

KIRTLAND CITY COUNCIL MINUTES

March 20, 2023

The meeting of Kirtland City Council was called to order at 7:02 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 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 MARCH 6, 2023 FINANCE COMMITTEE / SERVICE DEPARTMENT STANDING COMMITTEE 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: LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).**

MINUTES OF THE MARCH 6, 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: LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton had no formal report and stated he was open to any questions. Responding to Councilman Smolic, Chief Hutton said St. Patrick's Day was a quiet day for his Department.

Police Chief Brian McCallister advised that the annual report from the Police Department has been distributed. The report highlights the past couple of years' activities and hard work the men and women are doing in the Department.

Councilman Lowery complimented Chief McCallister on his annual report, saying it was very well done and he hopes the community gets the opportunity to read it. Chief McCallister said he and Ms. Szary are currently working to post the report on the city's website. Council President Ruple and Councilman Smolic also thanked the Chief for the report, noting it was very well done.

Service Director Joseph Fornaro thanked his team for doing a great job with the recent challenging snow event. He also thanked the residents for their patience during that time. The snow events now total 31 for the season.

Responding to Councilman Schulz about some downed trees, Mr. Fornaro said he contacted CEI but has not yet heard back from them. He noted it usually takes about 10 business days.

Councilman Smolic inquired about salt usage. Mr. Fornaro said he should be able to report on that at the next meeting.

DEPARTMENT REPORTS (continued):

City Engineer Douglas Courtney had no formal report and said he was open to questions.

Councilman Schulz asked about the road plan published on the city's website, verifying what projects are expected on which streets and the cost for such repairs. Mr. Fornaro said the roads currently listed for rehabilitation are Fox Hill and Crestwood. Any further scheduling of projects or repairs will have to be done after the budget has been passed. Discussion ensued concerning projects and costs in the road plan.

Councilman Fenstermaker asked Mr. Fornaro about a situation on Hilcrest Drive, and Mr. Fornaro responded, saying he spoke with the resident today. He went on to say the road needs a profile, as it is flat and water does not move off the street.

Discussion continued regarding the road plan, and Mr. Schulz noted the full road plan published on the website is dated March 14, 2022. Mr. Courtney said he has begun working on the update, pending passage of the budget and any adjustments needed for this year.

Finance Director Louis Slapnicker advised that the third Finance Committee meeting was held regarding the 2023 appropriations, noting there was discussion on the market update for the issuance of the short term notes. The Finance Department will find out about the OMAP program, and work is underway for the GAAP conversion for the financial statements which are audited by the State Auditor.

Council President Ruple thanked Mr. Slapnicker for his hard work on the budget.

Law Director Matthew Lallo had no formal report and no questions were asked of him.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter reminded those present that the Shamrock Shuffle and Shenanigans, including a 5k race, will take place this coming Sunday. The race is expected to begin at 10:00 a.m., after a 9:30 a.m. yoga stretch held by Harmony Yoga of Willoughby. The race will be followed by a series of musicians. The Kiwanis will have a beer tent, and food from the Fungry food truck and from Down the Block will be available. There will be a large tent with sides and the option for heat, if needed, and the event is expected to end at approximately 3:00 p.m.

Mayor Potter thanked Chief McCallister and his Department for working so well with Mrs. Potter, who heads the event this year, concerning the race route and other details.

Mayor Potter announced that the Easter Egg Hunt will be held April 1 at 10:30 a.m. at City Hall.

The Mayor advised that on April 15 there will be a new event held, Faith in Kirtland, which stems from monthly meetings held with the local churches. Typically each church in the city is represented, including some in Kirtland Hills, and discussions encompass how everyone can work together in the community.

Ms. Szary explained that the monthly meetings have been ongoing since 2000 with pastors of the local churches, along with civic groups. The purpose is to work together and to support the residents. The Faith in Kirtland event to be held on Saturday, April 15, will be a three-hour open house held by several churches. Each church will be doing something different to welcome residents; for example, Old South Church will hold a choir performance. Those interested can stop by City Hall to get a map of the participating churches. Mayor Potter thanked Ms. Szary for her hard work in bringing this event together.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Referring to tonight's agenda, Mayor Potter mentioned the budget appropriations ordinance, the ordinance for the contract for economic development consulting services with Eddy Eckart, and the fiber RFP resolution, asking that these items be passed. He stated that Fairsite Technologies did a comprehensive job in laying out the RFP, noting he would like to go forward in April to determine the options available from internet service providers to expand the internet service for the residents.

Mayor Potter advised that a letter will be mailed to the Old Town residents soon to answer some of the frequently asked questions concerning the Old Town sewer project. The County will also send a letter to the residents.

Councilman Fenstermaker asked about the situation with NOPEC, noting that he received an email about the City going back to NOPEC. He noted that some residents had costly bills to pay before they were moved off NOPEC. Mayor Potter suggested inviting the City's NOPEC representative to attend a Council meeting in April.

STANDING COMMITTEE REPORTS:

None.

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-10
(Mayor Potter)**

- (Third Reading) - AN ORDINANCE SETTING THE
APPROPRIATION FOR THE YEAR 2023.

The legislation was read by title only. Mr. Fenstermaker moved to adopt, with the second by Mr. Smolic. Mr. Schulz noted that when the process started the capital requests received from all departments totaled over \$5 million. He noted that some of the requests are funded with the proposed budget, while many others are not. Mr. Schulz said he is not in favor of paying down additional debt at this time, noting that in this high inflationary time, he believes the money would be better spent now on capital needs than having to borrow later at higher interest rates.

Mr. Schulz said that Councilman Lowery made an excellent point at the first Finance Committee meeting regarding the budget, noting that the residents spoke loudly regarding the City's ideas for funding the road repairs, and they soundly defeated it. Mr. Schulz said he understands the use of the encumbered funds for the road plan, but he is not in favor of taking \$776,000 from the General Fund to fund the road plan, noting that there are many needs in the City.

OLD BUSINESS – ORDINANCE NO. 23-O-10 (continued):

Mr. Smolic said he does not recall Mr. Schulz mentioning this concern during the three Finance Committee meetings regarding the budget. He said that paying down the debt will pay for capital equipment that the City has been paying on for some time.

Council President Ruple called for the vote on the motion. **ROLL CALL: ADOPTED 6/1 (VOTING YEA: LOWERY, RUPLE, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: SCHULZ).**

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

The legislation was read by title only. Mr. Fenstermaker moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 6/1 (VOTING YEA: LOWERY, RUPLE, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: SCHULZ).**

ORDINANCE NO. 23-O-12 - (Third Reading) - **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. Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Ziegler. **ROLL CALL: ADOPTED 6/1 (VOTING YEA: LOWERY, RUPLE, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: SCHULZ).**

RESOLUTION NO. 23-R-14 - (Second Reading) - **A RESOLUTION AUTHORIZING THE MAYOR, THROUGH THE CITY'S IT CONSULTANT, TO SOLICIT A REQUEST FOR PROPOSAL FOR THE BUILDING AND OPERATING OF CITYWIDE FIBER INTERNET TO THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only. Mr. Schulz moved to amend to correct the dates in the exhibit, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).** Mr. Smolic moved to waive the three readings, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).** Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).**

ORDINANCE NO. 23-O-15 - (Second Reading) - **AN ORDINANCE EXTENDING THE AGREEMENT FOR ECONOMIC DEVELOPMENT CONSULTING SERVICES BETWEEN EDWARD J. ECKART OF E SQUARED STRATEGIES LLC AND THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

OLD BUSINESS – ORDINANCE NO. 23-O-15 (continued):

The legislation was read by title only. Mr. Lowery moved to waive the three readings, with the second by Mr. Ziegler. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).** Mr. Ziegler moved to declare an emergency and adopt, with the second by Mr. Lowery. Mr. Fenstermaker noted that it would be helpful for Council to receive regular reports. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).**

NEW BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS:

None.

RESOLUTION NO. 23-R-16
(Council as a Whole)

- **A RESOLUTION AMENDING RESOLUTION NO. 23-R-76 RELATING TO ESTABLISHING RULES, TIME AND PLACE OF COUNCIL MEETINGS FOR THE PERIOD FROM DECEMBER 1, 2022, THROUGH NOVEMBER 30, 2023, AND DECLARING AN EMERGENCY.**

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: LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Smolic. Mayor Potter noted that this legislation changes the meeting from the first Monday in May to the first Wednesday in May. The Mayor also requested that the June 21 meeting be moved to June 20 because of a conflict with his calendar. Mr. Schulz moved to recall his motion to declare an emergency and adopt. Mr. Smolic provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).**

Mr. Smolic moved to amend Resolution 23-R-16, Section II (e), to reflect that Council will meet on Tuesday, June 20, 2023, with the second by Mr. Ziegler. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).** Mr. Schulz moved to waive the three readings, with the second by Mr. Fenstermaker. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. 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: LOWERY, RUPLE, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).**

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COUNCIL COMMENTS:

Council President Ruple advised that a notification was received from Ohio Division of Liquor Control regarding an application for transfer of a permit to Casa Rossa Cucina LLC at 9350 Chillicothe Road. Council did not request a hearing in this regard.

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. Smolic moved to adjourn, with the second by Mr. Fenstermaker. The motion of Council passed by unanimous vote and the meeting adjourned at 7:43 p.m.

President of Council

Clerk of Council