

ORDINANCE NO. 24-2016
(As Amended)

To Provide for the Submission of Amendments to the Charter of the City of Worthington, Ohio, for a Vote of the City Electorate at a Regular Municipal Election Previously Ordered for and to be Held on November 8, 2016.

WHEREAS, the Charter of the City of Worthington, Ohio was originally adopted at an election held on November 6, 1956; and,

WHEREAS, Section 9.04 of the Charter authorizes amending the Charter in the manner set forth in Section 9 of Article XVIII of the Constitution of Ohio, and pursuant thereto has been amended at elections held on November 4, 1958; November 8, 1960; November 7, 1961; November 8, 1983, November 5, 1996, November 6, 2007 and November 3, 2015; and,

WHEREAS, Section 9.04 of the Charter requires City Council to appoint a Charter Review Commission not less frequently than every ten (10) years to review the Charter, to consider whether the Charter should be amended, and to recommend to City Council specific Charter amendments for submission to the City electorate; and,

WHEREAS, an eleven-member Charter Review Commission was appointed by City Council on February 8, 2016 and, thereafter, the Charter Review Commission commenced and completed a review of the Charter, determined that certain provisions of the Charter should be amended, and prepared and recommended proposed Charter amendments to City Council; and,

WHEREAS, upon consideration of the recommendations of the Charter Review Commission, City Council has determined that it would be in the interest of the City and its citizens to submit the proposed Charter amendments to the City electorate.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio, two-thirds of the members elected thereto herein concurring:

SECTION 1. That the question of amending the Charter of the City of Worthington by the enactment of amendments to certain Sections and the deletion of a Section of the Charter, as hereinafter specifically set forth, be submitted, as a single ballot question, to the qualified electors of the City at the Regular Municipal Election to be held on Tuesday, the 8th day of November, 2016, at the regular places and times of voting in the City:

- (a) To Enact the following proposed amendments to the Charter of the City of Worthington:

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Section 2.04 of the Charter of the City of Worthington to be amended to read as follows:

SECTION 2.04 SALARY.

The salary of Council members and the President of Council may be established by non-emergency ordinance one time prior to the general election held in November 2019. After such one-time increase, the salary of the members of Council shall be established by non-emergency ordinance, provided that no salary of a Council member shall be increased during that member's term of office and no salary shall be decreased during such term of office except with the consent of such member of Council.

Section 2.05 of the Charter of the City of Worthington to be amended to read as follows:

SECTION 2.05 PRESIDENT OF COUNCIL, PRESIDENT PRO-TEM OF COUNCIL, MAYOR AND VICE-MAYOR.

At its organizational meeting after each election of Council members, the Council shall elect a President of Council and a President Pro-tem of Council, from among its members, for a term of two (2) years. The process for such election may be included in rules adopted by Council pursuant to Section 2.15 of this Charter. The President Pro-tem of Council shall act as President of Council in the absence of the President of Council.

At said organizational meeting, the Council shall also elect as Mayor and Vice-Mayor suitable persons from among citizens of this Municipality, qualified to serve on Council, for a term of two (2) years. A member of Council may not be elected either as Mayor or as Vice-Mayor.

The Mayor shall serve as judge of the Mayor's Court to hear and determine misdemeanor cases arising under the ordinances of this Municipality, as provided by the laws of the State, unless and until another and different court is required by State legislative act. So long as there is a Mayor's Court, the Mayor and Vice-Mayor shall each be an attorney admitted to the Bar of Ohio and be in good-standing with the Supreme Court of Ohio. Nothing in this Section 2.05 shall limit the City Council from appointing a magistrate to preside over Mayor's Court in the absence of the Mayor and Vice-Mayor. City Council shall establish the qualifications of a magistrate and shall make such appointment by resolution.

The Mayor shall further be recognized as the ceremonial head of the Municipality but shall have no administrative duties. The Vice-Mayor

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shall act as Mayor during the absence of the Mayor. A vacancy in the office of Mayor or Vice-Mayor shall be deemed to occur for the same reasons set forth for a vacancy in the office of member of Council as provided in Section 2.03 hereof. Upon a vacancy in the office of Mayor, the Vice-Mayor shall serve for the unexpired term or until a Mayor is elected, whichever first occurs.

Section 2.06 of the Charter of the City of Worthington to be amended to read as follows:

SECTION 2.06 SALARY OF MAYOR AND VICE-MAYOR.

The salaries of Mayor and Vice-mayor shall be established by ordinance, and neither salary shall be increased or decreased during the Mayor's or Vice-Mayor's term of office.

Section 2.07 of the Charter of the City of Worthington to be amended to read as follows:

SECTION 2.07 SPECIFIC POWERS OF COUNCIL

In addition to its legislative power and its executive authority and its power to prescribe by ordinance or resolution the manner in which any power of the Municipality may be exercised, the Council shall have the authority to:

- (1) Appoint and remove the City Manager, appoint an Acting City Manager in the event the position of City Manager is vacant, and establish the salary for such positions by ordinance;
- (2) Establish administrative departments, define their duties and procedures, and confirm the appointment of officers in unclassified positions and fix the salaries and wages for all employees;
- (3) Adopt the municipal budget;
- (4) Appoint and remove the members of the Municipal Planning Commission, the Board of Zoning Appeals, and of any board, commission, or committee created or authorized by this Charter or by ordinance or resolution of Council;
- (5) Adopt and modify the official map of the Municipality;
- (6) Regulate and restrict the use of public and private real estate in the interests of the health, safety, morals, and welfare of the people by establishing use zones and limiting area, land use, and building heights therein;
- (7) Adopt and approve subdivision plats and establish subdivision regulations therefor;

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- (8) Authorize the levy and collection of taxes and the issuance of notes and bonds as provided in this Charter or as otherwise authorized by the laws of the State of Ohio;
- (9) Authorize an audit of the accounts of the Municipality or any officer or department thereof in such manner and means as Council shall deem necessary and appropriate;
- (10) Establish an Architectural District and appoint an Architectural Review Board, in accordance with Sec. 6.03(7) of this Charter, to exercise such powers within the Architectural District as are established by ordinance. (Amended November 8, 1983)
- (11) Adopt, and review at least annually, a policy on the investment of funds held by the City. (Added November 5, 1996)

The Council may delegate the administration of any and all municipal affairs to the City Manager who shall be responsible to the Council for the performance thereof.

Section 2.10 of the Charter of the City of Worthington to be amended to read as follows:

**SECTION 2.10 COUNCIL RELATIONS WITH CITY
MANAGER**

Except for the purpose of inquiry, the Council and its members shall deal solely and directly through the City Manager with respect to any matter related to the administrative affairs of the Municipality which are within the scope of the power, duty, authority and responsibility of the City Manager. Except to confirm the City Manager's appointment of officers in unclassified positions of the Municipality, the Council and its members shall not otherwise interfere with the appointment of officers in unclassified positions or employees in the administrative service.

Section 2.17 of the Charter of the City of Worthington to be amended to read as follows:

**SECTION 2.17 PROCEDURE IN THE PASSAGE OF
ORDINANCES.**

Each proposed ordinance shall be in writing, shall contain a title and an opening clause: "Be It Ordained by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:", and shall set forth at length therein the action to be taken. Each ordinance shall contain but one subject which shall be summarized in its title. At a regular or special meeting of Council, a proposed ordinance shall be read by title only and may thereupon be introduced by a member of Council. At the option of the

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President of Council, a title may be read in summary fashion, which shall include the ordinance number and a succinct description of the action to be considered. Upon its introduction and in the absence of it being declared an emergency ordinance as hereinafter provided, a public hearing date on the ordinance shall be scheduled for a subsequent regular or special meeting of the Council as it shall determine. The Clerk of Council shall cause a notice of public hearing on the ordinance to be published, in a manner determined annually by Council, once in a newspaper of general circulation in the Municipality prior to the scheduled hearing date, and/or posted on at least one electronic medium. Such notice shall contain the title of the ordinance or a succinct summary of the title, the time, date, and place of the public hearing, and a statement that the ordinance is on file for public inspection in the office of the Clerk of Council. At the public hearing, the ordinance shall be read a second time by title only, or by a succinct summary of the title only as may be determined by the President of Council, and, thereafter, the public hearing commenced under such rules as Council may provide. At the conclusion of the public hearing, the Council shall vote to adopt, with or without amendment, or reject the ordinance. The adoption of an ordinance shall require the affirmative vote of a majority of the members of Council and the attestation by signature thereon of the President and the Clerk of Council.

In addition to those categories of ordinances specifically set forth in Section 2.19 of this Charter, an ordinance necessary for the immediate preservation of the public health, safety, and welfare of the Municipality may be passed as an emergency measure to be immediately effective upon its passage and publication either: (1) upon introduction, provided the notice of public hearing on the ordinance is waived and the ordinance is declared to be immediately effective upon its passage and publication; or (2) at the conclusion of the public hearing thereon provided the ordinance is declared to be immediately effective upon its passage and publication. A six-sevenths (6/7) vote of the members of Council shall be required to waive the waiting period, to declare the immediate effectiveness of the ordinance, and to pass the ordinance.

Section 2.18 of the Charter of the City of Worthington to be amended to read as follows:

SECTION 2.18 PUBLICATION OF PASSAGE OF ORDINANCES.

Public notice of the passage of an ordinance shall be published the Thursday following passage by one or more of the following methods:

- 1) By posting copies thereof in not less than four (4) of the most public places in the Municipality as determined by City Council, and on the City website;
- 2) By posting copies thereof in the office of the Clerk of Council;

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- 3) By publication of a notice, one time, in a newspaper of general circulation in the Municipality and/or on the electronic medium determined by Council pursuant to Section 2.17 of this Charter, setting forth the title and effective date of the ordinance and a statement that the ordinance is on file in the office of the City Clerk;
 - 4) By publication at length, one time, in a newspaper of general circulation in the Municipality and/or on the electronic medium determined by Council pursuant to Section 2.17 of this Charter;
 - 5) In accordance with the provisions of Section 4.05 of this Charter in the case of the annual appropriations budget ordinance;
 - 6) By setting forth their provisions at length in the Codified Ordinances made available for public inspection in libraries and in courts.
- Publication of the passage of an ordinance shall be made by method one (1) above unless a provision of said ordinance provides another method.
(Amended November 6, 2007.)

Section 2.19 of the Charter of the City of Worthington to be amended to read as follows:

SECTION 2.19 EFFECTIVE DATES OF ORDINANCES.

Ordinances raising revenue, those appropriating money for current operations, those directing an election or a question to the electorate, those authorizing annual tax levies, and those declared to be emergency ordinances as provided in Section 2.17 of this Charter shall be effective upon passage and publication. Except as may be provided in Section 1.04 of this Charter, all other ordinances shall take effect on the twentieth (20th) day following publication in order to afford an opportunity during that period for the filing of referendum petitions thereon.

Section 3.02 of the Charter of the City of Worthington to be amended to read as follows:

SECTION 3.02 CITY MANAGER; POWERS AND DUTIES.

The City Manager shall be the chief executive and administrative officer of the Municipality, shall be responsible to the Council for the proper administration of the affairs of the Municipality and, to that end and subject to the provisions of this Charter, shall have power and be required to:

- (1) Appoint and, when necessary, remove any of the classified and unclassified employees of the Municipality.
- (2) Prepare and submit to the Council annual appropriations budget estimates and lawfully administer the budget adopted by Council.

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(3) Prepare and submit to the Council and to the public an annual report including, but not limited to, the financial and administrative affairs and activities of the Municipality for the preceding year.

(4) Inform the Council of the current financial condition and future financial needs of the Municipality.

(5) Appoint such temporary advisory committees as are necessary and desirable.

(6) Delegate to subordinate officers and employees of the Municipality such duties conferred upon the City Manager by this Charter or by action of the Council as are necessary or appropriate for the efficient and effective operation of the Municipality.

(7) Perform such other duties, not inconsistent with this Charter, as may be required by the Council.

(8) Execute, upon authorization of the Council, contracts, leases, deeds, easements, conveyances and agreements as are necessary and appropriate to the efficient and effective operation of the City. (Amended November 8, 1983)

(9) Execute, without having to obtain additional authorization from Council, contracts for the expenditure of funds from the General Fund which have previously been appropriated by Council as part of the annual operating budget process or amendments thereto;

(10) Execute contracts for the construction of public improvements or the acquisition of capital assets only upon the specific authorization of Council at the time it appropriates funds from the Capital Improvement Fund for such construction or acquisition.

(Added November 5, 1996.)

Section 3.05 of the Charter of the City of Worthington to be amended to read as follows:

SECTION 3.05 DEPARTMENT DIRECTORS.

At the head of each department shall be a Director, responsible to and appointed by the City Manager with the approval of the Council, and who shall be an unclassified officer of the Municipality. The Director shall have supervision and control, subject to the direction of the City Manager, of the department and shall faithfully discharge those duties of the office and observe and enforce the provisions of this Charter and the ordinances of this Municipality. Two or more departments may be headed by the same officer and the City Manager may serve as head of one or more departments in addition to serving as City Manager, if approved by Council.

Section 4.03 of the Charter of the City of Worthington to be amended to read as follows:

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SECTION 4.03 PUBLIC HEARING ON BUDGET ESTIMATES.

At the meeting of the Council at which the budget estimates are submitted by the City Manager, the Council shall schedule a public hearing on the budget. A notice of public hearing shall be published once in a newspaper of general circulation in the Municipality and/or on the electronic medium determined by Council pursuant to Section 2.17 of this Charter, at least seven (7) days before the hearing. Such notice shall state that the budget estimates and message are on file for public inspection in the office of the Clerk of Council. On the date and at the time and place advertised, the Council shall hold a public hearing on the estimates as submitted and may continue such hearing. After the hearing, the Council shall adopt by ordinance the estimates as submitted, or as amended, as the appropriations budget of the Municipality for the ensuing budget year. Adoption of the budget ordinance shall require a majority vote of the members of Council.

Section 4.10 of the Charter of the City of Worthington to be amended to read as follows:

SECTION 4.10 PURCHASING.

The Council shall establish by ordinance a purchasing procedure for the City departments which may include a procedure for making emergency purchases by certain officers and employees of the Municipality.

Section 4.11 of the Charter of the City of Worthington to be amended to read as follows:

**SECTION 4.11 SUPPLIES, MATERIALS AND EQUIPMENT;
CONSTRUCTION OF IMPROVEMENTS.**

Purchase of supplies, materials and equipment and the construction of public improvements for the Municipality shall be made by any method authorized by the State of Ohio for public entities, pursuant to such procedures and subject to such threshold amounts as the Council shall determine by ordinance.

Section 4.13 of the Charter of the City of Worthington to be amended to read as follows:

SECTION 4.13 SHORT TERM BORROWING.

At any time in the fiscal year when the Council determines that revenues will be insufficient, to meet authorized expenditures, it may, by ordinance,

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direct the issuance of notes of three different types: (1) those issued to finance emergency appropriations under Sec. 4.12 of this Charter, when unappropriated available revenues are insufficient for such purpose; (2) as permitted by law, those issued in anticipation of the collection upon real and personal property; (3) those issued in anticipation of the collection of other types of revenue. The total amount of the notes issued in each case shall not exceed a reasonable estimate of the applicable revenues to be received during the fiscal year and the succeeding year and all such notes shall be redeemed not later than the end of the next fiscal year after their issuance.

Section 4.14 of the Charter of the City of Worthington to be amended to read as follows:

SECTION 4.14 CHARACTERISTICS OF SHORT TERM NOTES.

Notes issued pursuant to the provision of Sec. 4.13 of this Charter shall be signed by the President of Council and the Director of Finance and shall be negotiable. They may be sold at public or private sale by the Director of Finance at the lowest net cost to the Municipality, shall be payable on demand or at fixed dates, no later than the end of the next fiscal year, and may in the latter case be either subject to redemption prior to maturity or non-callable at the option of the Municipality. No renewal or extension shall extend the maturity date beyond the end of the next fiscal year following their issuance.

Section 5.04 of the Charter of the City of Worthington to be amended to read as follows:

SECTION 5.04 PROCEDURE IN BOND OR NOTE ISSUES.

In all respects not provided for otherwise in this Charter the procedure followed in authorizing and issuing bonds and notes and applying the proceeds shall be in accordance with the provisions of the Uniform Public Securities Act as established by the Revised Code of Ohio.

Section 5.05 of the Charter of the City of Worthington to be amended to read as follows:

SECTION 5.05 FISCAL AGENT.

The Council shall designate the fiscal officer or trustee for the Municipality in all transactions under the Uniform Public Securities Act.

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Section 6.03 of the Charter of the City of Worthington to be amended to read as follows:

SECTION 6.03 POWERS AND DUTIES OF MUNICIPAL PLANNING COMMISSION.

The Municipal Planning Commission shall have the power to:

- (1) Review and recommend any revisions to the Master Plan, official map, area plans, and development standards of the City as often as necessary but not less frequently than every five (5) years;
(Amended November 5, 1996.)
- (2) Recommend to Council the disposition of requests for subdivision platting;
- (3) Recommend to Council amendments to the zoning plan and ordinance of the Municipality;
- (4) Recommend to Council zoning changes and zoning for newly annexed areas;
- (5) Determine or recommend to Council, as provided by ordinance, the disposition of requests for conditional use permits;
- (6) Cooperate with the regional planning commission and the planning commissions of area municipalities;
- (7) Act as the Board of Architectural Review as provided by ordinance. The Council shall annually appoint as additional voting members of the Board of Architectural Review two representatives of the Architectural Review District, one or both of whom shall be a resident freeholder of said District;
- (8) Perform such other duties, not inconsistent with this Charter, as may be required by ordinance.

In rendering a decision or recommendation, the Municipal Planning Commission shall articulate its basis therefor, in writing, by reference to the relationship that decision or recommendation has to the overall comprehensive planning goals of the City, which may be found in the Master Plan, the zoning map, a course of zoning or subdivision practices by the City, or any other acknowledged comprehensive strategy or goals previously established at the time of the decision or recommendation.

Section 6.05 of the Charter of the City of Worthington to be amended to read as follows:

SECTION 6.05 POWERS AND DUTIES OF BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall have the power to hear and decide appeals from the refusal, issuance, or revocation of a building permit,

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occupancy certificate, or certificate of compliance by a municipal official; and to permit exceptions to and grant variances from zoning area regulations in individual cases when it is determined that practical difficulty exists. The practical difficulty standards to be applied in such cases shall be established by ordinance.

Section 7.03 of the Charter of the City of Worthington to be amended to read as follows:

SECTION 7.03 NOMINATIONS.

There shall be no primary election for municipal offices. Nominations for the office of member of Council shall be made by petition only, signed by not less than fifty resident registered electors, on the forms for the nomination of nonpartisan candidates for such office, filed with the Board of Elections of Franklin County under such regulations and at such time as are prescribed by the State elections laws.

Section 9.01 of the Charter of the City of Worthington to be amended to read as follows:

SECTION 9.01 OATH OF OFFICE.

Every officer and employee of the Municipality shall, before entering upon the duties of office or employment, take and subscribe to the following oath or affirmation, which may be administered by the City Manager, or designee, and filed and kept in the office of the Clerk:

"I solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Ohio and will obey the laws thereof and that I will, in all respects, observe the provisions of the Charter and ordinances of this Municipality, and will faithfully discharge the duties of _____, upon which I am about to enter."

Section 11.02 of the Charter of the City of Worthington to be amended to read as follows:

SECTION 11.02 CLASSIFIED AND UNCLASSIFIED SERVICE.

All positions in the service of the City shall be filled pursuant to open competitive examinations except:

- (1) The Clerk of Council.
- (2) The City Manager.
- (3) The Assistant City Manager.
- (4) The directors, assistant directors, and deputy directors of departments.
- (5) The Administrative Assistants.

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- (6) The Assistant to the City Manager.
- (7) The Executive Assistant to the City Manager.
- (8) Seasonal, temporary, and part-time employees.
- (9) The Chief Building Inspector.
- (10) The Clerk of the Mayor's Court.
(Amended November 5, 1996.)

Appointment to and removal from the offices of City Council, Mayor, Vice-Mayor and members of boards, commissions and committees shall be made in accordance with the specific applicable terms of this Charter and ordinances of the City, and shall not be subject to the provisions of Sections 11.01 and this Section 11.02.

Section 11.03 of the Charter of the City of Worthington to be amended to read as follows:

SECTION 11.03 PERSONNEL DEPARTMENT.

There shall be established a Personnel Department and the City Manager shall appoint, with the approval of the Council, a suitably qualified person to serve part or full time as Director of Personnel who shall:

- (1) Recruit qualified persons;
- (2) Prepare, schedule and hold examinations;
- (3) Create eligible lists;
- (4) Certify eligibles to the City Manager, as the appointing authority, for appointment;
- (5) Classify positions and establish job classifications;
- (6) Develop and conduct training programs;
- (7) Prepare and recommend to City Council, through the City Manager, for approval and publication, necessary rules to establish and maintain the merit system in the Municipality;
- (8) Perform such other duties relating to personnel matters as the City Manager may direct.

(b) To Delete Section 10.07 of the Charter of the City of Worthington.

SECTION 2. That the ballot for said election shall conform to the election laws of the State of Ohio, and shall: (1) be entitled "Proposed Charter Amendments – City of Worthington;" (2) contain a statement that a majority affirmative vote is necessary for passage and approval of the amendment of the Sections as proposed herein; and (3) state the question to be submitted to the electorate of the City in condensed text form.

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SECTION 3. That the Director of Law be and he hereby is authorized and directed to make such arrangements with the Board of Elections of Franklin County as are necessary for giving notice of said election and for placing the question on the ballot, and for printing the text of the proposed amendments for posting at polling places.

SECTION 4. That the Clerk of Council be and she hereby is directed to certify a copy of this Ordinance to the Board of Elections of Franklin County and to publish the full text of the proposed Charter amendments, as set forth in Section 1 of this Ordinance, once a week for not less than two consecutive weeks in The Columbus Dispatch, a newspaper published and of general circulation in the Municipality, or as provided in Section 731.211 of the Ohio Revised Code, with the first publication being at least fifteen (15) days prior to the election hereinbefore provided.

SECTION 5. That this Ordinance, directing a question to the electorate, shall take effect immediately upon its passage and publication as provided in Section 2.19 of the Charter of the City of Worthington.

Passed July 18, 2016

/s/ Bonnie D. Michael
President of Council

Attest:

/s/ D. Kay Thress
Clerk of Council

Introduced July 5, 2016
P.H. July 18, 2016
Effective August 10, 2016