

KIRTLAND CITY COUNCIL MINUTES

April 17, 2023

The meeting of Kirtland City Council was called to order at 7:01 p.m. by Council President Joseph Smolic. Mr. Ziegler led the prayer which followed the Pledge of Allegiance. The members of Council present were: Ronald Fenstermaker, Scott Haymer, Richard Lowery, Matthew Schulz, Joseph Smolic and Eric Ziegler.

Administrative personnel present were: Mayor Kevin Potter, Law Director Matthew Lallo, Finance Director Louis Slapnick, City Engineer Douglas Courtney, Police Chief Brian McCallister and Senior Center Coordinator Teresa Szary.

Presentation of Mayoral Proclamation

Mayor Potter requested that Richard Blum come forward. The Mayor noted he has known Mr. Blum for about 12 years; he said it was difficult to condense all that Mr. Blum has contributed to the Kirtland community into a one-page proclamation. He said that Mr. Blum embodies volunteerism, class, organization, and community spirit. He thanked Mr. Blum for his service to the Planning and Zoning Commission and his service on Kiwanis to the community. Mayor Potter then read the proclamation in its entirety.

Mr. Blum thanked Mayor Tyler for the 2012 appointment to the Planning and Zoning Commission; he thanked Mayor Davidson for the 2017 reappointment; and he thanked Mayor Potter for the 2022 reappointment. He thanked Council for confirming his appointments, and he thanked his fellow members on the Planning and Zoning Commission. He thanked Mike Denk, noting that as Chairman, he has a tough job, but administers the Commission meetings very well. He also thanked Rick DeMarco, Joe Vinciguerra, Dan Laux, and the clerk, Denise Roelle. He thanked Doug Courtney and Matt Lallo for their assistance and advice in guiding the Commission in the right direction, and he thanked Zoning Inspector Rick Loconti. Mr. Blum also thanked his family and friends for attending tonight. Mr. Blum received the warm applause of all those present.

Administration of Oath of Office

Lt. Jamey Fisher, Executive Officer

Noting that he is finishing his first year as Police Chief, Chief McCallister said he was able to hire his first patrol employee, he was able to promote his first sergeant, and now he is promoting his first lieutenant. Chief McCallister said he has come to know Sergeant Fisher over the past year and witness his perseverance and endurance through challenges in his career; his courage has been exemplary and he is a great leader to the members of the Police Department. Chief McCallister said that with Sergeant Fisher, the other sergeants and the patrol officers, he could not have asked for a better group during his first year in Kirtland. He thanked them for their help in pushing the Department's initiatives and facing challenges, and for the professionalism, accountability, integrity and respect they have shown to people. Chief McCallister asked that Sergeant Jamey Fisher come forward.

Mayor Potter added that Sergeant Fisher embodies integrity, honesty, and commitment; he is committed to the residents, his fellow officers and fellow City employees, and no one is more deserving of this promotion.

Administration of Oath of Office (continued):

Mayor Potter administered the Oath of Office, and Lieutenant Jamey Fisher received the applause and congratulations of all those present. Lieutenant Fisher said that he appreciates the trust placed in him by Chief McCallister, Mayor Potter, Council, the citizens, and most importantly, the officers who allow him to do his job. Lieutenant Fisher said he looks forward to all that the Kirtland Police Department has to offer.

Council President Smolic spoke highly of Rick Blum and Lieutenant Fisher, noting he has come to know them very well over the years.

MINUTES OF THE APRIL 3, 2023 WORK SESSION:

Mr. Schulz moved to waive the reading of the minutes, with the second by Mr. Fenstermaker. The motion of Council passed by unanimous vote. Mr. Schulz moved to approve the Minutes, as presented, with the second by Mr. Fenstermaker. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER AND LOWERY. VOTING NAY: NONE).**

MINUTES OF THE APRIL 3, 2023 COUNCIL MEETING:

Mr. Schulz moved to waive the reading of the minutes, with the second by Mr. Fenstermaker. The motion of Council passed by unanimous vote. Mr. Schulz moved to approve the Minutes, as presented, with the second by Mr. Fenstermaker. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER AND LOWERY. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Police Chief Brian McCallister advised that the Department was recognized for the Sharing Ohio's Best program for the month of April by the Ohio Association of Chiefs of Police. He explained that it is recognition for all of the community initiatives the Department has initiated and is practicing, including the school reading program, the CPI initiative, pop-up policing, and many other things the Department has initiated in the community.

Chief McCallister noted that on April 6 the texting and driving law went into effect. He said there is a six-month warning period; if someone is stopped, they will receive a warning. The Department is enforcing it, and in the process they have located drivers that are driving under suspension or have evidence of other crimes. Chief McCallister said the hope is to increase awareness and correct behaviors.

Councilman Schulz inquired if there has been a concerted outreach to get the message to students. Chief McCallister advised there have been posts on Facebook and there was a flyer for parents' discussion with their children. He noted that when they go to the schools for the reading program, they will be talking about this with the young children, so they can help reinforce a change to their parents' behavior.

City Engineer Douglas Courtney advised that construction on the Old Town sewer project began today; mobilization was last week. The contractor's substantial completion date is mid-July.

Mr. Courtney advised that work was completed last week on the Fox Hill drainage improvements.

DEPARTMENT REPORTS (continued):

With regard to the street program, Mr. Courtney advised that bids will be opened and he anticipates a contract at the June 19 Council meeting.

Councilman Schulz requested that Mr. Courtney work with Mr. Lallo on Ordinance 17-O-35, which was a city streets standards ordinance.

Finance Director Louis Slapnicker advised that the City went to market last week with the sale of the \$3,102,000 note issuance. As part of that, the City participated in the OMAP application process, which was approved and the City received the high short-term rating of SP1+. As part of the note issuance, the interest rate was 4.25 percent, with total interest cost of \$131,468.79. There was a premium as part of that issuance, giving the City additional proceeds in the amount of \$23,916.42. This brings the overall yield for borrowing to 3.45 percent. Noting that he reviewed some comparables in the work session, Mr. Slapnicker said the City's rate was below all but one of those other final yields; it was a very competitive rate.

Comparing income tax through April 30 for 2021, 2022 and 2023, Mr. Slapnicker said Kirtland is up approximately \$168,000 from this point last year and approximately \$450,000 from this point in 2021.

Mr. Slapnicker noted that he referenced several items in the OML report titled Implications of Remote Work for Ohio's Municipal Income Tax. He noted that according to their studies, income tax is starting to stabilize with the work-from-home; Kirtland is stabilizing to above pre-pandemic levels. The report stated that it is too early to tell.

Mr. Slapnicker advised that the City is close to wrapping up the GAAP conversion. GASB 87 is new, which is new accounting for leases.

Mr. Slapnicker advised that Council will be receiving a questionnaire from the Auditor of State's office. The City signed a letter of authorization for them to begin 2022 basic financial audits.

The March end-of-month reports are nearly complete; the cash fund balance report has been provided to Council. The remaining reports will follow tomorrow.

Mr. Slapnicker advised that a BWC meeting was held, noting that the City will be in a group rating. This is very good for the City and provides discounts up front as opposed to a retrospective program.

Mr. Slapnicker said he is looking to schedule industrial appraisals, which will be a full appraisal of all City land and building valuations. The purpose is to bring the values up to market value for insurance purposes.

With regard to the BWC, Councilman Fenstermaker inquired if there have been any discussions regarding potential refunds this year. Mr. Slapnicker responded that the City has not heard anything regarding refunds, noting they are taking away some of the rebate incentives. He noted the City participates in the Safety Council rebate program, which requires attendance at a certain number of meetings per year and provides a 2 percent rebate, which is going to be increased to 3 percent to a maximum of \$5,000.

Councilman Schulz asked if Mr. Slapnicker can share with Council the OML report he referenced. Mr. Slapnicker advised that he can scan it, but he will see if there is a copy available online.

DEPARTMENT REPORTS:

Responding to Councilman Schulz regarding the full appraisal, Mr. Slapnicker advised it is for insurance purposes to make sure the values are at the proper levels and up to date. He noted it is good practice to do this approximately once every five years. Answering Council President Smolic, Mr. Slapnicker said that vehicles purchased are added immediately for insurance, but there is typically no increased premium unless the item exceeds \$100,000.

Senior Center Coordinator Teresa Szary advised that the outdoor pickleball courts are now open and are full most days; she thanked the Service Department for getting the courts ready for the season.

She reported that as of today, since January 1, there are over 80 brand new members at the Senior Center.

Answering Council President Smolic, Ms. Szary said there were over 200 children in attendance for the Easter egg hunt, noting that treat bags were handed out rather than holding the egg hunt due to the high winds.

Law Director Matthew Lallo advised that Council President Ruple submitted his letter of resignation to Council, effective April 4, due to his appointment to the judiciary at Lake County Court of Common Pleas. Noting that the position has to be filled, Mr. Lallo stated that according to the Charter, Council has 30 days from the date of the vacancy to fill that role; therefore Council has until May 4 to fill that position. He noted that applications are open and hopefully someone will be appointed at the May 3 meeting. Mr. Lallo noted that it will require four affirmative votes of Council to appoint someone to this position.

Mr. Lallo advised that Sunshine Law training will be held at Lakeland Community College on May 16 in the afternoon; the training is free. Mr. Lallo noted there has been discussion regarding an unofficial policy that every person needs to attend the training at least once every two years. He noted that attendees are provided with a Certificate of Completion. If Council members have not yet completed the training, Mr. Lallo recommended they register for the training at Lakeland or look into possibilities for online training. He asked that Council members let him know when they complete the training, so he can mark their file accordingly.

Mr. Lallo noted that last summer Council passed ordinances addressing the Kirtland Recreation Park behind the school, cleaning up language that was old and inapplicable. He noted that one of the provisions changed related to the established entrances to the park. The main entrance is through the school's property; the park is landlocked and there is no access to the park from a public road. The City has two easements – one with the school and one with the residents on the Russellhurst private drive. The easement on Russellhurst has been in existence, but the ordinance said there was only one entrance to the park, through the school's property. Mr. Lallo said he has heard that for a number of years people were utilizing Russellhurst Extension to walk on that private drive to access the park. He said that two years ago, it was brought to the City's attention that a couple residents on that drive did not want that to happen, prompting him to review the ordinances.

Mr. Lallo advised that the previous Law Director said that pedestrians are permitted on that private drive to access the park, when an issue was brought to his attention in the past. Mr. Lallo said that when he reviewed the ordinances, he respectfully disagreed and advised that the private drive could not be used to enter and exit the park because of what the ordinance states.

DEPARTMENT REPORTS:

He noted that one change in those recent ordinances last summer was to allow pedestrian and bicycle access to the park through that private drive. At that time, it was learned that a number of residents on the private drive were using golf carts to enter and exit the park. It was also learned that golf carts are not allowed in the park. Mr. Lallo noted that golf carts are not allowed on any city street, only on private property, so they are allowed on the private drive to get to the park. He stated that the ordinances were updated last summer to include those changes to allow pedestrians, bicycles and golf carts on the private drive for the purpose of entering and exiting the park. He noted that vehicular traffic is still prohibited.

Mr. Lallo said that he and Mayor Potter had a lengthy conversation with landowners of two of the properties on that private drive who are opposed to the current law. They have concerns about liability and have questions about traffic and concerns about children riding in golf carts to and from the park. He said they indicated that Council may not have been fully aware of that ordinance that allows people to use that private drive for entering and exiting the park. Mr. Lallo said he wants to make sure that Council is aware that law is in effect and was incorporated into the change, and provide Council with some background.

Noting there are other residents that are stakeholders, Mr. Lallo suggested that all of those stakeholders get together, noting that he and Mayor Potter are happy to host a meeting at City Hall. He noted there are competing ideas among the stakeholders as to what they would like with that private drive.

Mr. Lallo noted that the City has the easement for ingress/egress to the park, so if desired, the City could allow cars to access the park through that easement. He noted the City is limiting the use of that easement.

Councilman Lowery noted for the record that Law Director Lallo was very clear in explaining the ordinance, as he stated this evening, when it came before Council last summer. Mr. Lowery said that when he voted on the ordinance amendments, he had a clear understanding of the changes as explained by Mr. Lallo then, and again tonight.

Councilman Fenstermaker inquired if the City plows or maintains that private drive. Mr. Lallo said that many years ago, when there were different property owners, the City maintained and plowed that private drive. When a couple property owners approached the City two years ago, Mr. Lallo said he determined in his review that no one was allowed on the drive, and his recommendation to the Mayor was that there should not be any maintenance or plowing since the City is not utilizing the easement and it is a private drive. He noted that after the current ordinance was in effect, a rationale for limited maintenance on that private drive was so emergency vehicles are able to get to the park or a resident's home if necessary. He noted that the Service Department was doing some patching and was asked by one of the residents to leave the property; so the City will not be doing any more patching.

Mayor Potter noted that if snow gets too deep, the City will want to make sure that emergency vehicles can get back there. He noted that after the winter thaw, the City sent the Service Department to Timothy Lane and the Russellhurst Extension to fill and tamp some holes with the asphalt grindings from the road work. He noted there were some deep holes after winter, and the City wanted to make sure that emergency vehicles could get down those streets. Discussion ensued, and the Mayor noted that the best solution is for those residents to meet and come up with a plan for the regular maintenance of the private drive.

DEPARTMENT REPORTS:

Answering Councilman Ziegler, Mr. Lallo said there are approximately six or seven homes on the Russellhurst Extension. He noted there are gas and electric utilities on the private drive.

Responding to Council President Smolic, Mr. Lallo advised that golf carts and ATVs are not allowed to drive on any public street, unless there is an ordinance allowing it.

MAYOR'S REPORT/ANNOUNCEMENTS:

As mentioned by Mr. Lallo, Mayor Potter noted that former Council President Ruple resigned; he accepted an appointment to the Lake County Court of Common Pleas. Mayor Potter commented on the phenomenal job that Mr. Ruple did as a Councilperson and as Council President; and he stated his thanks for Mr. Ruple's service to the City of Kirtland. He added that Mr. Ruple will make a tremendous Common Pleas Court Judge. Mayor Potter stated his confidence that Mr. Smolic will do a great job in the Council President seat.

Mayor Potter announced that on Friday, Mr. Fornaro will be at the Kirtland Library at 4:00 p.m. to talk about Arbor Day. He noted that registration is through the Library's website. The Mayor advised that admission to Holden Arboretum is free to all on Friday, April 28, which is Arbor Day.

On Saturday, April 29 at 8:30 a.m., volunteers will head out to do some clean-up of veterans' and seniors' homes. The Mayor noted there are civic groups and some of the churches involved.

With regard to legislation on tonight's agenda, Mayor Potter requested that the ODOT salt contract participation be passed tonight. He noted there are potential changes to the drainage ordinances. The Mayor noted that Mr. Slapnicker's contract expires at the end of the month, and he is hopeful that Council will pass that tonight. He noted that Mr. Slapnicker keeps the City's finances in order and keeps the City reporting up to date; the City benefits from Mr. Slapnicker's organization and responsiveness.

At last week's Planning and Zoning Commission meeting, Mayor Potter said those present saw a conceptual design of a new city hall and potential development. He noted the concept brings together a lot of input received from the residents over the years between mixed use, commercial, residential, retail, office, shops, etc. He noted there will be a lot of work to get the concept to a place of making a final decision of whether this is right for the City. The Mayor said he looks forward to talking more with the community about this concept.

Noting that Lita Laven is in attendance this evening, Mayor Potter said there is legislation on tonight's agenda appointing her to the vacancy on the Planning and Zoning Commission from Rick Blum's resignation. Mr. Lallo advised that the Ordinance provides that the appointment will be effective on May 8, 2023 or later. Answering Mayor Potter regarding the legislation appointing Mr. Palec to replace Ms. Laven on the Planning and Zoning Commission, Mr. Lallo recommended that it proceed to the next reading.

Mayor Potter said that Ms. Laven has brought her engineering background and experience with the Northeast Ohio Sewer District to the Board of Zoning Appeals, noting that she will be a good fit with the Planning and Zoning Commission. He asked Ms. Laven to say a few words about her background and her service on the Board of Zoning Appeals.

MAYOR'S REPORT/ANNOUNCEMENTS:

Ms. Laven said she is a licensed civil engineer in the State of Ohio, and she has worked with the Northeast Ohio Regional Sewer District for over 20 years. Prior to that, she did some private consulting. Her first job out of college was in a sanitary engineer's office in Delaware. She said she has also done some volunteer work in University Heights. She noted that she moved to Kirtland about nine years ago. She said she is happy to serve and has learned a lot through those on Council and on the Board of Zoning Appeals regarding the challenging issues of the residents. Councilman Fenstermaker said he enjoyed the time he served with Ms. Laven on the Board of Zoning Appeals, and he believes this is a great role for her.

STANDING COMMITTEE REPORTS:

Council President Smolic noted that he will be scheduling a Service Department Standing Committee meeting to begin discussing the garbage collection contract that expires in November.

CORRESPONDENCE:

Council President Smolic reported on the following:

1. A notification was received from Ohio Division of Liquor Control regarding an application for transfer of a permit to Ohio Mart Group LLC, dba Ohio Mart Kirtland, at 8232 Euclid Chardon Road. Council did not request a hearing in this regard.
2. Ohio Ethics Commission filing reminder for the 2022 Financial Disclosure Statement – the deadline is May 15, 2023.
3. Resignation from Council President Ruple due to his appointment to the Lake County Court of Common Pleas. Mr. Ruple's resignation was effective April 4, 2023. There is notice on the City website for qualified Ward 4 residents to submit an application no later than 4:30 p.m. on Friday, April 21, 2023. Council will be meeting with candidates on Monday, April 24 at 7:00 p.m. for interviews. Mr. Smolic commented that Mr. Ruple did a fantastic job as Council President.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:**PUBLIC COMMENTS ON AGENDA ITEMS OF OLD BUSINESS:**

Jeff Balcerski, 7685 Hidden Valley Drive, referred to the solar energy ordinance that is on Second Reading and said it is not clear which sections of the ordinance are amended. Mr. Lallo advised that the prior solar ordinance is being repealed. Mr. Balcerski suggested that Section (d) 2 (c) through (e) are not entirely compatible with agri-solar and he feels they are overly prescriptive for the land use and ground cover under the solar panels. He said it is already required in Section (d) 2 (b) that a use plan of agriculture or vegetative be submitted by specified entities. He suggested that (c) through (e) are redundant given that a vegetation plan has to be approved by a professional agency. He suggested

OLD BUSINESS (continued):

those paragraphs be stricken, saying that agri-solar can include agricultural crops under the solar panels; section (c) through (e) states it has to be a certain type of ground cover and vegetation.

Mr. Balcerski said that Section (d) 7 that addresses agricultural protection does not consider that it may be simultaneously used for agriculture crops underneath the solar panels. He said that with partially transparent solar panels they can be used as a window that allows light through it, resulting in situations where someone is creating power and growing crops underneath it, similar to a greenhouse.

With regard to the storm sewer ordinances, Mr. Balcerski asked about the responsibility of the homeowner for the apron and culvert. He inquired if covering of ditches would be considered a storm sewer system. Mr. Courtney replied that it would be considered a storm sewer. Mr. Balcerski asked when the City puts in culverts and covers those ditches and storm drains, does it become the responsibility of the homeowner. Mr. Courtney replied that it depends on how it comes about; if the City sponsors a project and installs storm sewers in a particular location, the City then assumes responsibility for that pipe. Mr. Courtney said that if a homeowner requests to put in a pipe and fill their ditch, the City has a program where the homeowner purchases the material and the City does the installation. In that instance, Mr. Courtney said it remains the homeowner's responsibility.

Mr. Balcerski asked about situations where the City has installed and covered culverts and they are being degraded by erosion and the culverts are being exposed. Mr. Courtney advised that he would need specific instances to determine if it was done at the owner's request or a sponsored storm sewer project by the City.

Councilman Schulz advised that was one of the comments he submitted to Mr. Smolic and Mr. Lallo.

ORDINANCE NO. 23-O-17 - **(Second Reading) - AN ORDINANCE AMENDING
(Mayor Potter) CODIFIED ORDINANCE SECTION 1468.05 RELATING
TO SOLAR ENERGY, AND DECLARING AN
EMERGENCY.**

The legislation was read by title only and placed on Second Reading

ORDINANCE NO. 23-O-18 - **(Second Reading) - AN ORDINANCE AMENDING
(Mayor Potter) CODIFIED ORDINANCE SECTION 1468.06 RELATING
TO GEOTHERMAL ENERGY SYSTEM STANDARDS,
AND DECLARING AN EMERGENCY.**

The legislation was read by title only and placed on Second Reading.

RESOLUTION NO. 23-R-19 - **(Second Reading) - A RESOLUTION AUTHORIZING
(Mayor Potter) PARTICIPATION IN THE ODOT ROAD SALT
CONTRACTS AWARDED IN 2023, AND DECLARING
AN EMERGENCY.**

The legislation was read by title only. Mayor Potter noted that the deadline for submittal is May 1. Mr. Fenstermaker moved to waive the three readings, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER AND LOWERY. VOTING NAY: NONE. ABSTAINING: SCHULZ.** Mr. Fenstermaker moved to declare an

OLD BUSINESS (continued):

emergency and adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 5/0/1 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER AND LOWERY. VOTING NAY: NONE. ABSTAINING: SCHULZ.**

RESOLUTION NO. 23-R-21 - (Second Reading) - A RESOLUTION CONFIRMING THE APPOINTMENT OF LITA LAVEN TO THE PLANNING AND ZONING COMMISSION, AND DECLARING AN EMERGENCY.
(Mayor Potter)

The legislation was read by title only. Mr. Lowery moved to waive the three readings, with the second by Mr. Fenstermaker. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER AND LOWERY. VOTING NAY: NONE).** Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Ziegler. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER AND LOWERY. VOTING NAY: NONE).**

ORDINANCE NO. 23-O-22 - (Second Reading) - AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1024.02 RELATING TO THE INSTALLATION OF CULVERTS AND RIGHTS-OF-WAY, AND DECLARING AN EMERGENCY.
(Councilman Haymer)

The legislation was read by title only and placed on Second Reading.

ORDINANCE NO. 23-O-23 - (Second Reading) - AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1024.04 RELATING TO THE CHARGES IMPOSED UPON PROPERTY OWNERS FOR THE CITY'S INSTALLATION OF CULVERTS, AND DECLARING AN EMERGENCY.
(Councilman Haymer)

The legislation was read by title only and placed on Second Reading.

ORDINANCE NO. 23-O-24 - (Second Reading) - AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1026.03 RELATING TO CHARGES FOR WORK DONE ON STORM SEWERS BY THE CITY IN LIEU OF PROPERTY OWNERS, AND DECLARING AN EMERGENCY.
(Councilman Haymer)

The legislation was read by title only and placed on Second Reading.

ORDINANCE NO. 23-O-25 - (Second Reading) - AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1028.01 RELATING TO DRIVEWAY APRONS, AND DECLARING AN EMERGENCY.
(Councilman Haymer)

The legislation was read by title only and placed on Second Reading.

OLD BUSINESS (continued):

- ORDINANCE NO. 23-O-26** - (Second Reading) - AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1028.04 RELATING TO THE MAINTENANCE OF DRIVEWAY CULVERTS, AND DECLARING AN EMERGENCY.
(Councilman Haymer)

The legislation was read by title only and placed on Second Reading.

- ORDINANCE NO. 23-O-27** - (Second Reading) - AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1028.05 RELATING TO THE RECOUPMENT OF COSTS FOR WORK PERFORMED BY THE CITY ON DRIVEWAYS AND APRONS, AND DECLARING AN EMERGENCY.
(Councilman Haymer)

The legislation was read by title only and placed on Second Reading.

- ORDINANCE NO. 23-O-30** - (Second Reading) - AN ORDINANCE ADOPTING A COMPREHENSIVE GENERAL PLAN UPDATE FOR THE CITY OF KIRTLAND, OHIO.
(Council President Ruple)

The legislation was read by title only. Mr. Lallo noted that the comprehensive plan document does not have the page numbers included; if Council would like them added this should proceed to third reading and it can be amended to incorporate the new exhibit; the readings can then be waived and it can be adopted after it is amended. Councilman Schulz noted that on page 23 of the pdf attachment, there is a reference to Resolution 118-R-21; it should be corrected to 18-R-21. The legislation was placed on Second Reading.

NEW BUSINESS:**PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS:**

None.

- RESOLUTION NO. 23-R-31** - A RESOLUTION CONFIRMING THE REAPPOINTMENT OF LOUIS SLAPNICKER AS THE PART-TIME FINANCE DIRECTOR FOR THE CITY OF KIRTLAND, PURSUANT TO CONTRACT AND TO THE EXTENT OF THIS CONTRACTUAL ARRANGEMENT ONLY, AND DECLARING AN EMERGENCY.
(Mayor Potter)

The legislation was read by title only Mr. Lowery moved to waive the three readings, with the second by Mr. Haymer. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER AND LOWERY. VOTING NAY: NONE).** Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. In discussion, Councilman Schulz asked Mr. Slapnickner about salaries for Finance Directors in other cities. Mr. Slapnickner said that salaries for full-time Finance Directors typically range from \$100,000 to \$120,000 in northeast Ohio cities. Responding to Mr. Schulz, Mr. Slapnickner said that Kirtland is one of the only cities in the area with a part-time Finance Director.

NEW BUSINESS (continued):

Noting that the Mayor negotiates with Police and Fire and their rates are locked-in, Mr. Schulz asked Mr. Slapnicker to explain how he arrived at a 5.2 percent increase. Mr. Slapnicker replied that he requested an additional \$2,500 in his contract, based on his work on the audit, the GAAP conversion, the budget, etc. Mr. Slapnicker said he believes it was a fair request for his contract, with the amount of time and effort he puts into the City. Mr. Schulz asked Mr. Slapnicker if the hours he puts in per week are in the range of 20 hours. Mr. Slapnicker replied that it is significantly more than that.

Voting began on the motion to declare an emergency and adopt. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER AND LOWERY. VOTING NAY: NONE).**

RESOLUTION NO. 23-R-32 - **A RESOLUTION CONFIRMING THE APPOINTMENT OF JAMES PALEC TO THE BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only and placed on First Reading.

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COUNCIL COMMENTS:

Councilman Lowery advised that in checking the Attorney General’s website, there are Sunshine Law trainings available online. The next one is June 28, and they are scheduled through November.

Councilman Lowery requested that a Recreation Standing Committee meeting be scheduled upon the request of Mr. Fornaro to discuss sheds and outbuildings. Upon agreement of the Committee, the meeting was scheduled for May 3 at 6:00 p.m., prior to the next regular Council meeting.

CONTINUING CONCERNS:

This is an opportunity for the public to address Council about any continuing concerns. There were no comments from the public.

ADJOURNMENT:

Mr. Lowery moved to adjourn, with the second by Mr. Schulz. The motion of Council passed by unanimous vote and the meeting adjourned at 8:17 p.m.

President of Council

Clerk of Council