

## KIRTLAND CITY COUNCIL MINUTES

March 21, 2022

The meeting of Kirtland City Council was called to order at 7:01 p.m. by Council President Pro Tempore Joseph Smolic. Mr. Ziegler led the prayer which followed the Pledge of Allegiance. The members of Council present were: Ronald Fenstermaker, Scott Haymer, Joseph Smolic and Eric Ziegler. Absent: Jeffrey Ruple and Matthew Schulz.

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 MARCH 7, 2022 FINANCE COMMITTEE 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 4/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).**

### MINUTES OF THE MARCH 9, 2022 WORK SESSION:

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 4/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).**

### MINUTES OF THE MARCH 9, 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 4/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).**

### DEPARTMENT REPORTS:

**Fire Chief Anthony Hutton** advised that the 2002 LaFrance engine will be out of service for a short time. The engine is at the Service Department and all repairs should be completed in-house by the City mechanic. Chief Hutton hopes the vehicle will be back in service in a couple weeks.

Chief Hutton hopes to begin recruiting more part-time firefighters once the budget is approved.

**Police Chief Brian McCallister** advised that officers continue to attend training, with two officers returning this week from taking classes in Core Criminal Investigations.

On March 14 the Police Department posted on Facebook concerning some vehicles that had been entered and two auto thefts that occurred earlier that morning. Chief McCallister said mostly the side streets off Hobart Road were targeted: Raccoon Hill Drive, Rockwood Drive, and Shadowbrook Drive. A vehicle was also taken on Ledgewood Drive. Two cars were stolen, and one was recovered. DNA samples were taken from the recovered vehicle and have been submitted to the crime lab. If a suspect is identified in the case, the DNA testing will be pushed forward.

**DEPARTMENT REPORTS (continued):**

Chief McAllister has asked the patrol units to increase their visibility in the area during the night and increase their traffic stops so they are more visible on the road as people pass through the city. The Department is focusing on being proactive.

Chief McAllister reminded residents to lock their vehicles, take their keys in at night, and not to leave any valuables inside their vehicle overnight. These were crimes of opportunity, where car doors were unlocked, keys were left in vehicles, and valuable items were left in plain view. Several other communities were also hit and had vehicles taken on the same night. The Police Department will be working with the other communities' police departments in the investigation.

Answering Councilman Smolic, Chief McAllister said both vehicles that were stolen had keys left in them overnight.

**Service Director Joseph Fornaro** advised that the crews have been busy during the warm weather, completing approximately 2600 feet of ditching, and there are already a couple ditch enclosures scheduled to begin next week if the weather holds up.

The brush pickup program will begin April 4 in Ward 2, followed by April 11 in Ward 1, April 18 in Ward 4, and April 25 in Ward 3. This schedule is subject to change depending on the weather.

Councilman Smolic asked about a memo Mr. Fornaro recently sent out concerning sweeping of the chip seal. Mr. Fornaro said the sweeper was out earlier in the day, and he and Mr. Courtney will do a walk-through with the contractor in the morning.

**City Engineer Douglas Courtney** updated Council on the Old Town sewer project. With regard to the 100 percent not for construction plans, the specifications and estimates have been reviewed by the Lake County Department of Utilities, and there are a few minor revisions to be made on those. Mr. Courtney is waiting on finalizing deed restrictions so the assessment list can be finalized, and they are negotiating with three property owners for easements.

The next meeting with Lake County Department of Utilities on the project is scheduled for March 30. The current timeline for a formal public hearing for the project is somewhere between June 15 and July 10, with project advertisement in early September. The County is expected to award the contract on December 1, and begin construction in early 2023.

The 10-year street plan was submitted to Council last week. Mr. Courtney and Mr. Fornaro will be available to answer any questions.

Mr. Courtney advised that a pre-construction meeting was held this morning with Carol Parks and her team, Lake County Stormwater, Soil and Water and the Health Department concerning the Parks Farm subdivision. Work is expected to begin this week and extend through mid-September.

Councilman Ziegler asked when the 10-year road plan will be made available to the community. Mayor Potter advised he will do so after the budget passes. Mr. Courtney stated that he and Mr. Fornaro will update the spreadsheet annually.

**Law Director Matthew Lallo** advised that Mr. and Mrs. Parks have been amenable to the City's regulations concerning their subdivision project. They have paid their fees and applied for the necessary permits, and they are also working with the County. Councilman Smolic asked if there is a date for breaking ground, to which Mr. Courtney said they should be putting silt fence up today and they are scheduled to begin stripping topsoil on Wednesday.

**DEPARTMENT REPORTS (continued):**

**Senior Center Coordinator Teresa Szary** advised that last week the Senior Center had their annual Slyman's St. Patrick's Day celebration, and she thanked Chief McCallister and Mayor Potter for joining them. She noted there were over 100 people for St. Patrick's Day this year.

There are a lot of events planned for the summer, and the outdoor pickleball courts have been full every day the sun has been out. Ten new people have signed up just to use the outdoor pickleball courts during the day. Ms. Szary thanked the Service Department and Mr. Fornaro for their hard work on that project.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Potter congratulated Will Davidson, a Kirtland High School wrestler who qualified for the state tournament last week. It is a tremendous feat to qualify for that tournament, and Mayor Potter said it has been a lot of fun to watch his progress and success in the sport.

Mayor Potter thanked all of the department heads, and especially Mr. Slapnicker, for all their hard work and patience during the budget process. Mayor Potter praised Mr. Slapnicker in his handling of the process, his communication, and his delivery of a product that is easy to understand and follow. His presentations at the Finance Committee meetings were a tremendous value to everyone.

The Mayor thanked Mr. Ziegler and Mr. Eckart for a very productive economic development meeting, in which those present talked about the tenets of what a comprehensive plan could and should be moving forward. Mayor Potter thanked everyone who attended, noting another meeting will be scheduled next month.

Mayor Potter reminded everyone of the Shamrock Shuffle and Shenanigans to be held on Sunday, March 27, which will be a 5k run beginning in front of City Hall. After the run, a local band will be playing and Kirtland Kiwanis has sponsored a beer truck. Mayor Potter expressed his appreciation for their sponsorship, along with thanking the local businesses and community partners that have made this event possible through donations and volunteering. Mr. Fenstermaker has offered to volunteer on Sunday, and Mayor Potter welcomed anyone else that would be available to volunteer. Mrs. Potter and her team have put the entire event together. With 160 runners signed up for the event, and more expected, Mayor Potter is hoping for good weather.

A letter will be sent to the residents of Old Town this week to delineate the new timeline for the Old Town sewer project. Mayor Potter said they have tried to give the residents as much time as possible to make decisions related to lot splits, parcel mergers and deed restrictions. Mayor Potter thanked both Mr. Courtney and Mr. Fornaro for working so diligently with the County on the project, and he thanked Mr. Lallo for pointing residents in the right direction with regard to the deed restrictions and lot splits.

Mayor Potter reviewed some of the numbers from the proposed budget, noting that there will not be any ARPA funding received next year. He noted the City is in a better position financially than it was previously; however, there are expected capital expenditures that Council and the City need to begin preparing for financially. Mayor Potter proposed that a community forum be scheduled, noting that he will look into the possibility of using one of the school's gyms to hold the meeting. He went on to say the forum will provide the opportunity to have some frank discussions with the residents and obtain some feedback on how to move forward and make sure road maintenance can be funded in the future. Mayor Potter hopes Council will be able to place something on the ballot next fall. Once a date has been decided, Mayor Potter will contact the schools and see if the meeting can be held in one of the gyms.

**MAYOR'S REPORT/ANNOUNCEMENTS (continued):**

Councilman Haymer inquired about the survey regarding broadband internet. Mayor Potter thanked all the residents who have completed the survey, noting that the survey will close out on the 24th or 25th, and can be submitted online or in paper version dropped off at City Hall or the Community Center. There have been approximately 500 surveys returned.

With regard to the 5k race, Councilman Smolic noted the Kiwanis have a volunteer sign-up sheet online, noting he has volunteered for a couple positions.

**STANDING COMMITTEE REPORTS:**

Councilman Smolic noted that the Economic Development Standing Committee met from 5:00 until 6:15 p.m. today, prior to the Council meeting. He noted that a Finance Committee meeting was also held today at 6:30 p.m.

**CORRESPONDENCE:**

None.

**PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:**

**Sharon Vyskocil, 8415 North Locust Drive**, asked how late the Shamrock Shuffle and Shenanigans is expected to last, and if there will be activities for kids. Mayor Potter said he believes it will be over around 2:30 p.m. and there will be a full Kids' Zone; he noted that the library has expanded their activities. Ms. Vyskocil then asked if the online program is still available that residents can use to submit suggestions to the City. She was directed to a link on the City's home page titled Citizen Request.

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

None.

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

- (Third 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. Noting that the title of the legislation declares an emergency, Mr. Lallo advised that, due to the number of Council members present tonight, the legislation can be adopted but it would be in effect 30 days from the date of passage, upon the Mayor's signature. Mr. Fenstermaker moved to adopt, with the second by Mr. Ziegler. **ROLL CALL: ADOPTED 4/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).**

**OLD BUSINESS (continued):**

**ORDINANCE NO. 22-O-14** - (Third Reading) - AN ORDINANCE SETTING THE  
(Mayor Potter) APPROPRIATION FOR THE YEAR 2022.

The legislation was read by title only. Mr. Ziegler moved to adopt, with the second by Mr. Fenstermaker.  
ROLL CALL: ADOPTED 4/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER.  
VOTING NAY: NONE).

**RESOLUTION NO. 22-R-15** - (Third Reading) - A RESOLUTION AUTHORIZING  
(Mayor Potter) TRANSFERS OF FUNDS, AND DECLARING AN  
EMERGENCY.

The legislation was read by title only. Mr. Ziegler moved to adopt, with the second by Mr. Fenstermaker.  
ROLL CALL: ADOPTED 4/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER.  
VOTING NAY: NONE).

**RESOLUTION NO. 22-R-16** - (Third Reading) - A RESOLUTION ADOPTING THE  
(Mayor Potter) 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. Mr. Ziegler moved to adopt, with the second by Mr. Fenstermaker.  
ROLL CALL: ADOPTED 4/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER.  
VOTING NAY: NONE).

**ORDINANCE NO. 22-O-19** - (Second Reading) – AN ORDINANCE EXTENDING THE  
(Mayor Potter) 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 Second Reading.

**NEW BUSINESS:**

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

None.

**RESOLUTION NO. 22-R-21** - A RESOLUTION AUTHORIZING PARTICIPATION IN THE  
(Mayor Potter) ODOT ROAD SALT CONTRACTS AWARDED IN 2022,  
AND DECLARING AN EMERGENCY.

The legislation was read by title only and placed on First Reading. Mr. Fornaro advised Council the  
contract has to be submitted to ODOT by April 28, 2022.

**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. Haymer moved to adjourn, with the second by Mr. Ziegler. The motion of Council passed by unanimous vote and the meeting adjourned at 7:30 p.m.

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President of Council

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Clerk of Council