

KIRTLAND CITY COUNCIL MINUTES

October 3, 2022

The meeting of Kirtland City Council was called to order at 7:00 p.m. by Council President Jeffrey Ruple. Mr. Ziegler 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, 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 SEPTEMBER 19, 2022 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. **ROLL CALL: MOTION CARRIED 5/0/2 (VOTING YEA: SMOLIC, FENSTERMAKER, HAYMER, LOWERY AND RUPLE. VOTING NAY: NONE. ABSTAINING: SCHULZ AND ZIEGLER).** As a reminder, Mr. Lallo noted that Council members can vote on the minutes even if they were not present at the meeting.

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that recruitment and retention of part-time firefighters has been an issue for the Fire Department for quite a while. The Fire Department lost some employees over the summer, and Chief Hutton expects to lose a couple more in the near future. He advised that two part-timers will be added, noting that Doug Malvicino will be coming out of retirement to work at the Fire Department part-time as a Firefighter/Basic EMT.

Chief Hutton shared some good news concerning staffing, noting he received an email last week from the Ohio EMA and the Governor's Office that Kirtland Fire Department has been awarded the ARPA staffing grant. This will fully fund three full-time firefighter positions for two years. The grant totals \$589,000 and will help quite a bit with the Fire Department's staffing issues. Three people can be hired from within the Department with this funding. This will help the Fire Department in filling the gaps in the current schedule.

With the funding Chief Hutton expects the Fire Department staffing to increase to four full-time employees and one part-time employee from the current three full-time employees and two part-time employees every day. Part-time employees will still be used to fill in gaps and reduce overtime.

Once Mr. Slapnick has confirmed the numbers, a resolution will be presented to Council for acceptance of the grant, hopefully for the next Council meeting.

Chief Hutton pointed out this is a fast-tracked grant, which will begin January 1, 2023 and end on December 31, 2024. He said that in order to maximize the grant, everything should be in place including personnel hired and ready to start, on January 1.

Councilman Lowery asked what the plan is once the two years are up, to which Chief Hutton responded the cost for those employees' salaries would be the responsibility of the City. He went on to say he will be discussing the grant with Mr. Slapnick concerning cost of the grant and any incremental costs that would be paid between part-time and full-time firefighters.

DEPARTMENT REPORTS (continued):

Chief Hutton said after five years his math shows the cost to the City would be approximately \$58,000. There will be \$400,000 saved in part-time wages, and almost \$600,000 will be received in state funds.

Councilman Schulz asked the Chief if his calculations include benefits, health care, and other incidentals or only wages. Chief Hutton explained almost everything will be covered, giving examples of items not covered such as qualified compensation and uniforms. He said it is all factored into his calculations.

Councilman Fenstermaker asked Chief Hutton if he plans to include those details on the resolution when it is presented to Council. Chief Hutton said when he meets with Mr. Slapnick they will discuss the finalizing of the resolution, but he believes it will be detailed when presented.

Police Chief Brian McCallister thanked everyone for their support on Safety Forces Day, saying there was a lot of support shown over the course of the day. He thanked the Service Department, Fire Department, surrounding agencies, Metro Parks, the Boy Scouts, and a special thank you to the Latter Day Saints who provided many volunteers that helped in areas that were lacking. Chief McCallister thanked the Mayor, who spent the whole day at the event. He noted that many Council members were also in attendance.

Chief McCallister addressed social media and other information traveling around concerning events that happened at the school over the past week, involving some threats made by students. From a law enforcement perspective, it is not believed that any of the threats were credible or that there was an incident that was going to occur. Chief McCallister believes the situation involved kids speaking out because of frustration with another student or severed relationships with kids at the school. He went on to stress the importance of having conversations with the parents and kids in the community about what those threats mean when they are made at school, and the accountability that goes along with making such statements. The school will hold students to a high standard, and when threats like that are made they will be passed on to the Police Department, who then has to forward the threats to the prosecutor for possible juvenile charges.

Chief McCallister hopes this situation will open up conversation about such situations, and that kids will think more clearly when they get frustrated and understand that they will be held accountable for their words.

Councilman Fenstermaker inquired if the school sent anything out to families. Chief McCallister said the school did send out correspondence on two of the threats issued, and he believes they will also be sending correspondence about the third one. He believes everything has been handled administratively through school discipline, and it was forwarded to the juvenile prosecutor for review.

Service Director Joseph Fornaro said that six and a half inches of rain fell in Kirtland from noon on Sunday to noon on Tuesday. After factoring in the rest of Tuesday and Wednesday, the City received well over seven inches. For the most part the City fared well. Mr. Fornaro reminded residents to not blow grass, leaves, and twigs into the ditch.

The season is moving into snow and ice season, and Mr. Fornaro suggested residents check their vehicles' tires, wipers, and headlights to see if they need replacing before the weather hits.

The Service Department had two team members travel to Ohio Public Service Institute for a week of supervisor training and did a great job.

Councilman Schulz requested to meet with Mr. Fornaro after tonight's Council meeting so he can pass along some concerns from a Tibbetts Road resident about some trees.

DEPARTMENT REPORTS (continued):

Councilman Ziegler asked when the play area at the community center will be open. Mr. Fornaro said the Department is scheduled for work there this week, and the play area should be open by next month.

City Engineer Douglas Courtney referred to the rain event last week, saying he received a report from Northeast Ohio Regional Sewer District that Kirtland experienced a 1,000-year event during that period of time. He reached out for confirmation and the numbers on the event, and he will share that with Council when it is received. However, if the report is correct and there were very few to no flooding incidents, things are going well.

Noting that the leaves have not yet fallen, Mr. Courtney urged residents to make sure the drains and ditches remain clear of leaves and debris, which will help considerably.

Mr. Courtney reported that drainage items on the road program were completed last week. Today the surface asphalt went down on Locust Drive, and Loreto Ridge should be wrapping up now. The remainder of surface on Prelog Lane and Shadowbrook Drive is scheduled for tomorrow and Wednesday. After the surface is in, berms will be done.

Mr. Courtney referenced Resolution 22-R-61 on tonight's agenda regarding Fox Hill drainage improvements. The proposed resolution awards a contract to Grade Line, Inc. for the project. This contractor's bid was 23 percent below the engineers' estimate, at \$65,628.45. This project will be scheduled for spring 2023. Mr. Courtney noted for comparison that the low bid received for that work as part of the road program was \$79,000; therefore it was a good choice to rebid it as a stand-alone project.

Also associated with the above referenced project is Resolution 22-R-62 on tonight's agenda. That resolution authorizes the MOU with Lake County Stormwater Department for funding the Fox Hill project. Mr. Courtney asked that both resolutions be passed tonight.

Concerning the Rockwood area stormwater basin, plans and specifications are still under development. Resolution 22-R-63 on tonight's agenda authorizes an MOU with Lake County Stormwater Department for funding of the project. Mr. Courtney requested that this resolution be passed tonight as well, so work can continue on the design.

Mr. Courtney reported there is authorization to move forward with the conceptual design on the Parkwood area drainage improvements, in cooperation with Davey Resource Group. There will be a kickoff meeting held with them shortly.

Parks Farm Subdivision is for the most part complete, with respect to municipal facilities. Mr. Courtney stated the non-municipal utilities are being installed now. He noted that electric and gas service still needs to be installed. Mr. Courtney is waiting to hear when that work is scheduled to be done.

Councilman Fenstermaker inquired if there is a report regarding the repairs on the edges of Billings Road, relating to Parks Farm Subdivision. Mr. Courtney said there will be a report compiled when the final walk-through on the project has been completed and the improvements have been accepted.

Answering Councilman Schulz, Mr. Courtney confirmed that the public meeting concerning the Old Town sewer project is scheduled for October 27 at 7:00 p.m., at Kirtland High School.

Senior Center Coordinator Teresa Szary reported that the Senior Center has been very busy. Registration has been opened for 2023, and so far 17 members have registered.

DEPARTMENT REPORTS (continued):

Today was the first day of the pickleball tournament, with today being more competitive and tomorrow the more casual day. Ms. Szary congratulated Barry Levin who won every one of his matches this morning. Ms. Szary invited everyone to attend the tournament tomorrow between 9:00 and 11:00.

Some events coming up at the Senior Center include a new member lunch next Friday, followed by a presentation by Chief McCallister titled Desert with Deception. Any member is welcome to attend the new member lunch. Chief McCallister's presentation will be open to the public and provide information concerning scams.

Ms. Szary reminded everyone the Senior Center's newsletters are online if anyone would like to check out what events are scheduled; she noted anyone is welcome to visit anytime.

Law Director Matthew Lallo requested that the legislation for the Rockwood Drive memorandum of understanding be passed today, noting it is prefunding for the Rockwood Drive drainage project. He explained that the money will be allocated, and it will allow the City to get the design and specifications so it can be bid out appropriately.

Mr. Lallo stated that Resolution 22-R-64 relates to a joint use agreement with Holden Arboretum, noting that a representative from Holden is in attendance to briefly address Council about the benefits for the City as it relates to that agreement. Mr. Lallo asked that this resolution be passed today as well.

Mr. Lallo stated he spoke with Mr. Slapnicker after learning he would not be attending today's meeting. The last two resolutions on the agenda (22-R-65 and 22-R-66) do not need to be passed today and can continue to the next reading.

Addressing Resolution 22-R-66, Mr. Lallo explained the resolution memorializes the actual fees and costs from CW Courtney as it relates to the road program. He noted there is nothing else added to it, and it cleans everything up.

Mr. Lallo reported since the last meeting he was able to do a site visit with Mr. Courtney and Mr. Fornaro, addressing some drainage and understanding how things work with the roads and properties, as well as the interplay between the City's drainage responsibilities and the individual homeowners. Mr. Lallo commended them for their services, saying it was nice to see them in action.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter introduced Kathy Heflin from the Holden Arboretum, saying he has worked closely with Ms. Heflin over the past year and a half on a couple of initiatives and items. Most recently, Holden had applied for a capital improvements grant, and asked if Mayor Potter would be willing to write a letter of endorsement. Since then, with the potential award of the grant, a couple developments came about that are good news for the City of Kirtland as well as Holden.

Kathy Heflin of Holden Arboretum, 9500 Sperry Road, addressed Council, saying the funding is from a State of Ohio grant. Holden Arboretum is working to replace the staircases that go down into Pierson Creek, which give people access into the creek, as well as helping to complete the trail loops that have been closed for a period of time. The project cost is \$1.2 million, and Holden Arboretum has received \$250,000 from the State of Ohio.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

One of the requirements of the grant is to enter into a joint use agreement with a government entity, to return that gift back to the citizens. Therefore, Holden Arboretum decided to create a free week for all Kirtland residents for 15 years. That equals roughly \$250,000 factoring in the price of admission. Ms. Heflin said the hope is to extend it indefinitely, but the community engagement has been formalized over a minimum of 15 years with the State of Ohio.

Ms. Heflin went on to say that Holden Arboretum is grateful to Mayor Potter and for the City's continued support, and this was their opportunity to give back and show their appreciation.

There has not been a determination of which week will be designated. Ms. Heflin said the week will be mutually agreed upon, with whatever is in the best interest and will draw the most residents.

Mayor Potter thanked Ms. Heflin for attending the meeting and addressing Council in this regard.

Mayor Potter spoke regarding Safety Forces Day, saying it was a great day for the community. There were many residents out enjoying the day. He thanked the Police, Fire, and Service Departments for their hard work. He also thanked Ms. Szary for helping out all day, including taking pictures, running the raffle, and cleaning up at day's end.

This coming Saturday, October 8, will be the first annual Bazaar in Kirtland. There are close to 20 vendors expected on Saturday to display their wares for sale in front of City Hall. The band "The Allnighters" will play from 3:00 to 5:00. The Kirtland Kiwanis sponsored beer and wine truck will also be out front from 1:00 to 5:00, as well as Fungry Food Truck from 1:00 to 5:00. Mayor Potter invited everyone to come out and support the event.

Kirtland Service Day will be held on October 22. Mayor Potter has been working with the Kiwanis and the local churches, and he hopes there will also be help and representation from the schools. This event will consist of property cleanup for seniors and Veterans. Mayor Potter invited all who are able to volunteer to help.

Trunk or Treat is on October 26. Noting there were six locations last year, Mayor Potter is hoping those same locations will be available, and possibly more to be announced as the event draws near.

The Old Town sewer meeting will be on October 27 at 7:00 p.m. Representatives from Lake County Utilities and the Lake County Commissioners will be at that meeting. Mayor Potter looks forward to sharing with the residents what will be occurring over the course of the next couple years. Also, Mayor Potter reported the City will receive \$1 million toward the project funding from Lake County Commissioners through ARPA funds, as well as another \$250,000 for some lower income residents in that area.

Mayor Potter said that at a Mayors and Managers meeting last week, he had a conversation with Congressman Dave Joyce concerning the \$820,000 that is part of the federal budget. Provided a budget gets passed, and the earmarks remain, Mayor Potter expects \$820,000 to go toward the Old Town sewer project, which is approximately \$5,000 to \$6,000 of assistance per resident. However, the City will have to wait and see if Congress passes the budget and retains the earmarks. Mayor Potter thanked Eddy Eckart for his work on the application submission through Congressman Joyce's office.

Mayor Potter thanked Mr. Lallo for going out in the field visiting drainage project sites to help discern responsibilities of either property owner or City. He also thanked Mr. Lallo for working so closely with Kathy Heflin from Holden Arboretum in order to present the resolution tonight, improving Kirtland's position in the arrangement.

Mr. Slapnicker sends his regrets for not attending tonight's meeting, but he is under the weather.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mayor Potter advised that shred day will be held October 22 at the Community Center.

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:

None.

RESOLUTION NO. 22-R-56 - (Third Reading) - A RESOLUTION MODIFYING
(Mayor Potter) 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.

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 6/0/1 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY AND RUPLE. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

NEW BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS:

None.

RESOLUTION NO. 22-R-61 - A RESOLUTION ACCEPTING THE BID OF GRADE LINE,
(Mayor Potter) INC. FOR ITS WORK ON THE FOX HILL DRIVE
DRAINAGE IMPROVEMENT PROJECT, AND
DECLARING AN EMERGENCY.

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 7/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY AND RUPLE. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY AND RUPLE. VOTING NAY: NONE).**

NEW BUSINESS (continued):**RESOLUTION NO. 22-R-62**
(Mayor Potter)

- A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE BOARD OF LAKE COUNTY COMMISSIONERS THROUGH THE LAKE COUNTY DEPARTMENT OF UTILITIES, STORMWATER MANAGEMENT DIVISION, RELATING TO FUNDING FOR THE FOX HILL DRIVE DRAINAGE IMPROVEMENT 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 7/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY AND RUPLE. VOTING NAY: NONE).** Mr. Smolic moved to declare an emergency and adopt, with the second by Mr. Schulz. Noting that the project is below the \$90,000 threshold spoken of in the MOU, Mr. Schulz inquired if money will be returned to available stormwater funding for the City's drainage projects. Mr. Courtney responded that any unused funds would be returned to the County for the City's future use, noting that the difference is for overhead costs and contingencies. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY AND RUPLE. VOTING NAY: NONE).**

RESOLUTION NO. 22-R-63
(Mayor Potter)

- A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE BOARD OF LAKE COUNTY COMMISSIONERS THROUGH THE LAKE COUNTY DEPARTMENT OF UTILITIES, STORMWATER MANAGEMENT DIVISION, RELATING TO FUNDING AND/OR PRE-FUNDING FOR THE ROCKWOOD DRIVE DETENTION BASIN, AND DECLARING AN EMERGENCY.

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

RESOLUTION NO. 22-R-64
(Mayor Potter)

- A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A JOINT USE AGREEMENT WITH THE HOLDEN ARBORETUM TO ASSIST IT IN THE RECEIPT OF APPROPRIATED FUNDS, AND DECLARING AN EMERGENCY.

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 7/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY AND RUPLE. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY AND RUPLE. VOTING NAY: NONE).**

NEW BUSINESS (continued):

RESOLUTION NO. 22-R-65
(Mayor Potter)

- A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH LOCAL GOVERNMENT SERVICES FROM THE OHIO AUDITOR OF STATE'S OFFICE TO PROVIDE ASSISTANCE IN THE PREPARATION OF BASIC FINANCIAL STATEMENTS FOR THE CITY, AND DECLARING AN EMERGENCY.

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

RESOLUTION NO. 22-R-66
(Mayor Potter)

- A RESOLUTION MEMORIALIZING THE FEES OF THE C.W. COURTNEY COMPANY FOR ALL OF ITS ENGINEERING SERVICES FOR THE 2022 STREET REPAIR AND MAINTENANCE PROJECT, AND DECLARING AN EMERGENCY.

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

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COUNCIL COMMENTS:

Since the Finance Committee meeting scheduled for today was cancelled due to the Finance Director's absence, Councilman Schulz inquired about rescheduling for October 24. Upon agreement of Council, Mr. Schulz noted that a Finance Committee meeting will be scheduled for Monday, October 24 at 6:00 p.m., pending confirmation with the Finance Director. Mr. Schulz noted he had discussed with Mr. Slapnicker a dashboard for the reports; he requested that Council members forward to him any suggestions of metrics they would like to see on the dashboard.

Councilman Lowery announced there will be a neighborhood get-together at his home on October 11 at 6:30 p.m. to discuss the upcoming road levy. He has asked Mayor Potter to attend, and he asked the rest of Council to do the same. Council President Ruple said he is looking to host a meeting at 6:30 p.m. on October 25 for his neighborhood.

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 7:44 p.m.

President of Council

Clerk of Council