

**AN ORDINANCE
TO WITHDRAW FROM CONSIDERATION AT THE
NOVEMBER 3, 2015, GENERAL ELECTION A PROPOSAL
SUBMITTED BY INITIATIVE PETITION TO AMEND THE
ZONING CODE AND ZONING MAP OF THE VILLAGE OF
CHAGRIN FALLS BY CHANGING THE ZONING OF
CERTAIN PARCELS OF LAND OWNED BY THE VILLAGE,
COMMONLY KNOWN AS RIVERSIDE PARK, AND
DECLARING AN EMERGENCY.**

WHEREAS, under the Ohio Constitution. electors of the Village of Chagrin Falls have the legal right to submit an initiated ordinance to the Village by petition; and

WHEREAS, certain electors of the Village of Chagrin Falls have exercised that right; and

WHEREAS, on July 27, 2015, this Council passed Ordinance No. 2015-25 submitting an ordinance to the electors of the Village at the November 3, 2015 general election, which ordinance to change the zoning of certain parcels of land owned by the Village, commonly known as Riverside Park, (the "Initiated Ordinance"), which is denominated "Issue 18" on the November 3, 2015, general election ballot; and

WHEREAS, subsequent to conversations between the Mayor and the Petitioners, in a letter to the Law Director dated October 26, 2015, counsel for the Petitioners requested that this Council pass an ordinance to remove the Initiated Ordinance from consideration at the November 3, 2015, election, which ordinance (in conjunction with the petitioner's letter) would direct the Cuyahoga County Board of Elections not to count the ballots cast for or against the initiated ordinance; and

WHEREAS, the letter from petitioners' counsel is appended hereto as "Exhibit A;" and

WHEREAS, the Council, in support of the rights of the petitioners, is enacting this Ordinance of Council to remove the Initiated Ordinance from official consideration at the November 3, 2015 election.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE
OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:**

SECTION 1. That pursuant to the letter of the Petition sponsors, a copy of which is attached hereto and incorporated herein by reference as "Exhibit A," there be, and hereby is, withdrawn from the November 3, 2015 general election the Initiated Ordinance to change the zoning of land owned by the Village, commonly known as Riverside Park.

SECTION 2. That the Board of Elections shall not count the votes of Issue 18, which is on the ballot for the general election to be held on November 3, 2015.

SECTION 3. That the Clerk be, and hereby is, authorized and directed to submit a certified

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INTRODUCED BY: COUNCIL & MAYOR

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copy of this Ordinance to the Cuyahoga County Board of Elections forthwith.

SECTION 4. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 5. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 6. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of this Village and for the further reason that this Ordinance must be immediately effective so that the Clerk of Council may deliver this Ordinance to the Cuyahoga County Board of Elections at the earliest possible time so as to remove the proposed issue from consideration at the 2015 general election; wherefore, provided it receives the requisite number of affirmative votes of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED: October 26, 2015



Council President

Submitted to the Mayor for
his approval on this

27 day of October, 2015

Approved by the Mayor

October 27, 2015



Mayor

I hereby certify that Ordinance No. 2015- 43 was duly enacted on the 26 day of October, 2015, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.



Clerk of Council

EXHIBIT "A"

KENNETH J. FISHER CO., L.P.A.

ATTORNEYS AT LAW

2100 TERMINAL TOWER

50 PUBLIC SQUARE • CLEVELAND, OHIO 44113-2204

KENNETH J. FISHER
DENNIS A. NEVAR

October 26, 2015

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AND REGULAR U.S. MAIL

Stephen L. Byron, Law Director
Village of Chagrin Falls
c/o Walter Haverfield LLP
The Tower at Erieview
1301 East Ninth Street, Suite 3500
Cleveland, Ohio 44114

**Re: Village of Chagrin Falls/Protect Riverside Park Committee
November 3, 2015 Election - Ballot Issues 17 and 18**

Dear Law Director Byron:

As you are aware, the undersigned represents the Protect Riverside Park Committee (the "Committee"), whose circulation of Initiative Petitions resulted in Village Council's adoption of Ordinance Nos. 2015-25 and 2015-26 and the subsequent placement of Issues 17 and 18 on the November 3, 2015 election ballot.

This correspondence shall confirm that the Committee hereby requests that Village Council enact all necessary legislation directing the Cuyahoga County Board of Elections to **not** count the results of Issues 17 and/or 18. The instant correspondence is **subject** to Village Council's adoption of the enclosed Ordinance submitting a proposal authorizing the design, construction and maintenance of parking facilities on a portion of Riverside Park to the electors at the November 8, 2016 election. Further, it is my understanding that, separate from a formal moratorium, the Village will not seek to construct surface parking in Riverside Park prior to certification of the results of the November 8, 2016 election.

Thank you for giving this matter your attention and do not hesitate to contact me with any questions.

Very truly yours,



Kenneth J. Fisher

KJF/dan
enc.
cc: Client

Diana A Nazelli, Treasurer
Riverside Park Preservation Committee
40 Hastings Lane, Chagrin Falls, OH 44022

To: Village of Chagrin Falls Mayor, Administrator and Council Members:

The Riverside Park Preservation Committee agrees to withdraw the November 3, 2015 ballot initiatives issues 17 and 18 by agreeing to have the votes not counted by Cuyahoga County Board of Elections.

Committee Members

Date 23 October 2015

Diana A. Nazelli

Shirley Ashby

Ellen Hunt

Joyce Pappas

Bob Halliday

Ruth L. Carlton

Anne Wombwell deCoringh

Janine Bauman

Michael W. Lott

Caranda Moran

Elaine Halliday