

KIRTLAND CITY COUNCIL MINUTES

June 20, 2022

The meeting of Kirtland City Council was called to order at 7:00 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, Richard Lowery, Matthew Schulz, Joseph Smolic and Eric Ziegler. Absent: Jeffrey Ruple.

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, Senior Center Coordinator Teresa Szary and Economic Development Director Eddy Eckart.

PUBLIC HEARING

Tax Budget for Fiscal Year 2023

Mr. Slapnicker read highlights from a memorandum he had distributed to Council, explaining the purpose of the tax budget. He noted that failure to pass the tax budget results in zero property tax revenue for 2023. The tax budget that is currently in front of Council includes zero percent change in local government funding. There was an increase in real property taxes of 9.5 percent due to a tri-annual update performed by Lake County on all property for 2021. On this evening's agenda the 2023 tax budget shows an increase of 2 percent additional property tax revenues as estimated based on current market conditions and new development.

Answering Councilman Schulz, Mr. Slapnicker stated the 9.5 percent increase equates to approximately \$50,000, noting that this year it is estimated at approximately \$805,000 in the General Fund.

There were no questions or comments from the public, and Council President Pro Tempore Smolic closed the public hearing.

MINUTES OF THE MAY 31, 2022 WORK SESSION:

Mr. Fenstermaker moved to waive the reading of the minutes, with the second by Mr. Schulz. 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 5/0/1 (VOTING YEA: FENSTERMAKER, HAYMER, SCHULZ, SMOLIC AND ZIEGLER. VOTING NAY: NONE. ABSTAINING: LOWERY).**

MINUTES OF THE MAY 31, 2022 SPECIAL COUNCIL MEETING:

Mr. Schulz moved to waive the reading of the minutes, with the second by Mr. Ziegler. The motion of Council passed by unanimous vote. Mr. Schulz moved to approve the Minutes, as presented, with the second by Mr. Ziegler. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: FENSTERMAKER, HAYMER, SCHULZ, SMOLIC AND ZIEGLER. VOTING NAY: NONE. ABSTAINING: LOWERY).**

MINUTES OF THE JUNE 6, 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 5/0/1 (VOTING YEA: FENSTERMAKER, HAYMER, LOWERY, SCHULZ AND SMOLIC. VOTING NAY: NONE. ABSTAINING: ZIEGLER).**

MINUTES OF THE JUNE 6, 2022 COUNCIL MEETING:

Mr. Lowery moved to waive the reading of the minutes, with the second by Mr. Fenstermaker. The motion of Council passed by unanimous vote. Mr. Lowery moved to approve the Minutes, as presented, with the second by Mr. Fenstermaker. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: FENSTERMAKER, HAYMER, LOWERY, SCHULZ AND SMOLIC. VOTING NAY: NONE. ABSTAINING: ZIEGLER).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton reported the Fire Department has responded to 26 emergency calls since Friday, with only two related to the Strawberry Festival.

With the hot, dry, windy weather the area received over the weekend, Chief Hutton said there were quite a few brush fires throughout Lake County. One of the big ones the Department responded to was along the tracks in Wickliffe, Willoughby and Willowick.

The Strawberry Festival and the 5k run were pretty uneventful for the Fire Department. The Fire Department is preparing for Wonderstruck and will begin their three-day mass casualty training event tomorrow at Lakeland College.

Police Chief Brian McCallister said Sergeant Fisher and Sergeant LaTurner did an excellent job coordinating all of the events and organizing the department personnel for security and additional road coverage for the Strawberry Festival.

Chief McCallister also thanked Holden Arboretum, Lake Metroparks, Waite Hill Police Department, Kirtland Hills, and Willoughby dispatch for all of their efforts and assistance. He went on to say the parade would not have been possible had these agencies not been involved with the road closures through the city.

The entire Police Department will be participating in the mass casualty drill at Lakeland College. Chief McCallister said the Department needs to take every opportunity they can to prepare for these types of incidents.

Chief McCallister gave an update on the hiring process, reporting that one of the applicants was sent for his physical. If everything goes well, Chief McCallister expects to make an offer of employment to the applicant.

Service Director Joseph Fornaro advised that the road bids will be opened tomorrow.

Councilman Fenstermaker thanked both Mr. Fornaro and Mr. Courtney for their quick response regarding the inquiry on Billings Road. In a follow-up question, Mr. Fenstermaker asked why Mr. Fornaro will be patching the hole instead of the surveyor who dug it up being held responsible. Mr. Courtney said, from a surveyor's perspective, it is normal practice to replace material that has to be dug up. He is not aware whether that happened in this case, but it is not known which surveyor did the damage.

Mr. Fenstermaker asked how the damage to the ditch and the side of the road will be handled. Mr. Courtney explained it will be placed on a deficiency list for the subdivision, and improvements will not be accepted from an engineering standpoint until that damage has been repaired.

Answering Councilman Lowery, Mr. Courtney said the work is being watched closely, and there is a video of the entire roadway before construction was started. He confirmed that a road bond has been provided.

DEPARTMENT REPORTS (continued):

City Engineer Douglas Courtney reiterated that the bids for the street project will be opened tomorrow morning at 11:00. The contract award recommendation should be ready to present to Council at the July 6 meeting.

With regard to Old Town sewer improvements, Mr. Courtney advised that word was received last week that the deed restrictions on 12 properties have been signed by all appropriate parties. They were supposed to be filed last week, but confirmation has not yet been received that they have been recorded. Mr. Courtney will wait to hear on that.

The two easements needed for construction of the project have been agreed upon by the homeowners. One signed easement is in hand, and the other should be signed shortly.

Mr. Courtney has a meeting with the Department of Utilities on Wednesday, June 22 to discuss the final submittals. The public hearing date will probably be set at that time.

Concerning stormwater projects, Mr. Courtney said funding requests have been submitted to Lake County Stormwater Department for the following projects: Fox Hill drainage improvements (part of the street rehabilitation program) at an estimate of \$73,070; the Rockwood area stormwater basin at an estimate of \$69,100; and Parkwood area drainage improvements at an estimate of \$350,000. Memorandums of Understanding with the county will be presented at a future meeting, once they have been received from the Stormwater Department.

The contractor for Parks Farm Subdivision has been busy. Most of the storm sewer and a good portion of the water main has been installed.

Mr. Courtney asked that Resolution 22-R-36 be passed tonight, saying it will authorize the remainder of the design fee for the street rehabilitation program. The initial request was for \$65,000 and was used for advertisement. The balance of the fees will be used for the negotiating phase, contract administration, the survey work that was done at Fox Hill for the drainage portion of the project, and construction inspection.

Answering Councilman Schulz, Mr. Courtney said once the bid tabulation has been completed for tomorrow's bid opening he will share the unofficial results with the Mayor. He noted the recommendation of award will follow after the full bid tabulation.

Mr. Schulz asked when the drainage projects will be advertised for bid. Mr. Courtney said they will be advertised once the money has been received from the stormwater funds, with the exception of Fox Hill as it was already designed with the road program.

Finance Director Louis Slapnicker stated that earlier this evening a Finance Committee meeting was held, reviewing revenues and expenditures up to May 31, 2022. There was also discussion concerning the ongoing revenue and expenses.

Mr. Slapnicker advised that the first request to Lake County has been submitted for the senior levy reimbursement.

He noted that the audit will hopefully be concluded in the next few weeks.

Mr. Slapnicker asked that Resolution 22-R-35 relating to the tax budget be passed this evening, so it can be forwarded to the county.

Mr. Slapnicker clarified to Councilman Schulz that he pulled up the Certificate of Estimated Resources between 2022 and 2021 and the increase in the property tax for the General Fund is \$70,000.

DEPARTMENT REPORTS (continued):

Noting there are two items on the agenda for closeout, Resolution 22-R-37 and 22-R-28, Mr. Slapnicker asked that the resolutions receive two readings.

Law Director Matthew Lallo asked that Ordinance 22-O-34, the fireworks legislation, be passed this evening. Mr. Lallo has discussed this with Chief McCallister, and he requested the legislation be passed tonight because the next Council meeting is not until after the 4th of July, and part of the new law would be in contrast with the purpose of the ordinance.

Senior Center Coordinator Teresa Szary updated Council on the Senior Center, inviting everyone to come visit if they have not yet done so. As of last week, there have been over 100 new members this year. This brings the total number of active members since January to 500. She noted that the first annual pickleball tournament with the new courts was held today.

Ms. Szary said the Center is doing new things all the time, and encouraged everyone to check out their newsletter, which is posted on the Center's website and the City's website, for any upcoming events. She said the Center loves to see Council members and Department heads whenever they are able to join in the fun.

Economic Development Director Eddie Eckart advised that last week, along with Planning and Zoning, he met with a consultant to potentially help with the comprehensive plan. A proposal from the consultant is expected within the next few days. The consultant would facilitate some of the discussion and then work with him and Planning and Zoning to incorporate any changes. Mr. Eckart will keep Council informed.

With regard to sewer projects, Mr. Eckart submitted an application for Congressman Joyce's Community Project Funding in the amount of \$821,000. The application has been included on his list of projects that he is supporting, and Mr. Eckart is not aware at this time when it will become fully funded. Last year applications were submitted in April, for an expected decision in September, and there was no decision until this spring. Mr. Eckart will inform Council when information is received.

With regard to sewer and other infrastructure issues, Mr. Eckart has set up a meeting with a staffer from Senator Brown's office. Mr. Courtney, Mr. Fornaro, and Mayor Potter will also attend this meeting. The purpose of the meeting is to discuss any other opportunities to supplement funding for the sewer project, and any other infrastructure opportunities that may be available.

Mr. Eckart met with some developers who have shown an interest in Kirtland. The developers wish to remain anonymous at this point, however, there have been a couple meetings held so far with both, and another scheduled for next week. Mr. Eckart will reveal details of the meetings as he is able.

Concerning business engagements, Mr. Eckart met with Karen Tercek at the Chamber of Commerce, and they are working on planning something to be held in Kirtland towards the third quarter of this year to help with business engagement.

Councilman Lowery asked how Mr. Eckart determined the funding request for the sewer projects would be \$821,000. Mr. Eckart explained the Old Town sewer project is a three-year project, and Federal dollars for community project funding have to be spent in the year they are received. Therefore, the funding request was for the first year project cost. Noting there is a match component, Mr. Eckart advised that the OPWC funding already secured will be used as the match to the Federal funding. That is how the \$821,000 amount was determined.

DEPARTMENT REPORTS (continued):

Mr. Lowery asked if this will be something that can be repeated next year. Mr. Eckart said there will be multiple years to this project, and applications can be submitted for those years. He added that in speaking with a couple of different legislators' offices, he has been told sewer infrastructure projects are by far the most requested projects in the state of Ohio. This is due to old cities and old infrastructure. Therefore, it is a challenge, but Mr. Eckart is hopeful the City has a good chance this year.

Councilman Schulz asked if cities with combined sewer tend to be more successful in being granted funding. Mr. Eckart explained that EPA-mandated projects tend to get more attention, and combined sewer overflow is one such EPA mandate. The City has an EPA mandate for the Old Town sewer project, so that is helpful.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter thanked the Kirtland Kiwanis for another very successful Strawberry Festival event, and said he was thankful for the great weekend of weather, with the exception of the Friday night windstorm.

Mayor Potter thanked all the Emergency and Service personnel for all they do to ensure a safe event, and all other organizations that participate in the Festival and parade.

The strawberry shortcake eating contest was held with Mayor Potter, Mayor Sakacs, Mayor Gardner, Mayor Morley and Mayor Regovich participating. Mayor Fiala was unable to attend. Mayor Potter noted that Mayor Gardner is the reigning champion until next year. Mayor Potter thanked Tim Misny for emceeing the event.

Mayor Potter congratulated Councilman Schulz's daughter for being selected as Miss Kirtland at the Strawberry Festival.

There was a 5k run included in the Festival for the first time this year, and it was held on Saturday. Mayor Potter thanked the LDS church for bringing the race back. There were 115 runners in the race. Mayor Potter said the City continues to engage with the local church community, and the City received donations of \$1,000 each from both the Church of Jesus Christ of Latter Day Saints and Divine Word to be used toward the flower baskets along State Route 306. Mayor Potter thanked the Service Department for keeping the baskets fresh with daily waterings.

Mayor Potter noted he participated in the Senior pickleball tournament this morning. He suggested that anyone who has not had a chance to visit the courts should do so. Mayor Potter said the members of the Senior Center are very good at pickleball, and very competitive.

Referring to legislation on tonight's agenda, Mayor Potter asked that Ordinance 22-O-34 be passed this evening. Passage of this ordinance prohibits fireworks in the City of Kirtland for those 13 days the State Legislature opened up last year allowing fireworks on those days. Mayor Potter asked that the ordinance be passed by emergency this evening, ahead of the 4th of July holiday.

Mayor Potter also requested that Resolutions 22-R-35 and 22-R-36 be passed this evening.

Mayor Potter noted that Ordinance 22-O-33 is on second reading on the agenda; it allows the City Council to enable the residents and community to come together in the Fall and hopefully support a tax initiative that will help fund a long-term solution for the road funding. Mayor Potter mentioned that at the last special meeting for road funding, he recalls the number being 0.35 by several Council members; it was a good place to start, as it enables the City to use that number as a ceiling and work backward.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

After a lot of discussion with community members, Mayor Potter said he would like to see it amended this evening to 0.25 percent as opposed to the 0.35 percent. As there are potential changes in the income tax income as a result of some individuals working at home, Mayor Potter believes 0.25 will allow the City to execute a really strong road program that the residents and community can trust for the future. He went on to say that in looking back, there has been approximately a 25 percent increase in income tax over the last 10 years. Over the next 30 years, it should generate approximately \$35 million. Mayor Potter also noted that since income tax will grow over time, the road program can be front-loaded to do most of the work in the first 5 years, and then maintenance can be implemented.

Mayor Potter announced there will be a concert by Dan Zola Orchestra at City Hall in the gazebo on Wednesday evening, sponsored by the Friends of the Library. The City is hoping to see some local businesses come out and set up a booth or a table. Ms. Szary posted an outreach to the community on the Facebook page today. There will be burgers and hot dogs available. The food will begin at 6:00 p.m., and the concert will begin at 7:00 p.m.

STANDING COMMITTEE REPORTS:

Council President Pro Tempore Smolic noted that a Finance Committee meeting was held at 6:00 p.m. today.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Mike Sams, 9120 Prelog Lane, said he is the President-Elect of Kiwanis, and he thanked Council and the Administration for all the help they've given during the Strawberry Festival. He went on to detail the contributions of each member that participated and thanked them for their individual efforts. He also thanked the Service, Police and Fire Departments, and the entire community. He noted it was a very successful Strawberry Festival. Mayor Potter thanked Mr. Sams and his wife, Mary, for all they do for Kirtland Kiwanis.

Nicholas Angie, 8013 Gildersleeve Drive, began by commenting on the positive energy he felt when he walked into the meeting today. Mr. Angie read a letter that his neighbor, Cindy Gum, shared with him today praising Mr. Fornaro and the Service Department. Some things mentioned in the letter were the well-taken care of cemeteries and the beautiful flowers in downtown Kirtland; and she said the hero flags warm her heart. She thanked him for his hard work, and praised the wonderful job that is done snow plowing. Mr. Angie added that the group of guys he works with in the Service Department have taught him more, as a professional firefighter, than he could ever imagine and he is very proud to be working with Mr. Fornaro and the guys.

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

None.

OLD BUSINESS (continued):

ORDINANCE NO. 22-O-33 - (Second Reading) - 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. Mr. Fenstermaker moved to amend the percentage from 0.35 to 0.25, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, LOWERY, SCHULZ, SMOLIC AND ZIEGLER. VOTING NAY: NONE).** With the legislation having been amended, the legislation was again read by title only, and placed on Second Reading.

ORDINANCE NO. 22-O-34 - (Second Reading) - 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. Mr. Schulz moved to waive the three readings, with the second by Mr. Fenstermaker. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, LOWERY, SCHULZ, SMOLIC AND ZIEGLER. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 5/0/1 (VOTING YEA: FENSTERMAKER, HAYMER, SCHULZ, SMOLIC AND ZIEGLER. VOTING NAY: NONE. ABSTAINING: LOWERY).**

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

The legislation was read by title only. Mr. Lowery moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, LOWERY, SCHULZ, SMOLIC AND ZIEGLER. VOTING NAY: NONE.).** Mr. Schulz moved to adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, LOWERY, SCHULZ, SMOLIC AND ZIEGLER. VOTING NAY: NONE).**

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

None.

RESOLUTION NO. 22-R-36 - A RESOLUTION AUTHORIZING THE MAYOR TO RETAIN THE SERVICES OF THE C.W. COURTNEY COMPANY AS ENGINEERS FOR THE CONSTRUCTION ADMINISTRATION OF THE 2022 STREET REPAIR AND MAINTENANCE PROJECT, AND DECLARING AN EMERGENCY.
(Mayor Potter)

The legislation was read by title only. Mr. Schulz moved to waive the three readings, with the second by Mr. Fenstermaker. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, LOWERY, SCHULZ, SMOLIC AND ZIEGLER. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, LOWERY, SCHULZ, SMOLIC AND ZIEGLER. VOTING NAY: NONE).**

NEW BUSINESS (continued):

RESOLUTION NO. 22-R-37
(Mayor Potter)

- **A RESOLUTION AUTHORIZING THE CLOSEOUT OF THE CONTRACT WITH RONYAK PAVING, INC. FOR ITS WORK ON EMERALD GLENN COURT PURSUANT TO THE 2020 PAVEMENT REHABILITATION PROJECT, SECTION 1, AND DECLARING AN EMERGENCY.**

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

RESOLUTION NO. 22-R-38
(Mayor Potter)

- **A RESOLUTION AUTHORIZING THE CLOSEOUT OF THE CONTRACT WITH RONYAK PAVING, INC. FOR ITS WORK ON PHASE 2 OF THE BOOTH ROAD RE-SURFACING, AND DECLARING AN EMERGENCY.**

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

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COUNCIL COMMENTS:

Noting that today is a Federal holiday, Councilman Schulz asked that Council consider Federal holidays when setting their scheduled meetings for the next year.

Mayor Potter thanked everyone for their hard work throughout the road financing funding discussions. There were discussions of a resolution being introduced concurrent with the passage of this ordinance, which will hopefully pass at the July 6 Council meeting. With that being said, Mayor Potter asked the Law Director to create a resolution stating that should this measure pass in the Fall, those dollars will be committed to road funding only. Specifics for the resolution can be discussed in the coming weeks.

Mayor Potter noted that Mr. Fornaro wanted to request Mr. Smolic to schedule a Service Department Standing Committee meeting. The meeting was scheduled for July 6 at 6:00 p.m.

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. Lowery moved to adjourn, with the second by Mr. Schulz. The motion of Council passed by unanimous vote and the meeting adjourned at 7:53 p.m.

President of Council

Clerk of Council