

KIRTLAND CITY COUNCIL MINUTES

February 6, 2023

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 and Senior Center Coordinator Teresa Szary.

ADMINISTRATION OF OATH FOR POLICE SERGEANT:

Police Chief McCallister thanked everyone for attending. He spoke briefly regarding the calling of law enforcement and leadership in law enforcement, along with the characteristics of a great sergeant.

Chief McCallister said that Michael Martin has been a member of the Police Department since 2014. He has an Associate Degree in Criminal Justice from Lakeland Community College. He was a former "Officer of the Year" and is a member of the Lake County Accident Investigation Unit. He is the recipient of multiple letters of commendation within the Department, and most importantly, a committed husband and father.

Chief McCallister asked that Michael Martin come forward. Mayor Potter said he has come to know Mr. Martin over the last several years, noting that he is a dedicated officer and is committed to his profession. Mayor Potter administered the Oath of Office, and Sergeant Martin received the applause and congratulations of all those present.

Mayor Potter thanked Chief McCallister for the process that he followed in filling this position, noting that it was a fair and professional approach.

PRESENTATION OF MAYORAL PROCLAMATION:

Fire Chief Hutton said that on January 28, Fire Captain Doug Bode retired, after 35 years of dedicated service with the Kirtland Fire Department. He said that Captain Bode has been an exceptional leader and could always be counted on to get things done and handle any type of call.

Mayor Potter thanked Captain Bode for his many years of service with the City of Kirtland and for his commitment to the Fire Department. Mayor Potter read the Proclamation, and then he presented it to Captain Bode and congratulated him on his retirement. Captain Bode spoke briefly, saying it has been a pleasure working with Chief Hutton over the years. He said it was a pleasure and an honor to work for the City of Kirtland, and he received the applause and congratulations of all those present.

MINUTES OF THE JANUARY 18, 2023 WORK SESSION:

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 7/0 (VOTING YEA: HAYMER, LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER AND FENSTERMAKER. VOTING NAY: NONE).**

MINUTES OF THE JANUARY 18, 2023 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

Service Director Joseph Fornaro reported that there have been 25 snow events to date. He noted that the crews have started ditching for the spring season. He noted that he is working on the budget and looking at equipment, drainage needs and road projects.

City Engineer Douglas Courtney advised that Resolution 23-R-4 is on tonight's agenda, which closes out the 2022 street contract with Barbicas. He requested that the legislation be adopted tonight, if possible.

With regard to Old Town sewer improvements, Mr. Courtney advised that the contractors' bids were tabulated and contractor references were checked. A recommendation letter was sent to the County to award the contract to Chivers Construction of Fairview, Pennsylvania. Mr. Courtney said he has not heard when the contract will be awarded.

Mr. Courtney said he and Mr. Fornaro will be scheduling a pre-construction meeting with Grade Line regarding the Fox Hill drainage project. With regard to the Parkwood area drainage improvements, Mr. Courtney said he emailed to Council the revised concept plan from Davey Resource Group after the last Council meeting. Answering Councilman Schulz, Mr. Courtney confirmed that he does have a hard copy of the concept plan available.

Council President Ruple inquired about the change in the cost relating to the closeout of the 2022 street project. Mr. Courtney advised that the original awarded contract was \$1,299,571 and it came in at \$1,033,454. He noted that the scope was revised in the first change order, which brought some costs down; there were no contingency dollars and there was not as much full-depth repair as anticipated.

Police Chief Brian McCallister did not present a report, but noted he is open for questions. Councilman Lowery congratulated the Chief and the Police Department on receiving the AAA award. Chief McCallister said the Department received the AAA platinum award for being one of the safest cities, as a result of the traffic control measures in place to reduce speeding, enforce OVI's, etc., and keep people safe on the roads.

Law Director Matthew Lallo advised that he has been working on some drainage issues the last few weeks. He noted there will be opioid legislation brought before Council, noting the City can opt into another case to participate in the settlement. Noting that he will be looking into this further, Mr. Lallo said that Council can expect to see that on the next agenda.

For the next agenda, Mr. Lallo said there should be legislation regarding an agreement for the construction of restrooms at the Community Center.

Councilman Schulz inquired if the Law Director had a chance to follow up on his question related to HOA's. Mr. Lallo advised that if the HOA dissolves, and there is something that needs to be done that was the responsibility of the HOA, the City can do the work and assess those residents. Further answering Mr. Schulz, Mr. Lallo said that common property would likely remain in the ownership of the residents, and the maintenance of that property would be a responsibility of the residents and not the City. In the case of a center island that is not being taken care of by the HOA, Councilman Fenstermaker inquired if the City can remove it. Mr. Lallo said he would need to do some research before answering.

DEPARTMENT REPORTS (continued):

Noting that for the sewer work, each owner will be assessed on a per unit basis, Mr. Schulz inquired if the same can be done for road repairs. Mr. Lallo responded that road repairs cannot be assessed in the same manner. He noted that the sewers are for specific residents, but the roads are the public right-of-way. Mr. Courtney added that he does not believe residents can be assessed for infrastructure that is already in place. As an example, if there were failing sanitary sewers, the residents could not be assessed for the rehabilitation because the service already exists. Mr. Courtney noted that in the fee paid by residents for the service, there should be a component that is for maintenance and repair costs.

In the absence of Finance Director Slapnicker, Mr. Lallo said that an email was received today from the bond counsel advising that the 2023 Series note legislation will be ready for the next agenda. The closeout of the Series 2023 notes will be completed mid-April. The legislation will be on first reading on February 22, with the second reading on March 6 and third reading on March 20.

Fire Chief Anthony Hutton advised that the three new full-time firefighters all started in January, and they are assigned to different shifts. He noted he is looking forward to the future for the Department.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter congratulated Sergeant Michael Martin on beginning a new endeavor in his career in Kirtland. He congratulated Captain Bode on his retirement and thanked him for his long tenure and all he has done for the City.

Mayor Potter noted that the Finance Director took the time off from the Council meeting in order to continue his work on the budget. The Mayor noted he will meet with the Finance Director by phone on Wednesday, and then they will meet with the Department heads on Saturday and Sunday morning. He noted that Mr. Slapnicker requested that a Finance Committee meeting be scheduled for 6:00 p.m. on Wednesday, February 22 before the Council meeting. Depending on projected revenue, debt paydowns, and personnel expenses, Mayor Potter said they will be balancing capital needs against the ongoing road and drainage needs. The Mayor noted he will meet tomorrow with Mr. Courtney and Mr. Fornaro regarding drainage and roads.

Mayor Potter noted that the City has been working with Mr. Eckart and Ms. DeMistro on the comprehensive plan, which will be before the Planning and Zoning Commission next week for public hearing. He noted it should come before City Council in March.

The Mayor noted that Mr. Eckart has been working with him and Mr. Lallo regarding a few potential economic development projects.

For the next meeting, Mayor Potter said there will hopefully be a resolution related to a broadband proposal developed by Fairsite Technologies with the help of Mr. Lobe and Mr. Lallo.

With regard to legislation, Mayor Potter requested that the ordinance relating to the NOPEC grant be adopted tonight to give the City the ability to collect those monies and work them into the budget.

STANDING COMMITTEE REPORTS:

With the consent of all of Council, Councilman Schulz confirmed that a Finance Committee meeting will be held on Wednesday, February 22 at 6:00 p.m.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF OLD BUSINESS:

None.

ORDINANCE NO. 23-O-3 - **(Second Reading) - 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 Second Reading. Responding to Councilman Smolic regarding issues with a resident relating to animals at large, Chief McCallister said that as of now, it seems to be resolved.

NEW BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS:

None.

RESOLUTION NO. 23-R-4 - **A RESOLUTION AUTHORIZING THE CLOSEOUT OF THE CONTRACT WITH BARBICAS CONSTRUCTION, INC. FOR ITS WORK ON SECTIONS I THROUGH IIIA OF THE 2022 PAVEMENT REHABILITATION PROJECT, 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 7/0 (VOTING YEA: HAYMER, LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER AND FENSTERMAKER. VOTING NAY: NONE).** Mr. Smolic moved to declare an emergency and adopt, with the second by Mr. Ziegler. Mr. Schulz suggested an amendment to the Resolution adding reference to Resolution 22-R-44 authorizing Barbicas for the \$1,299,571.65, in order to better close the loop regarding the initial authorization and the closeout. Mr. Schulz noted that 22-R-18 was a resolution for the City Engineer’s fees, and 22-R-44 also referenced construction inspection fees. Mr. Lallo advised that the legislation could be amended to include that information, but it is not necessary. He noted that this resolution indicates a contract was entered into previously for a specific dollar amount, and after approval of this change order reducing the amount of that contract, this contract is officially closed out. Mr. Fenstermaker agreed that in the future, the initial resolution should be referenced, although it is not necessary to amend this resolution. There was no further discussion, and voting began on the motion to declare an emergency and adopt. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: HAYMER, LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER AND FENSTERMAKER. VOTING NAY: NONE).**

NEW BUSINESS (continued):

ORDINANCE NO. 23-O-5
(Mayor Potter)

- **AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2023 ENERGIZED COMMUNITY GRANT, 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 7/0 (VOTING YEA: HAYMER, LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER AND FENSTERMAKER. VOTING NAY: NONE).** Mr. Smolic moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: HAYMER, LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER AND FENSTERMAKER. VOTING NAY: NONE).**

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COUNCIL COMMENTS:

Council President Ruple noted that Council members received a reminder regarding the filing deadline of Monday, May 15, 2023, for the Oho Ethics Commission 2022 Financial Disclosure Statement.

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. Schulz 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