

KIRTLAND CITY COUNCIL MINUTES

December 6, 2021

The meeting of Kirtland City Council was called to order at 7:00 p.m. by Council President Pro Tempore Joseph Smolic. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: Ronald Fenstermaker, Matthew Schulz, Joseph Smolic, Kelly Wolfe and Eric Ziegler. Absent: Scott Haymer and Jeffrey Ruple.

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

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Council President Pro Tempore Smolic advised that he would entertain a motion to suspend Council rules to administer the Oath of Office to the new Police Chief, Brian McCallister. Mr. Schulz so moved, and Mr. Ziegler seconded. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: FENSTERMAKER, SCHULZ, SMOLIC, WOLFE AND ZIEGLER. VOTING NAY: NONE).**

Brian McCallister came forward with his family. Mayor Potter stated that the men and women of the Police Department deserve integrity, accountability and honor; following the interview and assessment process, Mayor Potter has no doubt that Brian McCallister will be a great asset to the Department and to the community. Mayor Potter thanked Council for the confirmation of the appointment.

Mayor Potter administered the Oath of Office for Chief of Police. Police Chief McCallister spoke briefly, noting that he feels a good level of comfort with the City and the position and that he will bring with him his many years of experience with other agencies. He stated that the Kirtland police officers are very professional and are looking to do the best job possible. He thanked his former Chiefs for the example they set for him over the years and for their leadership. He also thanked his pastor and his wife for attending tonight, noting that it is his prayer that God will give him wisdom, discernment and a servant's heart as he steps into this position. Police Chief McCallister received the applause and congratulations of all those present.

Council President Pro Tempore Smolic acknowledged former Chief Wayne Baumgart, who was in attendance at the meeting. Mr. Smolic noted that Chief Baumgart served as the Kirtland Chief of Police from 2000 to 2017. Mr. Smolic stated that he looks forward to working with Chief McCallister.

MINUTES OF THE NOVEMBER 15, 2021 WORK SESSION:

Mr. Schulz moved to approve the minutes as presented, with the second by Ms. Wolf. Law Director Lallo noted that Council members are permitted to vote on the minutes even if they were not present at the meeting; however, since some were not Council members at the time of the meeting, he recommended that the approval of the minutes be suspended until the next Council meeting. Mr. Schulz moved to rescind his motion to approve the minutes, and Ms. Wolfe provided the second. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: FENSTERMAKER, SCHULZ, SMOLIC, WOLFE AND ZIEGLER. VOTING NAY: NONE).** It was noted that the minutes will be considered at the December 20, 2021 Council meeting.

MINUTES OF THE NOVEMBER 15, 2021 COUNCIL MEETING:

It was noted that the minutes will be considered at the December 20, 2021 Council meeting.

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the monthly report has been distributed. He noted that call volume is still up. Chief Hutton stated that COVID is impacting the Fire Department and the area; all the hospitals are extremely busy and the Fire Department is experiencing long wait times when they transport patients to the hospital. Chief Hutton recommended that people follow-up with their doctor before going to the hospital, but he noted they will always provide transport.

Chief Hutton stated he is looking forward to working with Chief McCallister, noting that he spoke with him this week and met with him this morning.

Councilman Schulz thanked Chief Hutton for the update relative to the power outages in the City.

Councilman Smolic inquired if there is a staffing shortage at the hospitals. Chief Hutton stated that staffing shortages are across the board in every area – teachers, bus drivers, nurses, police and fire, etc. He stated that the hospitals are struggling, although they are not necessarily at full capacity.

Service Director Joseph Fornaro welcomed the new Council members and invited them to visit the Service Department at any time to see the facilities.

Mr. Fornaro stated there have been 7 snow events already, and the Department has used approximately 450 tons of salt. He noted that there were no snow events last year until the big storm on December 1, which used 150 tons of salt. Answering Councilman Smolic, Mr. Fornaro stated that the Department has put down some brine; he noted that the Department uses a lot of salt during the small snow events. He noted the Department has been out on weekends and holidays.

City Engineer Douglas Courtney welcomed the new Council members, noting they can contact him by phone or email if they have any questions.

With regard to the Old Town sewer permits, the permit to install from the EPA was granted on November 23. He is still awaiting word on the wastewater infrastructure grant through the Department of Development, which was a grant request for 50 percent of the project cost, including 50 percent of the homeowners' cost to connect to the sewer. He noted there is still half the money that has not yet been awarded, so the City is hopeful for the next round. Final plans are scheduled for submittal to the Lake County Department of Utilities in early January. He stated that Resolution 21-R-73 on tonight's agenda relates to the Old Town sewer project Phase 2, for OPWC funding, authorizing the Mayor to submit a full application to OPWC. He noted there have been discussions with the County, and they recommended the City put in a full application in case anyone drops out for the funding and money becomes available. Mr. Courtney recommended that Council waive the three readings and adopt the legislation tonight.

Mr. Courtney stated there will be a future resolution dealing with a cooperative agreement between Lake County Department of Utilities and the City. Since the Department of Utilities is financing the project for the most part, OPWC will want to see a cooperative agreement between the City and the County before doing the project.

Answering Councilwoman Wolfe regarding when the City might hear about the next round for the grant through the Department of Development, Mr. Courtney stated they are on their own schedule and it is not known when the City might hear something.

DEPARTMENT REPORTS (continued):

With regard to the street rehab and maintenance, Mr. Courtney stated the project is substantially complete, with the exception of a couple weather related items, specifically final pavement striping due to current temperatures, and the berms on Beechwood and Oakwood still need to be done. He stated the contractor is busy getting pavement down for other contract commitments, and he will try to get the berms in before bad weather hits, but it is not likely. Mr. Courtney noted that those two items will carry over to the spring. He stated a carry-over of \$173,000 is projected for next year for street maintenance and rehabilitation.

Councilman Smolic commented that he had an opportunity to drive on the roads that were addressed, and they look fantastic. He inquired if Arborhurst and Singlefoot received the Reclamite; Mr. Courtney responded affirmatively, noting there will be some in next year's maintenance program as well.

Finance Director Louis Slapnick congratulated Mr. Fenstermaker and Mr. Ziegler on their new Council positions and Mr. Schulz on his re-election.

Mr. Slapnick advised that he received word today that the City was approved for the 2022 senior levy reimbursement for \$75,000; he noted this is the typical approval the City receives. The City will also receive an additional \$50,000 reimbursement as a result of the pandemic last year.

The Finance Department has three items on tonight's agenda, the first being the public depositories. Mr. Slapnick requested this be adopted tonight, noting it is a standard item from the Finance Department each year. It allows the City to do business with the banks that are named in the legislation. Mr. Slapnick noted that currently the City does business with Huntington and Star Ohio.

Mr. Slapnick stated that the legislation for advance payment of taxes was implemented by the County last year; it allows the City to get an advance on the property taxes during the first three-month period. He noted it needs to be adopted and sent to the County in order for the City to receive the advance payment of taxes. He requested that this legislation be adopted tonight.

Mr. Slapnick stated that the temporary appropriation ordinance is also on the agenda, noting that it would need to be passed by the end of the year; this is the 90-day budget that allows the City to operate within the first three months of the year prior to passage of the 2022 appropriations. He advised that the Finance Department will have the final amended appropriations for 2021 on the agenda for the next meeting. He noted he would like to schedule a work session prior to the next regular meeting to review the final appropriations and answer any additional questions on the temporary appropriations. Upon discussion, it was agreed that a work session be scheduled for 6:00 p.m. on December 20, 2021.

Answering Councilman Fenstermaker, Mr. Slapnick advised that the final appropriations would be available in the next Council packet.

Councilman Schulz inquired if the additional \$50,000 reimbursement has restrictions on how it can be spent. Mr. Slapnick stated it must benefit the senior citizens at the senior center building, noting that the County will advise regarding specific items.

Law Director Matthew Lallo welcomed the new Council members. He advised the new Council members to use their City issued email address for anything City related. He noted that it was his suggestion last year that every Council member and every Department head complete the public records training with the Ohio Attorney General's office; he advised that he can provide the new Council members with the link. He asked that they complete the training and provide him with the Certificate issued upon completion. Mr. Lallo advised that he will provide the new Council members with his contact information and he welcomed questions.

DEPARTMENT REPORTS (continued):

With regard to the cooperative agreement with Lake County, Mr. Lallo advised that it has been drafted and awaiting County approval; legislation will be on the next meeting agenda.

Mr. Lallo advised that the collective bargaining agreement with the Fire Department is on tonight's agenda, which is a two-year extension from the current agreement, in order to get back on the three-year cycle; it covers 2022 and 2023. With regard to changes, it provides a two percent raise for the firefighters and the captains, along with an increase in the competency bonus, and makes the benefit pensionable. He noted there are a couple other provisions that are non-monetary. Councilman Smolic inquired if there was a need to waive the three readings on the legislation. Mr. Lallo stated it is up to Council to make that decision, but it must be adopted before the end of the year. Mr. Schulz noted that the other Council members that are not in attendance tonight may want to vote on the legislation.

Answering Councilman Schulz, Mr. Lallo noted that the public records training is available online, and there are some sessions in person. He noted that he does not believe there is a cost for the training, whether online or in person.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter congratulated Police Chief Brian McCallister; he also congratulated the new Council members on their election and Mr. Schulz on his re-election. He congratulated the Kirtland High School Football team on a successful season, along with the girls' soccer team, the boys' soccer team, and the girls' volleyball team.

The Mayor thanked the Service Department employees for their work in putting up the lights at City Hall, noting they did a great job. He thanked the Church of Latter-day Saints for their donation of many lights. He thanked Creighton Louis of Pumpkinville for the donation of the tree in the gazebo. The Mayor also thanked Domenic and Angelina Farrinacci for the donation of the large Christmas tree on the front lawn of City Hall; he noted it is approximately 16 ft. in height. Mayor Potter thanked all in the community who came out for the tree lighting last Monday evening; he noted there were approximately 80 people in attendance.

Mayor Potter noted that the ecumenical service was held before Thanksgiving with several faith-based groups involved. He thanked the Church of Jesus Christ of Latter-day Saints for hosting the service.

Mayor Potter noted that Mr. Slapnicker addressed Ordinance 21-O-69 and Resolution 21-R-70, and hoped these would be adopted tonight. He stated that he would also like to see 21-O-71 be passed tonight, thanking Mr. Lallo and Chief Hutton for their work during the negotiations.

The Mayor noted that 21-O-72 is for the City Engineer reappointment; he spoke highly of Mr. Courtney, noting that he is professional and highly organized. He stated there is a negligible change in cost to the City, noting that Mr. Courtney has certainly earned it. He stated his confidence in having the C. W. Courtney Company continue as City Engineer. The Mayor requested that the readings be waived tonight and that the ordinance be adopted.

Mayor Potter stated that Ordinance 21-O-73 will allow the City to participate in the OPWC application, and he requested that it be adopted tonight so the application can be submitted.

With regard to Resolution 21-R-74 appointing Richard Lowery to the Board of Zoning Appeals, Mayor Potter noted that Mr. Lowery served on the Board before he ran for Council, and he is clearly suited for that position. He requested that the readings be waived and the legislation be adopted tonight.

MAYOR'S REPORT/ANNOUNCEMENTS:

With regard to Ordinance 21-O-75 relating to the temporary appropriation, Mayor Potter noted that a work session will be held before the next Council meeting.

Councilman Ziegler stated that the Kirtland High School football team players work very hard, noting that until now, they had not lost a game for four years. He stated he believes the loss will motivate them for next year.

Noting that he enjoyed the Christmas tree lighting, Councilman Ziegler suggested that it could be turned into an event for next year and become a good tradition for the City. Mayor Potter noted that it went very well, and there are ideas for next year to expand it.

STANDING COMMITTEE REPORTS:

Councilman Smolic noted that all Standing Committee meeting minutes have been finalized and approved for the year. Mr. Smolic noted that emails were sent to Council members inquiring about their preferred committees for upcoming appointments at the December 20 meeting.

CORRESPONDENCE:

Council President Pro Tempore Smolic acknowledged receipt of correspondence from Dominion Energy regarding a rate increase for infrastructure.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Sterling Coleman, 7636 Markell Road, stated that today the County removed the signs for the one-lane bridge; he believes the new bridge is rated at 22,000 lbs., which is the full legal load rating for all State of Ohio roads. He noted that the porta-potty needs to be picked up by the rental company. He stated that the barricades were taken apart and tossed in residents' yards, noting that they are to be picked up by a rental company.

OLD BUSINESS:

None.

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

None.

**ORDINANCE NO. 21-O-69
(Mayor Potter)**

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AN ORDINANCE DESIGNATING FINANCIAL INSTITUTIONS AS PUBLIC DEPOSITORIES.

The legislation was read by title only. Ms. Wolfe moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: FENSTERMAKER, SCHULZ, SMOLIC, WOLFE AND ZIEGLER. VOTING NAY: NONE).** Ms. Wolfe moved to adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: FENSTERMAKER, SCHULZ, SMOLIC, WOLFE AND ZIEGLER. VOTING NAY: NONE).**

NEW BUSINESS:**RESOLUTION NO. 21-R-70**
(Mayor Potter)

- A RESOLUTION REQUESTING THE COUNTY AUDITOR TO MAKE ADVANCE PAYMENTS OF TAXES PURSUANT TO OHIO REVISED CODE SECTION 321.34, AND DECLARING AN EMERGENCY.

The legislation was read by title only. Mr. Slapnicker advised this is the second year Lake County has required this to be done; it authorizes the City to request the advance of property tax payments to the City for the first quarter of 2022. Mr. Ziegler moved to waive the three readings, with the second by Ms. Wolfe. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: FENSTERMAKER, SCHULZ, SMOLIC, WOLFE AND ZIEGLER. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Ms. Wolfe. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: FENSTERMAKER, SCHULZ, SMOLIC, WOLFE AND ZIEGLER. VOTING NAY: NONE).**

ORDINANCE NO. 21-O-71
(Mayor Potter)

- AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE KIRTLAND PROFESSIONAL FIREFIGHTERS LOCAL 3735, AND DECLARING AN EMERGENCY.

The legislation was read by title only. Answering Mr. Smolic, Mayor Potter noted that the changes were delineated in the previous session, including the cost to the City going forward, and he does not see a reason to hold off because of the two Council members that were unable to be present tonight, although it is Council's decision. Mr. Ziegler moved to waive the three readings, with the second by Mr. Fenstermaker. Mr. Fenstermaker stated that he believes there has been sufficient discussion. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: FENSTERMAKER, SCHULZ, SMOLIC, WOLFE AND ZIEGLER. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: FENSTERMAKER, SCHULZ, SMOLIC, WOLFE AND ZIEGLER. VOTING NAY: NONE).**

ORDINANCE NO. 21-O-72
(Mayor Potter)

- AN ORDINANCE CONFIRMING THE MAYOR'S RE-APPOINTMENT OF THE C.W. COURTNEY COMPANY AS ENGINEERS FOR THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.

The legislation was read by title only. Ms. Wolfe moved to waive the three readings, with the second by Mr. Fenstermaker. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: FENSTERMAKER, SCHULZ, SMOLIC, WOLFE AND ZIEGLER. VOTING NAY: NONE).** Mr. Ziegler moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: FENSTERMAKER, SCHULZ, SMOLIC, WOLFE AND ZIEGLER. VOTING NAY: NONE).**

RESOLUTION NO. 21-R-73
(Mayor Potter)

- A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING AN EMERGENCY.

The legislation was read by title only. Mr. Schulz moved to waive the three readings, with the second by Ms. Wolfe. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: FENSTERMAKER, SCHULZ, SMOLIC, WOLFE AND ZIEGLER. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Ms. Wolfe. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: FENSTERMAKER, SCHULZ, SMOLIC, WOLFE AND ZIEGLER. VOTING NAY: NONE).**

NEW BUSINESS:**RESOLUTION NO. 21-R-74**
(Mayor Potter)

- **A RESOLUTION CONFIRMING THE APPOINTMENT OF RICHARD LOWERY TO THE BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Schulz moved to waive the three readings, with the second by Mr. Ziegler. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: FENSTERMAKER, SCHULZ, SMOLIC, WOLFE AND ZIEGLER. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. Mr. Fenstermaker stated his support of Mayor Potter's appointment of Mr. Lowery, noting that he replaced Mr. Lowery on the Board of Zoning Appeals when Mr. Lowery became Councilman-at-Large. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: FENSTERMAKER, SCHULZ, SMOLIC, WOLFE AND ZIEGLER. VOTING NAY: NONE).**

ORDINANCE NO. 21-O-75
(Mayor Potter)

- **AN ORDINANCE PROVIDING TEMPORARY APPROPRIATIONS FOR THE THREE-MONTH PERIOD ENDING MARCH 31, 2022.**

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

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COUNCIL COMMENTS:

None.

CONTINUING CONCERNS:

It was 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. Schulz moved to adjourn, with the second by Mr. Fenstermaker. The motion of Council passed by unanimous vote and the meeting adjourned at 7:55 p.m.

President of Council

Clerk of Council