

KIRTLAND CITY COUNCIL MINUTES

September 16, 2024

The meeting of Kirtland City Council was called to order at 7:00 p.m. by Council President Joseph Smolic. The Pledge of Allegiance was recited followed by prayer led by Mr. Schulz. The members of Council present were Suzanne Grazia, Scott Haymer, Eric Ziegler, Matt Schultz, Joseph Smolic, Julie Symonds and Ronald Fenstermaker. Absent: None.

Administrative personnel present were Mayor Kevin Potter, Finance Director Louis Slapnicker, City Engineer Douglas Courtney, Fire Captain Frank Ponzani, Police Chief Brian McCallister, Assistant Law Director Mark Morong, and Senior Center Coordinator Teresa Szary.

Minutes of the September 4, 2024 Work Session:

Mr. Ziegler moved to approve the Minutes as presented, with the second by Ms. Grazia. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: GRAZIA, HAYMER, SCHULZ, SYMONDS, ZIEGLER, SMOLIC, AND FENSTERMAKER. VOTING NAY: NONE).**

Minutes of the September 4, 2024 Council Meeting:

Mr. Ziegler moved to approve the Minutes as presented, with the second by Ms. Grazia. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: GRAZIA, HAYMER, SCHULZ, SYMONDS, ZIEGLER, SMOLIC, AND FENSTERMAKER. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Captain Ponzani had no formal report, and Council had no questions.

Police Chief McCallister thank both the Public Works department as well as Fairsite Technologies for their assistance in implanting the Motorola in-car dash camera program. The three-day equipment installation will take three days and start tomorrow. After it is complete, training of the department will commence. The five-page policy will be shared to Council at the request of Mr. Schulz.

Public Works: no report

City Engineer Mr. Courtney reported that roadwork in the Parkwood neighborhood has begun, and that Old Town should be paved out at this point. The Route 306 bridge project is delayed, and the Booth Road project is underway. Mr. Fenstermaker asked for more details regarding the delay. At last update, Mr. Courtney reported that they were at a six week delay due to getting steel to the bridge. No date for delivery at this time. Ms. Symonds asked further about the Old Town project and Mr. Courtney reported that once the paving is completed, they will begin lawn restoration.

Finance Director Mr. Slapnicker reported that the audit is ongoing with no end date scheduled. He has been meeting with the department heads in regards to capital budget hearings, which have been distributed to Council for review. Wastewater treatment plant letters went out last week to houses in the districts affected. He requests that 24-R-71 (accept rates for property tax revenue) be passed this evening.

Following the scheduled utilities meeting on September 28, he will follow up with any updates when there is more information, including any potential increases.

Assistant Law Director Mr. Morong had no formal report. Nothing has been adjudicated since the last meeting.

Community Center Director Ms. Szary had no formal update. She wanted to remind everyone of upcoming events: Wednesday, October 2 – the Police Department will be hosting National Coffee with a Cop Day from 9:00 – 10:30. Shred Day will be held at the Community Center from 8:30 – 11:00 am on Saturday, October 12. Mr. Fornaro will be presenting on Snow and Ice on Monday, October 28 at 11:00 at the Center, which is open to the public. The Senior Center kicked off the first Grief Support group, which will continue for six weeks and be rerun in the spring.

Mayor Potter had no formal report.

Standing Committee Reports:

None.

Special Committee Reports:

There is a Utilities Commission meeting pertaining to wastewater plant scheduled for Saturday, September 28, 2024 at 10:00 am.

Correspondence:

None.

Public Comments on Matters not on the Agenda:

Sterling Coleman, 7636 Markell, asked if there have been any reports of residents eating cats. Council says there are no reports of such.

Michelle VanArnhem, 10284 Christina Drive, approached Council as a parent concerned for her son Reese. He has been instructed to put up the only 8' fence installed on a commercially zoned property in the last five years. His business abuts a neighbor's property, and they have made requests over the last two years that she deems excessive for a commercial property. She is not sure what has warranted this, and is concerned about false allegations of preferred treatment and nepotism. She states that he has complied with everything the City has asked. Although he respectfully disagrees with some of the requests, he has purchased and installed the requested privacy fence, costing him personally thousands of dollars. She states that it has been said that if he was no longer on the property, the fence would not be necessary. He has spoken to the Zoning Board and has had several attest to the quality of his work. While she was not at Council to defend his battles, she, as a concerned parent, would like to see that this behavior ceases.

As a business owner, she is requesting to know what the rights are for her son. As a resident, she is questioning why another resident is trying to run a business out of the City. She asks that in the future, Council please recognize where the true ugliness really lies. It's in the behavior, not the fence.

Mr. Smolic asked for clarification if the behavior referenced was from the City. Ms. VanArnhem responded that through record requests, she is aware that the City is in possession of these allegations.

Reese VanArnhem, 10284 Christina Drive, is the owner of the business in question and also spoke to the situation. He has lived in Kirtland for 11 years, and began his business when he was in school. It has grown in time, and he had to move out of a residential area at the request of Mr. Loconti. His goal is to eventually own his own property, but in the meantime, found a properly zoned area and reached an agreement with Richard's Maple. The complaints from the neighbor began immediately regarding the former parking lot. When approached by the City, it was winter and he was unable to comply. In the spring, he received little to no guidance from the Zoning Department. He sent pictures and specs of the fence to the City, and worked to finish by the new deadline he was given. This cost him thousands of dollars as well as time away from other projects. He was hopeful that the complaints would cease after the installation of the fence, but the harassment has continued.

Mr. Fenstermaker commented that he appreciated their time in bringing their concerns to Council.

OLD BUSINESS:

Public comments on old business.

None.

ORDINANCE NO. 24-O-64
(Mayor Potter)

AN ORDINANCE AMENDING SECTION 254.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND RELATING TO HOLIDAYS AND DECLARING AN EMERGENCY. (SECOND READING)

ORDINANCE NO. 24-O-65
(Mayor Potter)

AN ORDINANCE AMENDING SECTION 254.03 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND RELATING TO VACATION PAY AND DECLARING AN EMERGENCY. (SECOND READING)

Discussion:

Mr. Schulz would like to revisit Section E (providing vacation time for part-time employees). Mr. Slapnick responded that this would potentially cover two employees in the Community Center and Zoning Office and will not pertain to anyone within any bargaining unit. Mr. Schulz would like to amend that legislation to remove Section E as he does not find it warranted to carve out that benefit for a part-time employee, especially justifying to the taxpayers for only two people across the City. Mayor Potter responded that there is no out of pocket expense for the City, this assists those who are willing to work those 30 hours per week rather than 40, which helps out regarding payroll, and that it is prorated.

Mr. Schulz requests that council does not amend Section E and appreciates their willingness to be flexible.

Mr. Smolic remind Council that in theory providing full-time status would also include the option for full benefits.

Mayor Potter noted that it is a responsible question to Council.

Mr. Schulz wondered about the equity between part-time police and fire who would not receive this benefit and asked what the impetus for this amendment was.

Mr. Fenstermaker inquired if this was passed for part-timer employees, would it affect the Collective Bargaining Agreements during the next negotiation.

Mr. Smolic asked how many part-time employees there were in the Public Works Department, and Mr. Slapnicker responded that there is one who would not be eligible.

Mayor Potter noted that at 30 hours a week, employees may be then eligible for healthcare, which neither of the potential affected employees are requesting. This was not a benefit requested by said employees, but came about from discussions with Mayor Potter, Mr. Slapnicker, and Mr. Lallo. Discussion ensued regarding the benefit of attracting and retaining quality employees while being equitable to those in other departments.

At the request of Mr. Schulz, a motion to remove Section E from 24-O-65 was made by Mr. Schulz and seconded by Mr. Smolic. **ROLL CALL: MOTION FAILED 1/6 (VOTING YEA: SCHULZ VOTING NAY: GRAZIA, HAYMER, SMOLIC, SYMONDS, ZIEGLER AND FENSTERMAKER)**

24-O-65 will go to the third reading as written.

A motion to table 24-O-65 was made by Mr. Schulz and seconded by Mr. Ziegler. **ROLL CALL: MOTION FAILED 3/4 (VOTING YEA: SCHULZ, FENSTERMAKER, ZIEGLER. VOTING NAY: GRAZIA, HAYMER, SMOLIC, SYMONDS)**

ORDINANCE NO. 24-O-66
(Mayor Potter)

**AN ORDINANCE AMENDING SECTION 254.06 OF THE
CODIFIED ORDINANCES OF THE CITY OF KIRTLAND,
RELATING TO THE SICK LEAVE, AND DECLARING
AN EMERGENCY. (SECOND READING)**

Discussion:

Mr. Schulz wondered if this legislation does move forward, could it be a better piece of legislation. He continued discussion regarding: the amendment changing to number of payout hours from 240 to 480, looking at the current and long-term liabilities, employees who transfer in from other agencies or municipalities, a concern regarding providing sick time for part-time employees. He wants to ensure that Council understands the liabilities, and the City does not find itself in the situation that they are paying out a long term employee from another municipality

Mayor Potter and Mr. Slapnicker responded that this would only apply to individuals not covered under Collective Bargaining Agreements, and that the past practice is outdated. Sick time from a past employer is drawn down first. Mr. Slapnicker will get a comparison sheet to Council prior to the next reading.

NEW BUSINESS:

Public comments on new business.

None.

ORDINANCE NO. 24-R-71 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS (Mayor Potter) DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

Discussion:

As requested by Mr. Schulz, Mr. Slapnicker responded to clarification to the county reevaluations. He had been asked to prepare a document so that residents may be able to see how much their property taxes would go up during the county reappraisal. The county does not know the rates for next year, and will not provide formula which is set by the state. Regarding inside and outside millage, the City has several voted levies. When they were originally passed, there was a set dollar amount. House Bill 920 states that if market values increase significantly, the taxes are not going to go up on the outside millage. Inside millage increases with market values. In Kirtland, that applies to the 2.7% mills for the general fund and the .3% police pension fund. In summary. The City has 11.05 mills taxed on a single property. Of that, 3 is inside millage which will take the brunt of the increase on property taxes. The other not with the other 8.05 outside millage.

Mr. Schulz asked about the approximate increase to the general fund and the police pension fund.

Mr. Slapnicker responded that the result from tax budget prepared in July which is reviewed by the county, and certified by the City. His estimation is a little over \$200,000 based on 20% increase in market values and noted that the City always budgets conservatively

When Council looks at the rates certified this evening in comparison to last year's, they are almost identical. Once next year's rate is set, they will increase.

A motion to Waive the Three Readings of 24-R-71 was made by Mr. Ziegler and seconded by Ms. Symonds. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: GRAZIA, HAYMER, SCHULZ, SMOLIC, SYMONDS, ZIEGLER, AND FENSTERMAKER. VOTING NAY: None)**

A motion to Adopt 24-R-71 was made by Mr. Schulz and seconded by Ms. Symonds. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: GRAZIA, HAYMER, SCHULZ, SMOLIC, SYMONDS, ZIEGLER AND FENSTERMAKER. VOTING NAY: None)**

**ORDINANCE NO. 24-R-72
(Mayor Potter)**

**A RESOLUTION ACCEPTING THE BID OF OHIO
PAVING AND CONSTRUCTION COMPANY FOR ITS
WORK ON THE REPAVING OF THE KIRTLAND
COMMUNITY CENTER PARKING LOT, AND
DECLARING AN EMERGENCY.**

A motion to Waive the Three Readings of 24-R-72 was made by Mr. Ziegler and seconded by Ms. Grazia. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: GRAZIA, HAYMER, SCHULZ, SMOLIC, SYMONDS, ZIEGLER, AND FENSTERMAKER. VOTING NAY: None)**

Discussion:

Mr. Schulz wondered if there was any consideration bundling the paving of the police parking lot. Mayor Potter noted that there was not, and that the Public Works Department completed the work at the police department. He will doublecheck with Mr. Fornaro as to the scope of work. Mr. Schulz requested at the next meeting to have Finance speak to the completion of remaining items in the 2024 capital budget.

A motion to Declare an Emergency and Adopt 24-R-72 was made by Ms. Symonds and seconded by Ms. Grazia. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: GRAZIA, HAYMER, SCHULZ, SMOLIC, SYMONDS, ZIEGLER AND FENSTERMAKER. VOTING NAY: None)**

COUNCIL COMMENTS:

None.

CONTINUING CONCERNS:

None.

ADJOURNMENT:

Mr. Schulz moved to adjourn, with the second by Ms. Grazia. The motion of Council passed by unanimous vote and the meeting adjourned at 8:12 p.m.

President of Council

Clerk of Council, Interim