

KIRTLAND CITY COUNCIL MINUTES

September 19, 2022

The meeting of Kirtland City Council was called to order at 7:00 p.m. by Council President Jeffrey Ruple. Mr. Lowery led the prayer which followed the Pledge of Allegiance. The members of Council present were: Ronald Fenstermaker, Scott Haymer, Richard Lowery, Jeffrey Ruple and Joseph Smolic. Absent: Matthew Schulz and Eric Ziegler.

Administrative personnel present were: Mayor Kevin Potter, Law Director Matthew Lallo, City Engineer Douglas Courtney, Service Director Joseph Fornaro, Police Chief Brian McCallister and Senior Center Coordinator Teresa Szary.

MINUTES OF THE SEPTEMBER 7, 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 5/0 (VOTING YEA: RUPLE, SMOLIC, FENSTERMAKER, HAYMER AND LOWERY. VOTING NAY: NONE).**

MINUTES OF THE SEPTEMBER 7, 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 5/0 (VOTING YEA: RUPLE, SMOLIC, FENSTERMAKER, HAYMER AND LOWERY. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Police Chief Brian McCallister advised that Safety Forces Day will be held this coming weekend, from 11:00 a.m. to 5:00 p.m. on Saturday. Any Council members who would like to speak during the event should contact Sergeant Valenti to schedule a time. The former Mayor and current County Commissioner Mark Tyler may be speaking, if his schedule allows.

The Sergeants' exam was posted today for candidates to submit applications. The exam will be held on December 9.

This past week the Police Department participated in the parade and had lunch with the kids at the elementary school. Chief McCallister said it was nice to see the News-Herald cover the events and share the police officers' participation in these positive activities.

Chief McCallister reported he has begun defensive tactics training with the Police Department. This training is being conducted with one-on-one sessions so each officer can be assessed for areas that can be improved.

The Police Department is working with Ms. Szary at the Community Center on a human trafficking presentation, which will be followed-up in the fall with a defensive tactics session for women.

Mr. Lowery mentioned there has been discussion regarding pictures of parked trucks blocking cameras at a local gas station (not in Kirtland). Mr. Lowery asked if Chief McCallister has any input on the situation. Chief McCallister responded that to his knowledge there was no crime perpetrated and no attempted kidnappings.

DEPARTMENT REPORTS (continued):

In terms of safety, Chief McCallister said he believes the area is still safe, but it is right off the freeway and heavy traffic is common. He suggested that everyone always be aware of their surroundings, have a friend with them when possible, and if a stranger approaches make every effort to create distance and get away.

Councilman Fenstermaker asked if the radar on Billings Road collects data. Chief McCallister responded that it collects traffic data on the roads and provides time frames and speeds. There was a recent assessment done on Kirtland-Chardon Road over a two-month period. The data collected showed less than one percent of violations would be considered reckless; 96 percent of the traffic on that road is driving within a desirable range. The speeds that are in the mid-range are generally under the speed that the police would issue a citation.

Service Director Joseph Fornaro reported that the road program is moving along, and repairs are complete on Prelog and Loreto Ridge. Repairs scheduled for today have been canceled due to weather. In the coming week, chip seal and intermediate course for pavement are scheduled.

Mr. Fornaro advised that the contractor working on the Joseph Smith House has to do the sewer, sanitary and storm connections. It is located right at the top of the hill, and the contractor has asked permission to work at night. After discussions with the Chief, Mr. Courtney, and Mr. Lallo, it was determined the safest operation of that portion of the job would be to work at night, and Chief McCallister will probably approve their request. The work should occur between 9:00 and 10:00 p.m. to 5:00 a.m. They are anticipating three days to complete the work, and they are hoping to complete it before winter weather arrives.

Councilman Fenstermaker inquired about safety precautions. Mr. Fornaro explained the road will be reduced to one lane, with flaggers.

Responding to Councilman Lowery, Mr. Fornaro said there will be some noise. There will be some work in the roadway, but most work will be on the berm in the right-of-way. Mr. Fornaro said the contractors have already reached out to the neighbor to the north and made them aware of what will be going on. Mr. Lowery recommended that all neighbors in the immediate vicinity be notified.

City Engineer Douglas Courtney reminded everyone that the public hearing date for the Old Town sewers is October 27 at 7:00 p.m. at Kirtland High School.

Mr. Courtney received a call from the sanitary engineer on the project this morning. When letters were sent to residents notifying them of their assessments, letters were inadvertently sent to residents who were not supposed to get them. These residents either had a non-conforming lot which had a zero assessment, or the resident had deed restricted their property. The County is working to send new letters to those residents explaining the error. Any phone calls received from residents in the interim can be forwarded to Mr. Courtney, who will explain the situation.

Bids were opened for Fox Hill drainage improvements on the 15th, with favorable results. The bids received ranged from 1/10 to 23 percent below the estimate. The low bid was \$65,628.45. This project will be scheduled for Spring 2023, and the low bidder estimated two to three weeks to complete the work. The low bidder wants to begin the project in March, which fits into the road improvement schedule.

The Rockwood area stormwater basin will be advertised for bids later this year and may also be a Spring 2023 project since it is getting late in the year. The cost estimate on this project is \$75,000.

Concerning the Parkwood area drainage improvements, Mr. Courtney advised there will be a proposal for conceptual design work which will be submitted for Stormwater funding. The objective of this project would be to get the design completed this winter and have it ready to move forward in the spring.

DEPARTMENT REPORTS (continued):

Mr. Courtney advised that Council will see the MOU's for all of the above-referenced projects for funding through Stormwater.

Answering Councilman Fenstermaker regarding the Parks development, Mr. Courtney said the contractors are currently working on curb drains adjacent to the pavement.

Answering Councilman Haymer, Mr. Lallo said he heard the bridge project is supposed to start in 2024 or 2025. He noted they were originally going to completely close the bridge, then it was decided to make the road one lane and prolong the life of it to keep it on the original schedule.

With regard to the bridge work over Route 90, it was noted it appears there has been progress. Mayor Potter noted that ODOT has rented space across the street at Kirtland Plaza, which translates to income tax dollars while they are in Kirtland.

Law Director Matthew Lallo did not present a formal report. Council President Ruple inquired about the ODOT legislation. Mr. Lallo confirmed that it is consent to allow ODOT to perform bridge inspections.

Responding to Council President Ruple regarding the ODNR legislation, Mr. Lallo explained it is for a grant application that Mr. Fornaro is putting forth. Mr. Fornaro said it would be helpful if this legislation could be passed tonight, as it is due October 15. He noted that Council could wait to pass the legislation at the next meeting, but it must be part of the packet when he sends it out.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter reminded everyone there is an Open House at the Senior Center on Wednesday, September 28, from 6:00 to 8:00 p.m. He said it is a good event and an opportunity to engage with the seniors.

The Bazaar of Kirtland will be held on October 8 in front of City Hall. The Allnighters Band will perform from 3:00 to 5:00 p.m. There will be a food truck and vendors out front. Kiwanis is sponsoring a beer and wine tent for fund raising purposes that same day from 1:00 to 5:00 p.m.

Mayor Potter invited Eddy Eckart to address Council regarding various economic development issues.

Eddy Eckart advised that he has been working on a number of projects, including the comprehensive plan in conjunction with the Mayor and Dione DeMitro, which Ms. DeMitro will explain in further detail. Mr. Eckart said in the next months he will be addressing Council concerning the addition of PACE financing as an economic incentive within the City. As a short explanation of the program, it is financing for improvements to structures to help make them more energy efficient. Rather than being part of a business' capital stack when a structure is being improved, it actually runs with the property itself. That frees their finances to have either a smaller bank note or use conventional financing for other purposes. Mr. Eckart said he will be sharing additional details on implementation in the months to come.

Mr. Eckart explained there is not much to report concerning the sewer project, but he continues to search for additional funding both for Old Town and also to explore sewers for Route 6 and Route 306. Senator Brown's office has been very helpful in facilitating contacts, but as of right now there are no new developments.

There have been ongoing meetings with two potential developers who are interested in Kirtland. Nothing new or groundbreaking has occurred since Mr. Eckart last spoke with Council about this, other than a couple of additional meetings.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mr. Eckart said he's also fielded a couple of inquiries about the zoning process, thanking Ms. Roelle for her quick follow-up.

Mr. Eckart has met with Team NEO and JobsOhio to discuss potential economic packages available related to sewer and infrastructure development and business attraction. Mr. Eckart is coordinating with someone at Team NEO to make sure that they and JobsOhio are aware of available sites in Kirtland.

Mr. Eckart and Karen Tercek from the Chamber of Commerce are currently working to plan a business event in the coming quarter. Mr. Eckart will keep Council updated as things progress.

According to Mr. Fornaro, a grant has recently come out that may deal with traffic infrastructure, such as lights and signals. Mr. Eckart said he will be looking into that soon.

Council President Ruple thanked Mr. Eckart for the update.

Mayor Potter noted that Dione DeMitro has been contracted by the City to assist with the comprehensive plan. She has met with the Planning and Zoning Commission for their last three meetings. The Mayor invited her to address Council to provide an update on the progress.

Dione DeMitro noted that there is a City Charter requirement for a comprehensive plan, updated every 10 years as required by state law.

There have been three meetings thus far, during which the most recent comprehensive plan has been reviewed along with the strategic plan created a few years ago and feedback from the community survey. The plan review has shown some overlaps, along with issues covered in the strategic plan that were not covered in the previous comprehensive plan. The Planning and Zoning Commission would like these items incorporated into the plan, to help grow and retain business in the community. The Planning and Zoning Commission has decided to focus on historic Kirtland revitalization, including structuring zoning laws to both encourage new growth and development but also retain the feel of Kirtland. Other focuses include sustainable development, infrastructure, sewers, and the roads. Concerning attracting or retaining businesses, objectives and strategies are being pulled directly from the strategic plan.

There will still be a focus on protecting natural resources, which includes continuing to enforce riparian setbacks and using existing utility easements. Concerning infrastructure, there is a little bit of flexibility in the proposal. A draft plan will be presented in November, with a final draft presented in December. Concerning community needs, the feedback received from the strategic plan and from the community survey will be reviewed and there will be an opportunity for a "thumbs up" or "thumbs down" on specific issues.

The next steps in the process will be a meeting with the Planning and Zoning Commission to review specific goals and objectives, and then creating an implementation plan.

Noting that he has worked with Ms. DeMitro in other organizations, Council President Ruple said the City is lucky to have her services, noting she has excellent planning and organizational skills.

When asked about her new position, Ms. DeMitro said it has been fantastic and announced that on September 29 there will be a campaign kickoff for United Way at the Captains' Stadium beginning at 5:30 p.m.

STANDING COMMITTEE REPORTS:

Council President Ruple noted that the Service Department Standing Committee met prior to tonight’s Council meeting to discuss capital needs.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Sharon Vyskocil, 8415 North Locust Drive, said that traveling northbound on State Route 306 there is a flag by the bank honoring servicemen. Unfortunately, the flag blocks the school zone flashing lights from view until you are right on top of it. Ms. Vyskocil then thanked Council and the Administration for listening to the public about all the road concerns. She had concerns of not being notified where and when roadwork would be scheduled, but there are flyers being sent out informing residents of the roadwork schedule and there has been communication with the residents. There had also been a concern over the road level going over the driveways, to which Mr. Fornaro listened and incorporated that into his scraping plan. Ms. Vyskocil thanked Council and the Administration again for listening to the residents' concerns and acting on them, and for restarting Coffee with Council.

Councilman Lowery asked if Chief McCallister will look into the issue of the flag blocking the school zone and address any safety concerns. Mr. Fornaro stated the pole is scheduled to be replaced, but there has been a delay in its replacement.

OLD BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF OLD BUSINESS:

None.

ORDINANCE NO. 22-O-48 - **(Third Reading) - 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. Mr. Lowery moved to adopt, with the second by Mr. Fenstermaker.
ROLL CALL: ADOPTED 5/0 (VOTING YEA: RUPLE, SMOLIC, FENSTERMAKER, HAYMER AND LOWERY. VOTING NAY: NONE).

RESOLUTION NO. 22-R-56 - **(Second Reading) – A RESOLUTION MODIFYING RESOLUTION 21-R-48 AND CLARIFYING THE AUTHORITY GRANTED BY THE CITY IN ITS PARTICIPATION IN THE ODOT COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

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

NEW BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS:

None.

RESOLUTION NO. 22-R-58 - **A RESOLUTION AMENDING RESOLUTION NO. 22-R-10 (Council as a Whole)** RELATING TO ESTABLISHING RULES, TIME AND PLACE OF COUNCIL MEETINGS FOR THE PERIOD FROM DECEMBER 1, 2021 THROUGH NOVEMBER 30, 2022, AND DECLARING AN EMERGENCY.

The legislation was read by title only. Council President Ruple noted this pertains to the Mayor’s request to change the date of the second meeting in October. Mr. Smolic moved to waive the three readings, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: RUPLE, SMOLIC, FENSTERMAKER, HAYMER AND LOWERY. VOTING NAY: NONE).** Mr. Smolic moved to declare an emergency and adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: RUPLE, SMOLIC, FENSTERMAKER, HAYMER AND LOWERY. VOTING NAY: NONE).**

RESOLUTION NO. 22-R-59 - **A RESOLUTION AUTHORIZING CONSENT TO THE OHIO (Mayor Potter)** DEPARTMENT OF TRANSPORTATION TO PERFORM THE MUNICIPAL BRIDGE INSPECTION PROGRAM 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. Fenstermaker. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: RUPLE, SMOLIC, FENSTERMAKER, HAYMER AND LOWERY. VOTING NAY: NONE).** Mr. Smolic moved to declare an emergency and adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: RUPLE, SMOLIC, FENSTERMAKER, HAYMER AND LOWERY. VOTING NAY: NONE).**

RESOLUTION NO. 22-R-60 - **A RESOLUTION SUPPORTING THE CITY’S SUB- (Mayor Potter)** MISSION OF THE GRANT REQUEST FOR ODNR’S URBAN CANOPY RESTORATION PROGRAM, 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 5/0 (VOTING YEA: RUPLE, SMOLIC, FENSTERMAKER, HAYMER AND LOWERY. VOTING NAY: NONE).** Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: RUPLE, SMOLIC, FENSTERMAKER, HAYMER AND LOWERY. VOTING NAY: NONE).**

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COUNCIL COMMENTS:

Council President Ruple thanked Councilman Smolic for restarting Coffee with Council. Mr. Smolic said there was a lot of good discussion, with approximately 15 people in attendance, including Mayor Potter, Mr. Fornaro, Chief McCallister, Officer Petric and Officer Germano.

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. Lowery. The motion of Council passed by unanimous vote and the meeting adjourned at 7:37 p.m.

President of Council

Clerk of Council