

KIRTLAND CITY COUNCIL MINUTES

July 10, 2023

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

PUBLIC HEARING

Ordinance No. 23-O-53

Request for Rezoning of Parcel No. 20-A-002-0-00-002-0

Council President Smolic opened the public hearing in this regard.

Dennis Falvey of ReMax said he is the real estate broker and is in attendance on behalf of Valarie Boughman, the trustee for the Vera Keck family. Mr. Falvey distributed a handout to Council with some key considerations, maps and engineering detail. Mr. Falvey said he would be happy to answer any questions that Council may have. There were no questions from Council.

Council President Smolic opened the meeting to public comment on the matter, whether in favor or against. There were no comments from the public, and Council President Smolic closed the public hearing.

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that Wonderstruck was uneventful for the Fire Department from an EMS standpoint.

Chief Hutton advised that Cleveland Clinic Mentor opens tomorrow at 7:00 a.m., so they will be able to transport patients there.

Council President Smolic inquired about the number of attendees at Wonderstruck. Chief Hutton said it appeared the attendance numbers were down, probably around 5,000 on Sunday and around 3,500 on Saturday.

Police Chief Brian McCallister echoed the Fire Chief's comments relating to Wonderstruck; no issues were reported to the Police Department.

Chief McCallister said they are starting to set up the reading area in the lobby; there was a delay on delivery of the bookcases, but they should be here by July 17.

Council President Smolic inquired about parking for Wonderstruck. Chief McCallister said in past years they had some overflow arrangements, but he was not sure that they needed it this year.

Service Director Joseph Fornaro said the Department is still cutting grass and baseball will be finishing this week.

DEPARTMENT REPORTS (continued):

As a public service announcement, Mr. Fornaro requested that everyone please slow down and be cautious in construction zones.

Councilman Schulz inquired about the temporary signal by the cemetery. Mr. Fornaro said it is working great; and he thanked Chardon Township for the loan of the signal. He advised there are two houses involved in the ditch elimination.

City Engineer Douglas Courtney advised that the contractor for the Old Town sewer project is working on grading, topsoil and seeding; they are working on Eisenhower and Elm. Answering Councilman Lowery, Mr. Courtney confirmed that both sides of Eisenhower were paved.

Mr. Fornaro advised that the loop is broken at Eisenhower, so the traffic light is delayed. They are working on getting the contractor to repair the loop.

Councilman Schulz inquired about the culvert at the Recreation Park drive, which has been ongoing for some time. He noted that the County Engineer is involved. Mr. Courtney advised that the project is idle right now, primarily due to funding.

Finance Director Louis Slapnicker said that a Finance Committee meeting was held at 6:30 p.m., noting that he is available for any additional questions. Council President Smolic thanked him for the update during the Finance Committee meeting.

Law Director Matthew Lallo advised that the City is going to solicit bids for trash and recycling collection; it should be published tomorrow and the following week.

Referring to 23-O-54 on tonight's agenda, Mr. Lallo advised that the only change is the date for the fiscal year for comp time. The amendment is at the request of the Mayor and Mr. Fornaro; they did not want employees cashing out comp time during plow season and this will provide extra room for its use.

With regard to 23-O-53, Mr. Lallo said the proposed zoning amendment would have to go the electorate. If Council is looking to authorize this zoning amendment, the third reading would need to be waived and it would need to be adopted tonight unanimously as an emergency so it can be submitted to the Board of Elections before the August deadline. Alternatively, this could be considered at a special meeting to address the legislation at third reading.

Councilman Lowery inquired if there have been any complaints from the community regarding Waste Management. Mr. Fornaro said there have been approximately 13 complaints over the course of the contract; none were major issues.

Senior Center Coordinator Teresa Szary reminded everyone that the second concert at the gazebo will be held Wednesday evening, sponsored by the Friends of the Library. As evidenced last week, the rain plan is to hold the concert indoors at the Community Center.

Ms. Szary said it was nice to see all the seniors come out for the potluck today, and they are looking forward to the bus trip tomorrow.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter noted that the Hungry Food Truck will be at City Hall Wednesday evening for the gazebo concert. He said if there is rain or thunderstorms, the concert will be moved to the Community Center. The Mayor noted there will be another concert next week on Wednesday evening.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mayor Potter advised that at tomorrow evening's Planning and Zoning Commission meeting, a group will be presenting the prospect of bringing a nursing home to the corner of Route 6 and 306. He invited everyone to come and see the renderings they will present. He noted there will also be discussion about the opportunity to bring sewers to the intersection along Route 306.

STANDING COMMITTEE REPORTS:

Council President Smolic noted that a Service Department Standing Committee meeting was held at 6:00 p.m. today pertaining to Service Department equipment going to auction. He noted that a Finance Committee meeting was held at 6:30 p.m.

CORRESPONDENCE:

With regard to permits for new houses on streets not yet dedicated, Mr. Lallo noted that Council has the opportunity to authorize the City Engineer to issue those permits, if any, during the Council recess, as long as they are in conformance. Mr. Schulz moved to authorize City Engineer Douglas Courtney to issue permits on streets not yet dedicated, on behalf of Council, during Council's recess. Mr. Fenstermaker provided the second. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: FENSTERMAKER, HAYMER, LOWERY, SCHULZ AND SMOLIC. VOTING NAY: 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-53
(Council President Smolic)

- **(Second Reading) - AN ORDINANCE APPROVING OF THE PROPERTY OWNER'S REQUEST TO REZONE PARCEL NUMBER 20-A-002-0-00-002-0 FROM INSTITUTIONAL AND OFFICE DISTRICT TO R-3D SINGLE FAMILY RESIDENTIAL DISTRICT, SUBMITTING THE ISSUE TO THE ELECTORATE PURSUANT TO ARTICL V, SECTION 5 OF THE CITY'S CHARTER, AND DECLARING AN EMERGENCY.**

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: FENSTERMAKER, HAYMER, LOWERY, SCHULZ AND SMOLIC. VOTING NAY: NONE).** Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. Answering Councilman Schulz, Mr. Lallo advised that passage on the ballot requires a 55 percent affirmative vote of all those voting. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: FENSTERMAKER, HAYMER, LOWERY, SCHULZ AND SMOLIC. VOTING NAY: NONE).**

NEW BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS:

None.

ORDINANCE NO. 23-O-54 - **AN ORDINANCE AMENDING SECTION 254.29 OF THE
(Mayor Potter) CODIFIED ORDINANCES OF THE CITY OF KIRTLAND
REGARDING COMPENSATORY TIME, AND DECLARING
AN EMERGENCY.**

The legislation was read by title only. Mr. Lallo requested that the readings be waived and the Ordinance be passed tonight, because as currently written, the cutoff date is August 1 and this would extend it. Mr. Lowery moved to waive the three readings, with the second by Mr. Fenstermaker. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: FENSTERMAKER, HAYMER, LOWERY, SCHULZ AND SMOLIC. VOTING NAY: NONE).** Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Haymer. Councilman Schulz inquired if the employees have a choice of getting paid or taking comp time. Mr. Fornaro responded that instead of getting overtime, they can use it as comp time. Mr. Lallo explained that the City has paid comp time to non-bargaining unit employees for a number of years, when it did not appear to be in the Code of Ordinances. This has been addressed, and it is a work in progress to make it as efficient as possible. Further answering Mr. Schulz, Mr. Lallo advised that this ordinance simply changes the date for the fiscal year and does not add any extra hours. Council President Smolic noted this will have no effect on the budget. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: FENSTERMAKER, HAYMER, LOWERY, SCHULZ AND SMOLIC. 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. Schulz. The motion of Council passed by unanimous vote and the meeting adjourned at 7:24 p.m.

President of Council

Clerk of Council