

**LEGAL NOTICE
CITY OF FAIRVIEW PARK
NOTICE TO VOTERS OF AMENDMENTS TO THE CHARTER OF
THE CITY OF FAIRVIEW PARK, OHIO**

Pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article XII of the Charter of the City of Fairview Park, Council authorizes and directs that the following proposals to amend the Charter of the City of Fairview Park be submitted to the electors of the City of Fairview Park at an election to be held at the usual places of voting in the City on Tuesday, November 5, 2019.

ISSUE 28 – AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW PARK THE PROPOSAL TO AMEND VARIOUS SECTIONS OF THE CHARTER OF THE CITY OF FAIRVIEW PARK TO REPLACE ALL PERSONAL PRONOUNS WITH THE OFFICIAL TITLE OF THE SINGLE CITY POSITION BEING REFERRED TO BY THESE PRONOUNS IN EACH OF THESE SECTIONS AND DECLARING AN EMERGENCY

It shall be proposed to the electors of the City of Fairview Park to amend various sections of the Charter of the City of Fairview Park, where applicable, to replace all personal pronouns with the official title of the single City position being referred to by these pronouns in those sections.

**PROPOSED CHARTER AMENDMENT
CITY OF FAIRVIEW PARK**

A majority affirmative vote is necessary for passage

Shall various Sections of the Charter of the City of Fairview Park be amended to replace all pronouns with the official title of the single City position being referred to by these pronouns in each of those sections; and to delete Article XIII, Section 5 regarding gender neutrality as it is no longer necessary?

ISSUE 29 – AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW PARK THE PROPOSAL TO AMEND ARTICLE III, SECTION 4. (d) OF THE CHARTER OF THE CITY OF FAIRVIEW PARK TO PROVIDE THAT IN THE EVENT 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 SUCH ELECTION SHALL OCCUR MORE THAN TWO (2) YEARS PRIOR TO THE EXPIRATION OF THE UNEXPIRED TERM ONLY AND DELETE THE REQUIREMENT THAT THE VACANCY SHALL HAVE OCCURRED MORE THAN ONE HUNDRED TWENTY (120) DAYS PRIOR TO SUCH ELECTION AND DECLARING AN EMERGENCY

It shall be proposed to the electors of the City of Fairview Park to amend Article III, Section 4. (d) of the Charter of the City of Fairview Park to provide that in the event 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 such election shall occur more than two (2) years prior to the expiration of the unexpired term only and delete the requirement that the vacancy shall have occurred more than one hundred twenty (120) days prior to such election.

**PROPOSED CHARTER AMENDMENT
CITY OF FAIRVIEW PARK**

A majority affirmative vote is necessary for passage

Shall Article III, Section 4 (d) of the Charter of the City of Fairview Park be amended to provide that in the event 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 such election shall occur more than two years prior to the expiration of the unexpired term?

ISSUE 30 – AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW PARK THE PROPOSAL TO AMEND ARTICLE IV, SECTION 1 OF THE CHARTER OF THE CITY OF FAIRVIEW PARK TO PROVIDE THAT THE POSITIONS OF PRESIDENT OF COUNCIL AND THE AT-LARGE MEMBER OF COUNCIL SHALL BE ELECTED IN THE REGULAR MUNICIPAL ELECTION SCHEDULED IN NOVEMBER 2023, FOR A TERM OF FOUR (4) YEARS BEGINNING IN JANUARY 2024, AND EVERY FOUR (4) YEARS THEREAFTER; AND THAT POSITIONS OF THE FIVE (5) WARD MEMBERS OF COUNCIL SHALL BE ELECTED IN THE REGULAR MUNICIPAL ELECTION SCHEDULED IN NOVEMBER 2023, FOR A TERM OF TWO (2) YEARS, FOR TERMS BEGINNING JANUARY 1, 2024, AND SUCH WARD COUNCIL MEMBER POSITIONS SHALL STAND FOR ELECTION IN NOVEMBER 2025, FOR FOUR (4) YEAR TERMS BEGINNING JANUARY 1, 2026, AND EVERY FOUR (4) YEARS THEREAFTER, AND DECLARING AN EMERGENCY

It shall be proposed to the electors of the City of Fairview Park to amend Article IV, Section 1 of the Charter of the City of Fairview Park to provide that the positions of President of Council and the at-large Member of Council shall be elected in the regular municipal election scheduled in November 2023, for a term of four (4) years beginning in January 2024, and every four (4) years thereafter; and that positions of the five (5) Ward Members of Council shall be elected in the regular municipal election scheduled in November 2023, for a term of two (2) years, for terms beginning January 1, 2024, and such Ward council member positions shall stand for election in November 2025, for four (4) year terms beginning January 1, 2026, and every four (4) years thereafter.

**PROPOSED CHARTER AMENDMENT
CITY OF FAIRVIEW PARK**

A majority affirmative vote is necessary for passage

Shall Article IV, Section 1 of the Charter of the City of Fairview Park be amended to provide that the five (5) Ward Members of Council be elected for a single two (2) year term in 2023 and a four (4) year term in 2025 and then every four (4) years thereafter resulting in the positions of President of Council and at-large Member of Council being staggered by two (2) years from the positions of the five (5) Ward Council Members?

ISSUE 31 – AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW PARK THE PROPOSAL TO AMEND ARTICLE IV, SECTION 11 OF THE CHARTER OF THE CITY OF FAIRVIEW PARK TO PROVIDE THAT ALL ORDINANCES, RESOLUTIONS, STATEMENTS, ORDERS, PROCLAMATIONS AND REPORTS REQUIRED BY LAW OR BY THIS CHARTER, SHALL BE POSTED IN A BROADLY ACCESSIBLE PLACE AS PRESCRIBED BY COUNCIL AND INCLUDE POSTING ON THE OFFICIAL CITY WEBSITE OR OTHER ELECTRONIC MEANS AND DECLARING AN EMERGENCY

**PROPOSED CHARTER AMENDMENT
CITY OF FAIRVIEW PARK**

A majority affirmative vote is necessary for passage

Shall Article IV, Section 11 of the Charter of the City of Fairview Park be amended to provide that all required publications and postings of Council be in a broadly accessible place as prescribed by Council, and include the posting on the official City website or other electronic means?

ISSUE 32 – AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW PARK THE PROPOSAL TO AMEND ARTICLE IV OF THE CHARTER OF THE CITY OF FAIRVIEW PARK TO PROVIDE THAT SECTION 14 REQUIRE THAT NOTICE OF A PUBLIC HEARING BE PROVIDED TO RECORD TITLE HOLDERS OF THE PROPERTY WITHIN AN AREA OF FIVE HUNDRED (500) FEET, OR GREATER AS MAY BE PROVIDED BY ORDINANCE OF COUNCIL AS DISCLOSED BY RECORDS OF THE CUYAHOGA COUNTY OFFICE OF FISCAL OFFICER AND TO REQUIRE THAT ANY SUCH ZONING ACTION SHALL BE REFERRED TO THE PLANNING AND DESIGN COMMISSION AS PROVIDED IN ARTICLE VII, SECTION 2 (d) OF THE CHARTER; AND THAT SECTION 16. VOTER APPROVAL OF ZONING CHANGES BE DELETED AND DECLARING AN EMERGENCY

It shall be proposed to the electors of the City of Fairview Park to amend Article IV of the Charter of the City of Fairview Park to provide that Section 14 (b) require that notice of a public hearing be provided to record title holders of the property within an area of five hundred (500) feet, or greater as may be provided by Ordinance of Council as disclosed by records of the Cuyahoga County Office of Fiscal Officer and to require that any such zoning action shall be referred to Planning and Design Commission as provided in Article VII, Section 2 (d) of the Charter; and that Section 16. Voter Approval of Zoning Changes, be deleted.

**PROPOSED CHARTER AMENDMENT
CITY OF FAIRVIEW PARK**

A majority affirmative vote is necessary for passage

Shall Article IV, Section 14 (b) of the Charter of the City of Fairview Park be amended to require that notice of a public hearing be provided to record title holders of the property within an area of five hundred (500) feet, or greater as may be provided by Ordinance of Council as disclosed by records of the County Fiscal Officer; and to require that any such zoning action shall be referred to Planning and Design Commission as provided in Article VII, Section 2(d) of the Charter; and to delete Article IV, Section 16 which requires voter approval of zoning changes?

ISSUE 33 – AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW PARK THE PROPOSAL TO AMEND ARTICLE IV, SECTION 16, SUBSECTIONS (a) AND (b) OF THE CHARTER OF THE CITY OF FAIRVIEW PARK TO PROVIDE THAT COUNCIL SUBMIT AN ORDINANCE, RESOLUTION OR OTHER ACTION EFFECTING A CHANGE IN THE ZONING CLASSIFICATION OR DISTRICT OR EFFECTING CHANGE IN THE USES PERMITTED OF ANY PROPERTY TO THE ELECTORATE AT A REGULARLY SCHEDULED ELECTION IN NOVEMBER OR A REGULARLY SCHEDULED PRIMARY ELECTION MORE THAN NINETY (90) DAYS AFTER THE PASSAGE OF SUCH ORDINANCE, RESOLUTION OR OTHER ACTION AND DECLARING AN EMERGENCY

It shall be proposed to the electors of the City of Fairview Park to amend Article IV, Section 16, Subsections (a) and (b) of the Charter of the City of Fairview Park to provide that Council submit an ordinance, resolution or other action effecting a change in the zoning classification or district or effecting change in the uses permitted of any property to the electorate at a regularly scheduled election in November or a regularly scheduled primary election more than ninety (90) days after the passage of such ordinance, resolution or other action.

**PROPOSED CHARTER AMENDMENT
CITY OF FAIRVIEW PARK**

A majority affirmative vote is necessary for passage

Shall Article IV, Section 16 Subsections (a) and (b) of the Charter of the City of Fairview Park be amended to provide that Council shall submit any Ordinance, Resolution or other action effecting a change in the zoning classification within the city to the electorate at a regularly scheduled election in November or a regularly scheduled primary election occurring more than ninety (90) days after the passage of said Ordinance, Resolution or action?

ISSUE 34 – AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW PARK THE PROPOSAL TO AMEND ARTICLE VIII, SECTION 6 OF THE CHARTER OF THE CITY OF FAIRVIEW PARK TO PROVIDE THAT PUBLIC BIDDING SHALL BE MADE WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER

It shall be proposed to the electors of the City of Fairview Park to amend Article VIII, Section 6 of the Charter of the City of Fairview Park to provide that Council may authorize expenditure of funds without public bidding in the event of emergency or catastrophe to protect the public health, safety, welfare and property; that public bidding shall be made with the lowest responsive and responsible bidder; and that no expenditure of more than the current statutory limit prescribed by the State of Ohio be made, whether by public or otherwise, unless approved by ordinance of Council.

**PROPOSED CHARTER AMENDMENT
CITY OF FAIRVIEW PARK**

A majority affirmative vote necessary for passage

Shall Article VIII, Section 6 of the Charter of the City of Fairview Park be amended to provide that public bidding shall be made with the lowest responsive and responsible bidder?

ISSUE 35 – AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW PARK THE PROPOSAL TO AMEND ARTICLE IX, SECTION 3 OF THE CHARTER OF THE CITY OF FAIRVIEW PARK TO MOVE PRIMARY ELECTIONS FROM SEPTEMBER TO MAY AND TO CORRECT SAID SECTION TO PROVIDE THAT IN CASE THERE SHALL NOT BE MORE THAN TWO (2) PERSONS WHO SHALL HAVE FILED PETITIONS FOR THE OFFICE OF COUNCIL AT LARGE AS PROVIDED FOR IN THIS CHARTER, THEN SAID PERSONS SHALL BE THE CANDIDATES AT THE REGULAR MUNICIPAL ELECTION AND THE PRIMARY FOR THE PARTICULAR OFFICE SHALL NOT BE HELD AND DECLARING AN EMERGENCY

It shall be proposed to the electors of the City of Fairview Park to amend Article IX, Section 3 of the Charter of the City of Fairview Park to move primary elections from September to May and to correct said section to provide that in case there shall not be more than two (2) persons who shall have filed petitions for the office of Council-at-large as provided for in this Charter, then said persons shall be the candidates at the regular Municipal election and the primary for the particular office shall not be held.

**PROPOSED CHARTER AMENDMENT
CITY OF FAIRVIEW PARK**

A majority affirmative vote is necessary for passage

Shall Article IX, Section 3 of the Charter of the City of Fairview Park be amended to change the municipal primary election from September to May; and to correct said section to provide that in case there shall not be more than two (2) persons who shall have filed petitions for the office of Council-at-Large, then said persons shall be candidates at the regular Municipal election and the primary for the particular office shall not be held?

ISSUE 36 – AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRVIEW PARK THE PROPOSAL TO AMEND ARTICLE X, SECTION 3, OF THE CHARTER OF THE CITY OF FAIRVIEW PARK TO PROVIDE THAT IN THE EVENT A RECALL PETITION HAS BEEN FOUND SUFFICIENT AND HAS BEEN DELIVERED TO THE OFFICIAL WHOSE RECALL IS SOUGHT AND A RECORD IS MADE OF SUCH DELIVERY, IF SUCH OFFICIAL SHALL NOT RESIGN WITHIN FIVE (5) DAYS AFTER THE DAY ON WHICH SUCH DELIVERY SHALL HAVE BEEN MADE, THE COUNCIL SHALL FIX A DAY FOR HOLDING A RECALL ELECTION NOT LESS THAN NINETY (90) DAYS, NOR MORE THAN ONE HUNDRED TWENTY (120) DAYS FROM THE DATE OF DELIVERY AND DECLARING AN EMERGENCY.

It shall be proposed to the electors of the City of Fairview Park to amend Article X, Section 3 of the Charter of the City of Fairview Park to provide in the event a recall petition has been found sufficient and has been delivered to the official whose recall is sought and a record is made of such delivery, if such official shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall fix a day for holding a recall election not less than ninety (90) days, nor more than one hundred twenty (120) days from the date of delivery.

**PROPOSED CHARTER AMENDMENT
CITY OF FAIRVIEW PARK**

A majority affirmative vote is necessary for passage

Shall Article X, Section 3 of the Charter of the City of Fairview Park be amended to provide that if the Clerk shall find a petition to recall an elected official of the city contains the required minimum number of signatures, and such official does not resign within five (5) days of delivery of notice of said petition, Council shall fix a day for holding a recall election not less than ninety (90) days, nor more than one hundred twenty (120) days from the date of delivery?

BY ORDER OF THE CITY OF FAIRVIEW PARK
Liz L. Westbrooks, Clerk of Council