

**KIRTLAND CITY CHARTER
PROPOSED AMENDMENTS**

QUESTIONS AND ANSWERS

Q: What is a City Charter?

A: A Charter is, in essence, a constitution for a municipal government. It is prepared by local people to meet local needs.

Q: What function does a City Charter perform?

A: A Charter establishes a structure and a framework for local government.

Q: Why was the Charter for the City of Kirtland reviewed in 2020?

A: The Charter recognizes that it may need to be changed as the needs of the community change. It directs that a Charter Review Committee be appointed at the beginning of each decade.

Q: Who appointed the members of the 2020 Charter Review Committee?

A: The Charter provides that “the Mayor shall appoint a Charter Review Committee...”

Q: How were the members of the Charter Review Committee selected?

A: Committee members were selected by a combination of recommendations by members of Council and the Mayor’s own list.

Q: Did City Council have an opportunity to sign off on the Committee membership?

A: Yes. While the Charter Review Committee was appointed by the Mayor, it was approved by Council.

Q: Were all areas of the City included in the membership of the Committee?

A: Yes. The Charter provides that the Committee must be composed of two electors from each ward and one elector at large.

Q: Who were the electors appointed to the Committee?

A: Ward 1: Cathleen Knaak and Richard DeMarco;
Ward 2: James Young (Chair) and B. Lawrence Allen;
Ward 3: John Clapacs (Vice-Chair) and Sheila Dikowicz;
Ward 4: David Freeburg and Michael Young; and
At-Large: Katriona Torok (Secretary).

Q: Were the members of the Committee paid?

A: No.

Q: What process did the Charter Review Committee follow?

A: The Committee held multiple public meetings. The Committee was divided into subcommittees to consider each aspect of the Charter; comments were solicited from all elected officials, department heads and several civic leaders. At the conclusion of the process, the Committee's recommendations were submitted to City Council.

Q: What role do the people of Kirtland have in changing the Charter?

A: The Charter Review Committee can only make recommendations. The final decision on the proposed changes will be made by the voters at the November election.

Q: What did the Committee recommend?

A:

1. Eliminate the Lake County residency requirement for directors of City departments;
2. Grant the Mayor discretion, with Council approval, to appoint a Charter Review Committee more frequently than once per decade; and
3. Revise the procedure for approving a change in zoning classification and zoning district to eliminate the requirement for voter approval and to prohibit a future Council from declaring the changes an "emergency" legislation.

Q: Why eliminate the Lake County residency requirement?

A: The residency requirement was included in Kirtland's original Charter, which was approved by the voters in 1970. At that time, many Ohio cities were enacting residency requirements. In 2009, the Ohio Supreme Court held that municipal residency requirements violate State law.

Q: Why allow the establishment of a Charter Review Committee more often than once per decade?

A: Unlike the provision in the Charter that requires the Mayor to appoint a Charter Review Committee every ten years, this provision merely gives the Mayor the option to establish a Committee at other times if the Mayor thinks it necessary. The 2020 Charter Review Committee believes that ten years can be too long a period to address a matter of concern. Of course, City Council would still have to approve the Committee members and the voters would still have to approve any recommendations.

Q: Why did the Committee recommend elimination of the mandatory vote by the electorate on all zoning changes?

A: The zoning amendments process in Kirtland currently takes 9 to 19 months due to the necessity to place all changes on the ballot. For many developers, the delay is too long. Finding a balance between ensuring that a project is well vetted, ensuring that citizen voices are heard and ensuring a reasonable time frame for decision making is critical for a city's development.

The Kirtland Charter Review Committee has proposed eliminating the Charter provision mandating a vote of the electorate on all changes to zoning classification or district but prohibiting a future City Council from rushing through zoning changes as "emergency" legislation. Both the Planning and Zoning Commission and City Council would still have to hold public hearings and then vote to approve the zoning change. The prohibition on declaring the zoning legislation as an "emergency" legislation is intended to eliminate a future Council's ability to have the legislation become effective as of the date of passage (instead of the traditional 30-day delay until it is effective). The purpose of prohibiting the "emergency" declaration is to

allow the voters to commence the referendum process if desired. The proposed change should reduce the process to approximately five to eight months. Recently the City of Eastlake dropped its mandatory referendum for zoning changes. The Eastlake Mayor attributed the change to a development that resulted in more than 100 new jobs.

The Committee believes that with multiple public hearings, with the affirmative vote of both the Planning and Zoning Commission and the City Council, with the requirement that the change not take place for 30 days after passage, and with the rights of citizens to obtain a vote through referendum, it was not necessary to have a public vote on every zoning change.