

KIRTLAND CITY COUNCIL MINUTES

May 16, 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, Richard Lowery, Jeffrey Ruple, Matthew Schulz, Joseph Smolic and Eric Ziegler. Absent: Scott Haymer.

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 MAY 4, 2022 COUNCIL MEETING:

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 presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: ZIEGLER, LOWERY, RUPLE, SCHULZ AND SMOLIC. VOTING NAY: NONE. ABSTAINING: FENSTERMAKER).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised the monthly report has been distributed. Chief Hutton said they have been very busy the last couple weeks; there have been several EMS calls and fire calls. He noted the Department is processing four new part-time employees; three have completed the process and one is a former employee, Clint Buchanan. Chief Hutton stated there are several firefighters in training, noting that the fire investigation class has not been offered for several years because of COVID. Chief Hutton said that four people are taking the class in Willoughby, including Corey Eisenberg, who is also a police officer; he noted he will be helpful as a fire investigator as well. Chief Hutton stated that Aaron Madden is in Columbus now in the specialized rescue class.

Chief Hutton advised that the Lake Health half marathon will be held Sunday morning, June 5. He noted that he, Chief McCallister and Mr. Fornaro will be meeting with the race crew to iron out the details.

Councilman Schulz inquired if the marathon route is the same as in past years. Chief Hutton replied that to his knowledge, the route should be the same.

Police Chief Brian McCallister advised there has been more enforcement action recently, noting there have been more complaints about speeders in different areas. He noted that with targeted enforcement and warnings, they are trying to get people to slow down.

Chief McCallister stated they are about halfway through departmentally with the continued professional training for the year, noting that mandatory 24 hours are required by the State of Ohio. The source of the training is mostly online, and the State is paying for the officers to complete that training.

With regard to traffic, Chief McCallister said there have been a few short pursuits lately, and the Department has had some success in locating those people as they have done their investigations. He noted the camera systems have been beneficial.

The Chief noted that he has provided a challenge coin for Council members and Department heads; he noted they were distributed to officers as well. He noted that instead of patches, these are traded with other police officers, and they will be placed on one of the walls in the Police Station to show camaraderie.

DEPARTMENT REPORTS (continued):

Service Director Joseph Fornaro said it has been a busy couple weeks; he noted the blue tractor was out today for its first round of mowing the roadside. He noted that James Gotch put in the flag burn area in the Veterans' Memorial last week, noting that he did a good job.

Mr. Fornaro stated that on May 19 Arbor Day training will be held with the third graders. He noted that a Public Works open house will be held on May 20 from 5:00 until 8:00 p.m. He invited all to come and meet the staff. He noted there will be an inflatable for younger children, a truck rodeo, and hamburgers and hot dogs.

City Engineer Douglas Courtney did not present a formal report. Councilman Schulz inquired if there is an anticipated date for advertising for the 2022 road program. Mr. Courtney responded there is not a set date yet, noting they are still quantifying Fox Hill drainage.

Finance Director Louis Slapnicker advised there is an amendment to the appropriation on tonight's agenda; he requested that it be adopted tonight. He noted that he provided the summary of changes to Council this week.

With regard to the debt issuance in April, Mr. Slapnicker noted that during the budget hearings he advised that by combining the two note issuances into one, there would be some issuance cost savings. He advised that there was approximately \$2,000 in issuance cost savings by combining those two notes. He said one reason is because it is one issuance instead of two; another reason is because it was less principal overall.

Mr. Slapnicker advised that the City received a BWC refund in the amount of \$15,342 recently, which relates to the 2020 group retro year. As part of a group rating program, it is retrospective; after the final numbers come in, any savings get issued to the group.

Mr. Slapnicker advised that the GAAP conversion is starting to wrap up; once he provides his approval, the auditors will continue their process.

With regard to the amended appropriation on tonight's agenda, Mr. Slapnicker stated the total increase in the appropriation is \$1,106,025.82. He stated that \$995,000 relates to the Parks Farm Subdivision. He noted that the City received a check to be held in the Trust and Agent. Pursuant to Code Section 1248.02, Parks Farm Subdivision is able to draw down on that bond. He noted this was not on the radar during the budget process; the City has now received the check and they would like to start drawing down on that bond.

Mr. Slapnicker stated that 95 percent of the increase has some sort of revenue attached to it, such as additional increase to vehicle maintenance (inside) related to the Service Department in the amount of \$35,166.91. This relates to Truck 21; the insurance company said it is a total loss. He noted that vehicle has been repaired in-house.

Mr. Slapnicker noted there is an increase of \$5,000 for contract services related to property tax fees. He noted the first installment came in ahead of schedule, and it is approximately 56 percent collected. They are received in two installments, and as the property tax numbers rise, the collection fees rise as well.

Mr. Slapnicker advised that another significant item is the fuel for all three Departments. As discussed during the budget process, a 15 percent increase from the prior year was included on fuel. He noted that was prior to the issue in Ukraine, and comparing fuel prices from last March to this March, it is up 55 percent.

DEPARTMENT REPORTS (continued):

With regard to Contract Services 225 relating to the senior levy from the County, Mr. Slapnicker said the Community Center Director is looking to engage Laketrans to provide some transportation for the seniors to venture outside of the community. This would be part of a reimbursable base with the senior rec levy.

Mr. Slapnicker noted the other changes are minimal, such as some pickleball materials and the Community Center playground. He noted that with the 5K run event, the City took in approximately \$3,000 net. He noted that \$7,000 is being added to fund the Community Center playground.

Mr. Slapnicker requested that the amended appropriation ordinance be passed tonight so the Parks Farm Subdivision can begin drawing on the bond.

With regard to the increase in fuel prices, Councilman Smolic stated that 80 percent of the increase was before the Ukraine invasion.

With regard to the Parks Farm Subdivision, Councilman Schulz inquired if the \$1,000 was a placeholder in the original budget. Mr. Slapnicker replied affirmatively, noting it was to keep the account active.

Law Director Matthew Lallo noted there are two meetings in June, two meetings in July, and then recess until mid to late August. He advised that if Council is planning to address road funding, the deadline for submitting to the Board of Elections is August 10 (90 days before the General Election). He noted there is not much time to spare.

With regard to the Kirtland Lakes Subdivision, Council President Ruple inquired if there is any update regarding determining the responsibility for those islands. Mr. Lallo stated that Assistant Law Director Lobe indicated he is going to look at all the HOA documents, which will need to be pulled for every subdivision, and determine if they are still active. If they are not active, the conditions must be reviewed; if the HOA agreed to maintain those, the City can take care of the islands, but all the homeowners would need to be assessed. Mr. Ruple stated he believes the HOA in Kirtland Lakes has been dissolved. Mr. Lallo noted he can review those documents once they have been provided.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter noted that Mr. Fornaro mentioned the Public Works open house on Friday, May 20 from 5:00 to 8:00 p.m. He noted that he will be unable to attend, as he will be watching his daughter accept a diploma from the University of George Mason in Virginia. He noted he will also not be able to attend the Saturday morning clean-up at the Veterans' Memorial; however he thanked the Garden Club, Kiwanis, the American Legion, the Boy Scouts and Eagle Scouts for their help with that project, along with any others from the community that offer their help. The Mayor noted there will be a tree planting at 11:00 a.m. on Saturday. The Mayor also noted that any help with the Public Works open house event would be appreciated.

The Mayor noted that on Memorial Day there will be a parade starting at the high school at 10:00 a.m., with a ceremony following at the Veterans' Memorial. The American Legion will provide donuts, juice, coffee and water after the ceremony.

Mayor Potter stated his thanks to the Law Director, Service Director, City Engineer and Councilman Smolic for spending their Saturday morning to address a neighborhood drainage concern on Ledgewood.

With regard to the amended appropriation, Mayor Potter requested that it be adopted tonight for the reasons mentioned by Mr. Slapnicker. He noted that out of the additional \$7,000 for the playground, \$3,000 is coming from the net proceeds from the Shamrock Shuffle event. He thanked the Kiwanis and other organizations that raised money for that effort.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

As noted by Mr. Lallo, Mayor Potter stated that time is of the essence to make a decision as to what, if anything, this Council will put to the voters this fall for a long-term road funding strategy. He inquired if Council is leaning one way or the other, or if another public hearing is needed.

With regard to the Cocca development, Councilman Schulz inquired if the Mayor had a chance to schedule a meeting with Mr. Fornaro, Mr. Courtney and Mr. Lallo. Noting that a meeting has not yet been scheduled, Mayor Potter said that Eddy Eckart reached out to them last week but there has not yet been a response.

Councilman Schulz stated he received an email from a resident who requested that the City do a better job of advertising the meetings related to road funding. She suggested that a survey to the community would suffice. Mayor Potter noted that the last meeting was advertised in the Kirtland Chronicle, on the City website and on the City Facebook page. Referring to the community-wide survey last spring on various topics, Mayor Potter noted that one topic was infrastructure funding. To the question of supporting additional funding for infrastructure, with a choice of broadband, roads or sewers, the results of the survey showed there was overwhelming agreement related to roads. There was discussion regarding the possibility of another survey related specifically to road funding.

If another public meeting is scheduled regarding the road funding, Councilman Lowery suggested that the City put out a large sign in front of City Hall advertising the meeting. Councilman Fenstermaker suggested that Council should focus on the best three or four options and have clear information available to the public. Discussion ensued.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Devan Stewart, 8381 South Locust Drive, addressed Council regarding the condition of North and South Locust, stating it is a crumbled mess and continues to crumble every day. He said residents were told last fall they would love the road. This spring they were told it is a disaster and will be fixed. He inquired about the status of fixing that road.

Mayor Potter stated that he told everyone he talked to from Locust that the chip seal was an application designed to extend the life of the road. Mayor Potter stated he had hoped for a smoother surface. He noted the contractor came back out a month ago and did a sweep. The Mayor noted it was not paving, it was maintenance to extend the life of a road that was marginally good.

Mr. Stewart said the City patched the road, and it was still a paved road. Mr. Stewart said it is now tearing up people's driveways and concrete in garages, because the material gets in tires. He said the road is sub-par to what it was before the chip seal was put on. He said it likely needs to be swept each week.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA (continued):

Mr. Courtney stated that chip seal is a maintenance tool typically used on pavement that is not quite ready for a full repaving or rehabilitation. He noted that Locust was not quite ready, and money was not in the budget to do it in the next couple years, so the chip seal application was applied to push out the road five to seven years, depending on how it wears.

Mr. Stewart said that Springer Drive, which was just as bad as his road, is now paved, aproned and lined, and it has half as many houses as his neighborhood. Mr. Courtney stated that Springer was a full rehabilitation, noting that the City does not have the budget to do every street in that fashion in a single year. Mr. Courtney noted that Springer was a priority based on the pavement condition ratings.

Mr. Courtney advised that a contractor has been out to look at Locust and do another sweep. Mr. Courtney said he will go out and take another look to see if the contractor needs to come back out to do some more sweeping. With regard to the road program, Mr. Courtney said the City is planning to put a micro-surface on the street to smooth it out and lock in the stones better; it will be a smoother surface, and the street will be kept in the street rehab program for 2026.

Sharon Vyskocil, 8415 North Locust Drive, said that she has watched the street sweeper go down the road and it appears that the brushes are just blowing the soot, ashes and rocks back into their yards. The residents then rake those rocks back out into the road. She said in her opinion, it is not the best solution.

Robert Leske, 8344 South Locust Drive, said when he moved to Locust Drive it was tar and chip and had been treated several times. He said that the tar and chip was smoother than the existing surface. He said the cracks are all reappearing, there are still holes, and the culvert at this driveway is caving in. Mr. Leske said the road was paved approximately 25 to 30 years ago, and people were able to walk, bicycle and roller skate on the road. Now there are far fewer people even walking on the street, and some residents don't want to walk their dogs on the street because the roadway tears up their paws. He inquired if there are similar problems on other roads treated in this manner.

Mayor Potter noted Killdeer has chip seal, which was done in 2017; he noted that people can bike and roller skate on the surface. He noted that over the course of time, the chip seal does lock in and wear in; the micro-surface will create that smoother, locked-in stone finish. The Mayor noted that will be part of the road bid this year. Mayor Potter said he understands the residents' frustration and concern, and he apologized for not educating the neighborhood before the chip seal was done.

Mr. Leske stated there is a run-off issue, noting that the ditches overflow after about 20 minutes of a hard rain, which tells him that the material running down those ditches is coming from a long way away. He mentioned there have been drainage studies done in the City, and he inquired about the effect on the roads.

Mr. Courtney stated that drainage beneath the roadway is of critical importance in designing a new roadway or addressing an existing roadway. Mr. Courtney said he is not aware of any drainage studies done in that area, but he will look into the prior engineer's records.

Responding to Mr. Leske, Mr. Courtney advised the chip seal is intended to last approximately 5 years. Mr. Courtney stated that in warmer temperatures, the liquid asphalt in the chip seal will seal those cracks; they will heal with heat and traffic.

Answering Councilman Schulz, Mr. Courtney stated that the micro-surface is a 1/4 to 1/2 inch layer. Mr. Courtney said it will make it look like it is paved.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA (continued):

Renee Babic, 8414 South Locust Drive, said the problem is not only because it is chip seal, noting that something was said about a problem with the mixture. Mayor Potter stated that he is not aware of such a problem and apologized if he had alluded to such a problem; he noted that larger stone may have been used. Ms. Babic said other chip seals may have worked, but the residents on Locust do not like the chip seal; it is getting in all of their driveways. She said something is wrong with the chip seal on her street.

Devan Stewart, 8381 South Locust Drive, showed Council members some pictures of the street. He said there were record high temperatures in September, October and November, but the seal did not take. Mr. Courtney advised that the type of heat needed involves extended periods of hot summer days.

Answering Councilman Fenstermaker regarding the micro-surface, Mr. Courtney said it will not take the imperfections out of the pavement, such as rolling, but it will make it smoother for walking, strollers, roller skates, etc. Mr. Courtney said it will last until 2026 as currently scheduled in the plan; there may need to be some crack seal maintenance in the interim. Mr. Courtney indicated that the loose stones should be eliminated. He noted there will be line items in the bids for this year for the micro-surface.

Mr. Fornaro stated that this is a valuable tool that is needed for the condition of the City's roads. He noted that two other areas were done the same time as Locust. He said if it is decided that this tool will not be used, the City will not be able to extend the life of roads as needed.

Discussion continued regarding the differences between the work needed on Springer compared to the work needed on Locust. Mr. Courtney stated that the process of chip sealing and then putting on a micro-surface is a heavier maintenance measure on the roads.

Kathy Velotta, 8292 North Locust Drive, inquired when the surface will be done. Mr. Courtney said the City is working on specifications for the road bids, and they should be advertised shortly. After the bid opening, Council will have to award the contract, then the work would be placed on the contractor's schedule. Mr. Courtney said he cannot give a specific date, but the micro-surface is expected to be put down sometime this summer.

Elaine Thirion, 10307 Chillicothe Road, stated that she addressed the City a few months ago about what came off the road on her dog. She took pictures, and talked to the vet; the City assured her it is a safe product, but she is not convinced. She said it got in his paws and all over his fur; it doesn't wash or wipe off – it is like tar. She stated she has health concerns about the material that is on the road now. Mayor Potter noted he had sent Ms. Thirion the material data sheets provided by the contractor, to share with her veterinarian.

Mr. Courtney stated that the materials used in the chip seal application are no different than the type of materials used in a regular asphalt road.

Council President Ruple noted that at the last meeting, Council heard from residents of the Bridlehurst, Palomino and Appaloosa area regarding the poor condition of their roads. He said this highlights the need for this to be addressed right away; he noted that something needs to be placed on the ballot this year to rectify the situation with the roads.

Ms. Thirion said the company that did the work on Locust should be responsible for some of the problems on the road. Mr. Courtney said he will be reaching out to the contractor regarding the residents' concerns.

Mayor Potter stated he understands that none of the residents are satisfied with Locust Drive, but the micro-surface will help to seal the road and make it smoother for the residents to enjoy.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA (continued):

Discussion continued regarding the use of chip seal. Mr. Stewart challenged the Council members and staff to walk on Locust Drive to understand the residents' concerns.

OLD BUSINESS:

None.

NEW BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS:

None.

ORDINANCE NO. 22-O-32
(Mayor Potter)

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**AN ORDINANCE AMENDING ORDINANCE NO. 22-O-14
RELATING TO THE APPROPRIATION FOR THE YEAR
2022.**

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 6/0 (VOTING YEA: ZIEGLER, FENSTERMAKER, LOWERY, RUPLE, SCHULZ AND SMOLIC. VOTING NAY: NONE).** Mr. Schulz moved to adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: ZIEGLER, FENSTERMAKER, LOWERY, RUPLE, SCHULZ AND SMOLIC. VOTING NAY: NONE).**

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COUNCIL COMMENTS:

Upon discussion and with Council's agreement, Council President Ruple scheduled another special Council meeting on Tuesday, May 31, 2022 at 7:00 p.m. for open discussion with the residents regarding road funding planning.

Noting that it is Public Works week, Councilman Schulz reminded everyone to slow down and move over when they see public works employees out on the road; it is very important that they stay safe.

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. Smolic. The motion of Council passed by unanimous vote and the meeting adjourned at 8:29 p.m.

President of Council

Clerk of Council