

KIRTLAND CITY COUNCIL MINUTES

August 22, 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, 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 JULY 6, 2022 COUNCIL 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 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).**

MINUTES OF THE JULY 11, 2022 WORK SESSION:

Mr. Fenstermaker moved to waive the reading of the minutes, with the second by Mr. Lowery. The motion of Council passed by unanimous vote. Mr. Fenstermaker moved to approve the Minutes, as presented, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, FENSTERMAKER AND HAYMER. VOTING NAY: NONE. ABSTAINING: ZIEGLER).**

MINUTES OF THE JULY 11, 2022 COUNCIL MEETING:

Mr. Lowery moved to waive the reading of the minutes, with the second by Mr. Smolic. The motion of Council passed by unanimous vote. Mr. Lowery moved to approve the Minutes, as presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, FENSTERMAKER AND HAYMER. VOTING NAY: NONE. ABSTAINING: ZIEGLER).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton reported that it has been a very busy summer for the Fire Department, noting they are on base for their busiest year ever. He noted there have been all types of calls – EMS, fire, and a lot of mutual aid being given and received. Chief Hutton stated that the EMS revenue, compared to the same time last year, is up almost 20 percent.

Chief Hutton stated that the 2017 ambulance (No. 1922) will be going out for new paint on the box; it is warranty work.

Noting that the Lake County sirens were activated yesterday, Chief Hutton said there was a tornado warning in Madison. When the sirens are activated, Chief Hutton said everyone should go indoors, turn on the television or radio to find out what is happening. He noted if there is something that can be reported right away, the Fire Department will post information to the Facebook page. Chief Hutton advised that people should not call 911, because it will overwhelm the system.

DEPARTMENT REPORTS (continued):

Police Chief Brian McCallister reported that a project is underway, noting that the Commissioner's office purchased a program for all the Lake County police departments, and Kirtland decided to participate. He met with the project manager on July 26 and they are working on the procedural aspect and policies, and those should be implemented soon.

Chief McCallister stated that Officer Sluga, who was sworn in at the last Council meeting, is progressing well.

The Police Department has paired with the elementary school for a reading program; the officers will go in and read to the elementary students.

Chief McCallister thanked Teresa Szary and the attendees for visiting the Police Department during the Senior Day Camp.

Chief McCallister stated the Department recently had their outdoor range for the year; he thanked Sergeant Valenti and Patrolman Germano for an excellent set-up. He thanked the Service Department for their work in building the targets, including the moving target.

Noting that there were some complaints about semi-truck parking in the community, Chief McCallister said he is working on this with Mr. Loconti; he will send some letters to those individuals to see if other arrangements can be made. If that is unsuccessful, the Department will start issuing citations.

Service Director Joseph Fornaro reported that the Department is about halfway through the crack sealing program.

With the help of approximately 20 volunteers on August 13, 120 poles were painted on Route 306, from the south corridor to the north corridor. Mr. Fornaro stated his appreciation for all of the help.

Mr. Fornaro stated that asphalt patching will pick up in a couple weeks. He noted that another round was done with the blue tractor for line-of-sight. He stated that the snow and ice trucks are being prepared for winter.

Mr. Fornaro thanked Teresa Szary, noting that 16 seniors visited the Department for a tour, and they also had lunch with the team.

The soccer and football fields are up and running, and today the Department started work on the playground behind the Community Center.

Answering Councilman Smolic, Mr. Fornaro stated that crack seal is being done on Heath, Sperry, Raccoon, and Regency. He noted that Route 306 will also be done this year. Mr. Fornaro said that pavement markings will be started over the weekend, and will follow behind the crack seal work.

Councilman Ziegler inquired about the timeline for the outdoor bathrooms at the Community Center. Mr. Fornaro advised that the funds are for next year; the plans are almost done.

Councilman Schulz inquired about the issue on Crestwood and Beechwood, relating to Aqua Ohio. Mr. Fornaro advised the Department will be doing some ditch work in that area next week and will likely take care of it then.

Councilman Schulz inquired about 9260 Raccoon Hill, relating to weed-eating on a city easement; it is his understanding the concern relates to the northwest corner. Mr. Fornaro said the Department is taking care of it.

DEPARTMENT REPORTS (continued):

City Engineer Douglas Courtney stated that the contractor for the street rehabilitation project (Barbicas) is expected to start the work on September 19; work is anticipated to take 45 days. The sequence of construction will be Prelog, Loreto Ridge, Shadowbrook and Locust. The contractor has also submitted a value engineering proposal that he and Mr. Fornaro are currently reviewing, and he will report at the next meeting regarding any necessary change orders to the contract related to those proposals.

With regard to Old Town sewer improvements, Mr. Courtney advised that last Thursday the County Commissioners approved plans, specifications, estimates and tentative assessments on that project. Eleven of the twelve deed restrictions have been recorded. The easements needed for the construction have been signed by the owners and are being recorded by the County. The public hearing date is tentatively scheduled for mid-October; he is working with the County to get a specific date determined. The current project cost estimate, including contingencies and inflation, is approximately \$3.7 million. The City has \$250,000 in grant money from OPWC, and the Commissioners committed \$1 million in their ARPA funds to the project. This brought the tentative assessment per benefit unit down to approximately \$20,000.

Mr. Courtney reported on stormwater projects, advising of a bid schedule for Fox Hill drainage, which will be advertised between August 31 and September 14, with bids to be opened on September 15. The award will be October 3, unless it can be addressed on the September 19 agenda. Mr. Courtney anticipates construction will take approximately one month, into mid to late November, depending on when the contract is awarded.

With regard to the retention basin on Rockwood, Mr. Courtney said it is expected that design work will be done by the end of September; it will be advertised late September to early October, with bids opened on October 12 and awarding the bid at the October 17 meeting. It is expected that construction will be between November 7 and November 30.

With regard to Parkwood drainage, Mr. Courtney said he is currently coordinating a site walk with some of the residents to look at the issues and review permitting requirements with an environmental consultant. He noted this project will likely be a 2023 build, but he is looking to start the design and permitting this year.

Reporting on Parks Farm Subdivision, Mr. Courtney stated the contractor plans to start paving this week, weather permitting.

Finance Director Louis Slapnicker reported that the second half ARPA funds were received in July in the amount of \$358,206.47. He advised that the June end-of-month reports have been distributed to Council.

Mr. Slapnicker noted that since it is halfway through the year, he has some highlights to review with Council. He stated that on the appropriations side, the City is where anticipated. The Police Department overtime is approximately 78 percent consumed at this point in the budget; however it should lessen due to the hiring of the new full-time officer. The part-time overtime at the Fire Department is running a little ahead; the full-time overtime is where expected.

With regard to fuel, Mr. Slapnicker stated that through June 30 Police and Fire are approximately 42 percent and 40 percent consumed, respectively; he noted that an amendment was already done this year. The Service Department is approximately 68 percent consumed.

Mr. Slapnicker advised that the Willoughby Municipal Court costs deficit that was allocated between all the participating cities came in quite high, at approximately \$26,000 for the first half; it is typically \$13,000 to \$14,000 per half.

DEPARTMENT REPORTS (continued):

Mr. Slapnicker stated that income tax collection fees are slightly ahead; but looking at the revenue side, the income tax revenue at the end of June is 62 percent collected against what was originally budgeted.

The 2021 basic financial statement audit has been completed and is in the review stage with the state. He advised Councilman Schulz and Council President Ruple that he reached out for an exit conference once it passes through the review process.

With regard to the sale of the roller, Mr. Slapnicker advised that the proceeds of \$50,000 were received this month and receipted to the previous road levy Fund 205. As part of the last amendment, the proceeds are being used as part of the 2022 road improvement project and maintenance.

Mr. Slapnicker noted that a meeting was held in Lyndhurst as part of the renewal process for property liability insurance, automobile insurance, cyber insurance, etc., and he wanted to bring to Council's attention that part of the market rate is now starting to increase. He noted that a lot of cities are seeing a 25 percent increase on their premiums for these insurances. The increase is largely a result of building replacement costs and auto replacement costs. Some cities are starting to see a 100 percent increase in their cyber insurance, and many companies that carry cyber insurance are pulling out of the market. Thinking ahead to the 2023 budget process, Mr. Slapnicker said he is going to recommend a full appraisal of the buildings to make sure the City is on point with the building replacement costs.

Responding to Councilman Schulz regarding the Willoughby Municipal Court costs, Mr. Slapnicker advised it is allocated to the participating communities based on usage. Mr. Slapnicker noted it was paid in July, and he will provide that monthly reporting to Council as soon as possible. Mr. Lallo requested a copy of the letter sent from the Judge in this regard, and he inquired if the Finance Department receives documentation relating to the fines paid to the City. Mr. Slapnicker agreed to provide that information.

Law Director Matthew Lallo advised that legislation is on the agenda for Third Reading relating to the Kirtland Recreation Park. He noted that there is a declaration of emergency for all three of those ordinances, and he requested that Council pass the legislation tonight.

With regard to New Business on the agenda, Mr. Lallo noted there is legislation directing the sale of property to the Lake County Port Authority; there would be an option for the Church of Latter-day Saints to purchase that property.

Mr. Lallo advised he has been reviewing a number of policies and procedures for the City. He noted it was on the "front burner" about a year ago, but other items detracted from that process; it has been spurred back into action as a result of the audit. He noted he met with Mayor Potter and Ms. Szary last week to get the process moving. He is also reviewing other policies and procedures for the Service Department. Mr. Lallo noted that some of the overall policies and procedures will entail public records and retention policies; the records storage room is overfilled.

Mr. Lallo stated that he still needs to meet with the Chief to review the potential amendment of the discharge of firearms in the City, to be tailored with different law changes.

Council President Ruple noted he sent some pictures to the Law Director regarding the cell tower on Sperry Road near Billings; more equipment keeps being added to the tower. He inquired how this is governed under the City ordinances. Mr. Ruple noted it is unsightly, and some of the neighboring residents are concerned. He said there is concern that the added equipment increases the radiation sent out from the tower. Mr. Lallo advised that he will look at the regulations.

DEPARTMENT REPORTS (continued):

Mr. Ruple noted that the online codified ordinances are now more than four years out of date, and he inquired if they will be updated soon. Mr. Lallo advised that the Planning and Zoning Commission is reviewing the zoning code as part of their required process, and they will be proposing some amendments, along with other miscellaneous amendments that are currently being addressed. Mr. Lallo said his goal is that at the end of the year, all of those changes can be submitted for updating. Additionally, Mr. Lallo noted that the alternative energy ordinance was previously enacted, but is not yet reflected in the Code of Ordinances; he is working on a complete rewrite of that chapter. A consultant has provided some of the proposed amendments, and the proposed ordinance will be presented to the Planning and Zoning Commission.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter expressed condolences to the family of former Council member David Kirek. He noted that Mr. Kirek was a Council member for 20 years, and he was also a member of the Kirtland School Board. The Mayor said he attended the funeral on Saturday at Divine Word, noting that he sent flowers on behalf of the city.

Noting that his family had an opportunity to go on a once in a lifetime vacation overseas this past month, Mayor Potter thanked the Department heads and Council members for taking care of matters that needed to be addressed so he was able to enjoy his trip.

With regard to economic development, Mayor Potter said he has had conversations with Mr. Eckart, noting he will ask him to attend an upcoming Council meeting. There has been interest and inquiries about different properties in the City.

The Mayor noted he had a conference call today, including Mr. Fornaro and Mr. Courtney, with Senator Brown's office relating to Old Town sewers and potential funding as the Federal dollars become relinquished back to the state from last year's infrastructure plan.

Mayor Potter noted that Mr. Courtney had mentioned the \$1 million commitment from the Commissioners; the City also has a \$250,000 commitment from the Commissioners for some of the lower income residents, to offset some of the connection fees.

With regard to Federal budget assistance through the Department of the Interior, Mayor Potter thanked Mr. Eckart for his efforts in submitting the required information. He noted that funds are there if the budget were to pass today, and it would provide another \$800,000 of relief for that community. He noted it is not guaranteed, but hopefully it will pass this Fall.

Mayor Potter noted that Dione DeMitro has been working with the Planning and Zoning Commission the last few meetings, reviewing the comprehensive plan from ten years ago, along with the strategic plan and recent survey responses. The Mayor advised that he requested Ms. DeMitro to attend a Council meeting in September to provide Council with an update. He noted that Council members are also welcome to attend the Planning and Zoning Commission 6:00 p.m. work sessions while the comprehensive plan is being discussed.

With regard to the Community Center bathrooms, Mayor Potter advised he received correspondence today from the State of Ohio in this regard. He noted there is a comprehensive blueprint that was prepared by a resident architect a few years ago in anticipation and hope that this grant would come through.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Referring to recent projects in the community, Mayor Potter noted that 120 sign posts were painted in a couple of hours, and he stated his appreciation for the support from the Kiwanis and the Church community.

The Mayor noted there have been four concerts this summer. He thanked the Council members that came out in support of those concerts and helped with cooking; he also thanked Chief Hutton, Mr. Fornaro and Chief McCallister, and all the other workers that came out and helped on behalf of the community. He noted there was representation from many businesses and the parks at the concerts, with nearly 200 people in attendance at the last concert. The Mayor thanked the Friends of the Library for putting on those concerts and to all who have helped.

Noting there is a Council meeting for October 17, Mayor Potter advised that he will not be available to attend that meeting, and he requested that Council consider changing the meeting date.

The Mayor stated that he had a discussion with Jim Gibbs, the City's IT consultant, noting he will include Councilman Haymer in the next discussion regarding the City's next steps relating to internet service.

With regard to possibly rescheduling the October 17 Council meeting, Council President Ruple advised that Council will get back to the Mayor in that regard after checking their schedules.

With regard to Mr. Ruple's questions about the cell tower, Mr. Lallo referred to Chapter 1292 and advised that the maximum height of a tower is 200 ft. above grade, and once it is approved by Planning and Zoning and City Council, they can engage in expansion not to exceed 25 percent of the originally approved height. If it is 25 percent or higher of the originally approved height, they have to reapply to Planning and Zoning and City Council. Mr. Ruple noted the height is not the issue, but they have added platforms. Mr. Lallo stated he does not believe there is a restriction prohibiting the addition of equipment.

Teresa Szary, Senior Center Coordinator, said it has been a very busy summer. She echoed the Mayor regarding the concerts, noting the Library did an excellent job with scheduling and rescheduling three concerts in a row.

Ms. Szary advised that the Senior Center completed its second Senior Summer Camp, which is a week of events. This year, the seniors spent a day at the Police Department, a day at the Service Department, and the Fire Department came for a day as well. There was also a car show and potluck, along with a mystery field trip. Throughout the week they had over 100 people participating. She noted it was the first bus trip for the senior center, and they will start doing bus trips every month.

Grandparents Day will be celebrated at the Senior Center on Monday, September 12, in the evening. All grandparents and caregivers are invited to bring their grandchildren for an open house; there will more information coming. There will also be a Senior Center open house on September 28, and Ms. Szary said she is hoping a lot of the Council members can attend.

Ms. Szary said that since the Senior Center is now up and running, they can concentrate more on the Community Center aspect of the building. She has had conversations with the Mayor and Mr. Slapnick about offering some evening classes for the community; she hopes to get those started in the next few months.

Councilman Haymer inquired when Council will be invited for pickleball and chair volleyball. Ms. Szary advised that will be held on Wednesday, September 28. She said she will send an email to everyone, noting there is information on the City website.

Rick Loconti, Zoning Inspector, said that since he was hired in October, there were about 30 open citations in the zoning department, and since that time another 60 have been added. Of the 90 citations issued and letters sent, there are 11 still open, and some are in various stages of compliance. Included in that number are the pole signs; the sign ordinance was enforced, and there has been 100 percent compliance on the pole signs. He advised that on the secondary pole signs, there has been 99 percent compliance; there is still one to be addressed.

Mr. Loconti said he has had long discussions with the Mayor, Mr. Fornaro and Mr. Lallo regarding the high grass ordinance, in order to work out a program that is fair to the residents and fair to the Service Department. He said they are continuing to work on that, noting that one of the ordinances before Council tonight relates to that matter.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF OLD BUSINESS:

Rick Loconti, 9298 Russellhurst Drive, spoke regarding the ordinance before Council relating to opening up Russellhurst to pedestrian, golf cart and bicycle traffic. Mr. Loconti stated he is in favor of that ordinance being passed. He noted when he moved there four years ago, the alley was open for pedestrians, golf carts and bicycles; two years ago it was closed. He noted his opinion was not asked at that time. Now that his opinion is asked, he advised Council that he is fully in favor of that being back open to the public. He noted that when he moved in, the alley was plowed by the City and the holes were patched; in the last two years since it was a private alley, that has not been done.

ORDINANCE NO. 22-O-39
(Mayor Potter)

- **(Third 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.**

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

OLD BUSINESS (continued):

ORDINANCE NO. 22-O-40 - (Third 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. Mr. Smolic moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).**

ORDINANCE NO. 22-O-41 - (Third 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. Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).**

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

None.

ORDINANCE NO. 22-O-48 - AN ORDINANCE AMENDING SECTION 1462.26 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO ABATEMENT OF VIOLATIONS.
(Council President Ruple)

The legislation was read by title only and placed on First Reading. Councilman Schulz inquired if a special fund account needs to be created to track costs and money coming in for this purpose. Mr. Slapnickler advised it can go through the General Fund, on a specific line item. Mayor Potter advised that he brought the Finance Director into the last meeting regarding this matter, since there will be a financial impact.

ORDINANCE NO. 22-O-49 - AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY LOCATED AT 8995 CHILLICOTHE ROAD THAT IS OWNED BY THE CITY OF KIRTLAND, OHIO TO THE LAKE DEVELOPMENT AUTHORITY, 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: LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).** Answering Council President Ruple, Mr. Lallo stated the formal name of the Lake County Port Authority is the Lake Development Authority. Mr. Smolic moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).**

NEW BUSINESS (continued):

RESOLUTION NO. 22-R-50
(Mayor Potter)

- **A RESOLUTION AUTHORIZING THE CLOSEOUT OF THE CONTRACT WITH SPECIALIZED CONSTRUCTION, INC. FOR ITS WORK ON SECTIONS I THROUGH IIA OF THE 2021 PAVEMENT REHABILITATION PROJECT, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Answering Mr. Ruple, Mr. Slapnickner stated as part of the 2022 road program, the City will be using some of these unencumbered funds, but he cannot unencumber them until Council passes a formal closeout ordinance. Mr. Smolic moved to waive the three readings, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Ziegler. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).**

ORDINANCE NO. 22-O-51
(Mayor Potter)

- **AN ORDINANCE AUTHORIZING THE CREATION OF THE ONEOHIO OPIOID SETTLEMENT FUND NO. 216, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Answering Mr. Ruple, Mr. Slapnickner advised that the money was received during the Council recess; this legislation is to formally recognize Fund 216. Mr. Slapnickner said the amount is \$35,000; as of now the City has received \$1,935.31. Mr. Smolic moved to waive the three readings, with the second by Mr. Ziegler. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).** Mr. Smolic moved to declare an emergency and adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).**

ORDINANCE NO. 22-O-52
(Mayor Potter)

- **AN ORDINANCE GRANTING CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE REPAIR OF SLOPE FAILURES ON STATE ROUTE 306, PID 113805, IN THE CITY OF KIRTLAND, OHIO, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Lowery moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: LOWERY, RUPLE, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE. ABSTAINING: SCHULZ).** Mr. Smolic moved to declare an emergency and adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 6/0/1 (VOTING YEA: LOWERY, RUPLE, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

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COUNCIL COMMENTS:

Councilman Smolic thanked the Mayor for putting the information out relating to NOPEC. Mr. Smolic said that the electric rates through NOPEC went up to 12 cents this month, and people can go to the Illuminating Company and various other companies for 6 to 7 cents. He encouraged everyone to check it out, noting there are different time frames involved. He noted that a resident brought this to his attention a couple weeks ago.

COUNCIL COMMENTS (continued):

Mayor Potter said he reached out to the City's local representative last week and asked her for information that can be provided to the community; and he got the information out as quickly as possible. The Mayor noted that over the weekend he sent another email expressing his dissatisfaction with how quickly this transpired.

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.

Mayor Potter said he forgot to mention that on October 8, in front of City Hall, there will be a vendor bazaar. He noted that Kiwanis is looking to sponsor a beer and wine trailer. He noted there will be vendors coming out, along with a band. It will be held from 1:00 p.m. to 5:00 p.m.

Mayor Potter commended Ms. Szary for all she does, noting there are a lot of good things going on at the Senior Center and Community Center. He noted she also spends countless hours after regular hours at the concerts out front and helping to organize all the events.

Ms. Szary said the Outdoor Market is scheduled from 1:00 p.m. to 5:00 p.m. on Saturday, October 8, and the band is scheduled from 3:00 to 5:00 p.m.

Councilman Smolic stated his appreciation for the pickleball courts, noting he has been up there and they are packed. Answering Mr. Smolic, Ms. Szary advised the courts can be rented for a fee of \$25 per hour for one court.

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 8:01 p.m.

President of Council

Clerk of Council