

Charter Review Commission

Minutes

April 13, 2023

Civic Center Conference Room

Chairperson Gilkison called the meeting to order at 5:13 PM. Members present were: David Best, Wayne Gilkison, Starr Markworth and Carissa Ross. City staff members present were Phil Callahan, Law Director and Emily Christian, Assistant City Manager and Acting Secretary.

The Commission discussed Articles 4, 5, 6 and 7. During the discussion of Article 4 the Commission asked to change the publication requirements in Sections 4.13, 4.15 and 4.16. References to publishing in a newspaper of general circulation are proposed for deletion and the sections will read as follows:

4.13: "...The Clerk of Council shall cause notice of such public hearing to published one time on electronic media as deemed appropriate by Council ~~and in a newspaper determined by Council to be of circulation within the Municipality~~ **and in three public places as determined by Council** at least fifteen days prior to the date of the public hearing, and when such amendment, revision, change or repeal involves ten or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by certified mail with return receipt requested, at least fifteen days before the date of the public hearing, to the owners of property within contiguous to or directly across the street from such parcel or parcels and within a minimum radius of ~~two~~ **five** hundred feet from any point on the exterior boundary of such parcel or parcels..."

4.15: "...The Clerk of Council shall cause a notice of such proposed revision, codification, recodification, rearrangement or publication of ordinances in book form to be published one time on electronic media as deemed appropriate by Council ~~and in a newspaper determined by Council to be of circulation within the Municipality~~ **and in three public places as determined by Council** at least seven days prior..."

4.16:

"(a) By publication in full once electronic media as deemed appropriate by Council ~~and in a newspaper determined by Council to be of circulation within the Municipality~~ **and in three public places as determined by Council**; or

(b) By publication of its title once on once electronic media as deemed appropriate by Council ~~and in a newspaper determined by Council to be of circulation within the Municipality~~ and in three public places as determined by Council, and such publication shall contain a statement that a copy of the full text of such ordinance or resolution is available for inspection at the office of the Clerk of Council, Miamisburg, Ohio.

The method of publication, in accordance with this section, shall be determined by Council, and the Clerk of Council shall cause such publication to be made.

A failure to public or an omission, delay or error in said publication ~~on the part of a newspaper, its officers, employees or agents~~ **as required by this section** shall..."

- (1) The following Certificate of Publication shall be used when the full text of an ordinance or resolution is published as provided by subsection (a) of this section:

CERTIFICATE OF PUBLICATION

I, the undersigned Clerk of Council of the Municipality of Miamisburg, Ohio, hereby certify that the full text of the foregoing (ordinance or resolution) was published on appropriate electronic media ~~and in the (name of newspaper in which publication took place)~~ and as prescribed by Sections 4.13, 4.15 and 4.16 of the Miamisburg Charter on the _____ day of _____, 20____, ~~and that at such date said newspaper was determined by the Council to be of circulation within the Municipality of Miamisburg, Ohio.~~

Dated this _____ day of _____ 20____.

(Name)

Clerk of Council

Municipality of Miamisburg, Ohio

- (2) The following Certificate of Publication shall be used when the title to an ordinance or resolution is published as provided by subsection (b) of this section:

CERTIFICATE OF PUBLICATION

I, the undersigned Clerk of Council of the Municipality of Miamisburg, Ohio, hereby certify that the title to the foregoing (ordinance or resolution) was published on appropriate electronic media ~~and in the (name of newspaper in which publication took place)~~ and as prescribed by Sections 4.13, 4.15 and 4.16 of the Miamisburg Charter on the _____ day of _____, 20____, ~~and that at such date said newspaper was determined by the Council to be of circulation within the Municipality of Miamisburg, Ohio,~~ and that said publication contained, in addition to the title to the foregoing (ordinance or resolution), a statement that a copy of the full text of such (ordinance or resolution) was available for inspection at the office of the Clerk of Council, Municipal Building, Miamisburg, Ohio.

Dated this _____ day of _____ 20____.

(Name)

Clerk of Council

Municipality of Miamisburg, Ohio

The failure of the Clerk of Council to affix the appropriate "Certificate of Publication" provided hereinabove shall not affect the validity of an otherwise duly and properly enacted ordinance or resolution.

During the discussion about Article 5 the Commission agreed to recommend all references to the City Manager or Manager to read "City Manager" throughout that Article and the entire Charter.

Mr. Gilkison asked the Commission to review Articles 8 through 10. These Articles will be discussed at the next meeting.

The next meeting is scheduled for April 27 at 5:15 p.m.

There being no further business to come before this Commission, a motion was made by Mr. Best to adjourn the meeting.

Respectfully submitted,

A handwritten signature in black ink that reads "Emily Christian". The signature is written in a cursive, flowing style.

Emily Christian

Acting Secretary