

KIRTLAND CITY COUNCIL MINUTES

January 18, 2023

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 and Joseph Smolic. Absent: 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 and Senior Center Coordinator Teresa Szary.

MINUTES OF THE JANUARY 4, 2023 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 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, LOWERY, RUPLE, SCHULZ AND SMOLIC. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Police Chief Brian McCallister advised that the monthly report for December has been distributed, noting it was a busy month.

Chief McCallister commended the officers on their efforts over the month. They had several OVI arrests, and several criminal arrests related to traffic where they recovered guns and drugs in vehicles. The Department received a complaint that came through the Mayor's office about some traffic issues between 7:00 a.m. and 8:00 a.m. on Kirtland Chardon Road. Targeted enforcement detail was done this morning, with eight traffic stops between 7:00 a.m. and 8:00 a.m.; the officers issued four citations, with one arrest.

Chief McCallister said he is requesting some changes to the ordinance section relating to animals at large, in order to step up the penalty for the continuing violations through the year. As discussed in the work session, there have been some issues with residents having multiple violations. This is a way to progressively enforce and let the residents know it is a serious matter.

Responding to Councilman Schulz, Mr. Lallo stated that the bill signed by the Governor makes it a primary offense for someone to be using their mobile phone while driving. If the officers see someone on their phone, they have the right to pull them over. Previously the officers had to have some other moving violation or equipment issue that required them to stop the vehicle. Chief McCallister stated this does not take away the officer's discretion, noting that the officer can give a warning for that violation

Service Director Joseph Fornaro reported there have been 15 snow events to date, and the team is doing a great job.

City Engineer Douglas Courtney reported the 2022 streets project final change order and final payment certificate was signed by the contractor and returned. He is waiting on closeout documents from the contractor. Mr. Courtney said the final construction costs for the work was \$1,033,454.15, noting that the original contract was approximately \$1.299 million.

DEPARTMENT REPORTS (continued):

The bid opening was held today for Phase I of the Old Town sanitary sewer improvements. That work includes Eisenhower and Elm from the north end up to Maple. Two bids were received for the project. The apparent low bidder was Chiver's Construction out of Western Pennsylvania at \$951,683, which is approximately 6% over the estimate. Results are unofficial until all the bids and references are checked, which should be done by the end of the week.

With regard to stormwater projects, Mr. Courtney said that construction is still anticipated to start in mid-March for the Fox Hill drainage project. The Rockwood stormwater basin plans and specs are still in progress.

Regarding the Parkwood area drainage improvements, Mr. Courtney said that he and Mr. Fornaro reviewed the Davey Resource Group revised concept plan; they have no additional comments on that concept plan. The project will make improvements to the stream channel from Route 6 all the way to Beechwood Drive, and roadside ditch improvements west along Beechwood Drive to Crestwood, and then along Crestwood to Oakwood. The conceptual cost estimate is approximately \$383,000 to \$384,000, which includes engineering, permitting, new plantings, invasive plant species control, etc. The next step is to try and seek funding for that project.

Councilman Ruple inquired about a property in Silver Fox and the possibility of reaching out to Chagrin River Watershed Partners about getting some funding help. Mr. Courtney stated he reached out to Chagrin River Watershed Partners and they provided a list of potential grant opportunities. Many of those require turning the channel back to more of a natural meandering stream, and there is not enough room to do that in that particular area. He noted he is following up with them to explore some other avenues.

Finance Director Louis Slapnicker reported that the year has been closed and he distributed the 12/31/2022 end-of-year reports and posted them to the website. He noted that he provided Council a document titled Summary of Year End Revenues, Expenditures and Fund Balances. Now that Finance has been in the new accounting system for three years, he provided three years' worth of comparable history. He noted there are sections for changes in the year-end balances, changes in year-end revenues when compared to prior years, and changes in year-end expenditures plus encumbrances as it relates to prior years.

Mr. Slapnicker reviewed the year-end fund balances. He noted that the operating fund unencumbered balances (Funds 100 through 229) are the cash balances less any encumbrances in those fund balances. When compared to last year, that total decreased a total of \$323,000 from the end of 2021. He noted that \$333,000 is directly related to the decrease in Fund 217 which is the ARPA Funding, which came in two different installments. With ARPA, as a one-time grant, out of that equation, the overall operating unencumbered fund balance has increased around \$10,000. Breaking it down between revenues and expenditures, Mr. Slapnicker stated that the City's operating fund revenues increased approximately \$1,000,000 from the prior year, and the City's operating fund expenditures plus encumbrances increased approximately \$2.5 million from the prior year. Comparing 2022 to 2021, he advised that income tax revenue is up around \$700,000, property tax in total is up around \$130,000 as it relates to the re-evaluation of the previous year. The local government revenues are up around \$23,000 to \$24,000. Gas and motor vehicle tax came in under from the prior year, around \$5,000. The ambulance billing revenue is up \$25,000. Out of that \$1,000,000 increase over the prior year from the revenues, the items mentioned account for \$865,000. In addition, the roller was sold in 2022, which was another \$50,000.

The expenditure side shows an increase of \$2.3 million from the prior year. The significant items that make up that increase include the General Fund transfers for capital items, which increased \$1.1 million from the previous year. General Fund transfers for debt service increased almost \$26,000. General Fund transfers for pensions increased \$92,500, and medical benefits were up \$180,000 (in 2021 there were 10 payments and in 2022 there were 12 payments).

DEPARTMENT REPORTS (continued):

Mr. Slapnicker advised that gross wages compared to 2021 were up \$170,000. A significant portion of that relates to the 2% wage increases that are in the collective bargaining agreements. The fuel costs were up \$57,000. ARPA funding was \$695,000 and major capital improvement debt transfer was \$59,000.

In summary, overall between the cost saving measures from previous years and increases in significant revenue sources from 2022, the City was able to invest significant dollars into capital expenditures for 2022. In the final appropriation amendment, two service department trucks and two police vehicles were added. In addition to the capital items, the City has been able to remain aggressive with its debt pay down, specifically the various purpose note. This note had a balance of \$2.4 million in 2020, with 23 separate items financed with that various purpose note. This note currently sits at \$1,603,000 with 13 items remaining. The City also paid off the roller in 2021 and the front-end loader in January of 2023.

Mr. Slapnicker said there is much more work to do as it relates to unfunded capital requests and debt structure. He noted that the City borrowed an additional \$2,000,000 related to the 2021 street improvement project. At that time, rates were low and with significant increases recently in rates, one major topic of conversation going forward will relate to remaining in the short-term market or buying these items out. The City will be looking at the cost savings with keeping in the short-term market or going out to bond for some of these items. He will provide more details to Council as they move into the 2023 budget process.

Responding to Councilman Schulz, Mr. Slapnicker stated that relative to the short-term market, after five years the City would have to start paying on the principal.

Responding to Councilman Lowery, Mr. Slapnicker said that the income tax being up \$700,000 is related to those working from home. He noted that going forward, it is not known whether companies will call their employees back to their workplaces.

Councilman Lowery requested an explanation of the pension being up \$92,000 over fiscal year 2021. Mr. Slapnicker explained that it relates to how the pension months line up, noting that there was a three-pay period pension month in 2022 as opposed to a two-pay pension month in 2021, in that last month. In addition, he noted that raises in the collective bargaining units, overtime, etc. contribute to the pensions.

Law Director Matthew Lallo provided a brief update as it relates to some of the drainage and easements, noting that he sent a letter to a resident and communicated with that person to confirm certain issues. He noted it has been very busy at the prosecutor's office at the Municipal Court. The Police Department has been doing a great job keeping everybody safe.

Mr. Lallo said he spoke at length with the resident that was at the last meeting expressing concern about a case. He did connect her with the victim advocate at the court to help through that process; they work typically with crimes of violence cases and are available as an asset and resource.

With regard to the grass ordinance, Mr. Lallo said he spoke with the resident who is questioning some of the issues with enforcement. He noted this issue has been discussed previously, including concerns of surrounding residents.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter stated that he looks forward to the combined meeting following the Council meeting, noting that this year there will be discussion regarding the comprehensive plan. He noted that Eddy Eckart and Dione DeMitro will be present for that meeting as well.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mayor Potter congratulated Councilman Haymer for his award from the Kirtland Kiwanis, as the Kirtland Kiwanis citizen of the year, noting that he attended the Kiwanis dinner last week. Mayor Potter commended Mr. Haymer for all that he does for the community.

Mayor Potter stated he received phone calls today from Mr. Lowery, Mr. Smolic and Mr. Haymer related to the half percent sales tax increase by the County Commissioners last week. Mayor Potter said the Councilmen informed him that the City of Mentor passed a resolution asking the Commissioners to reconsider and to rescind the most recent initiative to raise the sales tax. The Mayor asked Council to consider talking with the Law Director about bringing a similar resolution to the next meeting, or at least have a discussion. He believes it will hit a lot of the county's residents and businesses pretty hard.

Councilman Fenstermaker stated he fully supports a resolution to get the point across. Councilman Smolic stated that a resolution has already been started with Mr. Lallo.

STANDING COMMITTEE REPORTS:

Councilman Haymer said that a Utilities Standing Committee meeting was held Saturday. The Committee discussed everything on the agenda, and they discussed some potential changes.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF OLD BUSINESS:

None.

<u>RESOLUTION NO. 23-R-1</u> (Mayor Potter)	-	(Second Reading) – 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.
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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 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, LOWERY, RUPLE, SCHULZ AND SMOLIC. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: FENSTERMAKER, HAYMER, LOWERY, RUPLE, SCHULZ AND SMOLIC. VOTING NAY: NONE).**

NEW BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS:

None.

RESOLUTION NO. 23-R-2 - **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE REPLACEMENT OF BRIDGE NO. LAK-306-0433 LOCATED ON S.R. 306, PID 89230, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

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 5/0/1 (VOTING YEA: FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SMOLIC. VOTING NAY: NONE. ABSTAINING: SCHULZ).** Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. At the request of Mr. Smolic, Mr. Courtney explained that ODOT’s bid contains two alternates, one for powder coating the railing and the other for staining the concrete to give a “boulder” pattern on the inside of the bridge; it has not yet gone out to bid. The cost estimate is \$25,000, which is the difference between the base bid and the alternates. Mr. Courtney noted that once ODOT pays their portion, the City will pay the difference; however, the City has the right to refuse the alternates if they come in too high or if the City does not want them. Answering Councilman Lowery, Mr. Courtney confirmed the full bid will come before Council; this Resolution is to allow the upgrades to be bid. **ROLL CALL: ADOPTED 5/0/1 (VOTING YEA: FENSTERMAKER, HAYMER, LOWERY, RUPLE AND SMOLIC. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

ORDINANCE NO. 23-O-3 - **AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 618.02 RELATING TO DOGS AND OTHER ANIMALS AT LARGE WITHIN THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

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

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COUNCIL COMMENTS:

None.

CONTINUING CONCERNS:

Council President Ruple 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. Fenstermaker moved to adjourn, with the second by Mr. Lowery. The motion of Council passed by unanimous vote and the meeting adjourned at 7:32 p.m.

President of Council

Clerk of Council