

ORDINANCE NO. 44-17

**AN ORDINANCE SUBMITTING TO THE ELECTORS THE
QUESTION OF ELIMINATING ARTICLE XIII, SECTION 9 OF THE
CITY CHARTER CONCERNING "DETROIT ROAD PRESERVATION"
AND DECLARING AN EMERGENCY**

WHEREAS, the Avon Charter Review Commission, in its final report, has recommended to Council that it submit to the electors the question of eliminating "Detroit Road Preservation", Article XIII, Section 9 of the City Charter; and

WHEREAS, pursuant to Article XIII, Section 7(b) of the City Charter, Council must submit to the electors any proposed amendments to the City Charter recommended by the Charter Review Commission.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
AVON, LORAIN COUNTY, OHIO:**

Section 1 - There shall be submitted to the electors of the City of Avon at the General Election to be held November 7, 2017 at the regular places of voting between the hours of 6:30 A.M. and 7:30 P.M., the question of whether Article XIII, Section 9 of the Avon City Charter, entitled "Detroit Road Preservation" which currently reads as:

Article XIII, Section 9 – Detroit Road Preservation.

Neither Council nor Planning Commission shall act to widen the pavement on Detroit Road (also known as State Route 254 or North Ridge Road) in the City of Avon to more than thirty-six (36) feet, or to divide said pavement into more than three (3) lanes, or to use funds under the control of the City for such a widening or division, except at intersections and approaches to intersections with arterial or collector public streets.

(Enacted 11-4-03)

SHOULD BE AMENDED TO READ AS FOLLOWS:

Article XIII, Section 9 – Detroit Road Preservation.

REPEALED.

(Article XIII, Section 9, entitled "Detroit Road Preservation" shall be removed from the Charter and any references to this section elsewhere in the Charter are deemed null and void and are to be stricken.)

Section 2 - The ballots for said election shall, at the top thereof, be entitled "Proposed Avon Charter Amendments" and the question to be submitted on said ballot shall be in a form as set forth in attached Exhibit A.

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Section 3 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity of Council to submit the Charter Amendments proposed by the Charter Review Commission to the electors of the City of Avon; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Barbara Brooks
Clerk of Council

POSTED: _____

In Five Places as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director

Exhibit "A"

PROPOSED AVON CHARTER AMENDMENT

Article XIII, Section 9 – Detroit Road Preservation.

REPEALED.

(Article XIII, Section 9, entitled "Detroit Road Preservation" shall be removed from the Charter and any references to this section elsewhere in the Charter are deemed null and void and are to be stricken.)

Shall Article XIII, Section 9 of the Avon City Charter entitled "Detroit Road Preservation" be removed?

_____ YES

_____ NO