

KIRTLAND CITY COUNCIL MINUTES

January 4, 2023

The meeting of Kirtland City Council was called to order at 7:02 p.m. by Council President Pro Tempore Joseph Smolic. Mr. Ziegler led the prayer which followed the Pledge of Allegiance. The members of Council present were: Ronald Fenstermaker, Scott Haymer, Richard Lowery, Matthew Schulz, Joseph Smolic and Eric Ziegler. Absent: Jeffrey Ruple.

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

PRESENTATION OF MAYORAL PROCLAMATION

Village Outdoors

Mayor Potter thanked Eugene DiFranco for his investment in the City of Kirtland. There has been a lot of service work performed by Mr. DiFranco over the years, one example being the use of his own resources to fix football and baseball fields. Mayor Potter said that Mr. DiFranco has been a tremendous part of this community. Mayor Potter asked Mr. DiFranco to come forward to receive a Proclamation from the City of Kirtland for Village Outdoors and Eugene DiFranco, acknowledging their decades of business and service in the City of Kirtland. Mr. DiFranco received the applause from all in attendance.

MINUTES OF THE DECEMBER 19, 2022 WORK SESSION:

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

MINUTES OF THE DECEMBER 19, 2022 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton said he expects to report statistics at the next Council meeting.

Chief Hutton thanked Mayor Potter and Council for their support, announcing there were three firefighters sworn in on December 28, 2022. Two of the three are currently working shifts, with the third beginning January 28. Looking at the schedule moving forward there are very few open shifts, and things are looking good.

Responding to Councilman Smolic, Chief Hutton said the holidays went well, and were very cold. Call volume was steady but less than expected considering the weather conditions. Chief Hutton said the Service Department did a great job keeping the roads clear.

DEPARTMENT REPORTS (continued):

Answering Councilman Lowery, Chief Hutton said there are AED devices located in all public buildings, community parks, outside the Community Center and at the Recreation Park. The Fire Department offers training for City employees for AED devices and hands-only CPR. There is also training available for other groups in the City. Answering Mr. Lowery, Chief Hutton said he believes the Library also has an AED device in the building.

City Engineer Douglas Courtney did not present a formal report and no questions were asked of him.

Service Director Joseph Fornaro thanked the Service Department employees for their hard work throughout the holidays. He also thanked Mr. Lowery for his interest in the daily operations of the Department, and for coming out for a ride-along.

For the past three years the City has experienced 11 events each season to date, including this year, and the City is approximately 200 tons over last year's salt usage.

Answering Councilman Smolic, Mr. Fornaro said that salt's effectiveness is based on the pavement temperature. He said the pavement temperature would have to be lower than -10 degrees for the salt to stop working.

Councilman Lowery thanked Mr. Fornaro for the opportunity to spend four hours with him in the 2.5 ton truck, two hours in the afternoon and two hours in the dark. He went on to commend Mr. Fornaro and his team, saying they do a tough job. The pickup trucks that are used to plow a driveway are totally different than the big rigs the Service Department uses. With blinding snow, cars in the way, and freezing temperatures, Mr. Lowery said the job is very difficult. He said he looks forward to another ride-along in the future.

Law Director Matthew Lallo had no formal report, but was available for questions.

Councilman Schulz asked if Mr. Lallo could follow-up with Mr. Lobe concerning a question that came up at a past meeting, regarding dissolution of HOA's and how it affects the lands that had been associated with the HOA concerning ownership, liability, and responsibility.

Senior Center Coordinator Teresa Szary shared statistics from last year. Membership applications for the coming year were accepted by the Senior Center beginning on October 1st. From October 1, 2021 through December 30, 2022 there were a total of 637 members. Out of those members, 104 were residents who had never been members and 160 were non-residents.

The Senior Center reports their activities to Lake County for funding, and on average there are 95 activities occurring per day at the Center.

Ms. Szary thanked everyone who was a part of the Random Acts of Kindness in December. There was a different random act, with a different sponsor, every day throughout the month of December. The seniors appreciated all the contributions from around the community. Countless hours were spent, and approximately \$1500 to \$2000 in donations was received for the seniors. Ms. Szary thanked everyone for their support. She also thanked Mr. Ziegler for challenging the seniors to a pickleball tournament, losing twice to the same team.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter thanked the Service Department for the great job they did throughout the holidays to keep the roads safe, a job that took them from their families during Christmas Eve and Christmas Day. He also thanked the Police and Fire Departments for keeping the citizens safe in the community.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mayor Potter thanked Chief Hutton for including him in the swearing-in ceremony for the three new firefighters, and Mrs. Hutton for a cake she brought for the festivities.

Last week Mayor Potter emailed Council members concerning a significant grant reward that the City has received through Congressman Joyce's office. The grant is for \$820,000 and will benefit the Old Town sewer project. He noted it will go a long way in covering costs of the project and reducing the burden on the residents by approximately \$6,300 per household. Mayor Potter personally thanked the Congressman for including that in the federal budget. Coupled with the \$1 million from the Commissioner's office last June, which was approximately another \$7,500 in savings per household, the City has been able to reduce the estimated assessment by more than one-half. Mayor Potter reminded everyone the costs are estimated numbers and not finalized.

Mayor Potter thanked Mr. Courtney and Eddy Eckart for their hard work in getting the grant written, and for working with Congressman Joyce's office on the wording and partnerships needed for the endorsement.

Mayor Potter said he is looking forward to the coming year, noting that in a couple weeks the comprehensive plan will be completed. Ms. DeMitro will be at the Planning & Zoning work session on Monday night. Everyone will receive a copy of the plan well in advance of the January 18 combined Council and Planning and Zoning meeting, for in-depth discussion at that meeting.

Mayor Potter said he is looking forward to the budget season. He noted that Mr. Slapnicker is not in attendance tonight, as he is closing out the 2022 financial year. Over the next couple of weeks Council should be able to begin discussions on the budget, a capital plan, and a road program.

Mayor Potter met with Mr. Eckart this past Friday afternoon and Monday morning, discussing different economic development potential opportunities, and some resources the City may have at their disposal currently or in the future. The meeting included a 1-1/2 hour car ride around the city as well, and Mayor Potter expressed his appreciation for Mr. Eckart being available around the holiday.

Concerning economic development, Mayor Potter said that Frank Wagner is present at tonight's meeting. Mr. Wagner and his wife run a successful business in Kirtland, Down the Block, and are looking to expand their presence in the city with the opening of a new restaurant, Casa Rossa Cucina. Mr. Wagner will be speaking regarding an economic development transfer form, as it relates to obtaining a liquor license. Mayor Potter noted that he distributed printouts for Council to scan through the document. He noted that Mr. Wagner will speak during public comments, noting that the City will do what it can to help him through this process.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Barbara Nye, 10452 Briar Hill Road, said she has been a resident of Kirtland since 1999, and she expressed appreciation to Chief Hutton for the many times his Department has been called to her home. Mrs. Nye said until recently her family has had good experiences with City services. This past October, her family had their first experience with the Police Department as they experienced identity theft. A police report was filed, and an officer was assigned. The officer was very professional and caring when he took their report. As law abiding citizens, this was the Nye family's first experience with the Police Department, and they had a good many questions. As the officer they were assigned was part-time, there were times he was not available to answer their questions. This made it difficult to handle the situation when it came to working with the credit card companies and the bank. Mrs. Nye explained not being able to have questions answered or updates on the case was very frustrating.

Councilman Fenstermaker asked if the family had tried to reach out to Chief McCallister during this time, to which Mrs. Nye said they had not, as they are not familiar with the protocols for these types of situations.

Mrs. Nye then said she and her husband have a son who is autistic (nonverbal), and he lives close by in the apartment complex. In December, Mr. and Mrs. Nye found that one of his caregivers had physically abused him, resulting in major bruising around his eyes and abrasions on his head. Fortunately, the family had video surveillance in the son's apartment, so a portion of the attack was caught on camera.

An officer met the family at the emergency room and told them the video should be enough probable cause and the caregiver should be in jail within 24 to 48 hours, but he was released on his own recognizance and is still free. The family has once again had difficulty getting in touch with the officer, and they were not given information regarding procedure or next steps. Any information the family has received has been due to their calling in and requesting updates.

Mrs. Nye said the officers have been wonderful and are not the problem. The issue is the officers are part-time. They work from 7:00 p.m. to 7:00 a.m., and it's very difficult to get them on the phone for updates or information on what happens next. Mrs. Nye mentioned that when they have called the Police Department, Amy Buchanan has been a phenomenal resource for the family, explaining the status of the case. The point Mrs. Nye wants to make is that no one contacted them to give updates on the case; the family had to call to get information and they still have unanswered questions concerning the case.

Mrs. Nye said she understands the city is small, but there are other citizens in Kirtland who have no idea about the legal process and how a case moves through the system. She said that no one in Kirtland or the Police Department offered them guidance during these cases, and although Lake County has a victim's advocacy program, it doesn't start until the perpetrator is into the next level of the system. Mrs. Nye asked Council to please add a victim advocate staff member to the Police Department to help victims and guide them through the process, especially since the officers are not always available to answer questions.

Councilman Fenstermaker thanked Mrs. Nye for bringing the matter to Council's attention. Councilman Smolic told her to feel free to call him for help with any issues.

Mayor Potter offered his sympathies on the situations she and her family have experienced. He went on to say it is no surprise that Amy Buchanan has been a wonderful resource, as a resident and dedicated member of the Police Department, and the City is very lucky to have her. Mayor Potter said that since Chief McAllister took his position a little over a year ago there has been a focus on community policing, immersing the Department in the community and providing great customer service. Currently the Police Department has only one part-time officer, but the rotating shifts of the Department affect the officers' schedules. Mayor Potter said that Chief McAllister is very responsive, and he is always a resource for residents, as well as himself and Councilman Smolic as her Ward Councilman. He added the concerns brought up here tonight will be good conversation for the Chief tomorrow, as he was unfortunately not able to attend tonight's meeting.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA (continued):

Councilman Ziegler said that Council members are essentially all advocates for the residents and can get them in touch with the right people.

Mr. Lallo explained that currently there is a victim advocate for victims of domestic violence. There was also a law passed in 2018, Marsy's Law, which is an amendment to the Ohio Constitution. This law provides victims the right to know about proceedings. There are certain pamphlets that the Police Department can give out, and Mr. Lallo said he will review those with the officers in the Department to make sure they have access to the pamphlets for distribution. Mr. Lallo also suggested asking for a supervisor if a resident is not getting the answers or services they would expect. He then offered to speak with her in more depth after the meeting to assist the family in understanding the process. Mr. Lallo explained that the role of the victim advocate is to be the victim's voice in the courtroom when the time is appropriate, and to walk the victim through the process.

Frank Wagner, 8357 Sherman Road, Chesterland, owner of Down the Block, said he is in the process of building a new restaurant in the city - Casa Rossa Cucina. The restaurant has recently received their permits for demolition and have begun work converting the house into a restaurant. During this process, they applied for liquor licenses and became aware the City of Kirtland is already at their quota for liquor licenses. They hired a service that will work to find and transfer licenses from other communities. Mr. Wagner has filled out paperwork and is notifying the City he is applying to have a liquor license transferred to Kirtland. Mr. Wagner went on to explain the restaurant will be a fine dining establishment, with an investment of approximately \$800,000 to \$1 million for renovations and property. Mr. Wagner expects it will generate \$80,000 to \$100,000 in new sales tax revenue, and create 10 to 12 new jobs. Mr. Wagner requested that the City fill out the paperwork, noting it is not an agreement to issue a license, but it is an acknowledgement that the City has been made aware of his application to transfer a license.

Mr. Lallo advised that after doing some research, there is no need for Council action in this regard; it is preliminary and can move forward, as long as there are no objections.

Mr. Wagner advised he is hoping for a May 1 opening for the restaurant, which will occur with or without a liquor license due to the length of time the transfer can take. Discussion ensued regarding liquor permits and transfers. Mayor Potter thanked Mr. Wagner for his investment in Kirtland and for adhering to the process.

OLD BUSINESS:

None.

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

None.

RESOLUTION NO. 23-R-1
(Mayor Potter)

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A RESOLUTION DECLARING INTENT TO CONDUCT AN INTERNET AUCTION FOR THE SALE OF UNNEEDED, OBSOLETE OR UNFIT PERSONAL PROPERTY OF THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.

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

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COUNCIL COMMENTS:

Councilman Haymer requested that a Utilities Standing Committee meeting be scheduled. Upon discussion, the meeting was scheduled for Saturday, January 14 at 8:00 a.m. to discuss sewers, lakes, ponds, package plants and culverts.

CONTINUING CONCERNS:

Council President Pro Tempore Smolic noted that this is an opportunity for the public to address Council about any continuing concerns.

Frank Wagner commented on the frequency that the power goes out on Route 306 in the downtown area. Mayor Potter said that he recently spoke with the First Energy liaison regarding this issue, noting that she will get back to him.

ADJOURNMENT:

Mr. Lowery moved to adjourn, with the second by Mr. Fenstermaker. The motion of Council passed by unanimous vote and the meeting adjourned at 8:00 p.m.

President of Council

Clerk of Council