

KIRTLAND CITY COUNCIL MINUTES

January 5, 2022

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

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

MINUTES OF THE DECEMBER 20, 2021 WORK SESSION:

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

MINUTES OF THE DECEMBER 20, 2021 COUNCIL MEETING:

Mr. Schulz moved to amend the minutes relating to salt usage reported by Mr. Fornaro on page 2, correcting "500 pounds" to "500 tons". Mr. Fenstermaker provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: HAYMER, RUPLE, SCHULZ, SMOLIC, ZIEGLER AND FENSTERMAKER. VOTING NAY: NONE).** Mr. Schulz moved to waive the reading of the minutes, with the second by Mr. Smolic. The motion of Council passed by unanimous vote. Mr. Schulz moved to approve the Minutes, as amended, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: HAYMER, RUPLE, SCHULZ, SMOLIC, ZIEGLER AND FENSTERMAKER. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton wished everyone a Happy New Year, saying the Fire Department finished 2021 very strong, with 1248 total calls, of which 805 were EMS.

Chief Hutton reported that while many fire departments in the surrounding area suffered absences due to COVID during the holidays, Kirtland saw a lower instance of absences and was able to cover everything well on the days the Department was short.

Chief Hutton said there have been issues with slow turnaround times at the hospitals lately; however it seems to be getting better in the past few days.

Firefighter Aaron Madden has recently been chosen to handle public education for the Fire Department. He will be working on a Facebook page for the Fire Department in the hopes that real-time information can be posted for the community. There has been a firefighter designated for each shift to get information out to the community, such as road closures, trees down, power outages, etc. Chief Hutton said the Department will try to keep the page updated as best they can.

DEPARTMENT REPORTS (continued):

Responding to a question from Councilman Schulz concerning applications for part-time firefighter, Chief Hutton said he has received one application. He noted it is likely that five part-timers will soon be offered full-time positions in other departments. Three of these five part-timers are "dependables" and are assigned to 24-hour shifts, which will be a hard hit for the Department. Chief Hutton said the Facebook page will also be used as a recruiting tool.

Chief Hutton advised that the EMT/Paramedic program at Lakeland Community College was pretty much shut down during COVID, so there was not much ride time. The programs are opening back up, and the Fire Department will begin working with Lakeland Community College and Auburn Career Center. Chief Hutton hopes the Department will be able to recruit from these programs.

Recently the Fire Department was invited to speak at the high school. Chief Hutton said the Fire and Police Departments have also been invited to speak at the high school's upcoming career day, which could also be an opportunity for recruitment.

Chief Hutton said the current applicant pool for both Police and Fire is very slim, and he reiterated the need to look into the option of adding more full-time positions in his Department.

Responding to Councilman Smolic, Chief Hutton updated Council on the City of Willoughby's fire truck. Chief Hutton said the City of Willoughby borrowed a truck from the City of Kirtland, with the intention of sending their own truck to a repair shop for body work and new paint. The body shop had a staffing shortage and returned the truck to the City of Willoughby without any work being done. Therefore, the City of Willoughby returned the borrowed truck within two days and are working on getting a new truck.

Councilman Fenstermaker asked if the staffing shortages of other departments during the holiday season affected the City of Kirtland's resources. Chief Hutton explained even the Departments that were hit hard were still able to cover their shifts. The City of Euclid actually lost every person on one of their shifts, but were able to cover it. All local departments have been working together and covering each other on a regular basis.

Police Chief Brian McCallister wished everyone a Happy New Year, reporting the Police Department has been relatively slow. COVID made its way through the Department, which did affect some of the holiday staffing. Fortunately, some of the younger officers were willing to sacrifice time with their families to step up and fill shifts, giving the road support that was needed.

The Police Department is looking to promote two working detectives into the Department. There are no current detectives in the Department, and officers are handling their own caseloads. Chief McCallister said he is looking for a couple people that will be able to specialize in the investigative track, crime scene processing, and evidence retention. The Department is currently relying on help from outside agencies with these situations. Panel interviews will be held soon with all applicants, and once these are completed Chief McCallister will interview the remaining eligible applicants and make a final decision. Once the positions have been filled, the new hires will have to endure a lengthy and intensive training. Chief McCallister has been researching training programs and has found a program in Pennsylvania offered at no cost. Ohio programs cost approximately \$700 per trainee.

Responding to Councilman Ziegler, Chief McCallister advised that the Department is looking to combine trainings such as taser and firearms, and there will be training on defensive tactics.

Mr. Ziegler asked about the new conceal carry laws. Chief McCallister said he will look at the law when all the information is available, and the Department will train on it. However, he doesn't see it being an extra concern, as the Department is already trained to treat all situations as if the subject is armed.

DEPARTMENT REPORTS (continued):

Councilman Ziegler asked if the Police Department would be able to do training classes for the community concerning conceal carry, to which Chief McCallister said he would speak with the firearms instructors about the idea. Councilman Smolic said there is generally not much training on a concealed carry permit, and it is mostly based on proficiency; he thinks it would be a great idea.

Chief McCallister said typically those interested in such training go through outside services, as there are live drills and other such training. To have a similar training program, the Department would need access to a range and space, which may not be available. The Police Department would more likely teach the law and its effects, and present various drills that can be worked on individually.

Service Director Joseph Fornaro requested that Chief Hutton pass along his contact information to be included in the high school career day, as his Department is also struggling with recruitment. Mr. Fornaro said Public Works is a great career opportunity, and he'd love to be involved in this opportunity.

Mr. Fornaro said there is some snowy weather expected in the next few days, and he asked that residents be patient, slow down, and give the crews enough room to work. He also reminded everyone that the trucks will back up if they go into intersections, and to not get too close.

City Engineer Douglas Courtney wished everyone a Happy New Year, and began his report with Old Town Sewer improvements, noting that the City was unsuccessful in securing the wastewater infrastructure grant. The Engineering Department continues to investigate other grant and loan opportunities for the project, and Mr. Courtney will update Council as new information is available.

Mr. Courtney said his Department is continuing to work on finalizing plans for Phase I and Phase II of the project, the cost estimates, and preparing the final assessment list for the project. There are a couple matters holding up the final assessments; however he expects them to be completed by the end of the month.

Concerning the street rehabilitation plan, the Engineering Department submitted a draft update to the Mayor and Mr. Fornaro at the end of December. Mr. Courtney expects there to be a meeting scheduled shortly concerning the submission and any needed adjustments.

As of today, Mr. Courtney anticipates a carryover over of \$173,000 from 2021 to 2022 for Street Maintenance and Rehabilitation.

Council President Ruple noted that a resident has requested a breakdown of the cost per street in terms of repairs. Mr. Courtney said he will be able to provide that information once he fills the final amounts into the appropriate streets on the report. There are a couple items that have been delayed until spring, which will affect the final numbers, but not significantly.

Law Director Matthew Lallo referenced two pieces of legislation on the agenda to be addressed. The first is a modification of the collective bargaining agreement that was recently passed relative to the Police Department. Prior to the parties signing the Agreement, there was a noted discrepancy that has been in place since at least 2018. This discrepancy concerns the factor used to calculate the pay rates of sergeants. The factor of 1.13 has been used for calculating pay rates for years for both the Police Department and Fire Department; however, for the past few years there has been a clerical error in the Agreements for the Police Department stating the factor as 1.12. The purpose of the legislation is to correct the clerical error, and set the pay scale appropriately.

DEPARTMENT REPORTS (continued):

Mr. Lallo then spoke on the legislation concerning the recall election of Councilwoman Wolfe. A petition was filed at the last Council meeting on December 20, consisting of 294 signatures. He went with Ms. Roelle to the Board of Elections on December 28 to verify the signatures, with the help of the Board of Elections and its software. Of the 294, 270 signatures were sufficient, and the Clerk of Council provided her certification to Council on December 28. Ms. Roelle mailed a copy to Councilwoman Wolfe's home, placed a copy in her mailbox at City Hall, and emailed her a copy with a delivery receipt. The delivery receipt indicated the email was delivered. The City Charter requires the Clerk to deliver a copy, and Ms. Roelle is in compliance with the requirement. There was a five-day window in which Councilwoman Wolfe had the opportunity to resign; that window closed Monday, January 3, 2022. As there was no resignation received, Council is now mandated by the City Charter to fix or set the date for an election. The language that must be used is stated in the City Charter.

Mr. Lallo said he has reviewed the language and consulted with the Board of Elections. The request is to have the election on Tuesday, March 8, 2022; the Board of Elections will run the election for Ward 1. Mr. Lallo advised Council it is a requirement for them to fix the date, and asked that the legislation be addressed today.

Mr. Lallo explained when a recall election is requested, the petition submitted must have signatures from a minimum of 25 percent of the electors who voted in the preceding General Election. This petition was received December 20, 2021, and the preceding General Election was November 2021. There were 400 plus residents voting in that election; the minimum signatures required would be 107, and 274 signatures were received. If an argument is made that the November 2020 election data should have been used, the 274 signatures would have exceeded the minimum on that election as well.

When asked for an update on the changes to the City Codes, Mr. Lallo responded the project is ongoing. It was noted this will be included in the budget discussions.

Concerning Mr. Lallo's work with Mr. Loconti regarding zoning violations, Councilman Schulz asked if the charges had been filed. Mr. Lallo advised those were filed right before Christmas in the Willoughby Court. The individual will receive a summons to appear in court for an arraignment. If they plead guilty at that time, the magistrate will sentence them right then and there. If they plead not guilty, the case will be set for a pre-trial and be placed on Mr. Lallo's docket. Mr. Lallo has not had any placed on his docket yet, and expects arraignments to be scheduled in the next couple weeks.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter wished a Happy New Year to everyone present and those joining via Zoom. Mayor Potter hopes the City will soon be casting the meetings differently, noting there will be additional microphones, and all will feed to the sound system. There will be a YouTube channel for the Council meetings, which will be comprised of the current meeting as well as archived meetings.

Mayor Potter expressed his condolences to the Chairman of Planning and Zoning, Mike Denk, for the loss of his father.

Mayor Potter expressed his condolences to the family of Premo Panzarello, who was a longtime resident of the City of Kirtland. Mr. Panzarello was a close friend of Mayor Potter, and a tremendous help in the 2020 analysis of how to approach the road program moving forward. The wake will be held January 6, with the funeral being held on January 7 at Divine Word.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mayor Potter stated that Mr. Slapnicker is not in attendance tonight, noting that when he accepted the position of Finance Director, he requested the option to miss one meeting a month during the busy times in the Finance Department, when his time is better used working off-site on the City's finances. Mayor Potter agreed, and suggested Council be ready with questions for Mr. Slapnicker at the next meeting.

Mayor Potter thanked Chief Hutton and his Department for all their hard work, with shifts around the clock in tough conditions and long waits at the hospitals. Chief Hutton is very instrumental in the county in terms of EMS coordination, and Mayor Potter expressed his appreciation.

Looking back on 2021, Mayor Potter said it was a pretty successful year. There were some great events held at City Hall, such as a concert series in partnership with the Library, the Police and Fire Safety Forces Day, and the Christmas tree lighting last month. There will be more events in the coming year, building upon last year's successes.

Mayor Potter reported there were a lot of roads paved in the past year, and the City addressed many miles of maintenance. Mayor Potter thanked Mr. Fornaro and Mr. Courtney for their hard work and coordination on those projects.

A new Police Chief was hired in 2021, Chief McCallister, who has taken the job head-on, addressing policies and procedures and assimilating very well into the Department.

A new Economic Development Coordinator was hired in 2021, Mr. Eckart, who has been working very hard and will be attending the next meeting to provide an update. He will also attend the joint meeting with Planning and Zoning.

The Senior Center continues to grow, and Mayor Potter believes Ms. Szary has been very receptive and open to ideas suggested by the members. Ms. Szary advised there are currently 302 members for 2022, and 2021 closed with 565 members. The Mayor thanked Ms. Szary and the Senior Board, noting that the Center is thriving.

Mayor Potter said in the past year or two Council and the administration has worked hard to make sure the City government works better, and he is looking forward to working with everyone in the coming year. There has been more engagement with Holden Arboretum and Lake Metroparks, and Paul Palagyi has been a tremendous partner. Mayor Potter and Mr. Palagyi speak regularly, and Mayor Potter believes there is a lot the City can do with the Metroparks moving forward.

Mayor Potter spoke about the pickleball courts, thanking everyone for their help with the project. He said a lot of residents, and not only seniors, are excited about the courts.

In the coming weeks, the 2022 budget will be discussed. Mr. Slapnicker is working on the final numbers. Mayor Potter expects a healthier General Fund carryover, more so than last year. This will be discussed in the budget meetings, as well as how to spend the ARPA funds, the challenges of paying for the road program moving forward, and continuing to provide great services for the residents. Mayor Potter met with Council President Ruple and Council President Pro Tempore Smolic a couple weeks ago to discuss City goals, projects and topics of discussion for this year.

Mayor Potter suggested that committee meetings be scheduled in the next month with regard to capital expenses. As the meetings are scheduled and Mr. Slapnicker is able to finalize numbers, opportunities can be vetted related to capital in 2022.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mayor Potter thanked Councilman Smolic for joining him and Mr. Fornaro this past weekend, concerning the City's three package plants, which service three residential neighborhoods. At a minimum to maintain regulation, these need to be tested and serviced regularly. There are also many components at the different facilities that have either been underserved over the years or are in need of improvement. Therefore, there is a lot of work to be done at the package plants, which will lead to a conversation related to the budget and potentially ARPA spending.

Mr. Eckart has been meeting with many different organizations and people who are influential in the county and looking into potential future development and business opportunities in the City. Mayor Potter has attended some of these meetings, and Mr. Eckart will give Council an update on the progress in a couple weeks.

Mayor Potter thanked Councilman Haymer for moving forward in terms of vetting the idea of what can be done to expand broadband in the City with fiber optics.

Mayor Potter added to Mr. Lallo's statements on the work that Mr. Loconti has been doing, saying he has quickly proven to meet Council's expectations. Mr. Loconti is professional, has a good understanding of code, and knows how to speak to residents and business owners in a way that brings compliance.

Councilman Smolic suggested that Council members may wish to visit the City's package plants.

With regard to pickleball, Councilman Ziegler suggested a city-wide tournament.

Councilman Schulz inquired about enhancements to the website, as solicited by the Mayor. Mayor Potter said the feedback has not yet been reviewed, but the goal is to keep improving the website.

STANDING COMMITTEE REPORTS:

Noting that he spoke with Mr. Slapnicker, Councilman Schulz advised that a Finance Committee meeting will be held following the next meeting on February 7, 2022, prior to the regularly scheduled Council meeting.

CORRESPONDENCE:

Council President Ruple advised that a notification was received from Ohio Division of Liquor Control regarding a permit transfer from Just One More Ltd., dba Just One More Tavern, to AR Tavern LLC, dba Just One More Tavern. Council did not request a hearing in this regard.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS:

Frank Lyon, 8049 Eagle Road, spoke regarding the recall election for Councilwoman Wolfe, saying he had heard everyone would receive a letter concerning the election on March 8. Mr. Lallo said he is not aware of anything that requires the City to send a letter to the residents, and to his knowledge none will be sent. Council President Ruple advised that the Board of Elections will provide notice and will post it on their website. Mayor Potter stated that once the date is set, a general announcement can be placed on the City's website and Facebook page.

RESOLUTION NO. 22-R-1 - **A RESOLUTION DECLARING INTENT TO CONDUCT AN INTERNET AUCTION FOR THE SALE OF UNNEEDED, OBSOLETE OR UNFIT PERSONAL PROPERTY OF THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only. Mr. Schulz moved to waive the three readings, with the second by Mr. Smolic. Answering Mr. Smolic, Mr. Lallo advised that this gives the City the authority to list and sell items on that site. With regard to items to be sold, Mr. Lallo stated that Council will be asked to declare the items obsolete, unused and unneeded. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: HAYMER, RUPLE, SCHULZ, SMOLIC, ZIEGLER AND FENSTERMAKER. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Ziegler. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: HAYMER, RUPLE, SCHULZ, SMOLIC, ZIEGLER AND FENSTERMAKER. VOTING NAY: NONE).**

ORDINANCE NO. 22-O-2 - **AN ORDINANCE AMENDING ORDINANCE 21-O-64 AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

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

ORDINANCE NO. 22-O-3 - **AN ORDINANCE FIXING THE DAY FOR HOLDING THE RECALL ELECTION OF KELLY WOLFE AS WARD 1 COUNCILPERSON, AND DECLARING AN EMERGENCY.**
(Council President Ruple)

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

COUNCIL COMMENTS:

Councilman Smolic clarified that the Finance Committee meeting will be held on February 7, not at the next Council meeting.

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 7:50 p.m.

President of Council

Clerk of Council