

## KIRTLAND CITY COUNCIL MINUTES

February 22, 2023

The meeting of Kirtland City Council was called to order at 7:04 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, Joseph Smolic and 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, Fire Chief Anthony Hutton and Senior Center Coordinator Teresa Szary.

### MINUTES OF THE JANUARY 18, 2023 COMBINED 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).**

### MINUTES OF THE FEBRUARY 6, 2023 COUNCIL MEETING:

Mr. Lowery moved to waive the reading of the minutes, with the second by Mr. Fenstermaker. The motion of Council passed by unanimous vote. Mr. Lowery moved to approve the Minutes, as presented, 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).**

### DEPARTMENT REPORTS:

**Fire Chief Anthony Hutton** reported on the recent Willoughby apartment fire, noting that Kirtland was one of the first responders as auto-aid. Chief Hutton noted that he was out of town, but there was fire debris at Station 2, and residents found fire debris as far as the Rocking Horse development, and even into Geauga County. A video of the plume (radar) shows it went right through Kirtland.

Noting that capital needs were discussed at Coffee with Council, Chief Hutton said there was discussion about a fire engine. He advised that Captain Ponzani wrote a grant for \$775,000, noting that the cost of the engine has risen from \$381,000 for a base engine in 2018 to \$775,000 now. Chief Hutton said this is a need of the Fire Department and a financial need for the City.

Chief Hutton advised there is legislation on tonight's agenda relating to reappointment of Christine Speece and Amy Buchanan to the Volunteer Firefighters' Dependents Board. He noted this is done every year; Council has to appoint two people to the Board. This is for the part-time firefighters, who are considered volunteers in Ohio; this will provide benefits if they are killed or injured in the line of duty.

Answering Councilman Smolic regarding the Willoughby fire, Chief Hutton said in this case the fire was 50 to 75 percent involved when Chief Ungar arrived, who was the first on scene. At this point the concern is exposure protection. He noted that approximately 54 cars in the parking lot were destroyed by the fire. Chief Hutton said that fortunately no one was injured.

**Police Chief Brian McCallister** did not present a formal report and no questions were asked of him.

**DEPARTMENT REPORTS (continued):**

**Service Director Joseph Fornaro** thanked Chief Hutton and the Fire Department for hosting the Service Department crew on Tuesday for first aid, CPR and AED.

With the recent weather conditions, Mr. Fornaro reminded everyone that there will still be winter weather and to slow down, be patient, and give the plow truck drivers plenty of room.

Mr. Fornaro requested that Council pass Ordinance 23-O-7 tonight, relating to the ODNR grant.

Councilman Fenstermaker inquired about the rocks near the road at Dorchester Farm, and whether there was any intent of having those rocks pushed back any further from the road. Mr. Fornaro responded that the Service Department pushed them out of the right-of-way, but they can push them back further.

**City Engineer Douglas Courtney** said he is working on the 2023 and ten-year road plan and he should have something for the next meeting.

With regard to the Old Town sewer improvements, Mr. Courtney said the Commissioners are expected to award that contract tomorrow at their meeting. He will report on the anticipated construction schedule once it is received from the contractor.

With regard to the ODOT bridge projects, Mr. Courtney advised that ODOT received no bids for the Chillicothe Road bridge project; it will be re-bid later this year and construction has been pushed to 2024. As a result, the State Route 6 bridge in Willoughby Hills has been pushed to 2025.

With regard to stormwater projects, Mr. Courtney advised that he and Mr. Fornaro are trying to set up a pre-construction meeting next week for the Fox Hill project; it is expected to start in mid-March. There is no update on Rockwood or Parkwood.

Mr. Fornaro advised that the Booth Road bridge is still on schedule for this year.

With regard to the bridge projects, Councilman Lowery inquired if there is concern about the safety of the bridges, with the projects being delayed. Mr. Courtney said if the bridge were in the condition of imminent failure, the bridge would be closed down.

**Finance Director Louis Slapnick** reported that the Finance Department has been busy closing out the year. He thanked the Finance Department staff for getting all of the financial reporting done. He advised that the GAAP conversion has started, which is the conversion from cash-basis accounting for financial records that will be audited.

Mr. Slapnick advised that the City was awarded \$75,000 from the County as part of the senior levy; an additional \$50,000 was also awarded to be used at the senior center.

With regard to tonight's agenda, Mr. Slapnick said there are three pieces of Finance legislation – the appropriations, the transfer of funds, and the ordinance for the issuance and sale of the \$3,102,000 of notes. These will all receive three readings.

Mr. Slapnick said he looks forward to the next Finance Committee meeting prior to the next Council meeting.

Council thanked Mr. Slapnick for his detailed presentation during the Finance Committee meeting.

**DEPARTMENT REPORTS (continued):**

**Law Director Matthew Lallo** advised that Resolution 23-R-6 on tonight's agenda authorizes the City to opt in on some national opioid settlements; there is a requirement to opt in for the City to be eligible for any of those funds. Mr. Lallo said the legislation includes the maximum settlement for each of those companies, but it depends on the State and local level of participation. He confirmed that the State of Ohio did opt in, which triggers the need for the City to opt in. Mr. Lallo advised that April 18 is the deadline.

Mr. Lallo advised that the Utilities Standing Committee met and asked him to review some of the Ordinances relating to assurance that homeowners will pay their fines and fees. He proposed a couple different re-writes to the members of that Committee, Mr. Fornaro and Mr. Courtney. He stated that Council can expect something in the next month or two relating to a few modifications to those ordinances.

Answering questions from Council regarding the opioid settlements, Mr. Lallo said the share amount depends on the participation, and the payments will be spread over 6 to 15 years.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Potter advised that last week he received a letter of resignation from Bob Murch, who has been a member of the Board of Zoning Appeals for 45 years. Mayor Potter thanked Mr. Murch for his incredible 45 years of service to the City. He noted that he will be looking to appoint a new member to that Board of Zoning Appeals position.

Mayor Potter announced that the Shamrock Shuffle will be held on March 26 – the 5k race will set off from City Hall, followed by a band, a solo, and Murphy's Irish Dancers. Kiwanis will again sponsor a beer tent after the race.

Mayor Potter advised that the pancake breakfast at Lake Farmpark will be handled by Kiwanis this year. It will be held on March 4 and 5 and March 11 and 12, from 8:30 a.m. until 3:30 p.m.

Mayor Potter thanked Mr. Slapnicker for the level of detail he provides in the budget worksheets, which greatly helps the process. At the next Finance Committee meeting, there will be discussion on the road program, which will total approximately \$1.1 million and will include some rehabilitation, some full depth repairs, and a good amount of road maintenance throughout some neighborhoods. He noted that the budget is also tackling a fair amount of drainage this year.

Regarding the budget, Mayor Potter said another full size plow truck is included, which will complement the two smaller plow trucks that Council passed in last year's final budget amendment. There are also some much needed improvements to Fire Station 2, and a handful of smaller capital items. The Mayor said that going through this process with the Finance Director, the goal is to find the balance to keep the roads from further deteriorating as best as possible and to provide for much needed equipment. Looking into next year, the Mayor said it will need to be determined how much of the General Fund supports the roads.

It was noted as a reminder that the Public Utilities Commission will meet on Wednesday, March 1 at 6:30 p.m.

**STANDING COMMITTEE REPORTS:**

Councilman Schulz noted that a Finance Committee meeting will be held at 6:00 p.m. on March 6, 2023, prior to the next Council meeting. Upon the request of Councilman Smolic for a Service Department Standing Committee meeting, it was agreed that a combined meeting of the Finance Committee and the Service Department Standing Committee will be held at 6:00 p.m. on March 6, 2023.

**STANDING COMMITTEE REPORTS (continued):**

Councilman Haymer noted that he plans to schedule a Utilities Standing Committee meeting, and that a time will be determined.

**CORRESPONDENCE:**

Council President Ruple reported on the following:

1. Zoning Permit Request: Council President Ruple advised that an application has been submitted requesting that Council approve the issuance of a zoning permit for Sublot 12 in the Parks Farm Subdivision for property owners Marija Puljic and David Martter. Mr. Courtney confirmed that plans have been submitted for construction of a new home. The road is not yet dedicated, and the applicant is requesting Council's permission to construct the house on the non-dedicated street, knowing that ultimately it will be dedicated. Answering Councilman Lowery, Mr. Courtney advised that the fire hydrants are live and Aqua Ohio has accepted the installation of the water main. Councilman Schulz inquired when the street is expected to be dedicated. Mr. Courtney advised there is a punch list with outstanding items, much of which they were unable to complete during the cold weather. Mr. Lallo advised that a similar application was handled in the same manner in 2015. Upon completion of discussion, Mr. Lowery moved to grant approval for the issuance of a zoning permit for Sublot 12 in the Parks Farm Subdivision. Mr. Smolic provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: HAYMER, LOWERY, RUPLE, SCHULZ, ZIEGLER AND FENSTERMAKER. VOTING NAY: NONE).**
2. Copy of Planning and Zoning Commission Resolution No. 23-PZ-1 recommending approval to City Council of the Comprehensive Plan Update 2032. Mr. Lallo advised that Council should schedule a public hearing to consider the approval of the comprehensive plan. He advised that if Council does not have any recommended changes, then Council legislation can be prepared to adopt the comprehensive plan. A public hearing was scheduled to be held during the next regular Council meeting on March 6, 2023.

**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**  
**(Mayor Potter)**

- **(Third 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.**

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

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

None.

- RESOLUTION NO. 23-R-6** - **A RESOLUTION AUTHORIZING THE CITY OF KIRTLAND TO “OPT-IN” TO THE NATIONAL OPIOID SETTLEMENTS WITH TEVA, ALLERGAN, CVS, WALGREENS, AND WALMART, AND DECLARING AN EMERGENCY.**  
(Mayor Potter)

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

- ORDINANCE NO. 23-O-7** - **AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT THE CAPITAL IMPROVEMENT COMMUNITY PARK, RECREATION/CONSERVATION PROJECT PASS-THROUGH GRANT AGREEMENT BETWEEN THE OHIO DEPARTMENT OF NATURAL RESOURCES AND THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.**  
(Mayor Potter)

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

- RESOLUTION NO. 23-R-8** - **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF CHRISTINE SPEECE TO THE VOLUNTEER FIREFIGHTERS’ DEPENDENTS BOARD, AND DECLARING AN EMERGENCY.**  
(Council as a Whole)

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

- RESOLUTION NO. 23-R-9** - **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF AMY BUCHANAN TO THE VOLUNTEER FIREFIGHTERS’ DEPENDENTS BOARD, AND DECLARING AN EMERGENCY.**  
(Council as a Whole)

The legislation was read by title only. Mr. Smolic moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: HAYMER, LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER AND FENSTERMAKER. 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:**

**NEW BUSINESS (continued):**

**HAYMER, LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER AND FENSTERMAKER. VOTING NAY: NONE).**

**ORDINANCE NO. 23-O-10 - AN ORDINANCE SETTING THE APPROPRIATION FOR THE YEAR 2023.  
(Mayor Potter)**

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

**RESOLUTION NO. 23-R-11 - A RESOLUTION AUTHORIZING TRANSFERS OF FUNDS, AND DECLARING AN EMERGENCY.  
(Mayor Potter)**

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

**ORDINANCE NO. 23-O-12 - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$3,102,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF RETIRING, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE CITY, THE CITY'S OUTSTANDING VARIOUS PURPOSE NOTES, SERIES 2022, DATED APRIL 20, 2022, AND DECLARING AN EMERGENCY.  
(Mayor Potter)**

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

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**COUNCIL COMMENTS:**

As a reminder to the community, Councilman Schulz noted that he saw in the paper that Lake County Auditor Chris Galloway, in conjunction with Lake County Treasurer Michael Zuren, will be hosting a workshop on "How to Protect Yourself from Identify Theft and Fraud" at the Kirtland Library on March 13. He noted that those interested will need to call the Library to register. Mr. Schulz suggested that this information be provided to Barbara Nye, the citizen that was before Council recently regarding her experience relating to stolen identify.

**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. Fenstermaker. The motion of Council passed by unanimous vote and the meeting adjourned at 7:40 p.m.

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President of Council

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Clerk of Council