

## KIRTLAND CITY COUNCIL MINUTES

June 6, 2022

The meeting of Kirtland City Council was called to order at 7:01 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, Richard Lowery, Jeffrey Ruple, Matthew Schulz and Joseph Smolic. Absent: Eric Ziegler.

Administrative personnel present were: Mayor Kevin Potter, Finance Director Louis Slapnicker, City Engineer Douglas Courtney, Service Director Joseph Fornaro, Fire Chief Anthony Hutton and Senior Center Coordinator Teresa Szary.

### MINUTES OF THE MAY 10, 2022 SPECIAL COUNCIL 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. Mr. Schulz asked Mr. Slapnicker to verify that there were 4900 individuals who work in Kirtland but reside elsewhere. Mr. Slapnicker responded, saying those who live and work in Kirtland number 934, those who live in Kirtland and work elsewhere number 4593, and those who work in Kirtland and live elsewhere number 4947. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, LOWERY, RUPLE, SCHULZ AND SMOLIC. VOTING NAY: NONE).**

### MINUTES OF THE MAY 16, 2022 WORK SESSION:

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

### MINUTES OF THE MAY 16, 2022 COUNCIL MEETING:

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

### DEPARTMENT REPORTS:

**Fire Chief Anthony Hutton** advised the formal report has been distributed. The Fire Department had a very busy month with EMS calls, totaling 59 transports.

The Fire Department continues to struggle with part-time staffing. Kirtland is not the only city struggling with this issue, it is a problem throughout northeast Ohio. There were four firefighters added, however those individuals work at other departments as well. This highlights the problem that all cities are competing for the same pool of applicants.

Chief Hutton explained he has been able to limit overtime in the Department by utilizing himself and Dominic, the Department's Executive Assistant/Part-time Firefighter/Paramedic, to fill quite a few gaps so far in the work. Unfortunately, moving forward into the summer, possibly beginning this weekend, full-time employees will probably begin accruing overtime. Chief Hutton said the costs will increase, but there are funds budgeted for full-time overtime.

**DEPARTMENT REPORTS (continued):**

Chief Hutton explained the only option at this point is to consider full-time staffing to help cover the positions. He has written two grants to try and fund the needed positions. One is a SAFER (Staffing for Adequate Fire and Emergency Response) grant through FEMA which would be funded for a three-year period. The other grant is an ARPA grant with CARES Act funds, or Rescue Act funds, and would fund positions for two years. This grant would also provide retention bonuses that can be spread out over the two-year period to try and retain employees.

One of the part-time firefighters, Frisco Fioritto, was called for active duty with the Army and will be gone for 13 months. Chief Hutton and the Department wish him well during his deployment.

The summer events have begun, with the half marathon yesterday. The event went very well, with no reported issues. Chief Hutton reminded everyone the Strawberry Festival and Wonderstruck are coming up, with Wonderstruck in July.

The Fire Department will have violence/mass casualty drills at Lakeland College this summer. Three of Kirtland's medics will be instructors on the EMS side, Kirtland Police Department will be very active on the law enforcement side of the event, and all Lake County Police and Fire Departments will be participating in the training.

Chief Hutton advised the regional AFG grant for radios had quite a bit of funding left over and they were able to split the funds between the seven departments in Lake County. Kirtland Fire Department received an additional \$18,444 which will be used to help fund turnout gear. An amendment for the grant had to be submitted. The Department has not yet received approval; however, Chief Hutton does not believe it will be a problem. Funding the turnout gear with the excess funds from the grant will be a big bonus for the Department as they will not have to use budgeted funds.

Councilman Smolic asked if the Department was in need of more hand radios, to which Chief Hutton said the Department is now fully equipped. All full-time staff have received radios, along with all seating positions on vehicles. Some of the older radios have been passed down to some of the part-time staff. One item included in this year's budget is updating the station radios at old stations, and the Department found a way to do this and reduce the price by half the expected cost. Chief Hutton said the Department will be working on this project in the next month or so.

Councilman Schulz asked when the Department would hear back on the two grants that have been submitted for personnel. Chief Hutton said he expects to receive information from both by the end of July.

**Sterling Coleman, 7636 Markell Road**, was recognized by Council and asked Chief Hutton to comment on his fuel budget, as he's heard the Departments have already run through their entire 2022 fuel budget. Chief Hutton responded, saying the Fire Department has not quite yet reached the end of their budgeted funding, however Mr. Slapnicker and the Department heads are watching the budget closely and doing all they can to reduce usage.

**Service Director Joseph Fornaro** thanked his team at the Service Department for all the work they did these last two weeks – putting up the flower baskets and flags, preparing for Safety Town, keeping the grass cut, etc. They Department did a great job, as always.

Mr. Fornaro said the Public Works Open House was well attended, and he thanked everyone who came, including Council members, Police and Fire, and members from the Senior Center. Chief Hutton manned the grill, and the Kiwanis was a huge help to the Department. The truck rodeo winner was Mr. Frank Lyons.

**DEPARTMENT REPORTS (continued):**

Mr. Fornaro said the Kiwanis, the Garden Club, the American Legion, and the Boy Scouts all helped with the cleanup and the tree planting. Mr. Fornaro said Kirtland is a unique city, with a great amount of community support.

Mr. Fornaro said he is proud of the Boy Scouts and the work they do to make the cemeteries look so great, so no one is forgotten.

Councilman Fenstermaker said as he was driving down State Route 306 at 6:30 on Sunday morning he saw a Service Department truck watering flowers; Mr. Fornaro confirmed that it was him. Mr. Fenstermaker thanked him for taking the time to do that.

Mr. Fornaro said that a man who the Service Department is well acquainted with in District 4 was hit as he tried to move a deer off the road. A driver swerved and hit him, and he is currently in pretty bad shape with a broken back. Mr. Fornaro stressed the importance of drivers being careful during construction season, noting that the water truck will drive against traffic for the safety of the employee watering the flowers. There will also be roadside mowers out and about. Mr. Fornaro asked that drivers practice patience and safety when coming upon these vehicles around town.

Councilman Schulz thanked Mr. Fornaro for helping a resident recently with their brush pickup, saying it shows his professionalism and work ethic.

**City Engineer Douglas Courtney** began his report with the street rehabilitation project, saying plans and specifications have been completed and the first advertisement was today. The bid opening is scheduled for Tuesday, June 21, at 11:00 a.m. Mr. Courtney expects to present recommendations for an award to Council at the July 6 meeting.

Mr. Courtney reported there has not been much change in the Old Town sewer project. Deed restrictions are progressing, and the title attorney has been gathering signatures on all of them. Once all signatures are gathered those will be filed, which will help to finalize the assessment list. There has been an agreement reached on one of the two easements, but no signed easements yet. The previous timeline for the project may get pushed a little bit, with respect to the public hearing. This will depend on when the easements can be secured and deed restrictions can be filed. However, pushing the public hearing at this point in the project should not affect the projected Spring '23 start on the project.

Concerning the Parks Farm Subdivision, construction has slowed over the last couple weeks but will begin again with storm sewer installations this week on Wednesday or Thursday. This part of the project should last a couple weeks. Once that is completed, they will begin working on water mains as soon as the materials are received.

Mr. Courtney and Mr. Fornaro had a pre-construction meeting with the contractor for the Joseph Smith Home and Store on May 17. Work is progressing on the project.

Councilman Schulz asked if Mr. Courtney had a chance to assess the concerns voiced at the last meeting by residents on Locust Drive. Mr. Courtney said he visited the area a couple times, and it is not as bad as represented at the meeting; in his opinion it is a very good chip seal job. Councilman Fenstermaker agreed, saying he visited the area the evening of the meeting expecting the road to be in very poor shape. It is chip seal, but he did not believe it to be as bad as reported at the meeting. Councilman Lowery also agreed, saying he drove to the area after the last meeting expecting the road to look worse than he found. Councilman Smolic agreed, saying he believes it to be in good shape for the type of work that was performed.

**DEPARTMENT REPORTS (continued):**

Mr. Courtney said he thinks the road has smoothed out a little since last year. There was concern raised about alligator cracking coming through the chip seal, and Mr. Courtney said while the reflection of it can be seen through the chip seal, it is sealed up tight and there is no water getting through the pavement at this point. With that said, Mr. Courtney is not as alarmed as the residents of the area concerning the condition of the pavement. He believes the road will hold up just fine.

Councilman Fenstermaker asked Mr. Courtney if he still plans to cover the crack seal with 1/2 inch asphalt. Mr. Courtney said while applying micro surface was the original plan, after discussions with Mr. Fornaro there have been questions raised on whether or not that application on that particular roadway will do what is desired. Due to these discussions, when Mr. Courtney wrote the specs for street repairs he included in the advertised contract a separate section for the Locust area, to receive asphalt.

Councilman Schulz requested further clarification, asking if the area will now receive a thicker layer of asphalt. Mr. Courtney explained the original quote was for micro surface, which was higher than anticipated because it was a smaller quantity. Therefore, the contract was written for 1.5" inch asphalt over the top of what is already there, with some repairs in areas that are obviously soft. Mr. Courtney said a decision can be made once the numbers have been received.

**Finance Director Louis Slapnicker** advised the 2021 basic financial statements have been filed with the auditor's office, and he expects to see the auditors back on site performing tests on that reporting. The final 2021 RITA administrative cost numbers have come in, and the fee is 1.68 percent of the total cost of collections for income tax. This is lower than the estimated 3 percent of cost. Therefore the City of Kirtland has received a refund on the retainer of \$10,134.

Mr. Slapnicker spoke on the Tax Budget Resolution on the agenda tonight (22-R-35), noting that he distributed a memo concerning this resolution. Mr. Slapnicker read from the memo, highlighting the purpose of the tax budget. He noted that a public hearing on the tax budget will be held at the next Council meeting. He noted it can be passed at Second Reading, but it would still meet the deadline if it were passed at Third Reading.

With regard to the resident's inquiry, Mr. Slapnicker provided some updated numbers concerning fuel usage. Police and Fire are at about 28 percent utilized of the 2023 budget; the Service Department is at approximately 58 percent of budget. Mr. Slapnicker reminded everyone that there have been recent amendments to the budget based on fuel. As fuel prices continue to rise, the Finance Department will be keeping an eye on the usage.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Potter thanked everyone involved in helping prepare the City for the Memorial Day events, with a special thanks to Retired Sergeant Major Ken Wyban for sharing his story on Memorial Day in the City's usual effort to pay respect to the fallen.

Senator Jerry Cirino was expected at tonight's Council meeting to assist in announcing an award the City of Kirtland is due to receive, but he was unable to attend. Mayor Potter explained that a few months ago, as part of the state capital budget request process, with the help of Senator Cirino, he filed a grant through the Senator's office to receive \$120,000 to build outdoor restrooms at the Community Center. The budget passed last week and the Governor signed it. Mayor Potter noted that since he was unable to attend tonight's meeting, Senator Cirino provided the following quote: "I'm certainly pleased that I was able to secure capital dollars for my hometown, Kirtland. The Community Center and Senior Center is important in our community, and these improvements will benefit all of our citizens." Mayor Potter expressed appreciation for the Senator's help in with the grant process.

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

With regard to the use of the grant money, Mayor Potter explained these capital budget grants are designed for community projects and programs, such as outdoor restrooms, pavilions and amphitheatres.

Noting there was some unrest at a local festival yesterday in the City of Willowick, Mayor Potter reached out to Chief McAllister, asking if the Police Department was well-staffed in preparation for the upcoming Strawberry Festival. There will probably be more of a police presence than typical at the festival, only to make sure that the festival goes well and everyone attending stays safe. Mayor Potter said he will let the Kiwanis know the City is taking extra precautions.

Mayor Potter has invited Mayor Fiala (Willoughby), Mayor Sakacs (Wickliffe), Mayor Morley (Eastlake), Mayor Gardner (Willoughby Hills), and Mayor Regovich (Willowick) to join him in the Strawberry Festival strawberry shortcake eating contest on Thursday, June 16 at 5:30. He encouraged everyone to come out and cheer for the mayors.

Eddy Eckart will be at the Planning and Zoning meeting on June 13 to begin the conversation related to the comprehensive plan. At last month's zoning meeting there were documents shared with the Zoning Commission, and this coming meeting they will work on next steps. Mr. Eckart will also attend the Council meeting on June 20 to discuss projects he and the Mayor have been working on since the last Council meeting he attended.

With regard to tonight's agenda, Mayor Potter noted that Ordinance 22-O-33 relates to the amendment to the Charter regarding the income tax; Ordinance 22-O-34 is in response to the State Legislature's recent legislation that allows fireworks to be legally discharged 13 days per year. The State Legislature included in the bill the ability for local communities to not allow that option. After talking with the Police Chief and Fire Chief, Mayor Potter stated it is his preference that the Ordinance be passed to put that prohibition in place.

Answering Councilman Lowery, Mayor Potter confirmed that he will be participating in the dunk tank at the Strawberry Festival again this year.

**STANDING COMMITTEE REPORTS:**

Councilman Schulz advised that a Finance Committee meeting will be held at 6:00 p.m. on June 20, prior to the Council meeting, for an update on the health of the City's finances.

**CORRESPONDENCE:**

None.

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

**Sterling Coleman, 7636 Markell Road**, stated in light of recent events locally and throughout the United States, he sincerely regrets bringing his concern to Council. Mr. Coleman read from a prepared statement, stating on Mother's Day, May 8, and again on Thursday, May 26, a number of persons -- up to four individuals -- were target shooting on private property on the East Branch of the Chagrin River behind his home. Mr. Coleman believes the property being used is on Elm Street registered to a Douglas Collin. The target shooting lasted approximately four hours the first time, and one hour the second time, and took place less than 100 feet from Mr. Coleman's property line. Mr. Coleman stated he has to wear ear protection while outside during the shooting, as he is less than 100 feet from where the shooting occurs.

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

During the times when these individuals are shooting, Mr. Coleman is unable to utilize his back deck or entertain guests. When he called 911, Kirtland Police came to his home and explained that under Ohio law the target shooting is entirely legal. Mr. Coleman asked if any of the Council members have received any other complaints of this, as many residents are unhappy about the skeet shooting range at the Country Club. Mr. Coleman is concerned this will become a commonplace activity and that there will be more complaints.

Thanking Mr. Coleman for his comments, Mayor Potter spoke to his concerns. He explained that a couple years ago the State Legislature passed House Bill 228 which includes language that makes it difficult for the City of Kirtland to enforce any existing ordinances related to the discharge of firearms. Sport shooting is specifically listed, as well as caveats that broaden the opportunity for that type of activity. The bill prohibits the City from taking any action if the shooting is done in a safe and legal manner.

**Ed Szanyi, 7251 Shadowbrook Drive**, commented on Mr. Coleman's concerns saying he was under the impression it was against the law to discharge a firearm within city limits. Councilman Smolic responded that it was the law for many years, however the Ohio legislation supersedes City law.

Mr. Szanyi then expressed concerns about Hobart Road, from Chardon Road north to Shadowbrook on the east side of the road, noting it has been a disaster to drive on for years. There is almost no shoulder on the road, there are sunken areas where water was tied in under the street, and this has been a problem for years. Mr. Szanyi said he has brought this to the City's attention in the past.

Mr. Szanyi went on to say the State of Ohio is going to rebuild the bridge over the Chagrin River on State Route 6. State Route 6 will be closed for one year for this project, and more than likely a lot of traffic will be routed down Hobart Road. Mr. Szanyi has already seen an increase in traffic on Hobart Road. He suggested the City should try to get funds from the State for the road due to the increased traffic.

Councilman Smolic deferred to Mr. Courtney and Mr. Fornaro, saying he believes there are a couple of drainage issues that need to be resolved in that area.

Mr. Szanyi also addressed Council regarding landscapers with trailers stopping in the right-of-way and blocking the road while they unload their equipment and cut grass. He said it is a hazard, especially on Hobart and Eagle, and asked if there are permit requirements for landscapers that work in the area. Mr. Fornaro said the subject of requiring registration for landscapers and snowplow drivers was raised a couple of years ago, but it was never acted on.

Mr. Szanyi asked if Hobart is on the schedule for repair this year. Council advised that Hobart is scheduled for 2023 in the road plan, dependent on funding for the roads.

Mayor Potter thanked Mr. Szanyi for bringing his concerns, saying both Mr. Fornaro and Mr. Courtney travel the city's roads regularly and are undoubtedly aware of the condition of Hobart Road. He went on to say it is part of the 2023 paving plan should the residents commit this fall to support the road paving funding strategy.

Answering Councilman Haymer regarding detouring of traffic for the bridge on Route 6, Mr. Fornaro confirmed that trucks are not allowed on Hobart and cannot be detoured there. It was noted that State Routes are detoured onto other State Routes first, although that will not stop local traffic from cutting through on Hobart.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

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

None.

**ORDINANCE NO. 22-O-33** - **AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF THE CITY OF KIRTLAND, OHIO, A PROPOSAL TO AMEND THE CHARTER OF SAID CITY BY AMENDING ARTICLE VI – TAXATION, SECTION 1 – PROHIBITION OF EXCESSIVE INCOME TAX, AND DECLARING AN EMERGENCY.**  
**(Mayor Potter & Council Pres. Ruple)**

The legislation was read by title only and placed on First Reading. Council President Ruple noted that, as mentioned by the Mayor, the proposed legislation is for a 0.35 percent income tax increase; if Council chooses to amend the percentage, it should be done no later than the next Council meeting to allow for the three readings. Mayor Potter noted that the legislation needs to be submitted to the Lake County Board of Elections by August 10.

**ORDINANCE NO. 22-O-34** - **AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 672.10 RELATING TO FIREWORKS, AND DECLARING AN EMERGENCY.**  
**(Council President Ruple)**

The legislation was read by title only and placed on First Reading. Councilman Schulz asked if this would also prohibit anything at Lake Farm Park. Mayor Potter said he doesn't believe it changes anything for them.

**RESOLUTION NO. 22-R-35** - **A RESOLUTION ADOPTING A TAX BUDGET FOR FISCAL YEAR 2023.**  
**(Mayor Potter)**

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

\* \* \* \* \*

**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. Smolic moved to adjourn, with the second by Mr. Schulz. The motion of Council passed by unanimous vote and the meeting adjourned at 7:52 p.m.

---

President of Council

---

Clerk of Council