

## **KIRTLAND CITY COUNCIL MINUTES**

**April 3, 2023**

The meeting of Kirtland City Council was called to order at 7:00 p.m. by Council President Jeffrey Ruple. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: Scott Haymer, Jeffrey Ruple, Matthew Schulz, Joseph Smolic and Eric Ziegler. Absent: Ronald Fenstermaker and Richard Lowery.

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

### **Presentation by Mary Beth Cole of Starting Point**

Council President Ruple advised that Ms. Cole was unable to attend tonight's meeting.

### **NOPEC Update – Tony Ramos**

Mr. Ramos advised that he is the Relationship Manager of the Northeast Ohio Public Energy Council (NOPEC). He noted that he is standing in for the City's regular Relationship Manager, Jenny Costanzo, who is out of town. He said he will review what is happening at NOPEC and how it will impact the residents in the very near future. The Public Utilities Commission of Ohio recertified NOPEC to restart its electric aggregation program with the June 2023 meter read. In mid to late April, all residents in NOPEC member communities will start to receive electric aggregation opt out letters, along with opt out letters for the natural gas aggregation program. If a resident or a small business wants to participate in the electric or natural gas aggregation, they don't need to do anything; they will be automatically enrolled. If they want to opt out and not participate in either program, they have to complete the opt out card attached to the letter and either mail it back, fax it, and this year they have the option to call. Mr. Ramos said their electric pricing is extremely competitive. Mr. Ramos reviewed the pricing, including the green option and options for 12 to 24 month fixed pricing; he noted that the natural gas pricing will be announced later this week. He said all the different programs that NOPEC offers will continue, and the NOPEC energized community grants will continue to be distributed to communities. They will also continue to operate their sponsorship program and a variety of different financing products for small businesses in the community. He encouraged small businesses to visit [nopec.org](http://nopec.org) and see the different options they have for property assessed clean energy financing and their step loan program.

Councilman Smolic asked about the issue with the extremely high electric bills received last year. Mr. Ramos stated NOPEC buys its electricity more often throughout the year, which allows them to keep their pricing competitive and lower. Last year they were going to market to buy electricity for summer right after the Russians invaded Ukraine, which sent the electric markets up. They were buying electricity when the market was high. Once that pricing went up, they took the step in the interests of their customers to return them to the utility, which at the time had a lower price because the electricity that they were using had been purchased prior to that invasion, so it was lower cost. They took the dramatic step to return over 500,000 electric customers back to the utility to save them money.

Responding further to Mr. Smolic, Mr. Ramos said there are a variety of impacts on those markets as different whole assets are retired. More electricity is being generated by natural gas to fill that gap, which has the effect of driving up the price of natural gas to individual consumers. He noted there are a variety of things that could be done to help reduce energy costs, but those actions are not being taken presently.

**NOPEC Update (continued)**

Mr. Smolic asked if any coal plants had been closed down in the past 15 years. Mr. Ramos stated that is outside his level of knowledge.

Councilman Smolic asked about the green option. Mr. Ramos stated the supply partner Next Era Energy has solar and wind assets throughout the United States. There are Green Choice communities that have chosen to exclusively provide 100% green products to their residents. Their pricing is just a little bit more. Those communities also get renewable energy credits that have the opportunity to be retired. He said they offer those options if a community wants to go further in trying to achieve their own set of sustainability and clean energy goals. An individual resident can choose to opt into that, but it does cost a little more for that option.

Responding to Mr. Smolic regarding the electric grid, Mr. Ramos stated each year that capacity grows, noting that they try to offer a variety of products to the individual needs of the customers that they serve throughout the communities.

Mr. Smolic inquired how much green energy accounts for the total grid. Mr. Ramos stated it's very low; he believes it is approximately 8 to 13 percent. It increases each year, but there is still dependence on fossil fuel assets to generate electricity.

Responding to Councilman Schulz regarding the call feature of opting out, Mr. Ramos said callers will speak to an individual; there may be a brief hold depending on the time of the call. They have taken steps to provide the option for a call back if there is a longer wait time. He noted they are using the three options that the state provides for opting out. He encouraged the residents to visit [nopec.org](http://nopec.org) for more information about NOPEC and what they do.

Council President Ruple thanked Mr. Ramos for attending and providing the update.

**MINUTES OF THE MARCH 20, 2023 FINANCE COMMITTEE MEETING / WORK SESSION:**

Mr. Smolic moved to waive the reading of the minutes, with the second by Mr. Ziegler. The motion of Council passed by unanimous vote. Mr. Smolic moved to approve the Minutes, as presented, with the second by Mr. Ziegler. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, ZIEGLER AND HAYMER VOTING NAY: NONE).**

**MINUTES OF THE MARCH 20, 2023 COUNCIL MEETING:**

Mr. Schulz moved to waive the reading of the minutes, with the second by Mr. Smolic. The motion of Council passed by unanimous vote. Mr. Schulz moved to approve the Minutes, as presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, ZIEGLER AND HAYMER VOTING NAY: NONE).**

**DEPARTMENT REPORTS:**

**Fire Chief Anthony Hutton** advised that the formal report was distributed today by email.

**DEPARTMENT REPORTS (continued):**

Chief Hutton reported it has been a busy month with 126 calls. There were a lot of storm related calls the past two Saturdays, relating to wind damage, trees and wires down. He thanked Mr. Fornaro for his assistance.

Chief Hutton noted that Resolution 23-R-29 on the agenda relates to the AFG grant for the battery powered extrication equipment, and he requested that Council adopt the legislation tonight.

Responding to Councilman Smolic, Chief Hutton said the smoking refrigerator was taken care of fairly quickly.

Councilman Schulz thanked the Chief and Mr. Fornaro for the good work and quick response to the tree issue at Springer.

**Service Director Joseph Fornaro** reported that the water line relocation for the Route 306 bridge started today. Work on the Fox Hill drainage project started today. The crews are busy working on the baseball and soccer fields.

Mr. Fornaro advised that on Saturday, April 22 at 8:00 a.m., the Great American Clean Up will be held at City Hall.

Responding to Councilman Smolic, Mr. Fornaro said brush pickup has started with Ward 1 this week. Ward 2 will start April 10, Ward 3 will start April 17, and Ward 4 will start April 24.

**City Engineer Douglas Courtney** advised that Resolution 23-R-28 on the agenda is legislation to authorize him to get started on the design specifications and contract administration for the street rehab and maintenance project. He requested that the legislation be passed tonight so he can start on that work.

Mr. Courtney advised that he received a schedule from the contractor for the Old Town sewer improvements. Weather and other factors permitting, the tentative schedule is mobilization this week. Work on the Eisenhower Drive sewer installation will be April 10 through May 25. Work on Elm Street will be April 27 through June 14. From June 15 through July 3, there will be restoration of pavement and lawn areas, with substantial completion expected by July 11.

With regard to stormwater projects, Mr. Courtney advised that work on Fox Hill started today at the cul-de-sac. He advised that he has requested pricing and will be preparing a change order for this project related to the slope with some slope stabilization work at the cul-de-sac. When he reviewed the site with the contractor, it looks like more of the slope has been lost between the road and the stream from the previous project. He is asking the contractor for pricing to clean up that slope and stabilize it. The castings at the end of the cul-de-sac are still catching a lot of leaves, so those will be swapped for more open grates so the leaves can get flushed out of the system and not get hung up on those grates and flood the cul-da-sac. Based on discussions with the contractor thus far, it's not going to exceed what has been allocated with the Stormwater Department for funding for this project.

Moving on to Aqua projects, Mr. Courtney advised that the south side of Kirtland Chardon Road is well underway and has been for a couple of weeks. The water main replacement on Monterey is going to be in the eastbound lane of the pavement and is expected to begin early summer. Aqua will be contributing approximately \$150,000 to the pavement rehabilitation projects scheduled for Monterey.

**DEPARTMENT REPORTS (continued):**

Councilman Smolic stated he spoke with residents on Fox Hill about some driveways being marked up for some drainage there. Mr. Courtney stated they are replacing drive culverts along the westerly side of the road. Mr. Smolic inquired about other driveways. Mr. Courtney stated that was another discussion they had with the contractor because the City started getting requests for the contractor to do eight drains in total. Rather than complicate this contract with additional change orders for driveway pipe work, it was decided to have a contractor under the Fox Hill project replace the drainage pipe, fill that trench with stone to the top of the driveway, and when they come through with the paving project later this year, they will take care of the eight drains.

**Police Sergeant Jamey Fisher** had no formal report and no questions were asked of him.

**Senior Center Coordinator Teresa Szary** reported that a lot of events are starting in the city. This past weekend was the annual egg hunt at City Hall. The weather did not cooperate, so instead of an egg hunt, they passed out about 200 bags of treats to children in the community. The local Easter bunny joined them for pictures and the Library provided activities. There were many volunteers to help.

Ms. Szary advised that the Faith in Kirtland event will be held on April 15, as mentioned at the last meeting. Also, the annual spring cleanup day with the Mayor's Action Network will be held on April 29 for local seniors and veterans who need some spring yard cleanup. Volunteers will meet at City Hall and split into teams. She noted that if anyone would like to help, they always appreciate extra hands.

Safety Town registration opened today. There are 60 spots available for the children of the community, and 34 of them are already taken as of 10:30 this morning. She thanked Jeni Potter for organizing this event.

At the Senior Center, Ms. Szary advised they are in the middle of training with software called My Senior Center, which will be implemented at the Center soon. The Lake County Commissioner's Office has very generously donated the software and computer system to all of the senior centers in Lake County, so all of the check-ins will be via key pass instead of having to physically sign in.

Ms. Szary advised that she will be setting up a meeting in the next couple weeks regarding collaboration with Holden Arboretum to offer one free week every year for current residents. Ms. Szary said she will be meeting with them to discuss advertising and information the City will need for that free week. It has been decided that this year, the free week will be June 6 through the 11. She will have more details as they are available.

Councilman Smolic complimented Ms. Szary on the outstanding work she has been doing at the Community and Senior Center.

**Law Director Matthew Lallo** advised that there are several pieces of legislation on the agenda tonight, noting that Mr. Haymer and Mr. Fornaro asked him to take a look at these ordinances in the Utilities Code. He noted that some had to do with changing material or depth, others were for a change or a method in which the city can recoup the funds if somebody doesn't pay the city for doing work. He stated the way it currently stands, there is really no teeth to that legislation, so this gives the city the opportunity to put a lien on the property through the property taxes.

Mr. Lallo advised that also on the agenda is the solar ordinance and the geothermal energy ordinance. The solar ordinance was a complete rewrite. The city enlisted the guidance and assistance of Aaron Godwin, who is a current resident and a specialist in solar energy. He did a review of the national solar

**DEPARTMENT REPORTS (continued):**

ordinances and standards and helped to compile what is being presented to Council. For the most part, roof-mounted solar energy on a residential property would not need to come before the Planning and Zoning Commission. Commercial property or ground mounted applications would have to come before the Planning and Zoning Commission. Previously, every applicant needed to come before the Planning and Zoning Commission, which hindered somebody from trying to make their home a little greener. Mr. Lallo said it is not necessary to pass the legislation today.

Mr. Lallo requested that Resolutions 23-R-28 and 23-R-29 be passed today if possible.

Mr. Lallo stated that as prosecutor, his schedule has typically been Tuesdays for Willoughby Municipal Court; that will be changing to Thursdays. He noted that the Police Department and the Court are aware of the change to Thursday mornings to prosecute going forward.

Lastly, Mr. Lallo said that as Council is aware, there was another case brought by former Police Chief Lance Nosse, in the State court, which he is vigorously defending. If Council would like to discuss this, he would suggest convening an executive session toward the conclusion of this meeting.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Potter mentioned that Mr. Slapnicker is working off-site and won't be attending the meeting. Chief McCallister is not available tonight, and he thanked Sergeant Fisher for stepping in and being available for any questions.

Mayor Potter announced that Sausalito will open on April 16, and Council members should expect an invitation to an upcoming soft opening.

Reporting on the Shamrock Shuffle and Shenanigans 5K race, Mayor Potter said it was a great day. The weather was beautiful and there were a couple hundred participants. He thanked all of the event sponsors and especially Kiwanis who sponsored a beer garden. Fungry Food truck was at City Hall, along with Down the Block, and Angelo's was a race sponsor. Other individuals in the community and businesses were also race sponsors. The Mayor noted it was a great day and he expects that event to continue to grow.

For the Easter Egg hunt, Mayor Potter noted that although the weather was threatening, thanks to a lot of volunteers and hard work, they made it a lot of fun for the kids that attended.

Mayor Potter reported that today a letter was posted on the City website and Facebook page, which will be mailed tomorrow to some of the Old Town residents. He stated a lot of questions have developed over the course of the last couple years related to the project timelines. The Mayor said that the City will continue to put updates on the City's Facebook page and website.

The Mayor stated that it would be helpful to pass Resolution 23-R-29 relating to the Fire Department grant and Resolution 23-R-20 relating to the appointment of Ms. Quiggle to the Board of Zoning Appeals. The Board is currently short one member. He noted that Ms. Quiggle is a long-time Kirtland resident; she is a realtor and should be terrific for that Board. The Mayor asked that Council also pass Resolution 23-R-28 relating to the contract for the road design and bid, and execution of the project.

**STANDING COMMITTEE REPORTS:**

Noting that Mr. Fornaro had mentioned the Waste Management contract, Councilman Smolic said he would like to schedule a Service Department Standing Committee meeting. Mr. Smolic said the contract is up in November and he would like to get an early start on it. Before the next meeting he will send out an email, since Mr. Fenstermaker is not present. Mr. Fornaro said that approximately one hour will be needed for the meeting, and he requested that it be held on a Saturday.

**CORRESPONDENCE:**

Council President Ruple advised that an application has been submitted by Lindsay and Casey Murphy requesting Council approval for a zoning permit for Sublot 7 in the Parks Farm Subdivision. Mr. Lallo advised that Council needs to vote on the issuance of the permit, since it is on a road that is not yet dedicated. Mr. Schulz moved to grant approval for the issuance of a zoning permit for Sublot 7 in the Parks Farm Subdivision. Mr. Smolic provided the second. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, ZIEGLER AND HAYMER VOTING NAY: NONE).**

**PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:**

None.

**OLD BUSINESS:**

None.

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

None.

**ORDINANCE NO. 23-O-17**  
**(Mayor Potter)**

- **AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1468.05 RELATING TO SOLAR ENERGY, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Councilman Schulz inquired if this ordinance would cover any other political subdivisions or entities, such as Holden Arboretum. Mr. Lallo advised that Holden Arboretum is not a political subdivision, so they are subject to the zoning regulations. He advised that Lake Farmpark and Lakeland College are their own taxing political subdivisions and technically are not subject to the rules and regulations of the zoning code.

Councilman Smolic said that one of the issues with the current ordinance was that solar was limited to the roof on the back of the house, which was impractical. He noted this allows the option without having to come before Planning and Zoning.

The legislation was placed on First Reading.

**NEW BUSINESS (continued):**

- ORDINANCE NO. 23-O-18** - **AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1468.06 RELATING TO GEOTHERMAL ENERGY SYSTEM STANDARDS, AND DECLARING AN EMERGENCY.**  
(Mayor Potter)

The legislation was read by title only. Mr. Schulz asked Mr. Courtney if he has seen many applications for geothermal heating and cooling of a home. Mr. Courtney stated he had not seen any applications for geothermal, and he has only seen a handful of solar applications. Mr. Smolic said that he is aware of only two geothermal systems in the City, noting that he believes the closed loop must now be used as opposed to open. The legislation was placed on First Reading.

- RESOLUTION NO. 23-R-19** - **A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2023, AND DECLARING AN EMERGENCY.**  
(Mayor Potter)

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

- RESOLUTION NO. 23-R-20** - **A RESOLUTION CONFIRMING THE APPOINTMENT OF DENISE QUIGGLE TO THE BOARD OF ZONING APPEALS, 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 5/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, ZIEGLER AND HAYMER. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Ziegler. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, ZIEGLER AND HAYMER. VOTING NAY: NONE).**

- RESOLUTION NO. 23-R-21** - **A RESOLUTION CONFIRMING THE APPOINTMENT OF LITA LAVEN TO THE PLANNING AND ZONING COMMISSION, AND DECLARING AN EMERGENCY.**  
(Mayor Potter)

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

- ORDINANCE NO. 23-O-22** - **AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1024.02 RELATING TO THE INSTALLATION OF CULVERTS AND RIGHTS-OF-WAY, AND DECLARING AN EMERGENCY.**  
(Councilman Haymer)

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

- ORDINANCE NO. 23-O-23** - **AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1024.04 RELATING TO THE CHARGES IMPOSED UPON PROPERTY OWNERS FOR THE CITY'S INSTALLATION OF CULVERTS, AND DECLARING AN EMERGENCY.**  
(Councilman Haymer)

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

**NEW BUSINESS (continued):**

- ORDINANCE NO. 23-O-24** - **AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1026.03 RELATING TO CHARGES FOR WORK DONE ON STORM SEWERS BY THE CITY IN LIEU OF PROPERTY OWNERS, AND DECLARING AN EMERGENCY.**  
(Councilman Haymer)

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

- ORDINANCE NO. 23-O-25** - **AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1028.01 RELATING TO DRIVEWAY APRONS, AND DECLARING AN EMERGENCY.**  
(Councilman Haymer)

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

- ORDINANCE NO. 23-O-26** - **AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1028.04 RELATING TO THE MAINTENANCE OF DRIVEWAY CULVERTS, AND DECLARING AN EMERGENCY.**  
(Councilman Haymer)

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

- ORDINANCE NO. 23-O-27** - **AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1028.05 RELATING TO THE RECOUPMENT OF COSTS FOR WORK PERFORMED BY THE CITY ON DRIVEWAYS AND APRONS, AND DECLARING AN EMERGENCY.**  
(Councilman Haymer)

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

- RESOLUTION NO. 23-R-28** - **A RESOLUTION AUTHORIZING THE MAYOR TO RETAIN THE SERVICES OF THE C.W. COURTNEY COMPANY AS ENGINEERS FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION OF THE 2023 STREET REPAIR AND MAINTENANCE PROJECT, AND DECLARING AN EMERGENCY.**  
(Mayor Potter)

The legislation was read by title only. Mr. Ziegler moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, ZIEGLER AND HAYMER. VOTING NAY: NONE).**

Mr. Schulz moved to amend the legislation to reflect the correction on the dollar amounts in Exhibit A, with the second by Mr. Smolic. Mayor Potter advised that in the streets listed on the exhibit, Crestwood Drive should have been listed, and he requested that the amendment also add a section of Crestwood Drive.

Mr. Schulz moved to rescind his previous motion, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, ZIEGLER AND HAYMER. VOTING NAY: NONE).**



**NEW BUSINESS (continued):**

Mr. Schulz moved to amend page one of the exhibit reflecting a Crestwood addition up to Elmwood, and on page two to reflect the correct dollar amounts as indicated in the handout provided during the work session. Mr. Smolic provided the second. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, ZIEGLER AND HAYMER. VOTING NAY: NONE).**

Mr. Ziegler moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, ZIEGLER AND HAYMER. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, ZIEGLER AND HAYMER. VOTING NAY: NONE).**

**RESOLUTION NO. 23-R-29**  
**(Mayor Potter)**

- **A RESOLUTION AUTHORIZING THE CHIEF OF THE KIRTLAND FIRE DEPARTMENT TO ACCEPT THE PROPOSAL OF ALL AMERICAN FIRE EQUIPMENT FOR THE PURCHASE OF EXTRICATION EQUIPMENT AND RESCUE AIR BAGS, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Smolic moved to waive the three readings, with the second by Mr. Ziegler. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, ZIEGLER AND HAYMER. VOTING NAY: NONE).** Mr. Smolic moved to declare an emergency and adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, ZIEGLER AND HAYMER. VOTING NAY: NONE).**

**ORDINANCE NO. 23-O-30**  
**(Council President Ruple)**

- **AN ORDINANCE ADOPTING A COMPREHENSIVE GENERAL PLAN UPDATE FOR THE CITY OF KIRTLAND, OHIO.**

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

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**COUNCIL COMMENTS:**

Commenting on discussion from the last Council meeting regarding roads and capital, Councilman Smolic said that he went back over the last four years minimum debt payback along with the additional debt payback. He said that the City paid \$1.913 million and of that \$1.019 million was equipment, so the debt being paid off has some capital in there. He also noted that of that \$3 million in debt, that is a rolling bond and does go up every year due to interest.

Councilman Schulz requested that the Law Director take a look at Resolution 18-R-4, regarding the lease with Northstar relating to the cell tower.

**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. Schulz. The motion of Council passed by unanimous vote and the meeting adjourned at 7:47 p.m.

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President of Council

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Clerk of Council