

KIRTLAND CITY COUNCIL MINUTES

November 9, 2022

The meeting of Kirtland City Council was called to order at 7:08 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, Finance Director Louis Slapnick, 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 OCTOBER 24, 2022 FINANCE COMMITTEE 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 7/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE).**

MINUTES OF THE OCTOBER 24, 2022 COUNCIL MEETING:

Mr. Fenstermaker moved to waive the reading of the minutes, with the second by Mr. Smolic. The motion of Council passed by unanimous vote. Mr. Fenstermaker moved to approve the minutes, as presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the monthly report has been distributed. There were no questions for the Chief.

Police Chief Brian McCallister advised that the monthly report has been distributed. Chief McCallister advised there is legislation on the agenda for an Ordinance amendment relating to commercial vehicles traveling through Billings and Regency Woods. He noted that signage is already posted, and that this should reduce the wear and tear on those roads and reduce the complaints from residents. Mr. Lallo advised that the legislation cleans up the ordinance.

Councilman Smolic inquired about the 12 fraud cases noted on the report. Chief McCallister noted that several are repeat instances of fraud committed against the same resident, and the Department is assisting that individual on solving some issues and helping to prevent future instances.

Service Director Joseph Fornaro advised that snow is in the forecast. He reminded everyone to drive slowly and be patient with the plow drivers, noting that they do need to back up at intersections.

Mr. Fornaro stated that the Department finished the brush pick-up in Wards 2 and 3, and they will start pick-up in Wards 1 and 4 next week.

Mr. Fornaro advised that he is involved in a mentoring program at Cleveland State, noting that a senior at Cleveland State, Gus, is in attendance tonight; he is pursuing a degree in public safety and administration.

Responding to Council, Mr. Fornaro said that tall grass is not part of brush pick-up.

DEPARTMENT REPORTS (continued):

With regard to the construction at the Joseph Smith house at the top of the hill, Mr. Fornaro said they should be pouring concrete tonight and the plate should be removed from the road by Friday.

City Engineer Douglas Courtney advised that Barbica completed the main contract street work last week and reclamate was put down, which completes the work for that project. He noted they finished Kirtland Chardon Road repairs today between Chillicothe and Woods Way.

Answering Councilman Lowery, Mayor Potter said it is his understanding that there were two written objections relating to the Old Town sewer project.

Finance Director Louis Slapnicker advised that the City received the 2023 health care rates, noting that Kirtland participates in a Lake County consortium through 2023; there is an increase of ten percent, which will impact the budget for next year.

Mr. Slapnicker advised the City will be entering into a bank agreement with Huntington Bank, noting that it was negotiated from 50 percent pooled collateral to 102 percent pooled collateral, which means they will hold securities at 102 percent of the total deposits. It further protects the City's deposits, and there is no additional fee to the City. The last agreement from 2017 expires at the end of this month. The next agreement will be for five years, through 2027.

Mr. Slapnicker said that he and Ms. Szary have submitted the 2023 application for the senior levy. Ms. Szary will be representing the City next Tuesday for a short formal presentation; the City received \$75,000 in the past on a reimbursement basis.

There are several items on tonight's agenda. With regard to the Local Government Services contract, Mr. Slapnicker said they prepare the City's basic financial statements. The last contract was 2020-2021 at a cost of \$10,500 per year. The City is looking to enter into an agreement with them to prepare those financial statements for 2022 and 2023 at a cost of \$12,600 per year. Mr. Slapnicker said he highly recommends that the City continue the relationship with Local Government Services through the Auditor of State's office.

Legislation is on the agenda for the C. W. Courtney engineering costs for the 2022 road project. Mr. Slapnicker advised that Council passed ordinances based on the estimated construction cost, and the actual costs are now available. He requested this legislation be passed tonight.

An amendment to the appropriation is on Second Reading. Mr. Slapnicker said it is a net effect of zero dollars; there is a reduction in the cemeteries, and labor costs are being added into the wastewater treatment plants in order to stay within budgetary compliance. He requested this legislation also be passed this evening.

There is a Finance Director contract on the agenda; there is no change in dollar amount. The contract is through April 30, 2023, and it aligns with the budget process for the City.

Mr. Slapnicker advised there is legislation for the yearly bank depositories, listing the banks the City can do business with based on Council approval. Deposits are currently held with Huntington Bank, which is included in the legislation. He requested that this legislation be passed tonight.

With regard to the ten percent increase in health care costs, Councilman Lowery inquired about the amount it will cost the City. Mr. Slapnicker said that for 2022, the budget includes \$770,000 in medical benefits; the additional ten percent will be \$77,000.

DEPARTMENT REPORTS (continued):

Senior Center Coordinator Teresa Szary advised that Issue 5 passed yesterday, which was the senior levy renewal.

Ms. Szary said the “Trunk or Treat” at the Community Center was a great time for all involved. She thanked the Service Department for putting up the “sides” at the front entrance so the kids could be outside even with the nasty weather. The seniors and the Fire Department handed out candy, and there were over 100 kids that came out for the event.

The Veterans’ lunch will be held tomorrow at noon. There will also be an American Legion service for Veterans Day.

Law Director Matthew Lallo advised that the ordinance for the commercial vehicles was originally passed in 1998 and amended in 2008.

Mr. Lallo noted it has been fairly busy the past couple months, including various meetings with City officials. He has attended a number of meetings with Eddy Eckart relating to economic development questions. He has a meeting this Friday with Mr. Courtney to review the zoning code to try to provide some proposals to Planning and Zoning and Council, in an effort to clean up the code and make it more user friendly.

Mr. Lallo said there have been a number of meetings with Mayor Potter and Ms. Szary, and others, regarding Lexipol and policies and procedures. There will be a meeting scheduled in the next couple weeks to have the draft finalized in the near future.

Mr. Lallo advised that a meeting was held last week with the attorney representing the City in the recent litigation. He said he had some meetings with some of the police officers relating to various investigations, noting that the officers have done a very thorough job.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter thanked all who came out and worked on behalf of Issue 6; it came up short last night. He thanked Council for putting the legislation through to the ballot and giving the voters a chance to decide if they want to commit further dollars to fixing the roads. The Mayor noted he will be meeting soon with Mr. Courtney and Mr. Fornaro to begin conversation relating to the best path forward and what can get done next year based on the budget.

The Mayor requested that Council pass Resolution 22-R-68 relating to the reappointment of Mr. Slapnicker, commending him for his work.

Ecumenical services will be held at Divine Word on November 22 at 7:00 p.m. Mayor Potter said it is always nice to have all the churches come together. He noted there will be a collection for the Kirtland Area Service Council at the service.

The Mayor thanked everyone for the good discussion relating to the possible grant award. Noting the importance of safety, Mayor Potter said that Council is doing their job and listening to the needs of the Fire Department and reviewing the numbers provided by the Finance Director. He noted that if the City decides to move forward with the grant, there needs to be discussion about “off ramps” that need to be in place to protect the City for the long run.

Mayor Potter noted there has been discussion about a Utilities Commission meeting, and he believes it is time to set a date for that meeting.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Answering Councilman Schulz, Ms. Szary advised that the American Legion is holding a Veterans Day service at City Hall on Friday at 11:00 a.m. A lunch will be held tomorrow at the Senior Center at noon.

STANDING COMMITTEE REPORTS:

Council President Ruple noted that prior to the regular Council meeting, a joint meeting of the Police and Fire Standing Committee and the Finance Committee was held.

CORRESPONDENCE:

Council President Ruple advised that Council received correspondence from NOPEC announcing a meeting with the General Assembly on November 15, 2022 at 10:00 a.m.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

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

Sharon Vyskocil, 8415 North Locust Drive asked if Mary Kovalchik is still involved in the Finance Department and whether the City is responsible for any monies due to her. Mr. Slapnick advised that she is still contracted on a month-to-month basis as the Assistant Finance Director.

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

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

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

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

OLD BUSINESS (continued):

ORDINANCE NO. 22-O-67 - (Second Reading) - AN ORDINANCE AMENDING
(Mayor Potter) ORDINANCE NO. 22-O-45 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 7/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE).** Mr. Ziegler moved to adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE).**

RESOLUTION NO. 22-R-68 - (Second Reading) - A RESOLUTION CONFIRMING THE
(Mayor Potter) RE-APPOINTMENT OF LOUIS SLAPNICKER AS THE
PART-TIME FINANCE DIRECTOR FOR THE CITY OF
KIRTLAND, PURSUANT TO CONTRACT AND TO THE
EXTENT OF THIS CONTRACTUAL ARRANGEMENT
ONLY, 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 7/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE).** Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE).** Council President Ruple stated appreciation for the hard work that Mr. Slapnicker does for the City.

RESOLUTION NO. 22-R-69 - (Second Reading) - A RESOLUTION AUTHORIZING THE
(Mayor Potter) MAYOR TO ACCEPT A GRANT FROM THE STATE OF
OHIO FROM THE SECOND ROUND OF THE OHIO FIRST
RESPONDER RECRUITMENT, RETENTION, AND
RESILIENCE PROGRAM, AND DECLARING AN
EMERGENCY.

The legislation was read by title only and placed on Second Reading. Councilman Schulz thanked all that attended the 5:30 p.m. joint meeting, noting that it would be prudent to hold another meeting prior to the November 21 meeting. Upon discussion, it was agreed that a combined meeting of the Finance Committee and the Police and Fire Standing Committee be held at 6:00 p.m. on November 21.

Councilman Smolic inquired about scheduling another Service Department Standing Committee meeting. It was agreed that a meeting be scheduled immediately following the next Council meeting on November 21. The purpose of the meeting is to discuss capital needs.

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

None.

ORDINANCE NO. 22-O-70 - AN ORDINANCE DESIGNATING FINANCIAL INSTITU-
(Mayor Potter) TIONS AS PUBLIC DEPOSITORIES.

NEW BUSINESS – ORDINANCE NO. 22-O-70 (continued):

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

ORDINANCE NO. 22-O-71 - **AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 440.11 RELATING TO PROHIBITING COMMERCIAL VEHICLES ON CERTAIN STREETS WITHIN THE CITY OF KIRTLAND, 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. Smolic. Mr. Schulz noted that sub-paragraph (j) does not contain the word “commercial”. Mr. Lallo advised that is how it reads in the existing ordinance, but it should contain the word “commercial”. Mr. Ziegler rescinded his motion to waive the three readings, and Mr. Smolic rescinded the second. Mr. Schulz moved to amend the Ordinance to add the word “commercial” in sub-paragraph (j) so it shall read “No person shall drive a commercial motor vehicle on Heath Road between Euclid Chardon Road and the city corporation line.” Mr. Lowery provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE).**

Mr. Ziegler moved to waive the three readings, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SCHULZ. 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: SMOLIC, ZIEGLER, FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE).**

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COUNCIL COMMENTS:

Council members wished Councilman Fenstermaker a happy birthday.

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 7:48 p.m.

President of Council

Clerk of Council