

KIRTLAND CITY COUNCIL MINUTES

April 4, 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.

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, Fire Chief Anthony Hutton and Senior Center Coordinator Teresa Szary.

MINUTES OF THE MARCH 21, 2022 FINANCE COMMITTEE MEETING:

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 5/0/1 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER AND RUPLE. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

MINUTES OF THE MARCH 21, 2022 COUNCIL 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. Schulz. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, RUPLE AND SCHULZ. VOTING NAY: NONE).**

MINUTES OF THE MARCH 28, 2022 SPECIAL MEETING:

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

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the formal report will be provided for the next Council meeting.

Chief Hutton advised the new part-time pay structure has been set up and submitted to the Mayor and the Finance Director, with an expected effective date of April 10, 2022.

There has been one new application received, and Chief Hutton hopes to see more submitted in the near future.

Over the past couple years most of the Fire Department's training has occurred in-house. However, many of the training classes have reopened. The Fire Academy has reopened for in-person training. Chief Hutton has quite a few firefighters signed up to attend classes. Four people are signed up for the advanced Fire Investigation class, which hasn't been offered for five years. The Department also has people enrolled in Tech Rescue and Rope Rescue, along with Fire Officer Training.

DEPARTMENT REPORTS (continued):

Chief Hutton noted that the county mass casualty drill will be held at Lakeland College, and it will be a joint effort with fire and law enforcement throughout Lake County. Kirtland Police and Fire Departments will be a key part of that training.

Chief Hutton noted that summer events are filling up fast. The Lake Health/UH half-marathon will be held on June 5, along with a 5k on Strawberry Festival Weekend. Many other events will be held, including the return of in-person graduation at Lakeland College, Wonderstruck, Vintage Ohio, and other events.

Responding to Councilman Ziegler regarding the new hourly rate for the part-time position, Chief Hutton said that third-class applicants (those with little training) will start at around \$13.50/hour. Part-time firefighter paramedics with experience will start at \$20.00. There are higher pay scales, up to approximately \$21.00, for those with more experience.

Police Chief Brian McCallister updated Council on the vehicle stolen from Raccoon Hill Drive. The vehicle has been recovered; Richmond Heights was able to locate the vehicle using their camera system. The vehicle was occupied, and a stolen handgun was found in the vehicle. The vehicle was brought back for crime scene processing and evidence was submitted to the crime lab.

Chief McCallister said the Police Department is offering home security surveys to anyone in the city who is interested. Officer Julia Dewolf is the crime prevention specialist for the Department and will come to the residence to determine what security issues may be present and make any necessary recommendations.

The Police Department is currently doing background checks on the two open positions in the department, and will begin interviews soon. Chief McCallister hopes to have the positions filled soon.

Councilman Schulz inquired about the process for a resident to set up a home security survey. Chief McCallister suggested calling the Police Department and asking for himself or Officer Dewolf. Residents may also email either of them via the website. Chief McCallister will speak to Ms. Szary about creating a special link on the website for requests. This information will also be posted on the Facebook page.

Service Director Joseph Fornaro said the City has experienced all four seasons in a short time recently, with the crews salting the roads this past Sunday, bringing the City to a total of 40 snow events for the year.

Brush pickup began in Ward 2 this week, and crews have also been working on spring cleanups for the upcoming baseball season; soccer will begin next week.

The Service Department also began a couple of ditch eliminations.

Answering Councilman Fenstermaker, Mr. Fornaro said the City had 32 snow events in 2020.

City Engineer Douglas Courtney said there were no updates on the Old Town sewer project, other than the legislation on tonight's agenda.

Design work for the street rehabilitation and maintenance project is progressing, and Mr. Courtney expects to have a bid package ready later this month.

Mr. Courtney asked Council if anyone had any questions on the 10-year plan that was presented a couple weeks ago. There were no questions asked of him.

DEPARTMENT REPORTS (continued):

Work on the Parks Farm subdivision has been hindered by the weather; however they did get some work done today. Answering Councilman Haymer, Mr. Courtney said the road for the subdivision will be one of the last things completed, and he expects the paving to be done in August or September.

Answering an inquiry from Councilman Schulz relating to Ordinance 17-O-35, Mayor Potter noted he passed it on to Mr. Fornaro.

Councilman Smolic inquired about the hill stabilization (the river project) done last year. Mr. Courtney said he and Mr. Fornaro checked on it a week or two ago and it seems to be holding up well.

Finance Director Louis Slapnick advised that the February 2022 end-of-month reports have been distributed and posted to the City's website.

The City of Kirtland received the first settlement of property taxes in March. These settlements are only received twice a year, and the City is currently 57 percent receipted in, as budgeted.

RITA ran a subpoena program for income taxes for the city, which resulted in 2,354 letters being mailed, representing \$177,844 in potential delinquencies. Of those delinquencies, \$81,085 have been recovered.

Per Councilman Schulz and Councilman Fenstermaker's request for a total amount relating to Lance Nosse, Mr. Slapnick stated the total cost to date is \$27,287.25.

Last week Mr. Slapnick met with Comp Management, who is the City's TPA for worker's compensation. The City will be in the group rating program for 2023, which is good news. In group rating the discount is received up front versus group retro which bases any discounts or additional monies owed on a pool of cities and organizations.

The state auditors have been on site, and the audit is progressing well. The GAAP conversion to complete the financial statements is also progressing well.

Law Director Matthew Lallo said there are seven pieces of new legislation on the agenda tonight. Concerning 22-O-24 for the notes, Mr. Lallo explained that at the last Council meeting there were only four members present, and the note ordinance authorizing the issuance of the notes passed, but not by emergency. When speaking with bond counsel it was indicated the ordinance needs to be passed by emergency and go into effect in the next two to three days. Mr. Lallo advised there is legislation on the agenda to repeal Ordinance 22-O-12 and pass Ordinance 22-O-24, which is identical other than the language to repeal 22-O-12. Mr. Lallo stated that bond counsel is asking that the three readings be waived and the legislation be passed as an emergency, so the City can appropriately receive the funds.

Also on the agenda is legislation that Mr. Eckart asked Mr. Lallo to draft, to assist the Old Town Sewer residents for the project that was mandated by the Ohio EPA.

Mr. Lallo has been in recent discussions with the Ohio EPA concerning various projects relative to the City's co-permit with Lake County.

There have been ongoing discussions with Carol and Tim Parks regarding their property and the deposit they were required to submit to the City. Mr. Lallo said Mr. and Mrs. Parks have been wonderful to work with and very accommodating.

Mr. Lallo requested that at the end of the meeting, Council pass a motion to go into Executive Session to discuss the threat of imminent litigation and pending litigation.

DEPARTMENT REPORTS (continued):

Councilman Schulz inquired if there has been any discussion with Waste Management regarding renewal of the contract. Mr. Fornaro advised that he met with Vince Crawford to begin discussions regarding the contract.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter thanked Councilmen Smolic, Ziegler, Fenstermaker, and Haymer, who were able to attend last week's Shamrock Shuffle and Shenanigans. At starting time, there were 200 plus people in attendance, with 150 entrants for the race. Unfortunately, the weather was not great, but the race went on as planned and everyone seemed to have a good time. The Mayor thanked everyone in the community who came out to support the event.

Mayor Potter asked that the resolution concerning the Old Town sewer project be passed this evening as an emergency. Mayor Potter noted he has been in discussions with Mr. Eckart, Mr. Fornaro, and Mr. Courtney relating to a grant request, the first one through Congressman Joyce's office, and another to follow that will be going through Senator Brown's office. Mayor Potter said the grant request that will be submitted to Congressman Joyce's office must be submitted by Wednesday. He noted that Council's endorsement of the grant request would be greatly appreciated.

Mayor Potter stated that Mr. Eckart's agreement is before Council tonight on third reading, noting that Mr. Eckart has been working not only on the Old Town Sewer grant, but also with prospective business owners and developers in the community. He will be integral in the work on the comprehensive plan, and Mayor Potter asked that the legislation be passed tonight.

Due to the addition of the YouTube channel and the ability to stream the Council meetings live to the community, Mayor Potter has reconsidered how he would like to handle the meeting with the community concerning the City's long-term road funding strategy. Mayor Potter would like to hold the meeting in Council chambers, allowing for both in-person and live streaming options for resident attendance. He recommended posting information on the City website and Facebook page concerning the meeting, suggesting that residents submit questions prior to the meeting so Council can be better prepared.

Mayor Potter suggested holding the meeting on Monday, April 25. He suggested that, following the next Council meeting, a Finance Committee meeting be held to discuss possible scenarios with the Finance Director concerning long-term road funding strategy.

Noting that the broadband survey results will be distributed to Council this week, Mayor Potter asked Mr. Fenstermaker to meet with him to discuss distributing the survey results to the community.

Mayor Potter ended his report by expressing how happy and proud he is to see Resolution 22-R-22 on the agenda tonight, relating to the appointment of Mr. Richard Lowery to fill the unexpired term for Ward 1. He went on to say Mr. Lowery has a proven record on Council as a great partner for the City, and someone with integrity who will always speak what is on his mind.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Nick Angie, 8013 Gildersleeve Drive, thanked Council for a very nice and honest interview for the vacant Ward 1 Council position. Though he was not chosen for the position, he truly felt everyone gave him an honest look. Once the decision was made, a few Council members reached out with very touching words. Mr. Angie thanked Mrs. Roelle, commending her organization and courtesy throughout the process. Mr. Angie then congratulated his friend and neighbor, Mr. Lowery. He closed by encouraging Council to keep working together, saying it's okay to have a difference of opinion but it's the meeting in the middle that counts. He went on to say the fire department where he currently works has 82 very different strong personalities, which don't always see eye-to-eye, but when a decision needs to be made in the field, it is done together. They stick with each other and always do what's best for the people they are serving. Mr. Angie asked Council to do exactly that, and he again thanked Council.

Councilman Fenstermaker thanked Mr. Angie for applying for the position, saying he appreciated their conversation. Mr. Angie was thanked by Council for his interest in the position.

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

None.

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

The legislation was read by title only. Mr. Smolic moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. Council President Ruple asked that Council receive more interaction at some point, as this is an important position for the City. Councilman Schulz agreed, stating he would feel more comfortable receiving a written report on the progress. Mr. Schulz noted that, as discussed previously, the creation of a document that can be made available to potential business owners would be a good framework. Mayor Potter asked Mr. Ziegler to include creation of such a document in the next agenda for the Economic Development Committee meeting, scheduled for April 18 at 5:00. Chief Hutton stated that the Fire Department and Zoning work with new businesses, noting that some of the process is already established. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, RUPLE AND SCHULZ. VOTING NAY: NONE).**

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

The legislation was read by title only. Mr. Ziegler moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER AND RUPLE. VOTING NAY: NONE. ABSTAINING: SCHULZ).** Mr. Ziegler moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 5/0/1 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER AND RUPLE. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

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

None.

- RESOLUTION NO. 22-R-22** - **A RESOLUTION APPOINTING RICHARD LOWERY AS THE WARD 1 COUNCILPERSON OF THE KIRTLAND CITY COUNCIL TO FILL THE UNEXPIRED TERM OF KELLY WOLFE, AND DECLARING AN EMERGENCY.**
(Council as a Whole)

The legislation was read by title only. Mr. Smolic moved to waive the three readings, with the second by Mr. Haymer. **ROLL CALL: MOTION CARRIED 5/1 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER AND RUPLE. VOTING NAY: SCHULZ).** Mr. Haymer moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 5/1 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER AND RUPLE. VOTING NAY: SCHULZ).**

Mr. Richard Lowery was asked to come forward, and Mayor Potter administered the Oath of Office to Mr. Lowery. Mr. Lowery received the applause and congratulations from all those present.

- RESOLUTION NO. 22-R-23** - **A RESOLUTION AMENDING RESOLUTION NO. 21-R-76 RELATING TO ESTABLISHING STANDING COMMITTEES OF COUNCIL, 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 7/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SCHULZ. 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: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE).**

- ORDINANCE NO. 22-O-24** - **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, REPEALING ORDINANCE NO. 22-O-12, PASSED ON MARCH 21, 2022, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

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

NEW BUSINESS (continued):

RESOLUTION NO. 22-R-25 - **A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2022 ENERGIZED COMMUNITY GRANT(S), 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. Fenstermaker. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SCHULZ. 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: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE).**

RESOLUTION NO. 22-R-26 - **A RESOLUTION RECOGNIZING AND APPRECIATING THE CITY OF KIRTLAND’S PUBLIC WORKS PROFESSIONALS AND DECLARING NATIONAL PUBLIC WORKS WEEK TO BE MAY 15-21, 2022.**
(Mayor Potter)

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

RESOLUTION NO. 22-R-27 - **ARBOR DAY PROCLAMATION**
(Mayor Potter)

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

RESOLUTION NO. 22-R-28 - **A RESOLUTION SUPPORTING THE SUBMISSION OF A REQUEST TO FEDERALLY ELECTED OFFICIALS FOR COMMUNITY PROJECT FUNDING FOR FISCAL YEAR 2023 AND/OR ANY OTHER AVENUE FOR FUNDING ASSISTANCE FOR THE OLD TOWN SEWER PROJECT, AND DECLARING AN EMERGENCY.**
(Council as a Whole)

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 7/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SCHULZ. 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: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE).**

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COUNCIL COMMENTS:

Councilman Schulz said there have been some questions about the new business on State Route 6, the Blue Anchor; and he was able to find out the gentleman's name is Carlos and he builds, assembles, and installs cabinets.

Councilman Ziegler welcomed Mr. Lowery, saying he looks forward to working with him.

Mr. Lowery thanked everyone for their support, saying he looks forward to working with his fellow Council members and the administration.

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.

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Upon request of the Law Director, Mr. Smolic moved to convene an executive session to discuss pending litigation and the threat of imminent litigation, pursuant to Article I, Section 7(c) of the City Charter. Mr. Schulz provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE).** The time was 7:46 p.m.

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Upon adjournment of the executive session, the regular session of Council reconvened at 8:00 p.m.

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 8:01 p.m.

President of Council

Clerk of Council