

**ORDINANCE NO. 51-18**

**AN ORDINANCE SUBMITTING TO THE ELECTORS  
THE QUESTION OF AMENDING THE CHARTER OF THE CITY OF AVON  
TO REPEAL ARTICLE V, SECTION 7 THEREBY ELIMINATING  
THE POSITION OF DIRECTOR OF PARKS  
AND DECLARING AN EMERGENCY**

**WHEREAS**, the Avon Charter Review Commission convened in 2017 and in its final report, recommended to Council that it submit to the electors the question of eliminating the City's Parks and Recreation Commission, Article VII, Section 3 of the City Charter; and

**WHEREAS**, the voters supported that recommendation and on November 7, 2017, voted to remove the Commission from the Charter; and

**WHEREAS**, at the start of his new term in office, the Mayor assigned some of the duties of the Parks Director to the existing Recreation Coordinator and the remaining duties to the City's Service Director; and

**WHEREAS**, this reorganization has gone well over the first six (6) months of the year and now the Administration is recommending the next step in that process, i.e., the elimination of the position of Director of Parks under Article V, Section 7 of the City Charter and the creation of the unclassified, full-time position of Parks Superintendent; and

**WHEREAS**, pursuant to Article XII, Section 1, the Council may, by an affirmative vote of at least two-thirds (2/3) of the membership of the legislative authority, submit to the electors any proposed amendment or amendments to the City Charter; and

**WHEREAS**, Council, having discussed at length the issue of eliminating the position of Director of Parks under Article V, Section 7 of the City Charter with the Administration, finds it to be in the best interests of the health, safety and welfare of the community to adopt the Administration's recommendation to eliminate said position from the Charter and continue to reorganize and reassign the tasks for the City's parks to a soon to be created Park Superintendent to better serve the residents of the City.

**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 6, 2018 at the regular places of voting between the hours of 6:30 A.M. and 7:30 P.M., the question of whether Article V, Section 7 of the Avon City Charter, entitled "Director of Parks" which currently reads as:

Article V, Section 7 – Director of Parks

(a) **Terms of Employment.** The Director of Parks shall be appointed by the Mayor with the concurrence of a majority of the membership of the legislative authority, not to exceed the Mayor's term of office. The Director of Parks may be removed from office by the Mayor,

but such removal shall not take place without the concurrence of two-thirds (2/3) of the membership of the legislative authority. Council shall provide, by ordinance, for the salary and benefits of the position of the Director of Parks. Council shall have no authority to reduce the salary and benefits of the Director of Parks, during the term of the appointment.

(b) **Duties.** The Director of Parks shall have charge of all of the City's parks and park lands, of facilities, buildings and structures located thereon, of underground works and improvements therein, of improvements made to all of them, and of all engineering and inspections associated therewith. The Director of Parks shall be charged with the construction, improvement, repair, management and maintenance of all park lands, and facilities, buildings and structures located thereon, and all underground works and improvements therein. The Director of Parks shall have charge of the making and preservation of all surveys, maps, plans, drawings and estimates for public works relating to the City's parks and park lands, and facilities, buildings and structures located thereon, and all underground works and improvements therein. The Director of Parks shall have the right to make reasonable requests for aid and support from the City's Director of Public Service and the City's Service Department, and such aid and support shall not be unreasonably withheld. The Director of Parks shall report to the Council and the Mayor as directed by the Mayor, shall attend and report to the Parks and Recreation Commission at each of its regular meetings. The Director of Parks shall perform such other duties, consistent with this office, as may be required by this Charter or as directed by the Mayor. (Enacted 11-3-98; Amended 11-4-03)

**SHOULD BE AMENDED TO READ AS FOLLOWS:**

Article V, Section 7 – Director of Parks.

**REPEALED.**

(Article V, Section 7, entitled “Director of Parks” 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 Amendment" and the question to be submitted on said ballot shall be in a form as set forth in Exhibit “A”.

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 proposed Charter Amendment 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.

By: \_\_\_\_\_  
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR \_\_\_\_\_

\_\_\_\_\_  
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
John A. Gasiar, Law Director

ATTEST:

\_\_\_\_\_  
Barbara Brooks  
Clerk of Council

POSTED: \_\_\_\_\_  
In Five Places as  
Provided by Council

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

**Exhibit "A"**

**PROPOSED AVON CHARTER AMENDMENT**

**Shall Article V, Section 7 entitled "Director of Parks" be REPEALED?  
Any references to this section or to the "Director of Parks" elsewhere in  
the Charter are deemed null and void.**

Duties of the Director of Parks have been re-assigned to other Municipal employees.

\_\_\_\_\_ YES

\_\_\_\_\_ NO