

**MAY 3, 2022
PRIMARY ELECTION**

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MAY 3, 2022 PRIMARY ELECTION

CITY OF MACEDONIA

- **Ordinance No. 13-2022**

COUNCIL RDG 2/10/22
COMMITTEE RDG 2/24/22
CITY CLERK RDG 1/1/1
OTHER ACTIONS

ORIGINATOR: COUNCIL
SPONSOR: D. FINLEY

**CITY OF MACEDONIA
ORDINANCE NO. 13 - 2022**

**AN ORDINANCE
PROVIDING FOR SUBMISSION TO THE ELECTORS OF THE CITY OF
MACEDONIA A PROPOSED AMENDMENT TO SECTIONS 4.06 AND 4.07, AND THE
PROPOSED CREATION OF SECTION 4.15, OF THE CITY'S CHARTER RELATIVE
TO MEETINGS OF PUBLIC BODIES OF THE MUNICIPALITY**

WHEREAS, it has become necessary to amend the Sections 4.06 and 4.07, and to create Section 4.15 of the Charter of the City of Macedonia relative to meetings of City Council, as well as to meetings of City boards, commissions, committees and other public bodies of the municipality, so as to allow for regular and/or special meetings (including hearings) to be held virtually in certain circumstances; and

WHEREAS, the Preamble of the City's Charter provides that residents of the City, through the adoption of the Charter, have secured for themselves the benefits of municipal home rule, and the exercise all the powers of local self-government under the Constitution and the laws of the State of Ohio; and

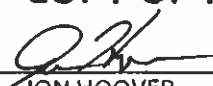
WHEREAS, Section 2.01 of the City's Charter provides the City with all powers which may be possessed or assumed by municipalities under the Constitution and laws of the State of Ohio for local self-government; and

WHEREAS, Section 4.01 of the City's Charter, *inter alia*, provides that Council possesses all legislative power of the City along with all such powers conferred upon municipal legislative bodies by the Ohio Constitution and Ohio Revised Code; and

WHEREAS, Section 4.05 of the City's Charter authorizes Council to, *inter alia*, adopt its own rules, regulations or bylaws; and

WHEREAS, Section 4.09 of the City's Charter authorizes Council to make provision for, *inter alia*, the time and place of regular meetings of Council and the form and method of enactment of its ordinances and resolutions; and

WHEREAS, Section 4.09 of the City's Charter further authorizes Council, *inter alia*, to exercise by ordinance, resolution, or motion all powers of local self-government not inconsistent with the Charter, Ohio Constitution, and Constitution of the United States, and also authorizes Council to enact rules or regulations concerning meetings that are contrary to the general laws of the State of Ohio; and

**CERTIFIED TO BE A TRUE
COPY OF THE ORIGINAL**
 2/28/22
JON HOOVER DATE
CLERK OF COUNCIL
CITY OF MACEDONIA

WHEREAS, public bodies of the municipality, such as Council, the Planning Commission, Board of Zoning and Building Code Appeals, Civil Service Commission, and such other boards, commissions, and committees of the City, are otherwise currently subject to what is known as the Ohio "Open Meetings Act" or more generally the "Sunshine Law"; and

WHEREAS, Section 4.14 of the City's Charter provides *inter alia*, that the organization, powers and duties of boards and commissions can be set forth within the Charter; and

WHEREAS, it has been deemed in the best interest of the health, safety and welfare of City residents to amend Sections 4.06 and 4.07 of the Charter, and to create new Charter Section 4.15, as set forth below; and

WHEREAS, Council desires to provide for submission of this proposed amendment to the electors of the Municipality at the May 3, 2022 primary election.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Macedonia, County of Summit and State of Ohio:

Section 1. That the Charter amendment proposed by Council shall be submitted to a vote of the qualified electors of the City of Macedonia at the primary election to be held on Tuesday, May 3, 2022. Such amendment shall read as indicated in Exhibit "A" attached hereto and incorporated herein by reference.

Section 2. That in the event the foregoing amendment to the City Charter is approved by a majority of the electors voting thereon, such amendments shall become a part of the Charter of the City of Macedonia and shall become effective as provided therein; and the present existing sections or part sections of said Charter shall thereby be deemed repealed as they are affected.

Section 3. The ballot for the determination of this issue shall read as follows:

Shall the Charter of the City of Macedonia be amended to authorize public bodies of the municipality to hold virtual meetings when the public body determines, by the assent of at least two-thirds of its members, that a public health emergency or inclement weather emergency exists?

_____ Yes

_____ No

Section 4. That the Clerk is authorized and instructed to give notice of the proposed amendments in accordance with Ohio Revised Code Section 731.211.

Section 5. That the Clerk is authorized and directed to certify a copy of this Ordinance to the Board of Elections of Summit County, provided it is passed by a two-thirds vote of Council.

Section 6. That this Ordinance be, and hereby is, determined sufficient authority upon filing with the Summit Board of Elections to cause said Board to proceed to place the herein described Charter issue upon the Macedonia City ballot at the May 3, 2022 primary election; and that such authority be deemed granted to the Board by its receipt of a certified copy of this Ordinance from the Clerk of Council.

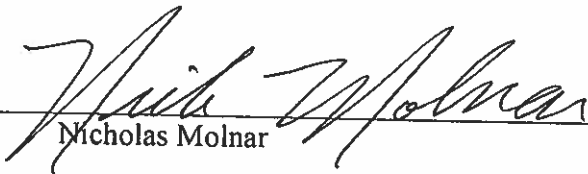
Section 7. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of Council, and of any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.


Section 8. This Ordinance shall become effective upon its adoption by Council and signature by the Mayor or as may otherwise be provided for in law.

PASSED: February 24, 2022

EFFECTIVE: February 25, 2022

POSTED: February 28, 2022

MAYOR: 
Nicholas Molnar

ATTEST: 
Jon Hoover, Clerk of Council

ARTICLE IV
COUNCIL

Section 4.06 Regular Meetings.

The Mayor shall ensure that at the first regularly scheduled meeting of Council of each year, but not later than January 15th of each year, Council shall convene and organize at the Council Chambers of the Municipality, or convene and organize virtually as may be authorized pursuant to Section 4.15 of the Charter. The Mayor, or one appointed by the Mayor, shall preside as Chairman. Thereafter, Council shall meet at such times as may be prescribed by its rules, regulations, by-laws, or by ordinance or resolution, except that it shall hold regular meetings at least once during each calendar month. All regular meetings of Council shall be held at the Council Chambers, or virtually as may be authorized pursuant to Section 4.15 of the Charter, and shall be open to the public in accordance with ordinance.

Section 4.07 Special Meetings.

Special meetings of Council may be called as provided by its rules, regulations and by-laws or by ordinance or resolution and shall be open to the public in accordance with ordinance. Special meetings may be held virtually as authorized by Section 4.15 of the Charter.

Section 4.15 Virtual Meetings of Council and Other Public Bodies.

Council, as well as any other public body of the municipality, may elect to meet virtually in lieu of an in-person meeting, but only in the event that the public body first determines, by the assent of at least two-thirds of its members, that meeting virtually is necessary due to either a public health emergency or due to an emergency caused by inclement weather. Such meetings shall continue to be open to the public in accordance with ordinance.

MAY 3, 2022 PRIMARY ELECTION

CITY OF TWINSBURG

- **Resolution No. 93-2021**
- **Resolution No. 01-2022**

STATE OF OHIO)
)
CITY OF TWINSBURG)
COUNTY OF SUMMIT)

CERTIFICATION

I, SHANNON COLLINS, do hereby certify that I am the duly appointed, qualified Clerk of Council of the City of Twinsburg, Ohio, and that the attached are true and exact copies of the Resolutions and Ordinances below and were adopted by Council of the City of Twinsburg at their Regular Meetings on the dates below for the purpose of the Summit County Board of Elections to place upon the May 3, 2022 ballot.

Ordinance/Resolution

Resolution 93-2021
Resolution 01-2022

Read and/or Adopted by Council

12/7/2021, 12/14/2021 & 1/11/2022
01/11/2022

That publication of the above referenced Resolutions and Ordinances were posted in accordance with requirements stated in the City Charter. Such Resolutions and Ordinances are records in the 2021 & 2022 Legislation Records of the City of Twinsburg, Ohio.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of the City of Twinsburg, this 24th day of January 2022.



Shannon Collins
Clerk of Council

CITY OF TWINSBURG, OHIO

ORDINANCE 93-2021

AN ORDINANCE AMENDING CHAPTER 1151 OF THE CODIFIED ORDINANCES OF THE CITY OF TWINSBURG ALLOWING MEDICAL MARIJUANA DISPENSARIES AS A CONDITIONALLY PERMITTED USE IN THE C-2 AND C-3 ZONING DISTRICTS; AND DECLARING AN EMERGENCY

WHEREAS, the Planning Commission of the City of Twinsburg has reviewed and recommended a proposed amendment to Chapter 1151 of the Zoning & Development Regulations of the City of Twinsburg permitting Medical Marijuana Dispensaries as a conditionally permitted use in the C-2 and C-3 zoning districts in the City of Twinsburg; and

WHEREAS, Council has determined that it is in the best interests of the City of Twinsburg and its residents to establish such conditionally permitted use by proposing an amendment to Chapter 1151 of the City of Twinsburg Planning and Zoning Code; and

WHEREAS, the Planning Commission at its regular meeting of August 16, 2021, discussed, debated and recommended the pros and cons of medical marijuana dispensaries and unanimously determined that use of the conditional use permit process would allow for public hearing and consideration of additional restrictions over and above those already imposed by the Ohio Revised Code on a case by case basis; and

WHEREAS, a public hearing regarding the proposed amendment to Chapter 1151 has been timely noticed and is scheduled for January 11, 2022 at 6:30 PM; and

WHEREAS, the voters of the City of Twinsburg approved Section 7A.01 of the Charter of the City of Twinsburg which provides any change in zoning classifications or districts, or in the uses permitted in any zoning use classifications or districts must be approved by a majority vote of all votes cast of the qualified electors of the City of Twinsburg and of each ward in which the property so changed is located and as such this proposed change will be placed on the ballot.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Twinsburg, County of Summit and State of Ohio:

SECTION 1: That Chapter 1151 of the Zoning and Development Regulations of the City of Twinsburg are hereby amended as follows:

1151.05 CONDITIONALLY PERMITTED USES PRESCRIBED.

Conditional Uses may be authorized in accordance with the foregoing procedures and standards and all applicable regulations of this Ordinance as prescribed in the following schedule:

Use (as defined in Section 1105.01)	District															
	R-2	R-3	R-4	R-5	R-6	R-7	PUD	C-1	C-2	C-3	C-4	C-5	I-1	I-2	I-3	FW
Cemeteries/Mausoleums	X	X	X													
Clubs, Lodges, Fraternities								X	X	X	X	X				
Fast Food Eating Establishments										X						
Adult Day Care							X	X	X	X	X		X	X	X	
Child Day Care							X	X		X	X		X	X	X	
Drive-up service window							X	X	X	X	X	X	X			
Gasoline Service stations/ mini marts										X						
Gov't owned and/or operated parks, playgrounds and recreation	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Helistop										X	X		X	X	X	
Home occupations	X	X	X	X	X	X	X					X				
Live performance theater												X				
Medical Marijuana Dispensaries										X	X					
Mortuaries/funeral homes								X	X	X						
Motor vehicle rental										X						
Public utilities, structures and right of way	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Private Recreational Facilities ¹	X	X	X	X	X	X	X						X	X	X	X
Outdoor dining area							X	X	X	X	X	X				
Temp. Buildings for construction work	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Veterinary clinics/pet daycare								X	X	X						
Telecommunication towers	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Building height exception										X	X	X				
Urgent care									X	X	X	X	X			
Hospital									X	X	X		X			
Automatic Teller Machine ²							X	X	X	X	X		X	X		
Self service mini-storage facility													X	X	X	
Outside Storage													X	X	X	
Outside storage of plant material									X	X						
Religious institution	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

SECTION II: That in accordance with Section 7A.01 of the Charter of the City of Twinsburg Council finds that it is necessary and appropriate to submit the above described use amendment to the electors of the City of Twinsburg.

SECTION III: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meeting or meetings of this Council, and that all deliberations of this Council were in meetings open to the public and in full compliance with all legal requirements, including without limitations, those set forth in Section 121.22 of the Ohio Revised Code.

SECTION IV: That this Ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, safety

welfare and convenience of the citizens of the City of Twinsburg, and for the additional reason of time limitations to meet the board of elections deadline, and provided it receives the affirmative vote of five or more members of Council, it shall take effect and be in force immediately upon its passage and approval of the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

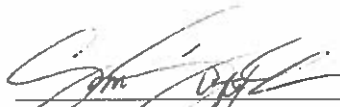
SECTION III: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting or meetings of this Council and any of its committees that resulted in such formal action, were in meetings open to the public and in full compliance with all legal requirements, including without limitations, those set forth in Section 121.22 of the Ohio Revised Code.

SECTION IV: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1/11/2022

APPROVED: 1/12/2022


EFFECTIVE: 1/12/2022



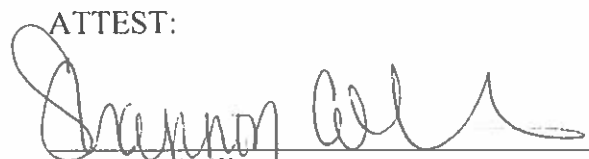
Sam Scaffide, President of Council

Submitted to the Mayor for approval this
11th day of January, 2022

Approved by the Mayor 1/12, 2022



Ted Yates, Mayor

ATTEST:


Shannon Collins
Clerk of Council

1st Rdg. 12/7/2021
2nd Rdg. 12/14/2021

3rd Rdg. 11/11/2022

Passed: 11/11/2022

Yes 7 No 0

CERTIFICATE OF POSTING

I, Shannon Collins, Clerk of Council, of the City of Twinsburg, State of Ohio, do hereby certify that publication of the foregoing ordinances, resolutions was duly made by posting true copies thereof at five of the most public places in said City as determined by Section 113.02 of the Codified Ordinances of the City of Twinsburg, each for a period of fifteen days commencing on the 12 day of January, 2022



Shannon Collins
Clerk of Council
City of Twinsburg

CITY OF TWINSBURG, OHIO

RESOLUTION 01-2022

A RESOLUTION REQUESTING AND AUTHORIZING THE SUMMIT COUNTY BOARD OF ELECTIONS TO PLACE UPON THE CITY OF TWINSBURG BALLOT AT THE PRIMARY ELECTION OF MAY 3, 2022, THE QUESTION OF WHETHER ORDINANCE 93-2021 AMENDING SECTION 1151 OF THE TWINSBURG ZONING AND DEVELOPMENT REGULATIONS ALLOWING MEDICAL MARIJUANA DISPENSARIES AS CONDITIONALLY PERMITTED USES IN C-2 AND C-3 DISTRICTS BE APPROVED

WHEREAS, after having read the Ordinance on three separate occasions and holding a public hearing on January 11, 2022, Council enacted Ordinance 93-2021 proposing to amend Section 1151 of the Twinsburg Zoning & Development Regulations; and

WHEREAS, such Ordinance was favorably recommended by the Planning Commission at its regular meeting of August 16, 2021; and

WHEREAS, Section 7A.01 of the Charter of the City of Twinsburg provides that amendments to the uses permitted or prohibited by the Twinsburg Zoning & Development Regulations must be approved by a majority of the qualified electors of the City; and

WHEREAS, said Ordinance 93-2021 is presently on file and available for inspection in the office of the Clerk of Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Twinsburg, County of Summit and State of Ohio:

SECTION I: That the question of the approval of Ordinance 93-2021 allowing Medical Marijuana Dispensaries by conditional use pursuant to Chapter 1151 of the Twinsburg Zoning & Development Regulations be and the same is hereby directed to be submitted to a vote of the qualified electors of the City at the Primary Election to be held on the 3rd day of May, 2022, at the regular places of polling in said municipality between the hours established by the Summit County Board of Elections.

SECTION II: That the ballot at the top thereof be entitled "APPROVAL OF ORDINANCE 93-2021 AMENDING SECTION 1151.05 OF THE TWINSBURG ZONING AND DEVELOPMENT REGULATIONS" and the question to be separately submitted on said ballot shall be substantially in the words and in the following form

which may however be synopsised on the ballot by reference to an appropriate title to the issue:

“SHALL ORDINANCE 93-2021 AMENDING SECTION 1151.05 OF THE CODIFIED ORDINANCES OF THE CITY OF TWINSBURG BE AMENDED TO ALLOW MEDICAL MARIJUANA DISPENSARIES IN THE C-2 AND C-3 COMMERCIAL DISTRICTS BY WAY OF CONDITIONAL USE PERMIT BE ADOPTED AND APPROVED?”

FOR THE AMENDMENT

AGAINST THE AMENDMENT

SECTION III: That in the event the foregoing ordinance is approved in accordance with Section 7A.01 of the Charter of the City by a majority of all votes cast of the qualified electors of the City and by a majority of those votes cast in the Ward in which said property is located said ordinance shall become effective at the earliest period permitted by law.

SECTION IV: That the Clerk be, and she hereby is, directed to give public notice of the time and place of the holding of such election by publication of such notice in accordance with the Ohio Revised Code and Charter of the City of Twinsburg in a newspaper published and of general circulation in said City.

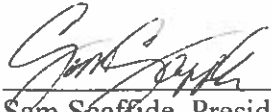
SECTION V: That the Clerk be, and she hereby is, directed to certify a copy of this Resolution to the Board of Elections of Summit County. That this Resolution be, and hereby is, determined sufficient authority upon filing with the Summit County Board of Elections to cause that government body to proceed to place the herein prescribed proposed Issue upon the Twinsburg City ballot at the May 3, 2022 Primary Election, and that such authority be deemed granted to the Board upon receipt of a certified copy of this Ordinance from the Clerk of Council.

SECTION VI: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meeting or meetings of this Council, and that all deliberations of this Council were in meetings open to the public and in full compliance with all legal requirements, including without limitations, those set forth in Section 121.22 of the Ohio Revised Code.

PASSED: 11/11/2022

APPROVED: 11/12/2022

EFFECTIVE: 11/22/2022



Sam Scaffide, President of Council

Submitted to the Mayor for approval this
11 day of January, 2022

Approved by the Mayor 1/12, 2022



Ted Yates, Mayor

ATTEST:



Shannon Collins
Clerk of Council

1st Rdg. 1/11/2022

2nd Rdg. -

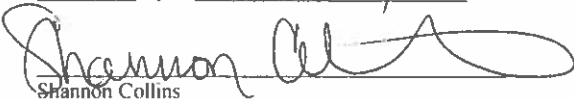
3rd Rdg. -

Passed: 1/11/2022

Yes 7 No 0

CERTIFICATE OF POSTING

I, Shannon Collins, Clerk of Council, of the City of Twinsburg, State of Ohio, do hereby certify that publication of the foregoing ordinances, resolutions was duly made by posting true copies thereof at five of the most public places in said City as determined by Section 113.02 of the Codified Ordinances of the City of Twinsburg; each for a period of fifteen days commencing on the 12 day of January, 2022



Shannon Collins
Clerk of Council
City of Twinsburg