

KIRTLAND CITY COUNCIL MINUTES

May 15, 2023

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

Administrative personnel present were: Mayor Kevin Potter, Law Director Matthew Lallo, Finance Director Louis Slapnick, 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 MAY 3, 2023 WORK SESSION:

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

MINUTES OF THE MAY 3, 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: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER AND LOWERY. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton provided an update on promotions for the Fire Department, noting that the written and oral testing were completed last week. Matt Killeen (a 24-year veteran of the Department) did great on the overall test and will be promoted to Captain. Brian Horvath, Aaron Madden and Cory Eisenberg will be promoted to Lieutenant. Chief Hutton will be working with Mayor Potter to do the promotions in early to mid-June, with a starting date in July.

Police Chief Brian McCallister did not present a formal report. Responding to Councilman Lowery regarding texting and driving, Chief McCallister said the officers have been making traffic stops and giving warnings at this point. Responding to Council President Smolic regarding the law going into effect, Chief McCallister advised there was a six-month reprieve, and it has been about one month now.

Councilman Fenstermaker inquired about the trailer on the vacant lot at Route 6 and 306. Chief McCallister stated they would have to do some research to figure out who owns the trailer. It was noted there are three cars parked there now. Chief McCallister said it is private property and the vehicles that have been there in the past have either had the owner's permission to be there, or the owner would not give feedback on whether or not he would allow them there. The Police Department has not taken any enforcement action. Chief McCallister said he can look into possible enforcement regarding the three vehicles that are for sale on that property. He noted that legislation is needed with regard to any enforcement relating to the trailers parked there. Responding to Mr. Lallo, Chief McCallister said there are different vehicles there at different times.

Service Director Joseph Fornaro reported that last week was opening day of recreation baseball, noting that the crews installed 44 tons of infield material on all seven fields to improve drainage. Every field has new material on it.

DEPARTMENT REPORTS (continued):

Mr. Fornaro thanked the three students from the senior class for helping out last Wednesday with the weeding at City Hall, cleaning up the Recreation Park, and starting the painting of the Safety Town houses.

Mr. Fornaro stated they are working to prepare for Memorial Day. Flags, banners and flowers will start going up in the next couple of weeks. This Friday, Arbor Day will be celebrated with the third grade class at the elementary school. On Saturday at 8:00 a.m., with help from the Kiwanis, the Legion and the Garden Club, the annual cleanup and mulching around City Hall and the Veterans Memorial will be done, along with planting the tree from Tree City USA.

Mr. Fornaro advised that on Friday, May 26, the Public Works open house will be held, with the Police and Fire Departments joining them.

Councilman Schulz said he saw some comments that mowing was not done at South Cemetery for Mothers' Day. Mr. Fornaro advised that South Cemetery was cut Tuesday with the other ones.

Responding to Council President Smolic regarding salt usage, Mr. Fornaro said he provided a report to the Mayor with three years of data. He said the Department used 3100 tons of salt this season, with 31 events; there are 2100 tons of salt remaining in the salt bin. He noted that the totals are estimates.

City Engineer Douglas Courtney did not present a formal report. Responding to Councilman Schulz, Mr. Courtney stated he would follow up on the discrepancy with the water being shut off for the work on Monterey. He asked Mr. Schulz to forward the resident's information who had the complaint, and he will follow up with Aqua and the contractor. Answering Mr. Schulz, Mr. Courtney said that Aqua has their inspector on the job because it is an independent contractor.

Responding to Council President Smolic regarding the Old Town sewer project, Mr. Courtney said work has progressed to the first manhole at the first intersection of Saxon. Previously they made the bore up the hill. They are encountering a lot of ground water, so they are not moving along as quickly as they had hoped. Mr. Courtney said they are below the seasonal water table, and they must continually pump the trench.

Councilman Schulz stated that prior to Mr. Courtney's time as City Engineer, water used to come out of the hill along the east side of Route 306, south of Kirtland-Chardon Road. He said a deep underdrain was installed because water would pour over the curb.

Finance Director Louis Slapnicker stated that the outstanding list was finalized with the GAAP converters, which is the preparation for the city to prepare the basic financial statements. That report will be filed with the state by April 30. He advised that the audit has begun.

Mr. Slapnicker advised that the tax budget has been prepared and will be placed on the next agenda, with a memo explaining again that process.

Mr. Slapnicker confirmed with Council that they received the OML report he provided.

Law Director Matthew Lallo advised that, as the Mayor mentioned several months ago, they have been working on policies and procedures for the city through Lexipol. There are policies that address every facet of the city, and one of those sections relates to Council. Mr. Lallo said the Mayor cannot simply authorize a policy to impose on the Council, so the policy will be sent to Council for review, and legislation will be placed on the agenda to adopt a set of policies for Council, to guide them through their terms as Council members.

DEPARTMENT REPORTS (continued):

Mr. Lallo said he has been working on records retention policies with the city and the Ohio Historical Society. He noted it appears there is not a policy in place; legislation was addressed in 2007, but nothing was filed with the Records Commission or with the Historical Society relating to the schedule.

Mr. Lallo advised that legislation for the purchase of a truck for the Service Department will be on the next Council agenda.

Responding to Councilman Schulz, Mr. Lallo said there are a number of cities that have policies and procedures for Council. He said that Lexipol is a national company that provides recommendations; they are best practices that guide Council. Mr. Lallo said that once a final version is available, he will send it to Council members for review and input; ultimately it is Council's policy. If anyone has any recommendations for changes, they can be incorporated, and there will be legislation once everyone agrees on the actual policy.

Responding to Councilman Schulz regarding Ordinance 23-O-30 (the comprehensive plan update), Mr. Lallo stated the emergency language must be included in the legislation for it to pass as an emergency. He advised that 23-O-30 will go into effect in 30 days. Even if it was declared an emergency during the vote, it is not passed as an emergency if it does not contain the emergency language.

With regard to the MOU with Marous Development, Councilman Schulz inquired about Charter requirements and disposing of property without obtaining bidders. Mr. Lallo stated that the MOU does not tie the City to selling that property to them. It provides that the City will not solicit the project with others for a period of six months, and an additional three months if extended.

Mr. Lallo said the City can do competitive bidding or an RFP, or the City can sell it to a Port Authority, and then the Port Authority can sell it to a third party. He noted that is one way the sale of property could be accomplished without having to go to competitive bidding. Mr. Lallo said the MOU allows Marous to continue making the investment into the design. Mr. Lallo said the City's hands are not tied at this point with regard to selling, leasing or transacting the property.

Senior Center Coordinator Teresa Szary advised that Holden Arboretum, with municipal support, received a grant to rebuild their staircase. As previously mentioned, Holden Arboretum is offering a free week to all Kirtland residents for the next several years. This year the free week will be the first full week after school ends, starting on June 6 to June 11. Ms. Szary noted there are a lot of Kirtland residents who have never been to Holden Arboretum. She noted that proof of residency will need to be shown at the gate.

With regard to the Senior Center, Ms. Szary said the first pickleball tournament of the year is scheduled in June.

The Senior Center will have its own Memorial Day potluck celebration on the Wednesday after Memorial Day. Council and Department Heads are welcome to join them on Wednesday, May 31.

Ms. Szary said the Senior Center is currently hosting the Regional Mind Challenge Trivia. Twelve teams come to the Senior Center every Monday and use the gym. The winning Senior Center gets \$5,000 for their center. She noted that Kirtland has not won yet, but this might be the year. They are welcoming groups from Mentor and Fairport Harbor into the Center this month.

Ms. Szary advised that the updated membership count is 560.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter reported that cleanup at the Veterans Memorial and around City Hall will be held this Saturday, May 20. He said it is a much appreciated effort by the groups that come out -- the Garden Club, the Boy Scouts, the American Legion, and Kirtland Kiwanis. He asked that if anyone has time Saturday morning, please come out and assist with that cleanup.

Mayor Potter reported that last Friday was local government day at City Hall. He noted it was an action-packed day, and it is always great to have the kids visit and learn how city government works. Mayor Potter thanked the Department Heads, Ms. Szary, and all that worked to make it a great day and great experience for the kids.

As mentioned in the work session, Mayor Potter requested that the legislation relating to public works appreciation be passed tonight, along with the Arbor Day proclamation.

Responding to Councilman Schulz with regard to the possible disposal of property and how much space is needed in a new City Hall for the various departments, Mayor Potter said that he, Chief McAllister and Mr. Fornaro met about a month ago. The Chief was asked to take the initial first rendering to see what is needed related to square footage. Based on their experience, the Chief and Mr. Fornaro know what kind of square footage is used on a daily basis, and in preparing for the future, they have a good idea of what will be needed for a new City Hall. If Council wishes to involve a committee in that regard, they can have that discussion and help in that effort. Mayor Potter stated this is in the very early stages, but work is already started to determine how much space is needed.

STANDING COMMITTEE REPORTS:

Council President Smolic stated that he, Mr. Fenstermaker and Mr. Haymer had a very good discussion with Mr. Fornaro regarding the upcoming waste and recycling contract. He noted that Mr. Fornaro recommended the possibility of having a bigger container once per year available to the residents, for spring cleaning and similar type use.

CORRESPONDENCE:

None

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Sterling Coleman, 7636 Markell Road said that coming down the Route 306 hill on the east side of the street just before the bridge, there is a tree broken in half that has been there probably over a year, across the street from the intersection of Markell Road. He asked if the City can do something about it, If it is on City property; if it is on private property the homeowners should be encouraged to remove it or be assisted in the removal if possible.

PUBLIC COMMENTS ON AGENDA ITEMS OF OLD BUSINESS:

None

OLD BUSINESS:

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

The legislation was read by title only. Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER AND LOWERY. VOTING NAY: NONE).**

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

The legislation was read by title only. Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Ziegler. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER AND LOWERY. VOTING NAY: NONE).**

- ORDINANCE NO. 23-O-24** - (Third Reading) - AN ORDINANCE AMENDING CODIFIED
(Councilman Haymer) 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.

The legislation was read by title only. Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER AND LOWERY. VOTING NAY: NONE).**

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

The legislation was read by title only. Mr. Ziegler moved to declare an emergency and adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER AND LOWERY. VOTING NAY: NONE).**

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

The legislation was read by title only. Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Ziegler. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER AND LOWERY. VOTING NAY: NONE).**

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

OLD BUSINESS (continued):

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

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

None.

RESOLUTION NO. 23-R-36 - **A RESOLUTION RECORDING THE ELECTION OF THE PRESIDENT OF COUNCIL FOR THE TERM ENDING NOVEMBER 30, 2023, AND DECLARING AN EMERGENCY.**
(Council as a Whole)

The legislation was read by title only. Mr. Lowery moved to amend the resolution to insert the name of Joseph Smolic into the blank as Council President. Mr. Haymer provided the second. **ROLL CALL: MOTION CARRIED 5/2 (VOTING YEA: SMOLIC, ZIEGLER, GRAZIA, HAYMER AND LOWERY. VOTING NAY: SCHULZ AND FENSTERMAKER).** Mr. Ziegler moved to waive the three readings, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 5/2 (VOTING YEA: SMOLIC, ZIEGLER, GRAZIA, HAYMER AND LOWERY. VOTING NAY: SCHULZ AND FENSTERMAKER).** Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Ziegler. **ROLL CALL: ADOPTED 5/2 (VOTING YEA: SMOLIC, ZIEGLER, GRAZIA, HAYMER AND LOWERY. VOTING NAY: SCHULZ AND FENSTERMAKER).**

RESOLUTION NO. 23-R-37 - **A RESOLUTION RECORDING THE ELECTION OF THE COUNCIL PRESIDENT PRO TEMPORE FOR THE TERM ENDING NOVEMBER 30, 2023, AND DECLARING AN EMERGENCY.**
(Council as a Whole)

The legislation was read by title only. Mr. Fenstermaker moved to amend the resolution to insert the name of Richard Lowery into the blank as Council President Pro Tempore. Ms. Grazia provided the second. **ROLL CALL: MOTION CARRIED 6/1 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER AND LOWERY. VOTING NAY: SCHULZ).** Mr. Ziegler moved to waive the three readings, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 6/1 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER AND LOWERY. VOTING NAY: SCHULZ).** Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 6/1 (VOTING YEA: SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER AND LOWERY. VOTING NAY: SCHULZ).**

RESOLUTION NO. 23-R-38 - **A RESOLUTION RECOGNIZING AND APPRECIATING THE CITY OF KIRTLAND'S PUBLIC WORKS PROFESSIONALS AND DECLARING NATIONAL PUBLIC WORKS WEEK TO BE MAY 21-27, 2023.**
(Mayor Potter)

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

NEW BUSINESS (continued):

RESOLUTION NO. 23-R-39 - **ARBOR DAY PROCLAMATION**
(Mayor Potter)

The legislation was read by title only. Mr. Lowery moved to waive the three readings, with the second by Ms. Grazia. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER AND LOWERY. VOTING NAY: NONE).** Mr. Lowery moved to adopt, with the second by Mr. Haymer. Responding to Councilman Schulz, Mr. Fornaro said they have not picked out a site for the tree yet. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER AND LOWERY. VOTING NAY: NONE).**

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COUNCIL COMMENTS:

None.

CONTINUING CONCERNS:

This is an opportunity for the public to address Council about any continuing concerns. There were no comments from the public.

ADJOURNMENT:

Mr. Lowery 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