

KIRTLAND CITY COUNCIL MINUTES

February 7, 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, Kelly Wolfe and Eric Ziegler.

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

MINUTES OF THE JANUARY 19, 2022 WORK SESSION:

Mr. Schultz 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 presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, WOLFE, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).**

MINUTES OF THE JANUARY 19, 2022 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised the January report has been distributed. Call volume is still up a little bit, and the Department has been staying busy. The storm calls were down in the last snowfall, and Chief Hutton thanked Mr. Fornaro and the Service Department for doing a good job with the roads.

Chief Hutton brought up the issues his Department has with part-time staffing, advising Council that he has lost a couple of employees in the past month because they accepted full-time jobs in other departments. Another part-timer, who works a lot of hours for the Department, will be moving to Florida. Chief Hutton expects two more part-timers to be offered full-time jobs with other departments in the near future. At the Mayor's request, Chief Hutton and Captain Ponzani have completed and submitted a SAFER (Staffing for Adequate Fire and Emergency Response) grant last week. There are only 500 SAFER grants awarded nationwide, and Kirtland is not high on the priority list due to its rural classification, however Chief Hutton is hoping the Department will receive the grant. In addition to grant submissions, Chief Hutton noted the City should consider adding full-time positions to his Department to offset the problems. Answering Councilman Schulz, Chief Hutton said he should receive word on the grant by June or July.

Police Chief Brian McCallister advised the monthly report has been distributed. Chief McCallister said the Department recently put out a newsletter to the community on Facebook, and he encouraged everyone to take a look at it.

The Police Department was recently awarded a grant through the Ohio Office of Criminal Justice Services for the purchase of body cameras. The grant is for a little over \$6,700 and will help to purchase a couple extra body cameras for the Department, along with implementing some redaction software to be used to process public record requests.

DEPARTMENT REPORTS (continued):

The Department had some walk-throughs with Chief Gagliardi at Lakeland Community College, and that location has been selected to do this year's mass casualty incident training. This is a county-wide training that takes place in June, involving many county agencies. The purpose of the training is to prepare for a possible incident at Lakeland Community College, if it were to occur.

Chief McCallister has requested the officers begin additional patrols at the schools and college, so they may familiarize themselves with the layouts of the buildings. This should give them a working knowledge of the areas, which will help in an emergency situation.

The Police Department put out a lateral transfer ad last week, and Chief McCallister said there have not been any viable candidates as of yet. No one that is qualified for the position has returned an application. The date has been pushed to March 7, and Chief McCallister hopes to have a few applicants to screen.

Councilman Smolic asked for more information on the software that will be purchased with the body cameras. Chief McCallister explained it is redacting software and allows the Department to blur out faces or other items in the video, which makes the video releasable for public records requests.

Service Director Joseph Fornaro stated that snow is coming often, and a lot of it. Mr. Fornaro reported fuel consumption has reached 2840 gallons. He noted that an order for more salt has been placed.

Mr. Fornaro expressed his appreciation for his team, who have been working long hours, working very hard, and doing an excellent job.

Councilman Fenstermaker thanked Mr. Fornaro for taking time out of his schedule when he came to visit the Department. He noted he did not receive any concerns from residents following the last two storms. Mr. Fenstermaker asked Mr. Fornaro to forward his appreciation to the Service Department personnel for the good job they are doing.

City Engineer Douglas Courtney stated that 90 percent plans for the Old Town sewer project went to the county for review today. The assessment list is progressing, with a handful of owners who have not yet committed to deed restricting their properties. He noted that confirmation is needed from these residents to finalize the list, and there cannot be a public hearing until the list is finalized. Mr. Courtney advised that a meeting is scheduled with the County on the 15th of this month to discuss project scheduling, cost, and other items.

Mr. Courtney referenced legislation on tonight's agenda, 22-R-11, concerning the final change order for Specialized Construction for the contract for rehabilitation of the roads. The change order is to reduce the project cost by \$235,627.

Mr. Courtney advised that total project cost for road improvements in 2021, by street name, are as follows: Billings Road, \$918,361; Springer Drive, \$239,294; Springer Court \$50,744; Wisner Road, \$408,324; Beechwood Drive, \$148,484; Oakwood Drive, \$28,924. Mitchells Mill's anticipated cost is \$18,490, and it will be done in the spring. The overall cost for this portion of the program totals \$1,812,625.

The maintenance streets are as follows: Charlesderry Road (double chip), \$17,629; Locust Drive (double chip), \$54,739; Templeview (double chip), \$3,702; North Star Road (double chip), \$16,695; Euclid-Chardon Road (crack sealed), \$86,254; Tibbetts Road (crack sealed), \$9,060; Arborhurst Lane (Reclamite application), \$2213; Singlefoot Trail (Reclamite application), \$2476; Wrenwood Drive (Reclamite application), \$2012. The cost for the pavement striping program was \$32,437. The total project cost for maintenance streets was \$227,222.

DEPARTMENT REPORTS (continued):

The program rehabilitated 4.76 miles of street, crack sealed 6.04 miles, chip sealed 1.21 miles, and Reclamite was applied to 0.5 mile.

Mr. Courtney will share the document with the Mayor so it can be distributed to Council.

Mr. Courtney said he and Mr. Fornaro are currently working on the street list and drainage projects for 2022, noting that some of the stormwater money will be used in the coming year.

Councilman Ziegler asked if the double chip would be the final maintenance on Locust, noting that he received a complaint from a resident about the stone. Mr. Courtney said it would be the final coat on that street, noting if the plows have thrown the stone, it would be addressed in the spring.

With regard to ARPA funds, Councilman Fenstermaker inquired how those funds can be utilized concerning roads. Mayor Potter said he found out recently that with the Federal Treasury's final amended rule that ARPA funds should be able to be used for road projects. Mayor Potter said he plans to commit close to all of the funding to the road projects.

With regard to the change order, Councilman Schulz asked if the reduction in the project was due to a change in scope. Mr. Courtney explained there were no significant changes in scope relative to the work plan. Some items came in under quantity, for example there were many more full-depth repairs projected for Billings Road than were actually needed. Also, none of the contingency sections of the contract were used, which amounted to \$132,000.

Answering Council President Ruple, Mr. Courtney said the next meeting expected for the Old Town sewer project will be the public hearing, at which all final estimated costs and the assessment list will be complete. The scheduling of this meeting is dependent on responses from residents relating to deed restricting their properties. Mr. Courtney hopes to begin the project in the late summer.

Councilman Smolic stated his appreciation to Mr. Courtney for the detail provided in Resolution 22-R-11 and in the road cost summary, and to Mr. Courtney and Mr. Fornaro on their oversight of the road work.

Finance Director Louis Slapnicker reported the first Finance Committee meeting of 2022 was held this evening to discuss the 2021 end-of-year reports; he noted that Finance Committee meetings will be held to discuss the 2022 budget.

Mr. Slapnicker advised he and the Mayor have begun working on developing the 2022 budget, taking into consideration requests received during their meetings with the department heads. Mr. Slapnicker hopes to wrap up several items within the next week, and the budget will be placed on the agenda for First Reading at the next Council meeting. Mr. Slapnicker noted that Council will receive that packet by the end of next week.

Mr. Slapnicker said the Finance Department will be looking to amend the temporary appropriations at the next Council meeting, concerning upcoming items along with some that have already occurred.

The GAAP conversion continues, and Mr. Slapnicker told Council to expect regular updates on the progress through the month of May. Mr. Slapnicker explained LGS is through the state auditor's office, however they are a separate division. They help the City in building the financial reports that are then audited by the state auditor. He noted that Sara Fawcett, the lead auditor for Kirtland, has requested some items and expects to be on site the first week of March.

DEPARTMENT REPORTS (continued):

Councilman Fenstermaker asked about the current book value on the roller, which was recently placed on govdeals.com. Mr. Slapnicker explained the book value may not be the same as the market value. Mr. Fornaro said the roller was placed for bid with a \$70,000 reserve. The last bid received came in at \$67,000, which did not meet the reserve, and the bidder declined.

Law Director Matthew Lallo began his report by thanking Mr. Slapnicker for providing information on the Spectrum Charter Communications, and said the City did receive the five percent franchise fees.

Mr. Lallo made Council aware of an issue regarding property owned by Mr. Christopher, noting that the City has been dealing with the situation for a number of months. Mr. Lallo reminded Council that a couple years ago there was an application for streambank stabilization at the rear of the property due to an erosion problem. The largest issue for the project was getting the conditional use permit, which requires proof of compliance of state and federal approvals, or at minimum filing of the applications. In October/November of 2020, the City issued the conditional use permit with the condition that proof be submitted of compliance with the City's Code. Some examples of items needing to be submitted would be a notice of intent with the Army Corps, an application tracking number with the Ohio EPA and other agencies. Receipt of the permit from the City does not eliminate the need for the applicant to follow through with the other agencies. Unfortunately, the applicant has not yet submitted proof of compliance, and the City has reached out several times to discuss the situation.

Mr. Lallo continued, saying the City has now learned the applicant is looking to reroute the river, which is a completely different scope and project than was initially approved by the Planning and Zoning Commission for the conditional use permit. The City learned of this change in scope at the end of September. The applicant was working on this in June/July and reached out to the County, the Army Corps of Engineers, and the Ohio EPA, but did not contact the City regarding the change of scope. Every entity the applicant has contacted advised them they need to get approvals and permits from state, local, city, and county agencies, but the applicant has not done that yet.

Mr. Courtney met with the applicant's engineer on the project, an employee of CT Consultants, to make sure she was aware of what was needed for City approval on the project. They have begun digging an access road to the project area, without applying for the required permit. This was discovered in early April, and Mr. Lallo had a discussion with their attorney the first week in November. During this discussion the applicant's attorney indicated he would submit the proof of compliance, the application, and anything else needed. Less than two weeks later, Mr. Lallo received a letter from the same attorney contradictory to the tenor of that conversation. Mr. Lallo responded, addressing all points and events of the last year and a half that rebut everything stated in the received letter.

The applicant filed with the Army Corps of Engineers and was advised there would be no permit required by them for a temporary stream relocation. However, the letter advised the applicant to contact the state and local agencies and entities for permit approvals through them. The applicant assumed no permits were needed and began work on the access road. The City contacted them and advised them to apply for the necessary permits.

When the applicant contacted the Ohio EPA they were advised they did need city and county approvals. Mr. Lallo reached out to the applicant's attorney, requesting they submit their application for the needed permit. The City does not want to hold up the project, but there are steps that need to be taken prior to beginning such a project. Discussion ensued concerning the situation.

Answering Councilman Schulz regarding the Old Town assessment list, Mr. Lallo said there will be a deadline, noting that the County Prosecutor's approval of the deed restriction language is needed. Mayor Potter advised that a third letter will be sent this week to the few residents who have not yet responded.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter expressed his appreciation to the Service Department and Mr. Fornaro for all of their hard work during the last few weeks during the snowstorms. He also thanked the Police and Fire Departments for their support during these storms.

Mayor Potter has been meeting regularly with Mr. Slapnicker over the last month or so in relation to the 2022 budget. He expects by the end of this week the budget should be wrapped up and ready for the next round of meetings with the department heads to go over the final numbers.

In the next few days, there will be an announcement made related to a City-sponsored 5k event at City Hall on March 27, which has been put together by his wife, Mr. Lallo's wife, and a few other volunteers. Along with the 5k race there will be a band, food and beverage stations, and activities for the kids. Mayor Potter hopes this will be the beginning of many more of these events, and he noted that anyone interested in volunteering should let him know. The race is set up to have community sponsors, but there will be an amendment of \$5,000 to the temporary appropriation for the funds to pass through the City.

For the next agenda, Mayor Potter has asked Mr. Courtney to work with Mr. Slapnicker on preparing a cost for putting the bid book together for the road program. If work on the bid book begins now, with passage of the budget by the end of March, bids will be put out six to eight weeks sooner than last year.

Mayor Potter noted that Superintendent Van Arnhem is present and will be speaking on the MOU that is on the agenda for second reading. Mayor Potter prefaced the discussion by saying this is not being considered a permanent solution, and the school continues to search for a long-term solution for a mechanic at the school. Mr. Van Arnhem understands that City vehicles are priority.

Answering Council President Ruple regarding the 5k run to be held March 27, Mayor Potter confirmed there will be a fee for the runners. He advised that any surplus will be committed to a fund for a playground at the Community Center, noting that the City is also working with Kiwanis and the soccer league.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

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

None.

OLD BUSINESS (continued):

RESOLUTION NO. 22-R-4 - **(Second Reading) - A RESOLUTION APPOINTING PAUL RUPERT AS A MEMBER OF THE KIRTLAND BOARD OF TAX REVIEW, AND DECLARING AN EMERGENCY.**
(Council as a Whole)

The legislation was read by title only. Council President Ruple noted that he spoke with Mr. Rupert, who was unable to attend tonight but expressed his appreciation for the consideration. Mr. Smolic moved to waive the three readings, with the second by Mr. Ziegler. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, WOLFE, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).** Ms. Wolfe moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, WOLFE, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).**

RESOLUTION NO. 22-R-9 - **(Second Reading) - A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE KIRTLAND LOCAL SCHOOL DISTRICT FOR THE SHARED SERVICES OF THE CITY'S MECHANIC, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

Mr. Van Arnhem addressed Council, explaining the mechanic for the school retired in November. The job has been posted, and the offered salary has been raised twice during the process of looking for a replacement. Mr. Van Arnhem said there have been four different candidates, at different times, who were expected to accept the position and backed out of the process. A few of the candidates were offered a raise by their current employers to stay where they were.

Mr. Van Arnhem said the buses are being taken care of, noting that the school has a partnership with Perry. Unfortunately, one of the two Perry mechanics recently left his position, creating a situation of one mechanic working two districts. There is now a plan to send the buses out to a local mechanic, with a maintenance schedule that addresses one bus at a time, causing a maintenance backlog.

Mr. Van Arnhem stressed the maintenance is being taken care of, and the buses are safe. Earlier in the school year, the City agreed on a temporary shared service at that time. The school system did not expect to still be without a mechanic at this point in time. As an update, Mr. Van Arnhem advised Council a potential applicant was interviewed last week, and another right before tonight's meeting. These are good candidates, and the position may be offered soon. At that point it's a matter of whether they accept the position.

Mr. Van Arnhem said having this agreement in place provides the school system with an opportunity to continue to maintain the buses. He said he's heard great things about the City's mechanic and understands his time is allocated to the City first. However, if there is an hour or two that can be spared in each week for him to take care of a few minor things on the buses it would be a great help.

Once a mechanic has been hired, the need will no longer be there, but Mr. Van Arnhem thinks it would be a good idea to continue the agreement in case of emergency. He believes any partnerships that can be created that benefit both parties are a good idea. Mr. Van Arnhem mentioned the rate went up on the current proposed contract, to which he has no objections.

Councilman Smolic inquired about the updated offer for a mechanic. Mr. Van Arnhem responded it is \$26.00 per hour, if they have experience, plus benefits.

OLD BUSINESS – RESOLUTION NO. 22-R-9 (continued):

Mr. Smolic expressed concern regarding the multiple responsibilities of the City's mechanic, noting that he also plows. Mr. Smolic inquired about the age of the bus fleet. Mr. Van Arnhem said the age of the buses varies, and the oldest are cycled out when a new bus is purchased. The goal is to purchase a new bus each year, to maintain the fleet. The system currently has 20 buses, with 13 or 14 running daily routes and the other 6 or 7 as backups in case one of the regular buses runs into mechanical issues, or for special events that call for bus transportation.

Answering Councilman Schulz, Mr. Van Arnhem said the funding expected from the issue passed last year can be set aside for the purchase of a new bus, however it will not cover the total cost. The cost of a new bus is \$100,000.

Councilman Haymer inquired about using an outside company for the service, to which Mr. Van Arnhem said they have used such companies and they're much more expensive and limited in what time they can allocate.

Councilman Fenstermaker brought up the backup buses, saying he would like to understand how serious the need is if they have access to spare buses. Mr. Van Arnhem said he has discussed this with his transportation director and Mr. Fornaro, and there is quite a backlog of work. It has been prioritized by safety, but there is quite a bit of work that needs to be done.

Councilman Ziegler asked if the two hours a week the City mechanic could dedicate to the school system would even be a help, as they are hiring for a full-time mechanic, to which Mr. Van Arnhem said it is a dent in the workload. He noted it would also be helpful to have access to someone who can help troubleshoot needs. He stated it is a safety issue.

Answering Councilman Smolic, Mr. Fornaro stated the City can provide a little help to the schools, noting that only a minor service was needed in the past several months of the shared service.

Council President Ruple explained to Mr. Van Arnhem this legislation is on the second of three readings allotted to proposed legislation. Therefore, it may not be voted on until the next Council meeting. He thanked Mr. Van Arnhem for his time.

The legislation was read by title only. Mr. Ziegler moved to waive the three readings, with the second by Mr. Fenstermaker. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, WOLFE, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).** Mr. Smolic moved to declare an emergency and adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 6/1 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, WOLFE, ZIEGLER AND FENSTERMAKER. VOTING NAY: HAYMER).**

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

None.

RESOLUTION NO. 22-R-10
(Council as a Whole)

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A RESOLUTION AMENDING RESOLUTION NO. 21-R-68 RELATING TO ESTABLISHING RULES, TIME AND PLACE OF COUNCIL MEETINGS FOR THE PERIOD FROM DECEMBER 1, 2021, THROUGH NOVEMBER 30, 2022, AND DECLARING AN EMERGENCY.

NEW BUSINESS – RESOLUTION NO. 22-R-10 (continued):

The legislation was read by title only. Council President Ruple noted the necessity for the meeting date change is for the Board of Elections to set up for the special election on March 8. Mr. Schulz moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, WOLFE, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, WOLFE, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).**

RESOLUTION NO. 22-R-11 - **A RESOLUTION AUTHORIZING A CHANGE ORDER WITH SPECIALIZED CONSTRUCTION, INC. FOR THE 2021 PAVEMENT REHABILITATION PROJECT TO REDUCE THE ADJUSTED CONTRACT AMOUNT TO \$1,644,452.23, 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. Mr. Smolic stated it is nice to see a reduction on a previous contract. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, WOLFE, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).** Mr. Smolic moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, WOLFE, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).**

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COUNCIL COMMENTS:

Councilman Haymer said he would like to schedule a Utilities Standing Committee meeting to set the agenda to talk about fiber internet in the community. It was agreed that the committee meeting be scheduled for Saturday, February 12, at 8:00 a.m. Mayor Potter stated he and Mr. Haymer recently visited the City of Fairlawn to research this, as they installed fiber internet throughout their city years ago.

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. Smolic moved to adjourn, with the second by Mr. Schulz. The motion of Council passed by unanimous vote and the meeting adjourned at 8:05 p.m.

President of Council

Clerk of Council