

KIRTLAND CITY COUNCIL MINUTES

March 9, 2022

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

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

MINUTES OF THE FEBRUARY 23, 2022 FINANCE COMMITTEE MEETING:

Mr. Fenstermaker moved to waive the reading of the minutes, with the second by Mr. Smolic. The motion of Council passed by unanimous vote. Mr. Fenstermaker moved to approve the Minutes, as presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER AND RUPLE. VOTING NAY: NONE).**

MINUTES OF THE FEBRUARY 23, 2022 COUNCIL MEETING:

Mr. Smolic moved to waive the reading of the minutes, with the second by Mr. Ziegler. The motion of Council passed by unanimous vote. Mr. Smolic moved to approve the Minutes, as presented, with the second by Mr. Ziegler. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER AND RUPLE. VOTING NAY: NONE.).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the formal report has been distributed. He noted that the Department is in a holding pattern until the budget is approved.

Chief Hutton said that he attended the job fair last week at Lakeland Community College for the paramedic/EMT programs; he noted that a flyer was sent to the West End Fire Chiefs. He noted there were seven Fire Chiefs in attendance, and there were only four students.

Chief Hutton noted that he met with Mr. Slapnicker today regarding the part-time pay increases; he said they should be able to provide the raises that were discussed in the budget meetings. Chief Hutton thanked the Mayor and Mr. Slapnicker. Answering Councilman Ziegler, Chief Hutton said the raises vary, bringing the Class 1 paramedic up to \$20; and it includes some longevity and stipends for 10 and 20 years as part-time. He stated that the lower classes will have a two percent increase.

Police Chief Brian McCallister advised that the formal report was distributed. He noted that calls were down slightly last month. With regard to the Community Policing Initiative (CPI) program, officers have been dropping off notices of broken garage doors, etc. There has been a lot of positive feedback from residents. He noted that as part of the program, Officer Julia DeWolf recently attended Crime Prevention Specialist school, which provides specialized training for performing security surveys for residents, businesses and churches, so she can help them find issues that make them more susceptible to crime and determine how to fix those issues.

Chief McCallister noted they just closed the applications to fill the job opening; they have four applications that they will look into and perform background checks.

DEPARTMENT REPORTS (continued):

City Engineer Douglas Courtney began his report with an update on the Old Town Sewer improvements. He advised that 100 percent plans and specification estimates were submitted to Lake County Department of Utilities today. They continue to finalize the assessment list; they are waiting to hear from a couple property owners regarding whether they will deed restrict their property. Easement documents are in the homeowners' hands for three easements that are needed. A meeting is scheduled tomorrow with Lake County to review the project schedule and progress.

With regard to street rehabilitation and maintenance, Resolution 22-R-18 on tonight's agenda authorizes the design for the 2022 road program. He noted that the sooner this is passed, the sooner they can get started.

Mr. Courtney stated he will be reviewing the 10-year road plan update with Mr. Fornaro.

Finance Director Louis Slapnick advised that the January 2022 end-of-month reports were distributed and posted to the City website. The basic financial statement audit has begun; the auditor from the State Auditor's office was on-site today. The City is progressing within the GAAP conversion for the basic financial statements.

Referring to a couple changes to the budget, Mr. Slapnick noted that Council will need to amend the appropriation legislation tonight.

Answering Councilman Smolic, Mr. Slapnick said the Auditor will conclude and submit their report by June 30.

Law Director Matthew Lallo confirmed that on Monday evening a communication was received from Ms. Wolfe, resigning her position. Mr. Lallo reiterated that Council has 30 days from that date to appoint a new Council member from Ward 1; otherwise the Mayor shall have that authority after the 30 days.

Mr. Lallo stated he spoke with Carol Parks regarding the Parks Farm Subdivision; she has been working with Mr. Courtney and is anxiously awaiting the excavation process. He noted that she had some questions regarding bonding, and she is ready to move forward.

Noting that he worked with another attorney relating to a conditional use permit that was issued, Mr. Lallo said compliance was addressed and the response from the EPA was received on Monday, so the conditional use permit was released.

Councilman Smolic inquired if the City will still have to bear the costs of the special election, having been cancelled at the eleventh hour. Mr. Lallo responded affirmatively, noting that he spoke with Ross McDonald, Director of the Board of Elections, who informed him that early voting was held over the weekend, so he had to have staff members at the Board of Elections all day Saturday and Sunday for any early voters. The staff also came to the city on Monday to set-up; they came at 5:00 a.m. on Tuesday to have the voting machines ready to go. There was substantial cost that the Board of Elections incurred; there may have been six hours of the staff's time saved after they completed their tear-down. He noted that the County will bill the City for those costs.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter stated that he had the privilege to present at the Willoughby Western Lake County Chamber of Commerce with other Lake County Mayors at the Normandy Party Center in Wickliffe. He noted that Mayors from Eastlake, Willoughby, Willoughby Hills, Wickliffe and Willowick also presented.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

The Mayor reminded those present about the Shamrock Shuffle and Shenanigans on March 27 at City Hall; there will be a 5k race, followed by a band and food trucks. He noted that Kiwanis has obtained a liquor permit for a beer truck. He thanked all involved for their hard work.

Mayor Potter requested that Resolution 22-R-18 be passed tonight, authorizing the C.W. Courtney Company to prepare the bid books.

Mayor Potter thanked the Board of Elections for their hard work, and for the flexibility yesterday morning, in helping the City with that process.

The Mayor advised that Eddy Eckart will attend the next Council meeting, noting that the legislation relating to extending the agreement with Mr. Eckart will be on second reading. Mayor Potter noted that he spoke with Mr. Ziegler about having an Economic Development Standing Committee meeting prior to the next meeting, relating to the comprehensive plan.

Councilman Fenstermaker advised that long-time Kirtland resident Joe Ertter has passed away, noting that he will be dearly missed in this community. Mayor Potter agreed that Mr. Ertter showed a great deal of dedication to this community, and he will be missed.

Responding to Councilman Haymer, Mayor Potter advised the City has already received hundreds of responses on the broadband survey, noting that the deadline to return them is March 25. He stated that paper copies have been returned, along with those completed online.

Senior Center Coordinator Teresa Szary stated that the annual corn beef lunch will be held next week; it is sold out. She stated that this spring, Kirtland will be hosting two other senior centers for a chair volleyball tournament.

Ms. Szary said people are excited about the opening of the outdoor pickleball courts; she noted there will be an upcoming City vs. seniors pickleball tournament.

Mayor Potter stated that thanks to Councilman Smolic, Councilman Haymer, Ms. Szary and Mr. Fornaro, along with resident Bob Genovese, some dates have been scheduled for outdoor markets at City Hall, to be known as "Bazaar Kirtland". Local vendors and businesses will be invited to offer their wares. He noted the markets will be held on a couple Tuesdays and Sundays; dates will be forthcoming.

STANDING COMMITTEE REPORTS:

Councilman Ziegler proposed a meeting of the Economic Development Standing Committee to discuss the comprehensive plan; it was agreed the meeting will be held on March 21, 2022 at 5:00 p.m., before the next regular Council meeting.

In the absence of Councilman Schulz, Mr. Slapnicker advised that it was decided that a Finance Committee meeting be held on March 21, 2022 at 6:30 p.m.

CORRESPONDENCE:

Council President Ruple acknowledged that a letter of resignation from Ms. Wolfe was received on Monday, March 7, 2022.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

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

None.

**ORDINANCE NO. 22-O-12
(Mayor Potter)**

- (Second Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$3,603,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF RETIRING, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE CITY, THE CITY'S OUTSTANDING (i) STREET IMPROVEMENT NOTES, SERIES 2021, DATED APRIL 21, 2021, AND (ii) VARIOUS PURPOSE NOTES, SERIES 2021, DATED JUNE 16, 2021, AND DECLARING AN EMERGENCY.

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

**ORDINANCE NO. 22-O-14
(Mayor Potter)**

- (Second Reading) - AN ORDINANCE SETTING THE APPROPRIATION FOR THE YEAR 2022.

The legislation was read by title only. Mr. Slapnickner noted that the Ordinance needs to be amended due to the revisions he discussed with Council, including the additional \$1400 received in ARPA funding. Mr. Slapnickner stated he is not anticipating any additional changes. Mr. Fenstermaker moved to amend Ordinance 22-O-14 to substitute the exhibit with the revised Exhibit A, with the second by Mr. Ziegler. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER AND RUPLE. VOTING NAY: NONE).** The legislation was placed on Second Reading.

**RESOLUTION NO. 22-R-15
(Mayor Potter)**

- (Second Reading) - A RESOLUTION AUTHORIZING TRANSFERS OF FUNDS, AND DECLARING AN EMERGENCY.

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

**RESOLUTION NO. 22-R-16
(Mayor Potter)**

- (Second Reading) - A RESOLUTION ADOPTING THE STANDARD ALLOWANCE OF REVENUE LOSS PURSUANT TO THE AMERICAN RESCUE PLAN ACT OF 2021, AND DECLARING AN EMERGENCY.

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

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

None.

NEW BUSINESS (continued):**RESOLUTION NO. 22-R-18
(Mayor Potter)**

- A RESOLUTION AUTHORIZING THE MAYOR TO RETAIN THE SERVICES OF THE C.W. COURTNEY COMPANY AS ENGINEERS FOR THE DESIGN OF THE 2022 STREET REPAIR AND MAINTENANCE PROJECT, AND DECLARING AN EMERGENCY.

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

**ORDINANCE NO. 22-O-19
(Mayor Potter)**

- AN ORDINANCE EXTENDING THE AGREEMENT FOR ECONOMIC DEVELOPMENT CONSULTING SERVICES BETWEEN EDWARD J. ECKART AND NORTH SHORE ASSOCIATES LLC AND THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.

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

**ORDINANCE NO. 22-O-20
(Mayor Potter)**

- AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE UPGRADE OF SIGNAL TIMING EQUIPMENT ON STATE ROUTE 306, PID 114791, IN THE CITY OF KIRTLAND, OHIO, AND DECLARING AN EMERGENCY.

The legislation was read by title only. Mr. Lallo advised that he heard from Mr. Fornaro, who requested this move forward tonight if possible. Mr. Smolic moved to waive the three readings, with the second by Mr. Ziegler. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER AND RUPLE. VOTING NAY: NONE).** Mr. Smolic moved to declare an emergency and adopt, with the second by Mr. Ziegler. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER AND RUPLE. VOTING NAY: NONE).**

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COUNCIL COMMENTS:

Responding to Councilman Smolic, Council President Ruple advised that candidates for the Ward 1 Council vacancy will submit resumes to the Clerk of Council, and Council will hold a meeting on March 28 at 6:00 p.m. to meet with the potential candidates. It was agreed that the deadline of March 25 be set for interested residents of Ward 1 to submit their resumes. Council President Ruple will draft an announcement to be posted on the City website and Facebook page.

Mayor Potter stated that he met with Law Director Lallo, Council President Ruple, Planning and Zoning Commission Chairman Denk, and Zoning Inspector Loconti last week as a follow-up to the zoning violation notices that were sent out the week before related to temporary signs and pole signs. He noted that he directed Mr. Loconti to send another notice relating to the pole signs that were not yet in compliance, giving them 90 days to come into compliance.

COUNCIL COMMENTS (continued):

Mayor Potter noted that the sign ordinance Council passed in 2004 provided that pole signs must be removed in five years, but there are still some pole signs in existence. He noted that if Council has a desire to look into the sign ordinance, the Planning and Zoning Standing Committee can meet and address this with the Planning and Zoning Commission. He noted, however, that the sign ordinance was developed through a lot of discussion and vetting, and he cautioned against any knee-jerk reactions based on one or two responses. The Mayor stated there has been a lot of compliance with regard to the temporary signs. According to the ordinance, temporary signs are permitted for a maximum of 15 consecutive days, not to exceed 45 days in a calendar year; and temporary sign permits can be obtained from the zoning office.

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. Haymer. The motion of Council passed by unanimous vote and the meeting adjourned at 7:37 p.m.

President of Council

Clerk of Council