

KIRTLAND CITY COUNCIL MINUTES

December 3, 2018

The meeting of Kirtland City Council was called to order at 7:19 p.m. by Council President Kevin Potter. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: David Kirek, John Lesnick, Richard Lowery, Kevin Potter, Matthew Schulz, Robert Skrbis and Joseph Smolic.

Administrative personnel present were: Mayor Douglas E. Davidson, Law Director Daniel Richards, City Engineer Philip Kiefer, Police Chief Lance Nosse, Fire Chief Anthony Hutton and Economic Development Manager Monica Drake.

ORGANIZATIONAL MEETING:

RESOLUTION NO. 18-R-52
(Council as a Whole)

- A RESOLUTION RECORDING THE ELECTION OF THE PRESIDENT OF COUNCIL FOR THE TERM ENDING NOVEMBER 30, 2019, AND DECLARING AN EMERGENCY.

Mr. Potter announced that nominations were open for the Office of President of Council. Mr. Lowery nominated Mr. Potter, with the second by Mr. Lesnick. There being no further nominations, Mr. Lesnick moved to close the nominations, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY AND SCHULZ. VOTING NAY: NONE. ABSTAINING: POTTER).**

RESOLUTION NO. 18-R-53
(Council as a Whole)

- A RESOLUTION RECORDING THE ELECTION OF THE COUNCIL PRESIDENT PRO TEMPORE FOR THE TERM ENDING NOVEMBER 30, 2019, AND DECLARING AN EMERGENCY.

Mr. Potter announced that nominations were open for the Office of Council President Pro Tempore. Mr. Smolic nominated Mr. Schulz, with the second by Mr. Lowery. There being no further nominations, Mr. Lesnick moved to close the nominations, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY AND POTTER. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

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ADJOURN INTO EXECUTIVE SESSION:

Mr. Lowery moved to adjourn into executive session to discuss personnel matters, pursuant to Article I, Section 7(a) of the City Charter for the purpose of discussing Resolution No. 18-R-54. Mr. Skrbis provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SCHULZ).** The executive session convened at 7:23 p.m.

RETURN TO REGULAR SESSION:

Mr. Skrbis moved to adjourn the executive session, with the second by Mr. Lesnick. The motion passed by unanimous vote, and the executive session adjourned. Mr. Skrbis moved to reconvene the regular meeting, with the second by Mr. Lesnick. The motion passed by unanimous vote, and the regular meeting reconvened at 7:39 p.m.

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ORGANIZATIONAL MEETING (continued):

RESOLUTION NO. 18-R-54
(Council as a Whole)

- **A RESOLUTION APPOINTING DENISE A. ROELLE AS CLERK OF COUNCIL AND ESTABLISHING WAGE AND DUTIES, AND DECLARING AN EMERGENCY.**

Read by title only. Mr. Skrbis moved to amend Resolution No. 18-R-54, Section II, to remove the compensation amount of One Thousand Two Hundred Twelve Dollars and Twenty-Six Cents (\$1,212.26) and replace it with One Thousand Three Hundred Dollars (\$1,300.00). Mr. Kirek provided the second.

ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SCHULZ). Mr. Skrbis moved to waive the three readings, with the second by Mr. Lowery.

ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SCHULZ. VOTING NAY: NONE). Mr. Skrbis moved to declare an emergency and adopt the resolution as amended, with the second by Mr. Lesnick.

ROLL CALL: ADOPTED 7/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SCHULZ. VOTING NAY: NONE).

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Mr. Skrbis moved to suspend the rules of Council to return to Resolution No. 18-R-52 and Resolution No. 18-R-53 to complete the adoption of the legislation. Mr. Kirek provided the second, and the motion passed by unanimous vote.

RESOLUTION NO. 18-R-52
(Council as a Whole)

- **A RESOLUTION RECORDING THE ELECTION OF THE PRESIDENT OF COUNCIL FOR THE TERM ENDING NOVEMBER 30, 2019, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Lesnick moved to waive the three readings, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY AND SCHULZ. VOTING NAY: NONE. ABSTAINING: POTTER).** Mr. Skrbis moved to declare an emergency and adopt the legislation recording Mr. Potter as President of Council. Mr. Lesnick provided the second. **ROLL CALL: ADOPTED 6/0/1 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY AND SCHULZ. VOTING NAY: NONE. ABSTAINING: POTTER).**

RESOLUTION NO. 18-R-53
(Council as a Whole)

- **A RESOLUTION RECORDING THE ELECTION OF THE COUNCIL PRESIDENT PRO TEMPORE FOR THE TERM ENDING NOVEMBER 30, 2019, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY AND POTTER. VOTING NAY: NONE. ABSTAINING: SCHULZ).** Mr. Lowery moved to declare an emergency and adopt the legislation recording Mr. Schulz as Council President Pro Tempore. Mr. Lesnick provided the second. **ROLL CALL: ADOPTED 6/0/1 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY AND POTTER. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

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ORGANIZATIONAL MEETING (continued):**RESOLUTION NO. 18-R-55
(Council as a Whole)**

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A RESOLUTION RELATING TO ESTABLISHING RULES, TIME AND PLACE OF COUNCIL MEETINGS FOR THE PERIOD FROM DECEMBER 1, 2018, THROUGH NOVEMBER 30, 2019, AND DECLARING AN EMERGENCY.

Read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SCHULZ. VOTING NAY: NONE).** Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SCHULZ. VOTING NAY: NONE).**

REGULAR MEETING:**MINUTES OF THE NOVEMBER 19, 2018 WORK SESSION:**

Mr. Kirek moved to waive the reading of the minutes, with the second by Mr. Lowery. The motion of Council passed by unanimous vote. Mr. Kirek moved to approve the Minutes, as presented, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SCHULZ. VOTING NAY: NONE).**

MINUTES OF THE NOVEMBER 19, 2018 COUNCIL MEETING:

Mr. Lowery moved to waive the reading of the minutes, with the second by Mr. Kirek. The motion of Council passed by unanimous vote. Mr. Lowery moved to approve the Minutes, as presented, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SCHULZ. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the monthly report has been distributed. Responding to an inquiry from Councilman Smolic regarding maintenance on older vehicles, Chief Hutton advised that the two engines are now up-to-date on maintenance. Chief Hutton noted that the vehicle maintenance costs have increased due to some costly repairs, but the Department should be in good shape going into next year.

Referring to a murder/fire that occurred in another city recently, Councilman Schulz inquired if other Departments are involved in such a situation. Chief Hutton stated that Kirtland did not respond to the Mayfield call but has participated in other fatal fires and homicide fires. Chief Hutton stated that for the West Lake County Fire Investigation Unit, Kirtland is the center for getting those calls out. Chief Hutton stated that Kirtland firefighters respond to other communities, as well as other Departments responding in Kirtland; he noted that Kirtland had a fatal fire on Route 306 this past summer. Chief Hutton stated that Kirtland works closely with the other Departments, noting that some of the firefighters are trained to the advanced fire investigative level.

Responding to an inquiry from Councilman Lesnick regarding the amount of calls outside the City of Kirtland, Chief Hutton stated that it has been extremely busy with structure fires, noting that it is usually very busy between Thanksgiving and New Year's Day. Noting that 28 EMS calls are noted in the report, Mr. Lesnick inquired if there is compensation for responding outside the City. Chief Hutton stated that most of the Departments use the same billing company, and the insurance companies are billed. It was noted that there is reciprocity between the Departments.

DEPARTMENT REPORTS (continued):

Police Chief Lance Nosse advised that the monthly report has been distributed. Chief Nosse congratulated the Kirtland football team, noting that they did a fantastic job; he noted that the Department escorted them to and from the freeway.

Chief Nosse advised that the City received another platinum award this year from AAA for being one of the safe communities.

Councilman Lowery thanked the Chief for addressing the problems with the property on Hobart Road relating to parking of vehicles, noting that he believes the residents are satisfied.

Responding to an inquiry from Councilman Lesnick, Chief Nosse stated that the fire calls shown on his report come through Dispatch and therefore are logged on his report.

Economic Development Manager Monica Drake stated that she followed up from the Committee meeting and provided some bullet points to Councilman Lowery, after reviewing how various communities address architectural review. Ms. Drake stated that she set up a meeting with Lakeland Community College to determine what they can provide in the development of a strategic plan.

Council President Potter thanked Ms. Drake for her input during the work session.

City Engineer Philip Kiefer advised that his monthly report has been distributed. Mr. Kiefer stated that he talked to the engineer that prepared the road report with regard to attending the next Council meeting. Noting that he is the City Engineer for the City of Wickliffe, their Council meeting was moved from the last Monday in December to December 17 at 7:00, but he would be available for an early work session. It was agreed that a work session be scheduled for 5:30 p.m. on December 17 to discuss the road report.

Councilman Smolic inquired about the drainage and culvert work on Route 306, noting that it is not listed in the City Engineer's report. Mr. Kiefer advised that the drainage work is not part of the Route 306 resurfacing contract, noting that the City can do the work in the spring. Mr. Smolic inquired if the City is bound to do the drainage work as part of the in-kind work. Mr. Kiefer responded "no", but the City needs to cut down the berm where it is higher than the road and trapping water. Mr. Kiefer noted that this can be done in the spring and seeded in late April or May. Mr. Smolic inquired if all of the issues with the culverts have been corrected. Mr. Kiefer stated that he would have to defer that question to Mr. Catania.

Answering Councilman Lesnick regarding the scheduled work session next meeting with the engineer from CT Consultants, Mayor Davidson stated that the purpose is to interpret the report and have the engineer explain his work.

Law Director Daniel Richards did not present a formal report. Mr. Richards stated that he will look into the question asked by Councilman Skrbis during the work session.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Davidson stated that the City is in the process of a search for a new Finance Director, noting that the position is listed on the Ohio Public Treasurers Association website and it is also listed on the Municipal Finance Officers Association website. The Mayor stated that there have been discussions on shared services with some different entities, noting that he is keeping the Council President up-to-date.

The Mayor stated that the City is also in the process of advertising for a new Service Director, in recognition of Mr. Catania's planned retirement in March. He noted that resumes are being collected.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mayor Davidson noted that the Department Heads put together their initial departmental budget requests.

Mayor Davidson thanked the Garden Club for completing the decoration of City Hall; he noted that the Service Department did an excellent job with the donated lights.

The Mayor thanked Ed Jurrus for providing the stud wall support in Council Chambers; he noted that drywall repair was discussed, but it appears that the problem is structural.

With December 7 approaching, Mayor Davidson noted that former Mayor Jim Naughton always reminded him to acknowledge Pearl Harbor Day on December 7.

Mayor Davidson congratulated the Kirtland Hornets on the State Championship win. The Mayor also congratulated the girls' and boys' soccer teams.

Answering Councilman Lesnick, Mayor Davidson stated that he is the Director of Public Works, and the Service Director position is subordinate to the Director of Public Works. The Mayor stated that approximately 20 resumes have been received for the position, noting that four or five could be potential candidates. The Mayor noted that he has been working with Councilman Schulz in the initial sorting of the resumes.

Noting that there has been discussion about having Jenna Hull attend Council meetings from time to time, Council President Potter requested that she be asked to attend one of the January meetings, prior to beginning budget discussion in February. Mr. Potter stated that Councilman Lesnick and Councilman Lowery have not yet had the opportunity to meet her in an official capacity. Mayor Davidson stated that he will contact her.

STANDING COMMITTEE REPORTS:

With regard to the alternative energy ordinance, Councilman Lowery stated that the Planning and Zoning Standing Committee has asked Council members to share the ordinance with professionals in the industry. Mr. Lowery noted that he expects the Planning and Zoning Standing Committee to meet again soon to finalize this ordinance. Mr. Lowery stated that the Committee is also reviewing the fee ordinances, and he expects that a new fee structure will be proposed relating to Sections 236.07 and 236.09.

Councilman Schulz noted that the Police and Fire Standing Committee will meet briefly following tonight's meeting to approve the minutes of the meetings of 9/17/18 and 10/4/18. It was noted that the Public Relations, Planning and Zoning, Service Department and Utilities Standing Committees will also meet briefly to approve minutes from their last meetings.

CORRESPONDENCE:

Council President Potter reported on the following:

1. Invitation from Historic Kirtland Visitors' Center for the nativity exhibit from November 25 to December 31, 2018. Mr. Potter noted that they have exhibits from all over the world. He noted that he attended their annual lighting ceremony a couple weeks ago and it was an excellent event.
2. Public notice from the Ohio EPA regarding waterfront improvements at First Energy in Eastlake.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Sterling Coleman, 7636 Markell Road, stated that he believes the shared resources for the safety forces is a big efficiency savings for the City. Mr. Coleman inquired if there are funds remaining for Markell Road to be striped. Mayor Davidson replied that he does not have an answer at this time.

OLD BUSINESS:

ORDINANCE NO. 18-O-31 - (Tabled) - AN ORDINANCE ADOPTING CHAPTER 1468
(Council President Potter) OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND RELATING TO ALTERNATIVE ENERGY.

Councilman Lesnick noted that he receives information from industry experts. He noted that one issue is the restriction that solar panels cannot be placed on the front of the house; it may be too restrictive because that may be the only place to put them. The legislation remains tabled.

RESOLUTION NO. 18-R-45 - (Third Reading) - A RESOLUTION CONFIRMING THE
(Mayor Davidson) APPOINTMENT OF TIMOTHY K. POWELL AS THE ZONING INSPECTOR FOR THE CITY OF KIRTLAND, PURSUANT TO CONTRACT FOR A PERIOD OF ONE YEAR AND TO THE EXTENT OF THIS CONTRACTUAL ARRANGEMENT ONLY, AND DECLARING AN EMERGENCY.

Law Director Richards recommended that Council suspend its rules in order to act on Ordinance No. 18-O-56 amending Section 1262.01 before acting on this Resolution.

Mr. Lesnick moved to suspend Council Rules to consider Resolution No. 18-R-45 at the end of the agenda. Mr. Lowery provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SCHULZ. VOTING NAY: NONE).**

ORDINANCE NO. 18-O-49 - (Second Reading) - AN ORDINANCE PROVIDING
(Mayor Davidson) TEMPORARY APPROPRIATIONS FOR THE THREE-MONTH PERIOD ENDING MARCH 31, 2019.

Read by title only and placed on Second Reading.

ORDINANCE NO. 18-O-50 - (Second Reading) - AN ORDINANCE DESIGNATING
(Mayor Davidson) FINANCIAL INSTITUTIONS AS PUBLIC DEPOSITORIES.

Read by title only and placed on Second Reading.

NEW BUSINESS:

ORDINANCE NO. 18-O-56 - AN ORDINANCE AMENDING SECTION 1262.01 OF THE
(Council President Potter) CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO THE POSITION OF ZONING INSPECTOR, AND DECLARING AN EMERGENCY.

Read by title only. Responding to Council President Potter, Law Director Richards confirmed that the Ordinance amends Section 1261.01 to allow for a written contract with the Zoning Inspector.

NEW BUSINESS – ORDINANCE NO. 18-O-56 (continued):

Councilman Schulz requested clarification of the language in Section 1262.01(d)(6), regarding attendance at Council and Planning and Zoning Commission meetings as required. Mayor Davidson stated that it is his understanding that the Zoning Inspector will attend all Council and Planning and Zoning Commission meetings. Council President Potter noted that it is referenced in the potential contract.

In response to inquiries from Council, Mr. Richards stated that the only amendment to Section 1262.01 is to include the option of a written contract, which will provide flexibility and administrative efficiency. Mr. Richards noted that it still requires participation from both the Mayor and City Council.

Councilman Lowery requested clarification of language in Section 1262.01(a) that states the Zoning Inspector shall be appointed by the Mayor and/or Council. Mr. Richards stated that this language has not been changed, and it will require involvement from both.

Following discussion, Mr. Lowery moved to waive the three readings, with the second by Mr. Lesnick. It was confirmed that the Zoning Inspector appointment still requires a 2/3 vote of Council. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SCHULZ. VOTING NAY: NONE).** For clarification, Council President Potter stated that the amendment gives the Mayor and Council the ability to offer a contract versus an appointment for an indefinite term. Mr. Lesnick moved to declare an emergency and adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SCHULZ. VOTING NAY: NONE).**

RESOLUTION NO. 18-R-57
(Mayor Davidson)

- **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF ROBERT B. MURCH TO THE BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY.**

Read by title only. Mr. Skrbis moved to waive the three readings, with the second by Mr. Kirek. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SCHULZ. VOTING NAY: NONE).** Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Lesnick. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SCHULZ. VOTING NAY: NONE).**

ORDINANCE NO. 18-O-58
(Mayor Davidson)

- **AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.**

Read by title only. Mr. Richards stated that the Ordinance relates to the annual updating of the Codified Ordinances. In response to an inquiry from Councilman Skrbis, it was noted that the updated Codified Ordinances are available online, and Council members are not required to maintain a paper copy unless that is their preference. Mr. Richards noted that the Courts need a printed copy of the Codified Ordinances. It was noted that any Council member that would like the updated printed pages should notify the Clerk of Council. Responding to Councilman Lesnick, Mr. Richards confirmed that the Codification company includes all updates to the Code. It was noted that the updated Codified Ordinances are available on the City's website.

NEW BUSINESS – ORDINANCE NO. 18-O-58 (continued):

Mr. Lowery moved to waive the three readings, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SCHULZ. VOTING NAY: NONE).** Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Lesnick. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SCHULZ. VOTING NAY: NONE).**

ORDINANCE NO. 18-O-59 - **AN ORDINANCE AMENDING ORDINANCE NO. 18-O-11 (Mayor Davidson) RELATING TO THE APPROPRIATION FOR THE YEAR 2018.**

Read by title only and placed on First Reading. Responding to an inquiry from Councilman Skrbis, Mayor Davidson confirmed that this Ordinance must be adopted before the end of this year. It was noted that any Council questions can be forwarded to Councilman Lesnick or Councilman Kirek for submission to the Finance Director.

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CONTINUING CONCERNS:

None.

COUNCIL COMMENTS:

Council President Potter thanked Mr. Kiefer for his assistance during the work session this evening.

PUBLIC COMMENTS:

None.

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ADJOURN INTO EXECUTIVE SESSION:

Mr. Skrbis moved to adjourn into executive session to discuss personnel matters, pursuant to Article I, Section 7(a) of the City Charter, for the purpose of discussing Resolution No. 18-R-45. Mr. Lowery provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SCHULZ. VOTING NAY: NONE).** The executive session convened at 8:32 p.m.

RETURN TO REGULAR SESSION:

Mr. Kirek moved to adjourn the executive session, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SCHULZ. VOTING NAY: NONE).** Mr. Schulz moved to reconvene the regular meeting, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SCHULZ. VOTING NAY: NONE).** The regular meeting reconvened at 9:09 p.m.

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OLD BUSINESS (continued)

RESOLUTION NO. 18-R-45
(Mayor Davidson)

- **(Third Reading) - A RESOLUTION CONFIRMING THE APPOINTMENT OF TIMOTHY K. POWELL AS THE ZONING INSPECTOR FOR THE CITY OF KIRTLAND, PURSUANT TO CONTRACT FOR A PERIOD OF ONE YEAR AND TO THE EXTENT OF THIS CONTRACTUAL ARRANGEMENT ONLY, AND DECLARING AN EMERGENCY.**

Read by title only. Mr. Schulz moved to amend Section III to provide an annual salary of Thirteen Thousand Dollars (\$13,000.00), payable monthly at One Thousand Eighty-Three Dollars and Thirty-Three Cents (\$1,083.33), along with the amendments recommended by the Law Director referring to the contractual appointment and referring to the amendment of Section 1262.01. Mr. Kirek provided the second.

Mayor Davidson asked Mr. Powell if \$13,000 is acceptable for compensation. Mr. Powell stated that with what he brings to the table, he does not believe it is acceptable. Mayor Davidson stated that he believes this ends the issue.

Council President Potter inquired where Council stands on this legislation if the candidate is not interested in that salary. Mr. Richards stated that if there will not be a contract, there is not much point in going forward with the legislation as is, since it is not a matter of negotiation at this point.

Following discussion, voting proceeded on the motion to amend the Resolution. **ROLL CALL: MOTION CARRIED 4/3 (VOTING YEA: SKRBIS, KIREK, POTTER AND SCHULZ. VOTING NAY: SMOLIC, LESNICK AND LOWERY).** It was noted that the amendment passes.

Mr. Skrbis moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SKRBIS, SMOLIC, KIREK, LESNICK, LOWERY, POTTER AND SCHULZ. VOTING NAY: NONE).** Mr. Skrbis commented on the many meetings with the Planning and Zoning Commission and City Council that Mr. Powell has attended, along with his knowledge of the City; on that merit alone, depending on the outcome, he requested that down the road this particular candidate continues to be re-evaluated. Mr. Skrbis moved to declare an emergency and adopt, with the second by Mr. Schulz. **ROLL CALL: DEFEATED 3/4 (VOTING NAY: SMOLIC, LESNICK AND LOWERY. VOTING YEA: SKRBIS, KIREK, POTTER AND SCHULZ).** The legislation is defeated for failure to achieve a 2/3 Council concurrence as required by Ordinance

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ADJOURNMENT:

Mr. Lesnick moved to adjourn, with the second by Mr. Lowery. The motion of Council passed by unanimous vote and the meeting adjourned at 9:25 p.m.

President of Council

Clerk of Council