

RESOLUTION NO. 41-12
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Paul Gusham ON
THE 17th DAY OF September, 2012.

A RESOLUTION AUTHORIZING THE SUBMISSION TO A VOTE OF THE QUALIFIED ELECTORS OF THE CITY OF CENTERVILLE A REFERENDUM ON ORDINANCE NO. 10-12.

WHEREAS, Ordinance No. 10-12 was adopted and approved by the Centerville City Council on July 17, 2012; and

WHEREAS, Ordinance No. 10-12 called for the rezoning of 63.939 acres of land, more or less located North of Social Row Road, West of Sheehan Road and East of Paragon Road; and

WHEREAS, Centerville Charter Section 5.07 provides a procedure for referendum pursuant to the Ohio Revised Code; and

WHEREAS, on August 3, 2012, John and Diane Wysong submitted for filing with the Finance Director a certified copy of Ordinance No. 10-12; and

WHEREAS, on August 15, 2012, John and Diane Wysong on behalf of a self-styled group called Social Row CPR, submitted for filing 89 part petitions requesting a referendum on Ordinance No. 10-12; and

WHEREAS, on August 27, 2012, the Finance Director submitted the petitions to the Montgomery County Board of Elections for verification of petition signatures; and

WHEREAS, on September 6, 2012, the Montgomery County Board of Elections informed the Finance Director that the number of signatures required to place the referendum on the ballot was 1,135; and

WHEREAS, the Montgomery County Board of Elections found that the petition contained at least 1,135 valid signatures; and

WHEREAS, City staff reviewed the petitions as to form and determined that the petitions were found to be in order; and

WHEREAS, on September 7, 2012, the Finance Director certified the sufficiency and validity of the petitions to the Montgomery County Board of Elections; and

WHEREAS, the Montgomery County Board of Elections requested legislation from the City of Centerville directing it to place the referendum issue on the Ballot at the next general election;

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. The Montgomery County Board of Elections is hereby requested to place the referendum of Ordinance No. 10-12 on the ballot as follows:

REFERENDUM ON ORDINANCE NO. 10-12
(By Petition)

CITY OF CENTERVILLE

A majority affirmative vote is necessary for passage.

THE FULL TEXT IS POSTED AT THIS POLLING LOCATION

SHALL ORDINANCE NO. 10-12, PROPOSING TO REZONE 63.939 ACRES OF LAND, MORE OR LESS, LOCATED NORTH OF SOCIAL ROW ROAD, WEST OF SHEEHAN ROAD AND EAST OF PARAGON ROAD FROM R-1C, SINGLE-FAMILY RESIDENTIAL WITH A NR, NEIGHBORHOOD RESIDENTIAL OVERLAY ZONE CLASSIFICATION, TO O-PD, OFFICE PLANNED DEVELOPMENT WITH A NC, NEIGHBORHOOD CENTER OVERLAY ZONE CLASSIFICATION IN THE SOUTHERN 25.426 ACRES; AND TO R-PD, RESIDENTIAL PLANNED DEVELOPMENT WITH A NR, NEIGHBORHOOD RESIDENTIAL OVERLAY ZONE CLASSIFICATION IN THE NORTHERN 38.514 ACRES, ADOPTED BY CITY COUNCIL BE OVERTURNED?

_____ YES

_____ NO

SECTION 2. The referendum shall be submitted to a vote of the qualified electors of the City at the next general election as allowed by law, at the regular place or places of voting in this City as established by the Greene and Montgomery County Boards of Elections and during the election hours established by the same Boards of Elections or by state law.

SECTION 3. A majority vote shall be necessary for passage of the Referendum. Notice of the time and place of holding such election shall be given as required by law.

SECTION 4. The Clerk of Council is hereby directed to certify a copy of this Resolution to the Montgomery County Board of Elections as soon as possible. The Montgomery County Board of Elections will then inform the Greene County Board of Elections of the overlapping ballot issue.

SECTION 5. If the Referendum is not approved by a majority of the electors voting hereon, then the approved Ordinance No. 10-12 shall go into effect five days after the Montgomery County Board of Elections certifies the vote.

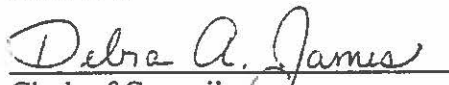
SECTION 6. This Resolution shall take place at the earliest time allowed by law.

PASSED THIS 17th day of September, 2012



Mayor of the City of Centerville, Ohio

ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 41-12, passed by the Council of the City of Centerville, Ohio on the 17th day of September, 2012.



Clerk of the Council

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions
Department of Law
Scott A. Liberman
Municipal Attorney