

## KIRTLAND CITY COUNCIL MINUTES

June 5, 2023

The meeting of Kirtland City Council was called to order at 7:01 p.m. by Council President Joseph Smolic. Mr. Lowery led the prayer which followed the Pledge of Allegiance. The members of Council present were: Ronald Fenstermaker, Suzanne Grazia, Scott Haymer, Richard Lowery and Joseph Smolic. Absent: Matthew Schulz 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, Fire Chief Anthony Hutton and Senior Center Coordinator Teresa Szary.

### MINUTES OF THE MAY 15, 2023 WORK SESSION:

Mr. Lowery moved to waive the reading of the minutes, with the second by Ms. Grazia. The motion of Council passed by unanimous vote. Mr. Lowery moved to approve the Minutes, as presented, with the second by Ms. Grazia. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SMOLIC, FENSTERMAKER, GRAZIA, HAYMER AND LOWERY. VOTING NAY: NONE).**

### MINUTES OF THE MAY 15, 2023 COUNCIL MEETING:

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

### DEPARTMENT REPORTS:

**Fire Chief Anthony Hutton** advised that the monthly report has been distributed. Chief Hutton advised that the swearing-in for the new captain and lieutenants will be done at 4:45 p.m. on June 20 at the gazebo. Following the swearing-in, Chief Hutton will be attending the Cleveland Clinic Mentor open house to represent Kirtland and the Lake County Fire Chiefs; therefore he will not be in attendance at the Council meeting.

Noting that Cleveland Clinic Mentor will be opening soon, Chief Hutton advised that later in the month, the Kirtland Fire Department will participate in a mock emergency room with the hospital, which will be one of the closer hospitals to Kirtland. He advised that the EMS coordinator is coming to the Fire Department later this week to provide orientation for all three shifts.

Chief Hutton advised that University Hospital's simulation squad came out last week for all three shifts; they covered multi-trauma cases and were able to practice real situations.

Chief Hutton advised that the firefighters are starting the hydrant testing programs this week.

Answering Councilman Haymer, Chief Hutton advised that the new hospital is not a trauma center; it is an emergency room. He noted that it is an extension of Hillcrest Hospital and will have only 19 beds. Chief Hutton advised that Lake West and Geauga Hospital are Level 3 trauma centers; Hillcrest is a Level 2 trauma center; and the Level 1 trauma centers are in Cleveland. Answering Councilman Lowery, Chief Hutton confirmed it is a 24-hour facility.

**Police Chief Brian McCallister** reported that Safety Town kicked off today; Officer DeWolf did an outstanding job with the children.

**DEPARTMENT REPORTS (continued):**

Chief McCallister said the Police Department has been invited to have a face-off with other area agencies at the Rascal House all-you-can-eat pizza challenge on July 12 in Mentor; five Kirtland officers will be participating.

With regard to the book collection, the Chief said they have almost 1,000 books and will be getting some bookcases and putting a display together to start some programs for the summer.

Noting that he provided the statistical report, Chief McCallister said as a correction that the Department did not have 28 arrests last month, but there were 15 arrests with a total of 28 associated criminal charges.

Chief McCallister advised that the parking issues have been resolved at the corner of Route 6 and 306.

Chief McCallister stated there is a potential new hire, noting that a conditional offer of employment was made to one of the lateral applicants, pending the medical exam.

**Service Director Joseph Fornaro** thanked the Public Works team for the great job they have done transforming the City into spring, with the flowers, banners and flags.

Mr. Fornaro thanked the Mayor, the Kiwanis, the American Legion and the Garden Club for their help with the clean-up of the Veterans' Memorial and City Hall grounds. He noted that the Tree City USA tree was planted.

Mr. Fornaro noted that the Public Works open house was a great event again this year, with the help of the Police and Fire Departments, Ms. Szary and some senior volunteers. He thanked the Mayor and Council members for attending, noting that Councilman Haymer came in a close second in the truck rodeo.

Mr. Fornaro advised that the blue tractor made one round of roadside mowing on the main roads; the side roads are being started but there will be a delay of a couple weeks because the tractor needs a master cylinder.

**City Engineer Douglas Courtney** advised that the bid opening for the road program will be held tomorrow morning at 11:00 a.m.; bids will be reviewed and tabulated. Depending on the bid results, there will be a recommendation for an award of a contract or contracts for the June 20 meeting.

With regard to Old Town sewer improvements, the contractor completed the sewer mains on Eisenhower and from the end of Eisenhower to Elm Street; the main line installation on Elm has begun. They will be completing lateral connections on Eisenhower this week and next week. Mr. Courtney advised that several concerns about the project were relayed to him and Mr. Fornaro over the weekend, including dust control, potential interference with the Strawberry Festival and the condition of the pavement on Eisenhower. Noting that he has been in contact with the County several times regarding these concerns, Mr. Courtney said the County will bring up the dust control issue with the contractor. Regarding the Strawberry Festival, the contractor will use Thursday, June 15, as a clean-up day, and there will be no work on Friday, June 16, or through the weekend. As much as possible, the contractor will consolidate and store their equipment out of the way.

Mr. Courtney said that he and Mr. Fornaro walked the Eisenhower pavement today to review the current conditions. The half of the pavement that did not get excavated for the sewer is seeing quite a bit of distress, so he and Mr. Fornaro requested a meeting with the County to discuss the options.

With regard to the Fox Hill drainage improvements, Mr. Courtney advised that construction is complete with the exception of placing some castings on storm structures in the cul-de-sac. A final change order is being prepared for that project.

**DEPARTMENT REPORTS (continued):**

The Monterey water main project is complete; the water main and services are all installed and the new main is in service. This week will be dedicated to the landscaping and pavement, with pavement work on Wednesday.

Responding to Councilman Lowery regarding the pavement condition on Eisenhower, Mr. Courtney said he believes the contractor could be a little better about staying off of that section of pavement, although it is difficult with the work zone there. He noted those concerns will be discussed with the County.

Answering Council President Smolic, Mr. Courtney said the plan is to have Monterey on the road program next year.

**Law Director Matthew Lallo** advised that there was an administrative appeal filed in Lake County relating to the Planning and Zoning Commission's denial of a permit for a secondary structure. He noted that Ms. Roelle compiled all those records and recordings, which have been transcribed. The documents have been printed and will be filed with the Court tomorrow.

Noting that the Mayor asked him to look at the records retention policy, Mr. Lallo said he has reviewed it and has a model records retention policy with the state, and some additional breakdowns. He said he will request the Mayor to schedule a meeting with the Records Retention Commission, which is a statutorily created group consisting of the Mayor, the Finance Director, the Law Director and one person appointed by the Mayor. He noted this Commission should meet once every six months. Mr. Lallo said that the model records retention policies need to be sent to all the Department Heads for their review; once they approve the policies, they can be sent to the state and the Ohio Historical Commission for their approval of the City's record retention policy. It can then be implemented, with an inventory and follow-through on the policy.

Mr. Lallo stated that Resolution 23-R-43 on tonight's agenda is part of the policies and procedures that the City has been undertaking with Lexipol over the last 18 months. It sets forth detailed policies throughout the entire City for every employee or person that interacts with the City, one of which is policies for Council. He requested that Council members review the policy, noting that since it addresses Council, it would be best for Council to adopt that policy. Noting there is no rush to approve the policy, Mr. Lallo said if there are questions, Council members can reach out to him.

Answering Council President Smolic, Mr. Lallo said that every line and detail of the policies has been reviewed. Councilman Lowery noted it is interesting that there was nothing of this nature on the books before. Mr. Lallo confirmed there has been nothing that covers the City as a whole. He noted it has been vetted by Lexipol, nationally and statewide, and they update regularly. Councilman Lowery inquired if there is anything in the Charter that would contradict this policy. Mr. Lallo confirmed there is not; it is simply best policies and practices, noting that Council would be subject to Policy 101. Council President Smolic asked that any questions be forwarded to him and Mr. Lallo.

**Senior Center Coordinator Teresa Szary** did not present a formal report, but she noted that the seniors are looking forward to the Strawberry Festival, and hopefully they can beat the Fire Department at Trivia this year.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Potter reminded everyone that this week is the City of Kirtland's free admission week to the Holden Arboretum, as part of the grant endorsed by the City last year that Holden received for some infrastructure improvements.

**MAYOR'S REPORT/ANNOUNCEMENTS (continued):**

The Mayor said that Safety Town is underway this week, noting that 35 high school students have offered their time to work as counselors. He thanked his wife, Jeni Potter, for her volunteer work in running the program. He noted she was still working to put packets together at midnight last night, and arrived at City Hall at 7:30 this morning to put final paint touches on the schoolhouse in the back. He also thanked the City Hall and Police Department staff for enduring a little more activity throughout the week.

Mayor Potter thanked Mr. Fornaro for his involvement with Arbor Day and getting the tree planted out front.

With regard to Public Works week and the Service Department open house, Mayor Potter thanked Mr. Fornaro, his family, and the Department for their efforts, along with the firefighters who were cooking hamburgers and hot dogs for the event. He thanked all those who came out to the open house.

As mentioned during the work session, Mayor Potter said that Resolution 23-R-40 appoints Mr. Davis to the Board of Zoning Appeals; he requested that Council adopt the legislation tonight to fill the open position on that Board.

The Mayor noted that the amendment to the appropriation was reviewed by the Finance Director during the work session; Mr. Slapnick mentioned that the revenues are strong, including a significant reimbursement from RITA as well as better than projected income tax collections. He noted the importance of getting the equipment back up and running for the Service Department.

With regard to Ordinance 23-O-44 for the Freightliner plow truck, Mayor Potter requested that Council waive the readings and pass the legislation tonight. He noted that \$260,000 was budgeted as part of the original appropriation, and the truck comes in at approximately \$258,000.

With regard to Memorial Day, Mayor Potter thanked the American Legion, the Kiwanis, Scout troops and the Kirtland High School band for their involvement. He also thanked Lt. Fisher, who gave a tremendous talk on the meaning and origins of Memorial Day.

**STANDING COMMITTEE REPORTS:**

Council President Smolic confirmed that a Service Department Standing Committee meeting has been scheduled for Monday, June 12, at 6:00 p.m.

**CORRESPONDENCE:**

None.

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

**Josh Hayes, 8056 Springer Drive,** inquired if there was an update or information regarding the property at the northwest corner of Route 6 and 306 (the Mills property). Mayor Potter advised that there is a purchase agreement in place with a health care facility; they will likely be presenting a conceptual plan at the July Planning and Zoning Commission meeting.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

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

None.

**RESOLUTION NO. 23-R-40** - **A RESOLUTION CONFIRMING THE APPOINTMENT OF JAMES A. DAVIS TO THE BOARD OF ZONING APPEALS, 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. Fenstermaker. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SMOLIC, FENSTERMAKER, GRAZIA, HAYMER AND LOWERY. VOTING NAY: NONE).** Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Haymer. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: SMOLIC, FENSTERMAKER, GRAZIA, HAYMER AND LOWERY. VOTING NAY: NONE).**

**ORDINANCE NO. 23-O-41** - **AN ORDINANCE AMENDING ORDINANCE NO. 23-O-10 RELATING TO THE APPROPRIATION FOR THE YEAR 2023.**  
(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 5/0 (VOTING YEA: SMOLIC, FENSTERMAKER, GRAZIA, HAYMER AND LOWERY. VOTING NAY: NONE).** Mr. Lowery moved to adopt, with the second by Ms. Grazia. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: SMOLIC, FENSTERMAKER, GRAZIA, HAYMER AND LOWERY. VOTING NAY: NONE).**

**RESOLUTION NO. 23-R-42** - **A RESOLUTION ADOPTING A TAX BUDGET FOR FISCAL YEAR 2024.**  
(Mayor Potter)

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

**RESOLUTION NO. 23-R-43** - **A RESOLUTION RATIFYING AND ADOPTING POLICY 101 ADDRESSING STANDARDS OF CONDUCT FOR ELECTED OFFICIALS, AND DECLARING AN EMERGENCY.**  
(Council as a Whole)

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

**ORDINANCE NO. 23-O-44** - **AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT TO PURCHASE ONE (1) FREIGHTLINER PLOW TRUCK FROM CONCORD ROAD EQUIPMENT, MFG, 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 Ms. Grazia. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SMOLIC, FENSTERMAKER, GRAZIA, HAYMER AND LOWERY. VOTING NAY: NONE).** Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: SMOLIC, FENSTERMAKER, GRAZIA, HAYMER AND LOWERY. VOTING NAY: NONE).** Answering Council President Smolic, Mr. Fornaro said he would anticipate delivery of the truck in a couple weeks.

**NEW BUSINESS (continued):**

**RESOLUTION NO. 23-R-45**  
**(Council President Smolic)**

- **A RESOLUTION AMENDING RESOLUTION NO. 22-R-79  
RELATING TO ESTABLISHING STANDING COMMITTEES  
OF COUNCIL, AND DECLARING AN EMERGENCY.**

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 5/0 (VOTING YEA: SMOLIC, FENSTERMAKER, GRAZIA, HAYMER AND LOWERY. VOTING NAY: NONE).** Mr. Lowery moved to declare an emergency and adopt, with the second by Ms. Grazia. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: SMOLIC, 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 7:34 p.m.

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President of Council

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Clerk of Council