to not put it on the ballot. Mr. Ohanian said that the Commission was trying to save the City money by eliminating what is contrary to the law to prevent lawsuits. Mr. Matuszak noted that the residency requirement is also in several other sections.

Article VII, Section 1.0: Mr. Creps stated that the proposed change to this section adds the Department of Public Utilities which was created by City Council.

Article VII, Section 2.0: This proposed change eliminates the residency requirement for the Director of Law.

Article VII, Section 4.0: This proposed change eliminates the residency requirement for the Director of Public Service.

Article VII, Section 5.0: This proposed change eliminates the residency requirement for the Director of Public Safety. There was also a recommendation to add "including but not limited to" at the end of the second line in B. There was discussion regarding why this change was necessary. Mayor Mackin said that the Administration has no strong opinion about the language and it can either be deleted or be added to the other departments. Mr. McCarthy said that he is inclined to not include the language. Ms. Williams moved to strike the proposed change adding "including but not limited to" from Article VII, Section 5.0, B. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

Article VII, Section 6.0: This proposed change eliminates the residency requirement for the City Administrator.

Article VII, Section 7.0: Mr. Creps stated that this is a new section about the Department of Public Utilities and the intent is to reflect what is occurring.

Article VIII, Section 1.0: This was considered a housekeeping issue.

Article IX, Section 1.0: This change deleted the Board of Health which does not exist, and added the Historic Landmarks Commission.

Article IX, Section 6.0: Mr. Orser said that all other boards say that the members must be an elector instead of a resident. Mr. Smith said that this is a good way to prove someone is a resident.

Article X, Section 2.0: Mr. Smith said that this proposed change is tied to the proposed change to the primary date.

Article X, Section 3.0: Tim Monaco, 1053 Sandusky Place #3, a Charter Review Commission member, said that the proposed changes in this section cover two issues. The first change is the number of candidates that would trigger a primary for City Council elections. The change would require a primary if the number of candidates for four Council seats exceeds ten, and if there are three Council seats, a primary would be required if the number of candidates exceeds eight. The second change would move the primary from September to the first Tuesday after the first Monday in May. Mr. Monaco said that the May date is the state primary date so the

City could save money by sharing the cost of the election. Mr. McCarthy said that moving the primary date could be seen as a pro-incumbent measure because nominating petitions would have to be completed by early February, and he doesn't think those who have not run before are going to be giving it a lot of thought that close to the holidays. Mr. Monaco said that many other communities including Bowling Green and Fostoria have May primaries. He added that Perrysburg is the only city of our size in Wood County that does not have a May primary. Mr. Ghanbari asked how much the City would save on the cost of the election. Mr. Monaco said that the cost of the primary is around \$40,000 and we would at least split the cost with Bowling Green because they normally have a primary. Mr. McCarthy said that he knows Bowling Green has a May primary, but they generally have more people running. Mr. Matuszak said that if we plan to reduce the number of candidates to trigger a primary, we will have more primaries so he would like to share that cost.

Article XI, Section 1.0: Mr. Ghanbari asked what the reasoning was for changing the number of signatures required for an initiative. Mr. Monaco said that on an initiative and referendum the Commission recommends changing the number of signatures required from 10% of the number of voters in the last election to 20% because if voter turnout is low, the number of signatures would be low, and an election costs the City a lot of money. He added that there should be a groundswell of people to get an issue on the ballot.

Article XI, Section 2.0: This proposed change deals with the number of signatures required for a referendum.

Article XV, Section 3.0: Mr. Ghanbari asked if a City Council member would lose their Council seat if they were deployed for 61 days. Mr. Matuszak said that the Charter says the seat shall become vacant. Mr. Monaco noted that elected officials are not covered by USERRA (Uniformed Services Employment and Reemployment Rights Act). He added that the Charter currently says that a Council member shall lose their seat after 30 days and the Charter Review Commission felt that was not long enough, so they are recommending that the time be doubled to 60 days. Mr. Smith said that City Council could vote to leave it vacant.

Mr. McCarthy moved to recommend that Article X Sec. 3.0 be amended to read that a primary election shall be required if the number of candidates to be elected exceeds two times the number of seats plus two. Seconded by Mr. Matuszak. Ayes: (7). Nays: (0).

Mr. Smith moved to recommend that Article X Sec. 3.0 be amended to change the primary date to the first Tuesday after the first Monday in May. Seconded by Mr. Ghanbari. Ayes: Ghanbari, Matuszak, Smith, VanHoozen, and Williams (5). Nays: Born and McCarthy (2).

Mr. Smith moved to recommend that Article III Sec. 3.0, Article IV Sec. 3.0, and Article X Section 2.0 be amended to change the date references to "ninety (90) days prior to the first Tuesday after the first Monday in May". Seconded by Mr. McCarthy. Ayes: Ghanbari, Matuszak, McCarthy, Smith, VanHoozen, and Williams (6). Nays: Born (1).

Mr. Smith moved to recommend that the residency requirement be removed from Article V Sec. 1.0, Article VII Sec. 2.0, Article VII Sec. 4.0, Article VII Sec. 5.0, and Article VII Sec. 6.0. Seconded by Mr. McCarthy. Ayes: Ghanbari, Matuszak, McCarthy, Smith, VanHoozen, and Williams (6). Nays: Born (1).

Mr. Matuszak moved to recommend that Article III Sec. 8.0, Article III Sec. 9.0, Article III Sec. 12.0, Article VII Sec. 1.0, the changes in Article VII Sec. 4.0 other than the residency requirement, Article VII Sec. 5.0 (B)(1), Article VII Sec. 7.0,

Article VIII Sec. 1.0, Article IX Sec. 1.0, and Article IX Sec. 6.0 be amended as proposed by the Charter Review Commission. Seconded by Mr. Smith. Ayes: (7). Nays: (0).

Mr. Smith moved to recommend that Article III Sec. 3.0 regarding compensation be amended per the Charter Review Commission's recommendation. Seconded by Mr. Matuszak. Ayes: Ghanbari, Matuszak, Smith, and VanHoozen (4). Nays: Born, McCarthy, and Williams (3). This was defeated because five affirmative votes are required.

Mr. Matuszak moved to recommend that Article XI Sec. 1.0 be amended per the Charter Review Commission's recommendation. Seconded by Ms. Williams. Ayes: (7). Nays: (0).

Mr. Smith moved to recommend that Article XI Sec. 2.0 be amended per the Charter Review Commission's recommendation. Seconded by Ms. Williams. Ayes: (7). Nays: (0).

Mr. Matuszak moved to recommend that Article XV Sec. 3.0 be amended per the Charter Review Commission's recommendation. Seconded by Ms. Williams. Ayes: (7). Nays: (0).

There was discussion regarding how these recommended changes should be grouped to be placed on the ballot. It was suggested that there be three ballot issues: one containing the housekeeping items, one with the change to the primary date and related changes, and a third with the change to the number of signatures required for referendums or initiatives.

Mr. Matuszak complimented and thanked the Charter Review Commission for their work. Mr. VanHoozen suggested that they be invited to the City Council meeting, and Mayor Mackin said that he agrees.

ADJOURNMENT

Mr. Smith moved to adjourn the meeting at 7:52 p.m. Seconded by Mr. McCarthy. Ayes: (7). Nays: (0).

David D. Creps, Clerk

Thomas G. Mackin, Mayor

Art. III

THE COUNCIL

Art. III Sec. 3.0 COMPENSATION.

The Council shall determine and fix the salary of its members, but the salary of a member of Council shall not be increased or decreased during the elective term of office which he is serving. If Council determines to change the established salary of members in respect to a succeeding term of office, such change must be made by Council ~~before the first day of September next preceding a~~ **ninety (90) days prior to the next preceding** regular Municipal election. Unless and until the salary is so changed, it shall remain as last fixed. ***Council's salary shall be an amount not less than the credit needed for one (1) year of contributing service under ORC 145.016 with the power of City Council to lower that number under normal voting guidelines.***

Art. III Sec. 8.0 VACANCIES.

Whenever the office of member of Council shall become vacant, the vacancy shall be filled by a majority vote of all the remaining members of the Council. If the vacancy shall not be so filled within ~~thirty~~ **forty-five (45)** days, the Mayor shall fill it by appointment. A member of Council elected or appointed to fill a vacancy shall hold office for the balance of the unexpired term or until a successor shall be elected and shall qualify for the unexpired term as hereinafter provided. A successor shall be elected for the unexpired term to fill any such vacancy at the next regular municipal election provided such election shall occur more than two (2) years prior to the expiration of the unexpired term, and if the vacancy shall have occurred prior to the first day of August immediately preceding such election. The term of the member of Council elected for the unexpired term shall begin on the first day of January next following his or her election.

Art. III Sec. 9.0 MEETINGS.

A. Meetings. The Council shall meet in the Council Chambers at such times as may be prescribed by its ordinances, resolutions or rules. Meetings shall be held at least twice in each calendar month, except that during the months of July and August, the Council may dispense with one of its meetings. All meetings of the Council, whether regular or special, shall be open to the public. Provided, however, the Council may hold an executive session if a majority of a quorum so determines by a roll call vote to hold such a session at a regular or special meeting ~~for the sole purpose of consideration of the following matters: consideration of the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official; purchase or sale of property; pending or imminent litigation or court action; collective bargaining issues and preparations for and conducting negotiations or bargaining sessions; matters required to be kept confidential by federal or State law or rules; and specialized details of security arrangements where disclosure might reveal information that could be used for the purpose of committing or avoiding prosecution for a violation of the law.~~ ***in compliance with Ohio Sunshine Laws as set forth in ORC 121.22.***

B. Special Meetings. Special meetings of the Council may be called in accordance with and as provided by its rules. In the absence of such provisions, special meetings may be called by a vote of the Council taken at any regular or special meeting thereof, or shall be called by the Clerk upon the written request of the Mayor or President of Council, or of three (3) members of Council. Any such request shall state the time, place and date thereof and the subject or subjects to be considered at the meeting. ~~Unless five (5) members in attendance concur, n~~ **No** other subject or subjects shall be considered. Notice in writing of each such special meeting called at the request of the Mayor, President of Council or three (3) Council members shall be given to each member of Council and the Mayor by serving the same on each of them personally or by leaving a copy thereof at his

usual place of residence not less than twenty-four (24) hours preceding the date and hour of such meeting. Service of such notice may be waived in writing or by attendance at such special meeting.

Art. III Sec. 12.0 PUBLICATION OF ORDINANCES, RESOLUTIONS AND NOTICES.

A. Except as provided in Section 11.0 of this Article, every ordinance or resolution of a general or public nature including, but not limited to those granting, renewing or extending a franchise, creating a right, involving expenditures of money, levying of a tax, or concerning the purchase, lease, sale or transfer of a public property shall be published by posting a copy thereof in a conspicuous place in the Perrysburg Municipal building for a period of not less than fifteen (15) days. Except as to emergency ordinances and resolutions, publication shall be completed prior to the taking effect thereof.

B. Council may by ordinance designate additional public places in the Municipality for posting copies of ordinances or resolutions and may make provision in any ordinance or resolution for the publication of such ordinance or resolution in one English language newspaper of general circulation in the Municipality. In the case of newspaper publication, ordinances and resolutions shall be published once a week for two (2) consecutive weeks; notices shall be published not less than two (2) nor more than four (4) consecutive weeks, and all other matters once.

C. Publication of any notice, statement, order, report or proclamation required to be published by this Charter, by the applicable laws of the State of Ohio, or by legislation enacted by the Council shall be published by posting as provided in this Section except as otherwise herein specifically set forth.

D. Notices to bidders for the construction of public improvements and notices of the sale of notes or bonds of the Municipality shall be published in at least one (1) English language newspaper printed *or circulated* in the State of Ohio and of general circulation in the Municipality.

E. Proof of any publication provided for in this Section shall be made by the Clerk as provided by ordinance or if not so provided by the laws of the State of Ohio.

**Art. IV
THE MAYOR**

Art. IV Sec. 3.0 COMPENSATION.

The salary of the Mayor shall be Three Thousand Dollars (\$3,000.00) per year for the first term beginning January 1, 1962. For terms thereafter, such salary shall be fixed and determined by the Council, but the salary of the Mayor shall not be increased or decreased during the elective term of office which he is serving. If the established salary of the Mayor is to be changed in respect to a succeeding term of office, such change must be made by the Council ~~prior to the first day of September~~ *ninety (90) days prior to the regular Municipal election* of the last year of the term then being served by the Mayor. Unless and until such salary is so changed, it shall remain as last fixed.

**Art. V
FINANCE DIRECTOR**

Art. V Sec. 1.0 APPOINTMENT AND QUALIFICATIONS.

A. The Director of Finance shall be appointed by the Mayor subject to confirmation by a majority of the members of Council.

~~B. The Director of Finance shall be a resident and an elector of the Municipality, or shall meet this requirement within one (1) year from the date of appointment.~~

~~€B.~~ The Director of Finance shall not hold any elective public office or any other Municipal office or employment, except he/she may also be the Clerk of Council. He/she shall not, directly or indirectly, solicit, contract for, receive or be interested in any profit or emolument from or on account of any contract, job, work or service with or for the Municipality.

Art. VII

ADMINISTRATIVE OFFICERS AND DEPARTMENTS

Art. VII Sec. 1.0 GENERAL PROVISIONS.

A. The Municipality shall have a Department of Law, a Department of Finance, a Department of Public Safety, ~~and~~ a Department of Public Service, *and a Department of Public Utilities*, and the Council shall provide by ordinance for the organization of such Departments.

B. The Council may by ordinance provide for such other departments, divisions thereof, officers and employees as it may deem necessary and prescribe the organization, functions and duties thereof.

C. The Council, subject to the Constitution of the State of Ohio, may combine, or may, unless any of them be specifically required by this Charter, abolish any department, division, board, commission, nonelective office or position and may authorize one person to occupy two or more nonelective offices or positions to serve in any capacity in two (2) or more departments or divisions, boards or commissions.

Art. VII Sec. 2.0 DIRECTOR OF LAW.

A. The Director of Law and any assistant, shall be appointed by the Mayor subject to confirmation by a majority of the members of Council, and shall be the head of the Department of Law when created.

~~(1) The Director of Law shall be a resident and an elector of the Municipality, or shall meet this requirement within one year from the effective date of this amendment, or from the date of appointment, whichever date is later.~~
(Amended 11-7-95)

B. The Director of Law shall serve the Mayor, the Council, the Administrator, the administrative departments and the officers, boards and commissions of the Municipality as legal counsel in connection with municipal affairs and, subject to the direction of the Mayor or Administrator, shall represent the Municipality in all proceedings in court or before any administrative board. The Director of Law shall perform all duties now or hereafter imposed upon municipal law directors under the laws of the State of Ohio unless otherwise provided by ordinance of the Council and the Director of Law shall perform such other duties consistent with the office as the Mayor, the Council or the Administrator may request. No person shall act as Director of Law unless duly admitted to practice law in the State of Ohio.

C. The Director of Law shall serve under the supervision of the City Administrator.

Art. VII Sec. 4.0 DIRECTOR OF PUBLIC SERVICE.

A. The Director of Public Service, shall be appointed by the Mayor, subject to confirmation by a majority of members of Council.

~~1. The Director of Public Service shall be a resident and an elector of the Municipality, or shall meet this requirement within one year from the date of appointment.~~
(Amended 11-3-98)

B. Under the supervision of the Administrator, the Director of Public Service shall have charge of and exercise supervision for the Municipality over:

1. ~~The Division of Water, the Division of Water Pollution Control, *†The*~~ Division of Recreation and a Division of Street and Building Services.

2. All equipment and materials of the Municipality pertaining to the functions of the Department of Public Service.

~~C. Under supervision of the Administrator, the Director of Public Service shall manage and control the collection, treatment and disposal of sewage, the water supply and distribution system, and all public utilities owned or operated by the Municipality, and shall endorse all the obligations of privately owned or operated public utilities enforceable by the Municipality.~~

~~DC.~~ The Director of Public Service shall perform such other duties consistent with his or her office as may be required by this Charter, by ordinance of the Council or directed by the Mayor or Administrator.

Art. VII Sec. 5.0 DIRECTOR OF PUBLIC SAFETY.

A. The Director of Public Safety shall be appointed by the Mayor, subject to confirmation by a majority of the members of Council.

~~1. The Director of Public Safety shall be a resident and an elector of the Municipality, or shall meet this requirement within one (1) year from the effective date of this amendment, or from the date of appointment, whichever date is later. (Amended 11-7-78)~~

B. Under the supervision of the Administrator, the Director of Public Safety shall have charge of and exercise supervision over, **including but not limited to:**

1. The Division of Police, the Division of Fire, ~~the Division of Building Inspection~~ and any penal or correctional institution or facility.

2. All equipment and materials of the Municipality pertaining to the functions of the Department of Public Safety.

C. Under the supervision of the Administrator, the Director of Public Safety shall be responsible for the enforcement of all laws, rules and regulations of the Municipality and of the State of Ohio.

D. The Director of Public Safety shall perform such other duties consistent with his or her office as may be required by this Charter, by ordinance of the Council or directed by the Mayor or Administrator.

Art. VII Sec. 6.0 CITY ADMINISTRATOR.

A. The City Administrator shall be appointed by the Mayor, subject to confirmation by a majority of the members of Council.

~~The City Administrator shall be a resident and an elector of the Municipality, or shall meet this requirement within one (1) year from the date of appointment.~~

B. Under the direction of the Mayor, the City Administrator shall be the chief administrative officer of the City, shall have charge of and exercise supervision over all City Departments and other City operations and shall exercise all administrative authority unless otherwise specified by this Charter.

C. The City Administrator shall perform such other duties consistent with the office as may be imposed upon him or her by this Charter, by ordinance of the Council or by the Mayor.

Art. VII Sec. 7.0 DIRECTOR OF PUBLIC UTILITIES.

A. The Director of Public Utilities shall be appointed by the Mayor, subject to confirmation by a majority of members of Council.

B. Under the direction of the Administrator, the Director of Public Utilities shall have charge of and exercise supervision for the Municipality over:

1. The Division of Public Utilities Operations, which shall consist of the Bureau of Water Distribution and Sewage/Storm Water Collection and the Wastewater Treatment Plant.

C. Under supervision of the Administrator, the Director of Public Utilities shall manage and control the collection, treatment and disposal of sewage, the water supply and distribution system, and all public utilities owned or operated by the Municipality, and shall endorse all the obligations of privately owned or operated public utilities enforceable by the Municipality.

D. The Director of Public Utilities shall perform such other duties consistent with his or her office as may be required by this Charter, by ordinance of the Council or directed by the Mayor or Administrator.

Art. VIII

CIVIL SERVICE

Art. VIII Sec. 1.0 CLASSIFICATION OF EMPLOYEES.

The Civil Service of the Municipality is hereby divided into the unclassified and classified service.

1. The unclassified service shall include:
 - (a) All members of boards and commissions;
 - (b) All elective or appointive officers specifically provided for by this Charter;
 - (c) All heads of departments and divisions;
 - (d) All assistants or deputies to the Director of Law, Director of Finance, and the Clerk of Council;
 - (e) One ~~secretary~~ *administrative support employee* to the Mayor and one ~~secretary~~ *administrative support employee* to the head of each department;
 - (f) All persons appointed to an office or position requiring professional or exceptional qualifications as determined by the Council;
 - (g) All employees in unskilled labor positions;
 - (h) All part-time or seasonal employees.

Art. IX

COMMISSIONS AND BOARDS

Art. IX Sec. 1.0 GENERAL PROVISIONS.

The Municipality shall have a Civil Service Commission, a Municipal Planning Commission, ~~a Board of Health and~~ a Board of Zoning Appeals, *and an Historic Landmarks Commission*. The Council may establish by ordinance such other commissions or boards as it may deem necessary for the proper administration or trusteeship of any public function, property or fund or for any proper municipal purpose.

Art. IX Sec. 6.0 LANDMARKS COMMISSION.

A. Composition and Term. The Perrysburg Historic Landmarks Commission, hereinafter referred to as the Landmarks Commission, is hereby established. The Landmarks Commission shall consist of seven (7) members, all ~~residents~~ *electors* of the Municipality, who shall be appointed by the Mayor, subject to approval by Council. The Council shall set the qualifications of such members by ordinance. The terms of the members shall be for three (3) years. No person shall serve more than two (2) consecutive terms. Any member who misses more than three (3) consecutive meetings or more than one-half of the meetings in any calendar year shall be deemed to have vacated his or her position and shall be replaced. Vacancies caused by death, resignation or otherwise shall be filled for the unexpired term in the same manner as appointments are made. Vacancies shall be filled within sixty (60) days, unless extenuating circumstances require a longer period. All members of the Landmarks Commission shall serve without compensation.

Art. X

NOMINATIONS AND ELECTIONS

Art. X Sec. 2.0 NOMINATING PROCEDURE.

Nominations for elective offices of the Municipality shall be made only by petition filed with the election authorities ~~not later than the first Tuesday after the first Monday in July~~ immediately *ninety (90) days* prior to a regular municipal election and signed by not less than 50 electors of the Municipality. The nomination of each candidate shall be made by a separate petition.

Art. X Sec. 3.0 PRIMARY ELECTIONS.

In the event valid nominating petitions are filed in accordance with Section 2.0 of this Article by candidates for the City Council for a full term in excess of ~~three times the number to be elected~~ **two times the number to be elected plus two** at any regular municipal election, a nonpartisan primary election for the nomination of candidates for such office to be voted for at said regular municipal election shall be held on the ~~second Tuesday after the first Monday in September~~ **first Tuesday after the first Monday in May**, immediately preceding such regular municipal election.

In the event valid nominating petitions are filed in accordance with Section 2.0 of this Article by candidates for the office of Mayor for a full term in excess of two times the number to be elected at any regular municipal election, a non partisan primary election for the nomination of candidates for such office to be voted for at said regular municipal election shall be held on the ~~second Tuesday after the first Monday in September~~ **first Tuesday after the first Monday in May**, immediately preceding such regular municipal election.

At such primary election, the names of all candidates for the office of Mayor and City Council who have file nominating petitions in accordance with the provisions of Section 2.0 of this Article shall be placed upon the ballot.

Art. XI

INITIATIVE, REFERENDUM AND RECALL

Art. XI Sec. 1.0 INITIATIVE.

The electors of the Municipality shall have the power to propose any ordinance or resolution, and to adopt or reject the same at the polls, such power being known as the initiative. An initiated ordinance or resolution shall be submitted to the Council by a petition signed by electors of the Municipality not less in number than ~~ten per cent (10%)~~ **twenty percent (20%)** of the electors voting at the last regular municipal election. Such petition shall designate not less than three (3) of the signers thereof as a Committee authorized to take action as in this Section provided.

When so submitted, the Clerk shall ascertain the sufficiency of such petition and, if found sufficient, the Council shall take final action, either enacting, amending or rejecting the proposed legislation, within forty (40) days after submission.

If the Council fails to pass such proposed ordinance or resolution, or passes it in some form different from that set forth in the petition therefor, the petitioners, through the committee named in such petition, may, not later than the next regular meeting of the Council, request in writing that the legislation as set forth in said petition be submitted to a vote of the electors. Not later than the next regular meeting thereof following receipt of such request, the Council shall provide for submitting the petitioned ordinance or resolution to the electors at the next general election or regular municipal election occurring more than sixty (60) days after the filing of such request. ~~If such petition is signed by at least twenty per cent (20%) of such electors, or such number of electors so request by petition, the Council shall provide for submitting such legislation to the electors at a special election to be held not later than eight (8) months after such request.~~

Art. XI Sec. 2.0 REFERENDUM.

Within thirty (30) days after the final passage by Council of any ordinance or resolution which is subject to a referendum under the laws of the State of Ohio, a petition signed by electors of the Municipality not less in number than ~~ten~~ **twenty** per cent (~~±~~**20%**) of the total electors voting at the last regular municipal election may be filed with the Council requesting that the ordinance or resolution be repealed or submitted to a vote of the electors. When said petition is filed, the Clerk shall ascertain the sufficiency of the petition and, if found sufficient, the Council shall, within thirty (30) days of the filing of such petition, reconsider such

ordinance or resolution. If upon such reconsideration such ordinance or resolution is not repealed, the Council shall provide for submitting the same to a vote of the electors at the next general election or regular municipal election occurring more than sixty (60) days after the filing of such petition; provided that if a referendum petition is filed at such time that the submission of the legislation referred to therein to a vote of the electors at a general election or regular municipal election would not occur within a period of six (6) months after the filing of such petition the Council may provide for submitting such legislation to a vote of the electors at a special election to be held at a date fixed by the Council but not later than eight (8) months after the filing of such petition.

Art. XV

GENERAL PROVISIONS

Art. XV Sec. 3.0 MILITARY SERVICE.

Except as hereafter in this Section provided, if a person holding an elective office in the Municipality shall be called into active military service during his elective term, his office shall thereupon become vacant and it shall be filled as provided by this Charter. Membership in military reserve or State Militia shall not create a vacancy in office unless the office holder be called to full-time military service for a period exceeding ~~thirty~~ **sixty** (360) consecutive days.