

No. **RESOLUTION NO. 21-26** *Passed* September 7, Yr. 2021

A RESOLUTION DIRECTING THE BOARD OF ELECTIONS OF MONTGOMERY COUNTY TO PLACE ON THE NOVEMBER 2, 2021 BALLOT A REFERENDUM ON ORDINANCE 2021-04.

WHEREAS, Ordinance 2021-04 entitled AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF PART LOT 1743 OF THE CITY OF BROOKVILLE FROM ITS PRESENT CLASSIFICATION OF R-1B (PD) URBAN RESIDENTIAL PLANNED DEVELOPMENT OVERLAY DISTRICT TO THE NEW CLASSIFICATION OF (PR) PLANNED RESIDENTIAL DISTRICT was approved by the Council of the City of Brookville on August 3, 2021; and

WHEREAS, the City of Brookville Charter Section 10.02 provides a procedure for referendum on any ordinance or resolution passed by the Council, except for ordinances and resolutions that take effect under the provisions of division (A) of Section 4.07 of the Charter, if within 30 days of its passage, a petition signed by electors equal in number to ten percent of the number of votes cast at the last preceding regular municipal election is filed with the Clerk of Council requesting that such ordinance or resolution be submitted to a vote of the electors; and

WHEREAS, a petition for referendum on Ordinance 2021-04 was filed with the Clerk of Council on August 27, 2021; and

WHEREAS, the petition for referendum was submitted to the Montgomery County Board of Elections for verification of petition signatures; and

WHEREAS, the Montgomery County Board of Elections found that the required number of valid signatures to place this Ordinance on the ballot is 117 valid signatures, and the Board of Elections verified 464 valid signatures on the petition; and

WHEREAS, the Montgomery County Board of Elections has verified that the committee of petitioners and all circulators of the petition are registered electors who reside within the City of Brookville; and

WHEREAS, the Clerk of Council has certified to City Council that the petitions are sufficient to require that the referendum be placed on the ballot.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:

SECTION I: The Board of Elections of Montgomery County, Ohio is directed to place on the ballot, in the election to be held on November 2, 2021, a referendum on Ordinance 2021-04. The form of the ballot as may be modified by the Board of Elections or Secretary of State's Office shall read substantially as follows:

REFERENDUM ON ORDINANCE 2021-04:

SHALL ORDINANCE 2021-04 AMENDING THE ZONING CLASSIFICATION OF PART LOT 1743 OF THE CITY OF BROOKVILLE FROM ITS PRESENT CLASSIFICATION OF R-1B (PD) URBAN RESIDENTIAL PLANNED DEVELOPMENT OVERLAY DISTRICT TO THE NEW CLASSIFICATION OF (PR) PLANNED RESIDENTIAL DISTRICT BE APPROVED?

_____ YES

_____ NO

SECTION II: The Clerk of Council is directed to certify a copy of Resolution 21-24 to the Board of Elections of Montgomery County, Ohio, and to take all necessary actions to place this issue on the ballot.

SECTION III: This Resolution shall take effect immediately after passage of this Ordinance as provided by Section 4.07 (A) (3) of the Charter of the City of Brookville, Ohio.

PASSED this 7th day of September 2021.

ATTEST:


Michelle Brandt, Acting Clerk


Charles Letner, Mayor

CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Resolution No. 2021-24 , passed by the Council of the City of Brookville, Ohio, on the 7th day of September, 2021.


Michelle Brandt, Acting Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Resolution No. 2021-24 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 8th day of September 2021, to the 7th day of October 2021, both days inclusive.


Michelle Brandt, Acting Clerk