

## **KIRTLAND CITY COUNCIL MINUTES**

**July 11, 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, Richard Lowery, Jeffrey Ruple, Matthew Schulz and Joseph Smolic. Absent: Scott Haymer and Eric Ziegler.

Administrative personnel present were: Mayor Kevin Potter, Law Director Matthew Lallo, Finance Director Louis Slapnicker, Service Director Joseph Fornaro, Police Chief Brian McCallister and Senior Center Coordinator Teresa Szary.

### **DEPARTMENT REPORTS:**

**Police Chief Brian McCallister** advised that the monthly report for June has been distributed. Chief McCallister advised that the Wonderstruck concert was held over the weekend; he noted everything went well, although the Fire Department was busy. He noted complaints were at a minimum; there were three or four noise complaints.

Referring to the report, Councilman Schulz inquired about the line item for disseminating materials harmful to juveniles. Mr. Lallo advised that this relates to a nude photo being sent from an adult to a juvenile. He stated it is his understanding that the two noted in the report relate to the same case.

**Service Director Joseph Fornaro** advised that salt pricing for this year has increased by 54 cents; the City will be paying \$44.15 this year, and paid \$43.61 last year (per ton).

**Finance Director Louis Slapnicker** referred to Ordinance 22-O-45 amending the appropriation and Resolution 22-R-46 relating to transfer of funds; he advised the amended appropriation is an increase in the amount of \$623,989.69. He noted that \$250,000 of that amount relates to transfers and can be seen in two places within the budget. He advised that in reality, the increase is \$373,976.35, when the transfers are taken out. Mr. Slapnicker requested that both pieces of legislation be adopted tonight.

**Law Director Matthew Lallo** did not present a formal report and no questions were asked of him.

### **MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Potter stated that having the amended appropriation and transfer legislation adopted tonight would be helpful in getting the road program underway, along with passage of 22-R-44 relating to the bid award to Barbicas. Mayor Potter also requested passage tonight of Resolution 22-R-47 pledging to allocate all funds received as a result of any increase in income tax towards the City's road program. As discussed in last week's Service Department Standing Committee meeting and in tonight's work session, Mayor Potter stressed the importance of not excluding maintenance and the associated drainage from the road program.

Mayor Potter announced that on Wednesday evening, July 13, another gazebo concert will be held; he noted that Debbie Gifford will be singing. He noted that the Police Chief will be cooking burgers and hot dogs, along with Mr. Fornaro and Mr. Smolic. The Mayor stated that any additional help with set-up and clean-up would be appreciated; along with providing bags of ice and coolers.

Mayor Potter advised that on August 2 the primary election for the State Senate seats will be held at City Hall and the Community Center.

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

With regard to the amendment to the appropriation, Mayor Potter stated it also relates to ordering a new police vehicle; he noted the fleet is being reduced from 8 to 6 vehicles. He noted that the lead time for police vehicles is 2 to 2-1/2 years, and the City needs to get into the rotation for new vehicles.

Councilman Schulz inquired about the timeline and if there has been anything further regarding the addition of exterior bathrooms at the Community Center, noting that the City received funding. Mayor Potter stated that a base analysis was done last year to get an idea of what the project would cost and to apply for the funding. The Mayor noted he will likely have to return to the Senator's office to confirm the requirements.

**Senior Center Coordinator Teresa Szary** stated there are some big events coming up at the Senior Center. They will be joining the rest of the County and the Council on Aging at Senior Day Fair on July 29. She noted that the "senior of the year" award for 2021 will be presented.

Ms. Szary advised that the week-long annual Senior Center Camp will be held beginning on the 15<sup>th</sup>, and almost everything is free. She noted the Departments are pitching in and taking a day of the camp.

She said the pickleball courts are almost always full, inviting Council members to join in the activity.

Council President Ruple inquired about trivia night. Ms. Szary advised that the Kirtland Senior Center trivia is held during the day; Willoughby Hills trivia will be held next Tuesday (July 19), and the Kirtland seniors go out and play against the Willoughby Hills groups once per month.

**STANDING COMMITTEE REPORTS:**

None.

**CORRESPONDENCE:**

None.

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

**Bryson Durst** of the News Herald introduced himself, noting he is the reporter now covering the Kirtland area, and he noted that if Council has anything they would like included in a news article to send the information to him. He noted he will provide his contact information after the meeting.

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

None.

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

- (Third Reading) - 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.

**OLD BUSINESS – RESOLUTION NO. 22-R-37 (continued):**

The legislation was read by title only. Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC AND FENSTERMAKER. VOTING NAY: NONE).**

**RESOLUTION NO. 22-R-38** - (Third Reading) - **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.**  
(Mayor Potter)

The legislation was read by title only. Mr. Smolic moved to declare an emergency and adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC AND FENSTERMAKER. VOTING NAY: NONE).**

**ORDINANCE NO. 22-O-39** - (Second Reading) - **AN ORDINANCE AMENDING SECTION 1068.01 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND RELATING TO THE LOCATION, MAINTENANCE, AND USE OF THE KIRTLAND RECREATION PARK, AND DECLARING AN EMERGENCY.**  
(Mayor Potter)

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

**ORDINANCE NO. 22-O-40** - (Second Reading) - **AN ORDINANCE AMENDING SECTION 1068.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND RELATING TO THE PROHIBITED CONDUCT IN THE KIRTLAND RECREATION PARK, AND DECLARING AN EMERGENCY.**  
(Mayor Potter)

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

**ORDINANCE NO. 22-O-41** - (Second Reading) - **AN ORDINANCE AMENDING SECTION 1068.03 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND RELATING TO THE DISCHARGING OF FIREARMS, FIRES, AND SIGNS IN THE KIRTLAND RECREATION PARK, AND DECLARING AN EMERGENCY.**  
(Mayor Potter)

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

**RESOLUTION NO. 22-R-42** - (Second Reading) - **A RESOLUTION ACCEPTING THE BID OF CARMEUSE FOR THE PICK-UP AND DELIVERY OF LIMESTONE ROAD MATERIALS, 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. Schulz. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC AND FENSTERMAKER. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC AND FENSTERMAKER. VOTING NAY: NONE).**

**OLD BUSINESS (continued):**

**RESOLUTION NO. 22-R-43** - (Second Reading) - A RESOLUTION ACCEPTING THE  
(Mayor Potter) BID OF THE SHELLY COMPANY FOR THE PICK-UP OF ASPHALT CONCRETE ROAD MATERIALS, AND DECLARING AN EMERGENCY.

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 5/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC AND FENSTERMAKER. VOTING NAY: NONE).** Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC AND FENSTERMAKER. VOTING NAY: NONE).**

**RESOLUTION NO. 22-R-44** - (Second Reading) - A RESOLUTION ACCEPTING THE  
(Mayor Potter) BID OF BARBICAS PAVING LLC, AWARDING SECTIONS I THROUGH IIIA OF THE 2022 PAVEMENT REHABILITATION PROJECT, AND DECLARING AN EMERGENCY.

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

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

None.

**ORDINANCE NO. 22-O-45** - AN ORDINANCE AMENDING ORDINANCE NO. 22-O-32  
(Mayor Potter) RELATING TO THE APPROPRIATION FOR THE YEAR 2022.

The legislation was read by title only. Mr. Smolic moved to waive the three readings, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC AND FENSTERMAKER. VOTING NAY: NONE).** Mr. Lowery moved to adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC AND FENSTERMAKER. VOTING NAY: NONE).**

**RESOLUTION NO. 22-R-46** - A RESOLUTION AUTHORIZING TRANSFERS OF  
(Mayor Potter) FUNDS, AND DECLARING AN EMERGENCY.

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

**NEW BUSINESS (continued):**

**RESOLUTION NO. 22-R-47**  
**(Council as a Whole)**

- **A RESOLUTION PLEDGING TO ALLOCATE ALL FUNDS RECEIVED AS A RESULT OF ANY INCREASE IN MUNICIPAL INCOME TAX TOWARDS THE CITY’S ROAD PROGRAM.**

The legislation was read by title only. Mr. Lallo reminded Council that a discussion was held during the work session with regard to amending this Resolution to incorporate amended language. Mr. Schulz moved to amend the first sentence in Section I to remove “road program” and add “Annual Road Plan pursuant to Ordinance 236.12”, so that it reads: ...”the City’s Annual Road Plan pursuant to Ordinance 236.12 and shall not include any appropriations for capital equipment.” Mr. Fenstermaker provided the second. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC AND FENSTERMAKER. VOTING NAY: NONE).**

Mr. Schulz moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC AND FENSTERMAKER. VOTING NAY: NONE).** Mr. Lowery moved to adopt, with the second by Mr. Smolic. Answering Mr. Schulz, Mr. Lallo confirmed that the legislation will be in effect in 30 days. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC AND FENSTERMAKER. VOTING NAY: NONE).**

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**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. Lowery moved to adjourn, with the second by Mr. Smolic. The motion of Council passed by unanimous vote and the meeting adjourned at 7:25 p.m.

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President of Council

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Clerk of Council