

KIRTLAND CITY COUNCIL MINUTES

October 4, 2021

The meeting of Kirtland City Council was called to order at 7:05 p.m. by Council President Richard Lowery. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: Scott Haymer, John Lesnick, Richard Lowery, Jeffrey Ruple, Matthew Schulz, Joseph Smolic and Kelly Wolfe.

Administrative personnel present were: Mayor Kevin Potter, Law Director Matthew Lallo, Assistant Finance Director Louis Slapnick, City Engineer Douglas Courtney, Service Director Joseph Fornaro, Police Sergeant Jamey Fisher, Fire Chief Anthony Hutton and Senior Center Coordinator Teresa Szary.

MINUTES OF THE SEPTEMBER 20, 2021 WORK SESSION:

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

MINUTES OF THE SEPTEMBER 20, 2021 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

Sergeant Jamey Fisher advised that the Department is almost back to full strength in the area of personnel; he noted that Officer Julia DeWolf has come to the Kirtland Police Department from the City of Mentor, where she was a full-time officer for the last two years. Officer DeWolf was born and raised in Florida, served in the U.S. Navy for five years, and then relocated to Ohio where she attended John Carroll University and graduated with a criminology degree. She comes from a family of law enforcement; her father was a corrections officer for 25 years.

Sergeant Fisher requested that Julia DeWolf come forward to be sworn in as a full-time police officer, and her family was invited to join her during the ceremony. Mayor Potter administered the Oath of Office, and Officer DeWolf received the applause and congratulations of all those present.

Fire Chief Anthony Hutton advised the monthly report will be distributed for the next meeting. Call volume continues to rise, and Chief Hutton expects this year to be the busiest ever.

On September 24 there was a large-scale active shooter training with the schools. Dispatch, Kirtland Police Department, Kirtland Fire Department and Kirtland Schools all participated. The training was followed up with a drill at Lakeland College with Kirtland Schools, and it went very well. There will be more training coming up, with a follow-up meeting this coming Wednesday for a debrief and to look at areas that can be improved upon.

Answering Councilman Lesnick concerning the call volume, Chief Hutton said other departments are experiencing the same increase, and the reason is hard to pinpoint.

DEPARTMENT REPORTS (continued):

Councilman Schulz asked if COVID calls have increased, and Chief Hutton said there was a spike two weeks ago, so there was a definite uptick in calls and hospitalizations in Kirtland and the local area.

Service Director Joseph Fornaro reported the road program is going well. Mastic seal has been placed on a few of the tar and chip roads.

Mr. Fornaro reported there is a new 50 foot flagpole at North Cemetery, thanks to the combined efforts of the Service Department, Fire Department and CEI, who was passing by and stopped to help with the bucket truck.

Mr. Fornaro advised that two snow and ice trucks are ready for the season. Answering Councilman Lesnick, Mr. Fornaro said there is roughly 1200 tons of salt on hand right now. Answering Council President Lowery, Mr. Fornaro confirmed that the Department will be using the liquid/salt distribution this year, noting that a pad was poured for the brine-making unit the Department will acquire from the City of Euclid at no charge. The tank has been set for the unit and the water line needs to be run. The Department hopes to be able to use it this season.

Councilman Schulz thanked Mr. Fornaro for the quick work of mowing a resident's ditches recently. Mr. Schulz mentioned he got a chance to drive Wisner Road and noticed there is a significant hump. Mr. Fornaro said it is on the bridge, noting that no work was done on the bridge.

Councilman Schulz noted there is a street sign missing at Kirtland-Chardon Road and Wisner Road. Mr. Fornaro said there have been some things come up missing over the weekend, such as two catch basin lids -- one on Gildersleeve Drive and one at the Recreation Park. He said he had not noticed the street sign has gone missing also.

Answering Councilman Smolic's questions on the road program, Mr. Courtney said the next steps will be drainage work on Springer Drive, then there will be resurfacing of Billings Road, Beechwood Drive and Oakwood Drive.

Responding to Councilman Schulz, Mr. Fornaro said that crack sealing is not scheduled on Angela Drive this year.

Councilman Smolic inquired how much crack sealing was completed this year; Mr. Fornaro said the Department has used four pounds, with one more pound to go. They are currently working on the Regency Woods area, and some spots on Kirtland-Chardon Road need to be completed.

City Engineer Douglas Courtney began his report with an update on the Old Town Sewer program. There have been a few comments received from the EPA, and the Department is working on those. The public information session has been scheduled for October 28 in the evening, with the time and place to be determined. There will be a few work sessions with Lake County Department of Utilities before that information meeting occurs, with the first work session tomorrow.

Responding to Councilman Schulz, Mr. Courtney stated he has not yet looked into construction inflation.

Councilwoman Wolfe asked what is expected to be discussed in the public meeting. Mr. Courtney said that has yet to be narrowed down, but he would expect general project costs, anticipated assessments, how grant money may impact the assessments, and project schedules.

Assistant Finance Director Louis Slapnicker advised that the August monthly reports were distributed to Council at the last meeting.

DEPARTMENT REPORTS (continued):

The 2022 Senior Levy Funds application is now open with the county, and Mr. Slapnicker will meet with Ms. Szary on the application. The deadline for the application is November 4.

The City of Kirtland received the American Rescue Plan funding in September in the amount of \$356,782.11.

Councilman Schulz mentioned that Lake Metroparks has a levy on the ballot, and he inquired about the millage and if the levy is a renewal. Councilman Smolic said the levy is a renewal and the millage is 0.8 which consists of the 2012 initial millage and an additional 0.4 mils for operating, maintaining, protecting, land acquisition, and park development. Mr. Lallo said the total cost looks to be \$36.32 annually per \$100,000 of home valuation.

Senior Center Coordinator Teresa Szary began her report by thanking Council for joining the Senior Center for the recent open house.

City employees have been challenged by the seniors to a bake-off, and local restaurants will judge all submitted desserts on October 19. She noted there is information on the website.

A new event, the new member lunch, will be held in November. Since June of this year there have been 63 new members, with 32 of those being non-residents and 31 being residents. Total renewal and new memberships since February of this year is 123, with a total of 509.

The Senior Center will have a lunch on November 10 for Veteran's Day, assisted by the American Legion. All veterans who are members of the Senior Center are welcome to come for a free lunch. The Church of Latter Day Saints will present a program beforehand.

Answering Councilman Smolic, Ms. Szary confirmed that the outdoor pickleball courts are being used, including use by families and other community members in the evenings.

Law Director Matthew Lallo reported Mr. Loconti has formally begun his position as the Zoning Inspector. Mr. Lallo had a brief telephone conversation with him today concerning some zoning questions and issues that have arisen over the last year or so, and began the process of setting forth a plan of action concerning the handling of violations.

Mr. Lallo mentioned the season is beginning when there will be many temporary signs, noting that Section 1286.08 of the zoning code discusses temporary signs. The code specifically states that temporary signs that are erected to announce or advertise a specific event shall be erected no earlier than 30 days before an event (such as the upcoming event in November) and shall be removed within seven days after the close of the event. Mr. Lallo wants to make sure that everyone is aware of the regulations during the coming season.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter said he had a meeting with Mr. Loconti and Mr. Fornaro today, with Mr. Fornaro passing a few open action items that he had been following. Mayor Potter noted that residents have wanted uniform enforcement of the zoning codes, which is the objective. The Mayor noted he will send Mr. Loconti's city email address to Council members, and he asked that all zoning issues/complaints be emailed to him with a copy to Mr. Loconti, in order to streamline the process.

Trunk or Treat will be on October 27 and will be a combined effort with businesses and organizations around the city that would like to participate. The hours have been set from 6:00 p.m. to 8:00 p.m., the same hours as the Trick or Treating on October 31.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

On Saturday, November 13 there will be a Veteran's Day Memorial ceremony to honor the local veterans. A leaf cleanup is also being organized for veterans and seniors. Mayor Potter requested that names and addresses of residents that can use some help with fall cleanup be submitted to Ms. Szary.

Shred Day will be this coming Saturday, October 9, from 8:30 a.m. to 11:30 a.m. at the Community Center.

Fall brush pickup dates have not yet been determined; they will be posted on the City website, the Facebook page, and in the next Chronicle.

November 23 is the Ecumenical Service at the Temple. The local Kirtland churches get together for a Thanksgiving ceremony. Mayor Potter encouraged everyone to attend, saying it's a terrific event where local churches and pastors get together prior to Thanksgiving.

The Mayor noted that the Old Town sewer information meeting will be held on October 28, the time and location to be determined.

Mayor Potter voiced support for Resolution 21-R-52, which confirms the appointment of Daniel Laux, a Kirtland resident, to the Planning and Zoning Commission. Mayor Potter asked that the three readings be waived and the resolution be passed tonight. Mr. Laux is in attendance and available to introduce himself and answer questions. Ms. Szary distributed a biography of Mr. Laux at the beginning of tonight's meeting related to his work history.

Councilman Schulz inquired about Mr. Loconti's scheduled hours and days. Mayor Potter said Wednesdays and Thursdays will be eight hour days, and any variations will be determined by need. He will attend Planning and Zoning Commission meetings once a month, and report to Council at one of the meetings in November to provide an update. Afterwards, Mr. Loconti will be present at Council meetings on an as-needed basis.

Answering Mr. Schulz, Mayor Potter said the survey results are not yet ready to be posted on the City's website.

Ms. Szary advised that the Ecumenical Service will not take place at the Temple, as it will be closed until March, but will be held at the Community of Christ located across the street. She said all details will be available tomorrow. Mayor Potter thanked her for the correction.

Upon inquiry of Councilman Schulz, Mayor Potter provided an update on the progress of looking for a new police chief. The Committee interviewed applicants for six hours recently, and will reconvene later this week to discuss the results of the interviews and to determine which applicants will move forward to the assessment stage of the process.

STANDING COMMITTEE REPORTS:

Councilman Lesnick noted that the Finance Committee met last Wednesday to review the budget, revenue, expenditures, carryover, and capital needs. Since not all Council members were in attendance, there will most likely be a second meeting as the City currently has six negative financial health indicators. Mr. Lesnick stated he's been on Council for four years, and there have always been negatives but this year there is one more than last year. The largest negative always seems to be the carryover. The Committee concluded at the meeting to set a goal to have one-quarter of operating funds available at the end of each year. He noted that money is budgeted, but the reserves are not in the bank in the form of unencumbered cash. Property tax revenues are not typically received yearly until March.

STANDING COMMITTEE REPORTS (continued):

Mr. Lesnick reviewed the options that were presented and the revenue needed, and he suggested another Finance Committee meeting be scheduled before the next Council meeting.

A Finance Committee meeting was scheduled for 6:00 p.m. on October 18, before the Council meeting.

CORRESPONDENCE:

Received from the Ohio Division of Liquor Control, a notice of request for a transfer of a C1 and C2 permit from 9100 Chillicothe LLC, dba Kirtland Sunoco, to Jay Jalaram Kirtland LLC, dba Kirtland Corner Sunoco. It was noted that this appears to be an ownership change of the business. Council did not state any objections or request a hearing in this regard.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Thomas Booth, Jr., 8245 Eagle Road, had a statement to present to Council; he brought copies and offered to leave them for later review. Mr. Booth then read his statement, speaking of his family's longtime residence in Kirtland, and his pride in his community. The recent information and evidence that has come to light impacts the reputation and fidelity of the ethical principles the City of Kirtland has always held dear. This evidence and information includes, but may not be limited to, video, audio, sworn testimony, and open hearing statements. As a resident of Ward 1, Mr. Booth called for the immediate resignation of Council member Kelly Wolfe for alleged violations of her oath of office, misconduct, misfeasance, malfeasance and moral turpitude. Short of such action, Mr. Booth called on Council to censure or enact Article 1, Section 5, of the Kirtland code of Ordinances for the removal of Council member Kelly Wolfe.

Council President Lowery thanked Mr. Booth for his comments and said he was welcome to distribute his copies to Council. Mr. Booth left extra copies should anyone else wish a copy.

OLD BUSINESS:

None.

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

None.

RESOLUTION NO. 21-R-52
(Mayor Potter)

- **A RESOLUTION CONFIRMING THE APPOINTMENT OF DANIEL LAUX TO THE PLANNING AND ZONING COMMISSION, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. **Daniel Laux, 10163 Courtney Lane**, introduced himself and said he has been a resident of Kirtland for 15 years and enjoys living in Kirtland. Noting that he grew up in Parma, a city of 100,000 residents, moving to Kirtland with its 6,000 to 7,000 residents was a welcomed change. He went on to say he has had a long career in land surveying in multiple states, working with civil engineering companies, and has an interest in zoning laws and building in general. Mr. Laux believes he will be an asset to the Board and is willing to learn.

NEW BUSINESS – RESOLUTION NO. 21-R-52 (continued):

Councilman Lesnick said he has known Mr. Laux for a long time, and his resume is impressive. Council President Lowery added he's also known Mr. Laux for a long time and believes he will be an asset to the community by serving on the Planning and Zoning Commission.

Mr. Lesnick moved to waive the three readings, with the second by Mr. Ruple. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).** Mr. Lesnick moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).**

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COUNCIL COMMENTS:

Councilman Lesnick said he was notified that there is a group of people collecting signatures, and he has read through the Charter, as referenced by Mr. Booth. He asked Mr. Lallo to elaborate on the subject in the event the petition and signatures come to fruition. Mr. Lallo explained that Mr. Booth was referencing Council's power to remove a Council member in Article I of the Charter. Mr. Lallo stated that the petition being circulated is for a recall; he noted it would be addressed in Article 5, Section 3, of the Charter and would have to be filed with the Clerk of Council, who would certify the particulars. There would then be a call upon the member for resignation. If there is no resignation within five days, there would be a special election at which time the question would be put to the voters on whether or not the Council member should be permitted to continue in the position as Ward Councilperson. The City would be responsible for any financial obligations related to the special election.

With regard to the bridge work at State Route 306 and I-90, Councilman Schulz noted there has not been great information given out with the message board signs, but he has spoken to the engineer and it is expected that traffic will be shifted in two weeks' time. Mr. Schulz noted he commented to the project manager regarding the condition of the road leading up to both ends of the bridge.

Council President Lowery noted that the current Council term is coming to an end and elections are forthcoming. He went on to say as Council President he feels it is imperative to share the importance of this Council, current and incoming, to focus heavily on funding sources, funding recommendations, funding ideas for roads and capital improvement in the city. With the need for funding, there are five options available. These are: (1) to do nothing as a community; (2) cut services as a community; (3) decrease the income tax credit; (4) increase the municipal income tax; or (5) increase property taxes. Mr. Lowery noted he is not in favor of doing nothing or cutting services. Mr. Lowery said he does not see the current City Council rushing through to pass a resolution before the new Council term. However, he firmly believes it is imperative after hearing from the Finance Director that the city needs a funding source for revenue generation going forward, and it will not happen unless there is some huge infrastructure built in the community. Therefore, he asked Council to take this issue very seriously moving forward. He believes it to be the biggest challenge moving forward, and it is critical that Council focus on this.

CONTINUING CONCERNS:

Council President Lowery noted that this is an opportunity for the public to address Council about any continuing concerns. There were no comments from the public.

ADJOURNMENT:

Mr. Lesnick moved to adjourn, with the second by Mr. Smolic. The motion of Council passed by unanimous vote and the meeting adjourned at 8:02 p.m.

President of Council

Clerk of Council