

1. Agenda - April 8, 2025

Documents:

[CITY OF SUNBURY - CHARTER REVIEW COMMISSION - 4-8-25 AGENDA \(20268740.1\).PDF](#)

2. Meeting Minutes - March 11, 2025

Documents:

[CHARTER REVIEW COMMISSION MIN 3.11.2025.PDF](#)

3. Commission Work Plan

Documents:

[CITY OF SUNBURY - CHARTER REVIEW COMMISSION - REVISED 2025 WORK PLAN\(19995544.1\).PDF](#)

4. Charter Review - Through Article VIII

Documents:

[CHARTER UP TO ARTICLE VIII.PDF](#)



---

**Sunbury Charter Review Commission Agenda**  
**Tuesday, April 8, 2025**  
**5:30 P.M.**

Town Hall  
3rd Floor, Council Chambers  
51 East Cherry Street  
Sunbury, Ohio 43074

---

1. Call to order
2. Approval of Minutes
3. Public Comments
4. Revision of Work Plan
5. Discuss Article VII – Administrative Departments and Personnel Systems
6. Discuss Article VIII – Boards and Commissions
7. Adjourn

*If you have any questions regarding this agenda, please direct them to Rebecca Princehorn, Bricker Graydon LLP, at (614) 227-2302.*



---

Charter Review Commission  
Regular Commission Minutes  
March 11, 2025

Members Present: Amy Berger, Nancy Crawford, Kris Heller, Matt Hochberg, Randy Rentz, Shannon Stark, Joey Thomas

Staff Present: Kaitlin Grafmiller, David Brehm, Rebecca Princehorn (Bricker Graydon)

Others Present: Mayor St. John, Cindi Cooper, Daryl Hennessy

### **Call to Order**

Chairman **Randy Rentz** called the meeting to order.

Roll call was conducted by **Kaitlin Grafmiller** , confirming all members were present.

### **Approval of Minutes**

- **Motioned:** Mr. Rentz
- **Seconded:** Shannon Stark
- **Approval:** Unanimous (7-0) with edits

### **Public Comments**

No attendees wished to make public comments. However, **Ms. Grafmiller** reminded the Commission that City staff received an email from **Mr. Paul Hollar** and the final comments from his initial email are included in their packets.

### **Review of Work Plan**

Ms. Princehorn presented the revised work plan, noting that the Commission will not meet March 25th. She outlined the schedule of article discussions to ensure timely completion for the Charter's placement on the ballot this year.

### **Discussion of Article V - Mayor**

- **Military Powers**
  - Remain with the Mayor per Ohio Revised Code (ORC 705.59 & 733.03).
  - Consistent with other municipalities (e.g., New Albany).
- **Economic Development in Executive Session**

- It was discussed on whether to include economic development discussions to take place in executive session, ultimate it was decided to not include it in the Charter since it is already covered by Ohio Revised Code.
- **Police Department Oversight**
  - If the Mayor is unavailable, the Council President serves as Acting Mayor and assumes emergency powers.
  - Further discussion needed regarding clear delegation of authority.
  - Currently under the Mayor’s supervision.
  - Proposed **transfer of police oversight to the City Manager** for better day-to-day administration.
  - Discussion about whether the **City Manager should reside in Sunbury**—decision made to keep the current flexibility to attract candidates from a broader pool.
    - **No formal residency requirement** but expected responsiveness to emergencies.
- **Emergency Chain of Command:**
  - If the Mayor is unavailable, the Council President serves as Acting Mayor and assumes emergency powers.
  - Further discussion needed regarding clear delegation of authority.
- **Mayor Holding Office or being a Delegate for a Political Party**
  - With the desire to keep Council and the Mayor nonpartisan, there were concerns raised about allowing the Mayor to hold political office or be a political delegate.
    - Mr. Brehm stated that, with First Amendment rights in mind, there was no compelling reason to take this language out of the charter.

## Discussion of Article VI - City Manager

- **Appointment & Qualifications (6.02)**
  - Merit-based appointment clarified.
  - Prohibited from holding other public employment without Council approval.
- **Acting City Manager (6.04)**
  - The City Manager may delegate authority through written correspondence instead of only by letter.

- Discussion about whether the Assistant City Manager should automatically serve as Acting City Manager.
  - Decided to allow flexibility since the position may not always be filled.
- **Suspension & Removal (6.05):**
  - Revised process to align with Loudermill case law (due process for public employees).
  - Key Changes:
    - The City Manager may be suspended or removed by Council resolution.
    - The opportunity to be heard must be provided.
    - Removed specific timeframes (e.g., 5-day/30-day rules) to allow for flexibility.
    - Council has sole discretion over the final decision.
    - Discussion on whether placing the City Manager on paid administrative leave also requires a hearing—awaiting legal clarification from ongoing case law.
- **General Powers & Duties (6.01)**
  - Considered requiring New Community Authorities (NCAs) to publish minutes & agendas.
    - Decided that NCAs are independent bodies and should handle their own records.

### Good of the Order

- Ms. Princehorn stated that next meeting will review **Articles VII & VIII**
  - There is also the possibility to adjust the work plan based on progress made in our review

### Adjournment

- **Motioned:** Ms. Heller
- **Seconded:** Ms. Crawford
- **Approval:** Unanimous (7-0)

The meeting was adjourned.

**Next Meeting:** April 8, 2025



# SUNBURY

## Sunbury Charter Review Commission

### 2025 Work Plan (Revised)

January 28, 2025	Articles I, II
February 11, 2025	Articles III, IV
February 25, 2025	No Meeting
March 11, 2025	Articles V, VI
March 25, 2025	No Meeting
April 8, 2025	Articles VII, VIII
April 22, 2025	Articles IX-XIII
May 13, 2025	Final Review

**CHARTER**  
**OF**  
**SUNBURY, OHIO**



## TABLE OF CONTENTS

	<u>Page No.</u>
PREAMBLE .....	1
ARTICLE I	
NAME, BOUNDARIES, AND FORM OF GOVERNMENT .....	1
1.01 Name .....	1
1.02 Boundaries .....	1
1.03 Form of Government.....	1
ARTICLE II	
POWERS .....	2
2.01 General Powers Granted .....	2
2.02 Exercise of Powers.....	2
2.03 Construction of Powers.....	2
2.04 Cooperative Authority .....	2
ARTICLE III	
COUNCIL.....	3
3.01 Powers of Council.....	3
3.02 Composition, Term and Qualifications.....	4
3.03 Council President .....	4
3.04 Clerk of Council.....	4
3.05 Procedure for Suspension or Removal of the Clerk of Council.....	5
3.06 Council Meetings .....	5
3.07 Council Organization and Rules .....	6
3.08 Salaries of Elected Officials.....	6
3.09 Council Vacancies .....	6
3.10 Forfeiture of Office.....	6
ARTICLE IV	
LEGISLATIVE PROCEDURE .....	8
4.01 Form of Action by Council.....	8
4.02 Introduction of Ordinances and Resolutions.....	8
4.03 Form of Ordinances and Resolutions.....	8
4.04 Reading Ordinances and Resolutions .....	8
4.05 Procedure for Consideration of Legislation.....	8
4.06 Vote Required for Passage.....	9
4.07 Effective Date of Legislation.....	9
4.08 Emergency Ordinances .....	9
4.09 Authentication of Legislation .....	9
4.10 Recording and Certification of Legislation.....	10
4.11 Amendment of Legislation .....	10
4.12 Zoning Ordinances.....	10

4.13	Adoption of Technical Codes .....	10
4.14	Codification.....	11
4.15	Publication of Legislation.....	11
ARTICLE V		
	MAYOR.....	12
5.01	General Powers and Duties.....	12
5.02	Term and Qualifications .....	12
5.03	Acting Mayor.....	13
5.04	Mayoral Vacancy .....	13
ARTICLE VI		
	CITY MANAGER.....	14
6.01	General Powers and Duties.....	14
6.02	Appointment, Qualifications, and Compensation.....	15
6.03	Administration of Employees .....	15
6.04	Acting City Manager.....	15
6.05	6.05 Procedure for Suspension or Removal of the City Manager .....	15
ARTICLE VII		
	ADMINISTRATIVE DEPARTMENTS AND PERSONNEL SYSTEMS .....	17
7.01	Departments .....	17
7.02	Powers, Duties, and Functions.....	17
7.03	Department Directors.....	17
7.04	Director of Law.....	17
7.05	Director of Finance .....	18
7.06	Acting Department and Division Heads .....	18
7.07	Contract Services .....	18
7.08	Administrative Code.....	18
7.09	Personnel Systems .....	18
ARTICLE VIII		
	BOARDS AND COMMISSIONS.....	20
8.01	Creation of Boards and Commissions.....	20
8.02	General Rules for Boards and Commissions .....	20
8.03	Planning and Zoning Commission.....	20
8.04	Board of Zoning Appeals.....	21
8.05	Personnel Board of Appeals.....	21
ARTICLE IX		
	FINANCE, TAXATION, AND CONTRACTING .....	22
9.01	General.....	22
9.02	Contracting Powers and Procedures .....	22

ARTICLE X	
ELECTIONS, RECALL, INITIATIVE, AND REFERENDUM .....	24
10.01 Elections.....	24
10.02 Recall .....	24
10.03 Initiative and Referendum.....	26
ARTICLE XI	
GENERAL PROVISIONS .....	27
11.01 Conflicts of Interest, Ethics, and Campaign Financing .....	27
11.02 Effect of Partial Invalidity .....	27
11.03 Initiative and Referendum.....	27
11.04 Definitions.....	27
ARTICLE XII	
CHARTER REVIEW COMMISSION.....	28
12.01 Composition and Term .....	28
12.02 Duties .....	28
ARTICLE XIII	
TRANSITIONAL PROVISIONS.....	29
13.01 Effective Date of Charter Amendments.....	29
13.02 [2025 Council Election .....	29
One member of Council elected at the 2025 election shall be elected to serve a term of two years.] .....	29
13.03 Succession.....	29

**Charter**  
**of**  
**Sunbury, Ohio**

**PREAMBLE**

We, the people of the City of Sunbury, Ohio, for the purpose of continuing the established plan for fair, efficient, and effective municipal government, securing the benefits of home rule, and exercising the powers of local self-government conferred by the Constitution and laws of the State of Ohio, adopted this Revised Charter, which became effective on January 1, 2026, hereafter referred to as Charter or Revised Charter.

**ARTICLE I**  
**NAME, BOUNDARIES, AND FORM OF GOVERNMENT**

**1.01 Name**

The municipal corporation formerly known as the Village of Sunbury under the general statutes of the State of Ohio shall continue to be a body politic and corporate under the same name under this Charter, known as the “City of Sunbury.” City

**1.02 Boundaries**

The City shall have the same boundaries that exist on the adoption date of the current Charter, with power and authority to change its boundaries and annex territory in the manner authorized by the laws of Ohio. Territory annexed to the City shall immediately be subject to the provisions of this Charter.

**1.03 Form of Government**

The form of government provided for by this Charter shall be known as “Council-Manager Plan.”

[End of Article I]

**ARTICLE II**  
**POWERS**

**2.01 General Powers Granted**

The City shall have all powers possible for a municipal corporation to have under the Constitution and laws of the State of Ohio as fully and completely as though they were specifically enumerated in this Charter.

**2.02 Exercise of Powers**

All powers of local self-government now or hereafter granted under the Constitution and laws of the State of Ohio to municipal corporations shall be exercised in the manner prescribed in this Charter, or to the extent not prescribed thereby, then in such manner as the Council may determine; and, when not prescribed by this Charter or determined by the Council, then in such manner as may now or hereafter be provided by the general laws of Ohio.

**2.03 Construction of Powers**

The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general powers granted in this Charter.

**2.04 Cooperative Authority**

The City may exercise any of its powers, perform any of its functions, and provide related financing, jointly or in cooperation, by contract or otherwise, with any one or more states, including, without limitation, the State of Ohio and any of its political subdivisions, special districts, instrumentalities, divisions, or agencies; the United States or any of its divisions or agencies; or any individual, partnership, corporation, or other type of entity, whether for profit or not-for-profit, unless prohibited by the Constitution of the State of Ohio.

[End of Article II]

**ARTICLE III**  
**COUNCIL**

**3.01 Powers of Council**

(A) All legislative power of the City shall be vested in the Council, except as otherwise provided by this Charter and the Constitution of the State of Ohio. Without limitation of such foregoing powers, the Council shall have and possess the following powers to:

(1) levy taxes and assessments and incur debts subject to the limitations imposed thereon by this Charter and the Constitution and laws of the State of Ohio;

(2) provide for the exercise of all powers of local self-government and utility powers granted to the City by the Constitution of the State of Ohio in a manner not inconsistent with this Charter or the Constitution of the State of Ohio;

(3) adopt and to provide for the enforcement of public safety, public works, building services, and other similar regulations as are not in conflict with the general laws of the State of Ohio;

(4) create, combine, change, and abolish departments, divisions, offices, bureaus, boards, commissions, and committees of the City not specifically created by this Charter;

(5) establish an annual general operating and capital improvements budget;

(6) City adopt a wage, salary, and benefit structure for all positions within the classified and unclassified service, and to provide for such other conditions of employment as deemed proper by the Council;

(7) require such insurance or surety bonds as in the opinion of the Council are necessary for the faithful discharge of the duties of the officers and employees of the City, and the premium for any such insurance or surety bonds shall be paid by the City;

(8) establish the rates or charges made of consumers of all municipal utilities and services;

(9) acquire, sell, or otherwise convey interests in real property, and the power to lease, as lessor or lessee, or otherwise grant or receive interests in real property;

(10) provide for an independent audit of the accounts and records of the City, which may be in addition to audits by State offices and agencies as may be required under the general laws of the State of Ohio;

(11) conduct inquiries and investigations regarding the affairs of the City and the conduct of any department, division, office, bureau, board, commission, or committee of the City, and for this purpose subpoena witnesses, administer oaths, take testimony, and require the production of evidence; and

(12) exercise all other powers granted to the Council by this Charter and by the Constitution and laws of the State of Ohio.

### **3.02 Composition, Term and Qualifications**

(A) The Council shall be composed of seven members, including the Mayor. At the general municipal election to be held in November of 2027, and each four years thereafter, three persons shall be elected from the City at large to serve terms of four years each. At the general municipal election to be held in November of 2029, and each four years thereafter, three persons shall be elected from the City at large to serve terms of four years each. The terms of Council members shall commence as of January 1 of the year immediately following their election.

(B) Candidates for the Council shall have been electors of the City or any area annexed to the City for at least one year immediately prior to the time they file for or are appointed to office, and members of Council shall remain so qualified during their term of office. Members of the Council shall not hold any other public office during a term, except they may (i) hold office in a political party or be a delegate to a political party convention, (ii) serve as a notary public, (iii) serve as a member or officer in the military reserve or national guard, (iv) serve in any office, position or capacity to represent the City or to further intergovernmental cooperation, and (v) hold any office permitted by this Charter or the laws of the State of Ohio.

### **3.03 Council President**

(A) In each even-numbered year during its organizational meeting held pursuant to Section 3.07, the Council shall elect one of its members as the Council President, to serve at the pleasure of the Council. The Council President may be removed, without cause, from the office of Council President at any time by a vote of a majority of the other members of the Council voting on the issue. Any vacancy in the office of Council President shall be filled for the remainder of the term by a majority vote of the Council.

(B) The Council President shall become the Acting Mayor and shall perform the legislative, judicial, and administrative duties of the Mayor in the event of the absence or disability of the Mayor and during the period of any unfilled vacancy in the office of Mayor. The Council President, when serving as the Acting Mayor, shall continue to hold the office of member of Council but shall have only one vote on any matter before the Council, unless otherwise provided in this Charter.

### **3.04 Clerk of Council**

The Council shall appoint a person to serve as the Clerk of Council and an alternate Clerk of Council. The Clerk of Council may hold other office or position of employment in the City. The Clerk of Council shall have those powers, duties, and functions as are provided in this Charter, by the Rules of Council, or by ordinance or resolution of the Council. Included in the duties of the Clerk of Council shall be the maintenance of a record of proceedings of the Council and a record of all ordinances and resolutions adopted by the Council. The Clerk of Council shall give notice of regular and special meetings of the Council to its members, the Mayor, and to the public as may be provided by this Charter, the Rules of Council, or by ordinance or resolution. The Clerk of Council shall be subject to the control of the officers of the Council and the general supervision

of the City Manager. The Council, by ordinance or resolution, may require the Clerk of Council to serve as the secretary of one or more boards and commissions provided for under this Charter.

### **3.05 Procedure for Suspension or Removal of the Clerk of Council**

The Clerk of Council shall serve at the pleasure of Council and may be suspended or removed by Council resolution, which shall include the reasons for suspension or removal. After providing the Clerk of Council with an opportunity to be heard, and after full consideration, the Council may adopt a final resolution of suspension or removal. The decision of Council to suspend or remove the Clerk of Council shall be in the sole discretion of the Council. If the Clerk of Council is suspended or removed from duty as provided under this Section, the alternate Clerk of Council shall become Clerk of Council.

### **3.06 Council Meetings**

(A) The Council shall determine, by a majority vote of its members, the frequency, dates, and times of regular meetings in order to properly conduct its business.

(B) Special meetings of the Council may be called, for any purpose, by the Mayor or any three members of the Council upon at least twenty-four hours' notice to the Mayor and each member of Council, which notice may be served personally, left at the usual place of residence, or provided by electronic notification. In the event the Mayor or any three members of the Council determine an emergency exists, the requirement to provide twenty-four hours' notice shall not apply.

Members of the Council and the Mayor who attend special meetings of the Council or who are present at another regular or special meeting where a special meeting is announced by the presiding officer need not receive notice of the special meeting. Members of the Council and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting. Attendance at a special meeting constitutes a waiver of receipt of notice of such special meeting. Special meetings may be cancelled beforehand by whoever initially called for such special meeting.

(C) Any regular or special meeting of the Council may be adjourned or recessed to another time, date, or place without giving the notice required in subsection (B) of this Section.

(D) All meetings of the Council and of other boards and commissions of the City shall be held in accordance with the general laws of Ohio pertaining to requirements for open meetings of public bodies.

### **3.07 Council Organization and Rules**

The Council shall be a continuing body and shall meet for the purpose of organization at its first meeting in January of each year.

The Council shall adopt, by a majority vote of its members, its own rules (the “Rules”) which shall not conflict with this Charter and which shall remain in effect until amended or repealed by a majority vote of the members of Council. The Rules of Council shall go into immediate effect unless a later date is specified, and the Rules shall not be subject to initiative or referendum. The Rules of Council shall provide for the number, composition, and manner of appointment of committees of the Council and such other matters as the Council shall determine to be necessary for the proper functioning and governance of the Council.

### **3.08 Salaries of Elected Officials**

Once in any calendar year and only as a non-emergency ordinance, the Council may determine the annual compensation and benefits of all elected officials of the City to commence not earlier than January 1st of the following calendar year. In the event that the Council shall fail to establish salaries and benefits as required in this Section, the current salaries and benefits shall remain in effect until changed in accordance with this Section. The initial salary and benefits of elected officials under this Charter shall be the salary and benefits established for each office and in effect on the effective date of this Charter.

### **3.09 Council Vacancies**

(A) A vacancy in the membership of the Council (other than a vacancy in the office of the Mayor that shall be filled pursuant to Section 5.04) shall be filled by a majority vote of the members of the Council (including the Mayor) within 30 days after the vacancy occurs; provided, however, that Council may, by a majority vote of the members of the Council (including the Mayor), extend this period by an additional 30 days. After the applicable 30-day or 60-day period, the power of the Council to fill the vacancy shall lapse, and the Mayor shall fill the vacancy by appointment.

(B) If the vacancy occurs on or after July 1 of the second year of a Council member’s term, the person selected by the Council or appointed by the Mayor to fill such vacancy shall serve for the remainder of that term. If the vacancy occurs on or before June 30 of the second year of a Council member’s term, the person selected by the Council or appointed by the Mayor shall serve until a successor is elected at the next November election. The person so elected in November shall take office on January 1 following such election and shall serve the remainder of the original Council term.

### **3.10 Forfeiture of Office**

(A) The office of a Council member, including the Mayor, shall be forfeited upon a determination that the Council member or the Mayor:

(1) has pled to (including a no-contest plea) or has been convicted of a felony while in office;

(2) has pled to (including a no-contest plea) or has been convicted of any crime involving dereliction of duties while in office;

(3) lacks, or is found to have lacked, at any time prescribed by this Charter, any eligibility requirement of Section 3.02(B);

(4) has violated any prohibition of Section 3.02(B); or

(5) has failed to attend three consecutive regular meetings of Council without being excused by Council.

(B) The Council shall be the sole judge of the grounds constituting forfeiture of office. The Council shall initiate the process to establish grounds for forfeiture of office by motion and shall have the power to subpoena witnesses, administer oaths, take testimony, and require the production of evidence.

(C) Upon finding that grounds exist which subject a Council member or the Mayor to forfeiture of office, the Council shall instruct the Clerk of Council to notify the Council member or the Mayor. The Clerk of Council shall notify the Council member or the Mayor by any method which includes written evidence of receipt. A Council member or the Mayor so notified shall receive a public hearing before the Council to be held no earlier than 10 days nor later than 30 days after the written evidence of receipt.

(D) The Council shall make a final determination by a majority vote of the members of the Council to regard the office of the Council member or the Mayor as forfeited. The Council member or the Mayor subject to forfeiture of office shall also be entitled to vote on such determination. Upon passage of the motion, the office shall be deemed vacant, and the Council shall fill the vacancy of a Council member as provided in Section 3.09 and the vacancy of the Mayor as provided in Section 5.04.

[End of Article III]

**ARTICLE IV**  
**LEGISLATIVE PROCEDURE**

**4.01 Form of Action by Council**

Action by the Council shall be by ordinance, resolution, or motion. Non-legislative action of the Council shall be by motion, including for conducting the business of the Council, for procedural matters, for elections conducted among and appointments made by Council members, and as otherwise provided in this Charter, and all approved motions shall take immediate effect unless otherwise specified by the Council. All other action shall be taken by ordinance or resolution. No action of the Council shall be invalidated merely because the form thereof fails to comply with the provisions of this Section.

**4.02 Introduction of Ordinances and Resolutions**

Any Council member or the City Manager may introduce any ordinance or resolution at a regular or special meeting of the Council. Whenever possible, copies of proposed ordinances and resolutions should be provided to members of the Council in advance of the meeting at which the measure is to be introduced. No action of Council shall be invalidated merely because the prior availability of an ordinance or resolution fails to comply with the provisions of this Section.

**4.03 Form of Ordinances and Resolutions**

(A) The form and style of ordinances and resolutions shall be determined by the Rules of Council.

(B) Each ordinance or resolution shall contain only one subject, which shall be expressed in its title; provided that appropriation ordinances may contain the various subjects, accounts, and amounts for which monies are appropriated, and that ordinances and resolutions which are codified or recodified are not subject to the limitation of containing one subject.

**4.04 Reading Ordinances and Resolutions**

Each ordinance and resolution shall be read on three separate days, unless this requirement is dispensed with by an affirmative vote of at least five Council members. Readings shall be by title only, unless the Council requires a reading to be in full by an affirmative vote of at least four Council members. Copies of each ordinance and resolution shall be available for public inspection at the meetings of the Council at which the ordinance or resolution is considered.

**4.05 Procedure for Consideration of Legislation**

The procedures for Council meetings and public hearings on legislative action taken by the Council shall be determined by the Rules of Council. The vote on legislation shall be entered in the minutes or other record of Council proceedings.

#### **4.06 Vote Required for Passage**

Unless otherwise provided in this Charter, all action taken by the Council shall be by an affirmative vote of at least four Council members; provided, however, that if there are one or more vacancies on the Council, all references in Article III to a “majority vote” of the members of the Council shall mean a majority of the remaining members of the Council.

#### **4.07 Effective Date of Legislation**

(A) All resolutions and the following types of ordinances shall take immediate effect upon adoption, unless a later time is specified by the Council:

- (1) appropriations of money;
- (2) annual tax levies for current expenses;
- (3) improvements petitioned for by owners of the requisite majority of the front footage or of the area of the property benefited and to be assessed;
- (4) ordinances directing an election or submitting a question to the electorate, including any election proceedings relating thereto;
- (5) approvals of a revision, codification, recodification, rearrangement, or publication of ordinances; and
- (6) emergency ordinances.

(B) Unless otherwise provided in this Charter, all other ordinances shall become effective 30 days after their adoption or at any later date specified by the Council.

#### **4.08 Emergency Ordinances**

(A) An emergency ordinance shall be in the form and manner prescribed for legislation generally, except that each emergency ordinance shall declare that it is necessary for the immediate preservation of the public peace, health, safety, or welfare in Sunbury, and shall specify the nature of the emergency.

(B) An ordinance may be adopted as an emergency ordinance by an affirmative vote of at least five Council members on the emergency provision. If an emergency ordinance fails to receive an affirmative vote of at least five Council members on the emergency provision but receives a majority vote for passage, the ordinance shall become effective as a non-emergency ordinance.

#### **4.09 Authentication of Legislation**

Each ordinance and resolution shall be authenticated by the signature of the presiding officer of the Council and the Clerk of Council. Any failure or refusal to sign shall not invalidate an otherwise properly enacted ordinance or resolution.

#### **4.10 Recording and Certification of Legislation**

Each ordinance and resolution shall be recorded in a book or other record prescribed by the Council. The Clerk of Council or a designee shall, upon request of any person and upon the payment of a fee if established by the Council, certify true copies of any ordinance or resolution, which certified copies shall be admissible as evidence in any court.

#### **4.11 Amendment of Legislation**

(A) A pending ordinance or resolution may be amended at any time prior to its passage by the Council, and such amendment shall not require additional readings of the ordinance or resolution.

(B) Any enacted ordinance or resolution, including the codified ordinances or resolutions of the City, may be amended by the passage of subsequent ordinances or resolutions that revise existing sections or parts thereof, enact new or supplemental sections or parts thereto, or repeal existing sections or parts thereof. This subsection does not prevent, prohibit, or preclude repeals by implication.

#### **4.12 Zoning Ordinances**

(A) Ordinances establishing, amending, revising, changing, or repealing zoning classifications, districts, uses, or regulations may be introduced by any member of Council, a majority vote of the Planning and Zoning Commission, or as otherwise provided by ordinance. The Council shall determine, by ordinance, all procedures to be followed by the Council and the Planning and Zoning Commission with respect to zoning within the City and other land use regulations and matters, including, without limitation, public hearings, notices to owners of land, and notices to the general public.

(B) An affirmative vote of at least five Council members shall be necessary to pass any zoning ordinance which differs from the written recommendations of the Planning and Zoning Commission, but in no event shall a zoning ordinance be considered as having passed unless it receives an affirmative vote of at least four Council members.

#### **4.13 Adoption of Technical Codes**

(A) The Council may, by ordinance, adopt, augment or vary technical codes for the purpose of drawing on the latest scientific and technological advances, including, without limitation, construction standards and such other matters as the Council may determine to be appropriate for adoption by reference, so long as such technical codes do not conflict with the general laws of the State of Ohio.

(B) An ordinance adopting any technical code shall make reference to the date and source of the technical code without reproducing it at length in the ordinance, and such ordinance may provide for the automatic adoption of future amendments to such technical code without subsequent legislative action by the Council. In such cases, publication of the technical code shall not be required. A copy of each technical code and a copy of the adopting ordinance shall be authenticated and recorded by the Clerk of Council as provided in Sections 4.09 and 4.10. If the

technical code is amended after its adoption by reference and Council did not provide for the automatic adoption of such amendments, the Council may adopt the amendment by incorporation by reference under the same procedure established for the adoption of the original technical code.

#### **4.14 Codification**

By a majority vote of the members of Council, the Council may cause the ordinances and resolutions of the City to be revised, codified, recodified, rearranged, or published, and such action shall become effective immediately upon approval thereof and may contain new legislation therein. Any such codification shall be maintained, updated, and supplemented every year in the manner prescribed by the Council, and copies thereof shall be available from the Clerk of Council for public use.

#### **4.15 Publication of Legislation**

Unless otherwise provided by this Charter, ordinances and resolutions shall be published after adoption by the Council. As used in this Section, the term “publish” shall mean posting the ordinance or resolution or a summary thereof on the City’s website and taking such other actions to provide public notice as may be required by the Council. Failure to publish an ordinance or resolution as required by this Section shall not invalidate such legislation, and in such event, the Clerk of Council may authorize the ordinance or resolution to be published at a later date. The Clerk of Council shall make all legislation approved by the Council available for public inspection at the office of the Clerk of Council.

[End of Article IV]

**ARTICLE V**  
**MAYOR**

**5.01 General Powers and Duties**

(A) The Mayor is a member of the Council and shall have all the powers, rights, and duties of a Council member, as described in this Charter.

(B) In addition to such powers, rights, and duties as a Council member, the Mayor shall:

(1) preside over all Council meetings;

(2) act as a Council member and have the right to vote on all matters before the Council, but the Mayor shall have no veto power;

(3) perform all ceremonial duties and functions as necessary for non-administrative purposes;

(4) exercise all judicial powers and functions granted to mayors of municipal corporations by the laws of the State of Ohio and applicable court rules;

(5) have authority and discretion to appoint a magistrate, with approval of the Council, to hear and determine prosecutions of traffic and criminal cases subject to the laws of the State of Ohio;

(6) act as the chief spokesperson for the City in dealing with other governments, unless otherwise delegated to the City Manager;

(7) exercise military powers and functions granted to mayors of municipal corporations by the laws of the State of Ohio or the United States; and

(8) perform or exercise such other powers, duties, and functions as provided by this Charter and the Rules of the Council, to the extent such Rules are consistent with this Charter.

**5.02 Term and Qualifications**

(A) The Mayor shall be elected by separate ballot. CityAt the general municipal election to be held in November of 2023, and each four years thereafter, one person shall be elected from the City at large to serve a term of four years as the Mayor, which term shall commence as of January 1 of the year immediately following each election.

(B) Candidates for Mayor shall have been electors of the City or any area annexed to the City for at least one year immediately prior to the time they file for or are appointed to office, and during a term of office the Mayor shall remain so qualified. The Mayor shall not hold any other public office during a term, except that the Mayor may (i) hold office in a political party or be a delegate to a political party convention, (ii) serve as a notary public, (iii) serve as a member or officer in the military reserve or national guard, (iv) serve in any office, position or capacity to represent the City or to further intergovernmental cooperation, and (v) hold any office permitted by this Charter or the laws of the State of Ohio. The Mayor need not be a full-time official of the City and may hold other employment as permitted by the laws of the State of Ohio, including all ethics laws.

### **5.03 Acting Mayor**

In the event of the temporary absence of both the Mayor and Council President, the senior Council member, based on length of continuous elected service with the City, shall serve as the Acting Mayor to exercise the powers and perform the duties of the Mayor. If two or more Council members have held the same length of continuous elected service with the City, then an Acting Mayor shall be chosen from among those two or more Council members by a majority vote of the remaining Council members. Other than the absent Mayor and Council President, all remaining members of the Council present at the Council meeting for the vote on selecting the Acting Mayor must vote, and no candidate for Acting Mayor may abstain from such a vote.

### **5.04 Mayoral Vacancy**

Any vacancy in the office of Mayor shall be filled by the Council President. If the person holding the office of Council President rejects succession to the office of Mayor, such person shall resign from the office of Council President, and the Council shall select a new Council member to serve as Council President and fill the office of Mayor. If the vacancy occurs on or after July 1 of the second year of the Mayor's term, the Council President shall serve for the remainder of the Mayor's unexpired term. If the vacancy occurs on or before June 30 of the second year of the Mayor's term, the Council President shall serve until a successor is elected at the next November election, and the person so elected shall take office on January 1 following such election and shall serve for the remainder of the Mayor's term and the Council President shall return to serving his or her original term as a member of Council and, if applicable, continuing to serve as Council President; provided, however, that if the Council President is elected to fill the Mayor's unexpired term, the Council shall fill the resulting vacancy on the Council as provided in Section 3.09.

In the event of a vacancy in the office of Mayor that requires the Council President to serve as the Mayor, the Council shall fill the vacancy on the Council as provided in Section 3.09. However, nothing herein shall prevent the Council President from completing his or her original full term as a Council member. The person chosen to fill the Council President's vacancy on Council shall serve a term as Council member equal to the term that the Council President serves as Mayor. In the event that the Council President's original term expires while filling the Mayor's unexpired term, the new Council President shall assume the remainder of the Mayor's unexpired term.

[End of Article V]

**ARTICLE VI**  
**CITY MANAGER**

**6.01 General Powers and Duties**

(A) The City Manager shall be the chief administrative officer of the City. The City Manager shall be responsible to the Council for the administration of all affairs of the City placed in the City Manager's charge by or under this Charter, the legislation of the City, and the laws of the State of Ohio.

(B) Without limitation of the powers and duties stated in Section 6.01(A), the City Manager or designee shall:

- (1) appoint, promote, suspend, remove, or otherwise discipline any employee of the City, and as otherwise provided by or under this Charter or by law, and subject to the provisions of Sections 7.09 and Section 8.05 pertaining to personnel systems and appeals;
- (2) direct and supervise the administration of all departments, offices, and agencies of the City, and as otherwise provided by this Charter or by law;
- (3) attend all regular and special Council meetings with the right to participate in discussions and introduce ordinances and resolutions, but not to vote;
- (4) assist as needed to enforce within the City all laws, provisions of this Charter, and legislation of the City;
- (5) prepare and submit budgets and capital programs to the Council, and implement the final budget approved by the Council;
- (6) keep the Council fully advised as to the financial condition and future operating and capital needs of the City and make such recommendations to the Council concerning the affairs of the City as the City Manager deems desirable;
- (7) submit to Council and make available to the public complete records of the financial and administrative activities of the City;
- (8) make such other reports as the Council may require concerning the operation of departments, divisions, offices, boards, commissions, bureaus, and agencies of the City;
- (9) provide staff support services for the Council, the Mayor, and the City's boards, commissions, and committees;
- (10) execute on behalf of the City all contracts, leases, deeds, easements, conveyances, and agreements;

(11) delegate to subordinate employees of the City any duties conferred upon the City Manager by this Charter or by Council action, and hold them responsible for the faithful discharge of such duties; and

(12) perform such other powers, duties, and functions as are conferred or required by this Charter, the Council, or by the laws of the State of Ohio.

## **6.02 Appointment, Qualifications, and Compensation**

(A) The Council shall appoint the City Manager.

(B) The City Manager shall be appointed on the basis of executive and administrative qualifications. The City Manager need not be a resident of the City. The City Manager shall not hold any elective public office or other public or private employment unless the other public or private employment is approved by a majority vote of the Council.

(C) The Council shall determine the compensation of the City Manager.

## **6.03 Administration of Employees**

Except for the purpose of inquiries and investigations under Section 3.01(A)(11), elected officials of the City shall deal with City employees who are subject to the direction and supervision of the City Manager solely through the City Manager. No elected official of the City shall in any manner direct or demand the hiring or termination of any City employee whom the City Manager is empowered to hire, but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to the hiring and termination of such employees.

## **6.04 Acting City Manager**

The City Manager shall designate by written correspondence, filed with the Clerk of Council, an employee of the City to exercise the powers and perform the duties of the City Manager during a temporary absence or disability of the City Manager. If such designation has not been made and the City Manager is unable to perform his or her duties or to make such a designation, the Council may appoint an employee of the City to serve as the Acting City Manager until the City Manager resumes his or her duties. The Council may revoke any designation of Acting City Manager, whether such designation was previously made by the Council or by the City Manager, at any time and appoint another employee of the City to serve as the Acting City Manager.

## **6.05 6.05 Procedure for Suspension or Removal of the City Manager**

The City Manager shall serve at the pleasure of Council and may be suspended or removed by Council resolution, which shall include the reasons for suspension or removal. After providing the City Manager with an opportunity to be heard, and after full consideration, the Council may adopt a final resolution of suspension or removal. The decision of Council to suspend or remove the City Manager shall be in the sole discretion of the Council. If the City Manager is suspended or removed from duty as provided under this Section, the Council shall appoint an Acting City Manager.

[End of Article VI]

**ARTICLE VII**  
**ADMINISTRATIVE DEPARTMENTS AND PERSONNEL SYSTEMS**

**7.01 Departments**

The City shall have a Department of Law, a Department of Finance, a Police Department, and such other departments as the Council may create. Except for the Department of Law and the Department of Finance, the Council may abolish, combine, merge, change, or alter any department of the City.

**7.02 Powers, Duties, and Functions**

Departments of the City shall have those powers, duties, and functions as provided in this Charter and by the Council.

**7.03 Department Directors**

(A) Departments of the City shall be under the supervision of each department's respective director.

(B) The Chief of Police shall be appointed and removed by the City Manager, subject to the consent and approval of the Council, and the Chief of Police shall serve at the pleasure of the City Manager and the Council subject to Section 7.03(C). The Director of Law and the Director of Finance shall be appointed and removed by the City Manager, subject to the consent and approval of the Council, and the Director of Law and the Director of Finance shall serve at the pleasure of the City Manager and the Council. All other directors shall be appointed by the City Manager and shall serve at the pleasure of the City Manager. The City Manager may serve as the director of one or more departments or may appoint one person as the director of two or more departments.

(C) Notwithstanding the City Manager's authority to appoint and remove the Chief of Police pursuant to Section 7.03(B), the Council may propose the suspension or removal of the Chief of Police by a resolution of the Council, which shall include the reasons for suspension or removal and which resolution must receive an affirmative vote of at least five Council members. After providing the Chief of Police with an opportunity to be heard, and after full consideration, the Council may adopt a final resolution of suspension or removal, which resolution must also receive an affirmative vote of at least five Council members. If the Chief of Police is suspended or removed from duty as provided under this Section, the City Manager may appoint an Acting Chief of Police pursuant to Section 7.06.

**7.04 Director of Law**

(A) The Director of Law shall be an attorney-at-law duly authorized and licensed to practice law in the State of Ohio.

(B) The Director of Law shall be legal counsel for the City and shall represent the City in any proceedings before any court or before any administrative board or body, including serving as Prosecutor of the Mayor's Court. Subject to the approval of the Council, the Director of Law,

where appropriate, may alternatively facilitate representation of the City by the hiring of assistant(s) or engaging outside counsel. The Director of Law shall perform other duties as required by this Charter, by legislation of the Council, and by the City Manager. The Director of Law shall not be required to represent any school district or any other unit of government other than the City.

#### **7.05 Director of Finance**

The Director of Finance shall be the chief financial officer of the City; shall exercise the powers, duties, and functions as required by the laws of the State of Ohio, this Charter, legislation of the Council, and by the City Manager; and shall provide full and complete information concerning the financial affairs and financial status of the City as required by the City Manager and the Council.

#### **7.06 Acting Department and Division Heads**

In the event of a vacancy or the temporary absence or disability of the head of any administrative department or division authorized by or created pursuant to this Charter, the City Manager may appoint an acting head of the department or division until the vacancy is filled or the temporary absence or disability is removed.

#### **7.07 Contract Services**

Professional services not otherwise provided for in this Charter may be provided by way of contract engagements authorized by the Council. The Council may substitute or supplement services to be provided by municipal personnel through contracts with other political subdivisions or other government agencies or by contracts with private persons, firms, corporations, or other entities.

#### **7.08 Administrative Code**

Subject to the provisions of this Charter, Council shall adopt and may amend an administrative code (the “Administrative Code”) which shall provide, in detail, the organization of the City’s government, define the powers and duties of each organizational unit, and set forth administrative procedures. Amendments to and revisions of the Administrative Code shall be made by the Council. Where the Administrative Code is silent as to a matter or function, the officers and employees of the City shall have and may exercise all the powers and duties provided for similar officers and employees under the laws of the State of Ohio. However, provisions of the Administrative Code shall supersede those of the general laws of the State of Ohio in case of conflict to the fullest extent permitted by law.

#### **7.09 Personnel Systems**

(A) All appointments and promotions of employees of the City shall be made on the basis of merit and fitness demonstrated through a competitive selection process to the extent practicable and except as otherwise provided by the Council.

(B) The Council shall establish a classified and unclassified service for employees of the City. The Council shall include as a part of the Administrative Code, adopted pursuant to Section 7.08, a section or sections to define and govern the classified and unclassified service of the City. All original appointments and promotions to full-time positions within the Police Department below the level of Chief of Police shall be within a classified service.

(C) Appointments to and removal from all elected and appointed offices, including the City's boards, commissions, and committees, shall be made in accordance with the specific applicable provisions of this Charter or the specific applicable legislation of the Council, and shall not be subject to Sections 7.09(A) and (B).

(D) The laws of the State of Ohio governing the retirement of employees of municipalities shall be applicable to City employees under this Charter.

[End of Article VII]

**ARTICLE VIII**  
**BOARDS AND COMMISSIONS**

**8.01 Creation of Boards and Commissions**

The City shall have a Planning and Zoning Commission, a Board of Zoning Appeals, and a Personnel Board of Appeals as set forth herein and such other boards and commissions as may be created by the Council.

**8.02 General Rules for Boards and Commissions**

The following general rules shall govern boards and commissions:

(A) each board or commission created by the Council shall consist of at least three members;

(B) compensation, terms, appointments, and removals shall be determined by the Council unless otherwise provided in this Charter;

(C) each member of a City board or commission shall be and shall remain an elector of the City during the term of appointment unless otherwise provided by the Council;

(D) a vacancy occurring during the term of any member of a board or commission shall be filled for the unexpired term in the same manner as the original appointment;

(E) each vacancy shall be filled within 60 days or as soon as practicable if no acceptable candidates can be found within such time;

(F) each board and commission shall establish its own rules of order to be approved by the Council;

(G) members of boards and commissions shall serve without compensation unless otherwise provided by the Council; and

(H) all meetings of boards and commissions shall be open to the public, except as allowed by the laws of the State of Ohio.

**8.03 Planning and Zoning Commission**

(A) The Planning and Zoning Commission shall consist of six voting members who are electors of the City. The Mayor shall be an automatic and permanent member of the Planning and Zoning Commission. In addition to the Mayor, the Council shall appoint one of its members to be a member of the Planning and Zoning Commission who shall serve at the pleasure of Council and shall be subject to such term on the Planning and Zoning Commission as specified by the Council but not exceeding the remainder of that Council member's term on the Council. The Council shall appoint the other four members of the Planning and Zoning Commission to serve overlapping three-year terms with two members' terms ending on December 31 of every third year. These citizen members shall not hold any other office or employment with the City.

(B) Any school district with territory that overlaps the territory of the City may appoint a representative of such school district to the Planning and Zoning Commission who shall be permitted to participate in the meetings of such Commission without having a vote on any matter before such Commission.

(C) The Planning and Zoning Commission shall have the power and duty to hear applications for land use, zoning classifications, or districts and, as merited, to submit written recommendations for legislative action or to render final determinations for administrative action; to initiate, review, and recommend legislation, rules, and regulations on all matters of municipal planning, land use, and zoning classification; and to exercise such other powers, duties, and functions as provided by the Council.

(D) The Planning and Zoning Commission shall select its own officers annually. All action taken by the Planning and Zoning Commission shall be by an affirmative vote of at least four members thereof.

#### **8.04 Board of Zoning Appeals**

(A) The Board of Zoning Appeals shall consist of six voting members who are electors of the City, provided that these citizen members shall not hold any other office or employment with the City. The Council shall appoint the Board of Zoning Appeals to serve overlapping three-year terms with two members' terms ending on December 31 of each year.

(B) The Board of Zoning Appeals shall have the power and duty to hear and decide appeals for exceptions to and variances in the application of resolutions, ordinances, regulations, other legislative measures, and administrative determinations governing zoning in the City, as may be required to afford justice and avoid unreasonable hardship. The Board of Zoning Appeals may make advisory recommendations to the Council and the Planning and Zoning Commission concerning zoning matters, and the Board of Zoning Appeals shall exercise such other powers, duties, and functions as provided by the Council.

(C) The Board of Zoning Appeals shall select its own officers annually. All action taken by the Board of Zoning Appeals shall be by an affirmative vote of at least four members thereof.

#### **8.05 Personnel Board of Appeals**

(A) The Personnel Board of Appeals shall consist of three members who shall serve overlapping three-year terms with one member's term ending on December 31 of each year.

(B) The Personnel Board of Appeals shall have the power and duty to hear appeals from administrative determinations made pursuant to the Administrative Code, and such other powers, duties, and functions as provided by the Council.

[End of Article VIII]