

KIRTLAND CITY COUNCIL MINUTES

September 6, 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, Suzanne Grazia, Scott Haymer, Matthew Schulz and Joseph Smolic. Absent: Richard Lowery 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 AUGUST 21, 2023 WORK SESSION:

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

MINUTES OF THE AUGUST 21, 2023 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the formal report will be provided for the next meeting. He reported that the Department was very busy last month, with 154 total calls; many were storm related. There were 79 EMS incidents.

Referring to the new Cleveland Clinic Mentor Hospital, Chief Hutton said they made 24 transports there last month. He noted that turn-around time is quick, and it is good for the Department to have the hospital in that location.

With regard to the purchase of the truck on tonight's agenda, Chief Hutton requested that Council pass the legislation tonight.

Answering Council President Smolic regarding storm-related power outages, Chief Hutton said that Shadowbrook and Raccoon Hill were out the longest. He noted that Kirtland fared much better than Mentor, Eastlake and North Willoughby.

Police Chief Brian McCallister advised that on Monday, September 11, he will be going to the school for their local heroes parade and will be joining the Fire Department, the rangers, Waite Hill and Kirtland Hills at Lakeland Community College for a small parade for the students.

Chief McCallister advised that Officer Julia Dewolf is scheduled to go to DARE September 18 through 29 and will be working with the schools to institute a DARE program again. She was also recognized for a hometown hero award and will be recognized this Saturday at 11:00 a.m. at the Great Lakes Mall in Mentor.

DEPARTMENT REPORTS (continued):

The Department was recently able to make a \$4500 purchase of prom promise equipment for the program at the school to educate the students about the consequences of driving while under the influence. The purchase was made through the OMVI fund, which is funded through the work Mr. Lallo does with the courts for OVI enforcement in the City.

With regard to Ordinance 23-O-58, Chief McCallister said he worked on this with the Mayor and heard some of the questions from the last Council meeting. He said the ordinance is being instituted to stop the noise typically associated with jake braking, noting there have been some specific issues with vehicles coming down the hill in the Route 306 and Route 615 area. Several residents have come forward to express concern. He noted that signage will be posted.

Councilman Fenstermaker said there is a lot of misinformation regarding the reason for the Ordinance relating to jake braking. Mr. Fenstermaker clarified that the Ordinance is not saying that someone cannot use their jake brake in an emergency situation. Chief McCallister agreed, saying it is specifically worded in the Ordinance that it is permissible under an emergency situation. Answering Council President Smolic, Chief McCallister said that several other cities have this in place.

Service Director Joseph Fornaro thanked his team for working long hours through the storms and challenging conditions; they did a great job. He also thanked the Police and Fire Departments, noting they are always available to help the Service Department. Mr. Fornaro thanked the Community Center for opening up for the residents. He noted there was 3.35 inches of rain in less than 12 hours. Mr. Fornaro also thanked the residents for their patience.

Councilman Schulz inquired about an announcement he saw regarding brush pick up. Mr. Fornaro said another clean-up was done just for the storm; there were many residents that requested pick-up. He noted that the fall brush pick-up will begin at the end of October.

Answering Council President Smolic, Mr. Fornaro said there was an uprooted tree on Route 306 that took out a transformer; most of the issues were with branches and a little bit of flooding.

Councilman Schulz inquired if there were any issues with the recent drainage work on Fox Hill due to the unprecedented rainfall. Mr. Fornaro advised there were no issues on Fox Hill. He noted that the rule of thumb is that the water should dissipate within 24 hours, and with the flooding the City had, almost all of it was gone within 24 hours.

Answering Council President Smolic, Mr. Fornaro confirmed that the bridge on Route 306 was shut down to one lane because of debris. He said that Vancuren came out and cleaned it up. Answering Councilman Schulz, Mr. Fornaro said that Lake County Stormwater will reimburse the City for the cost.

City Engineer Douglas Courtney reported on the street program, noting that Blueberry Hill has been recycled and is currently in its curing period. A proof roll will be done mid to late next week to determine the full depth repair areas needed; once those are performed it will receive new asphalt. He noted that work on Fox Hill should begin mid to late next week.

Mr. Courtney advised that State bid repair work was performed by Specialized Construction on Hobart and Regency Woods Drive from Kirtland Chardon to Cardinal. The rehabilitation of Crestwood from Oakwood south to the cul-de-sac can begin late September or early October; the work will be done by Cole Burton Contractors. A pre-construction meeting will be scheduled for that work.

With regard to Old Town Sewer improvements, the City is awaiting notification from the County that the sewers have been accepted so residents can start tying in.

DEPARTMENT REPORTS (continued):

With regard to stormwater projects, Mr. Courtney advised that four bids were received on August 24 for the Rockwood stormwater basin. The engineer's estimate for that work was \$80,145; the low bid was submitted by Eclipse Company with a bid of \$73,635.50. This is on tonight's agenda as Resolution 23-R-64; Mr. Courtney said he would appreciate that being passed tonight. Answering Councilman Schulz, Mr. Courtney said he expects that work on Rockwood will begin in early October and should be complete within two weeks. Mr. Schulz inquired about seeding. Mr. Courtney said the specifications provide they must achieve 80 percent growth before the City will accept the seeding, noting they may have to come back in the spring if it doesn't take.

Council President Smolic said he has been up and down Hobart, and it is a huge improvement. He has heard from several people in Regency Woods, and they are very happy with the work there.

Law Director Matthew Lallo advised that there is one administrative appeal pending in the Court of Common Pleas. The appellant has filed a brief, and Mr. Lallo said he will file a brief in response, which is due at the end of the month.

Mr. Lallo said there are some projects going forward with Planning and Zoning, which will be discussed at next week's meeting.

Mr. Lallo noted that during the work session there was discussion about modifying 23-O-63 to include a provision specifying which fund will be used for payment. Noting that he reached out to Mr. Slapnick, Mr. Lallo said he has proposed language for an amendment, which he will provide when the ordinance is read.

Senior Center Coordinator Teresa Szary publicly thanked Laketran for working with the area senior centers, noting that a bus of seniors was taken to the Guardians game today. She noted that the center has an annual contract with the special transportation services of Laketran, which allows them to do at least two bus trips per month.

Ms. Szary said the senior summer camp was held last week. It was a farm theme, with people bringing in animals, a produce give-away, lunch and raffles; it was a great way to end the summer.

Ms. Szary said there are many events coming up, noting that the newsletter is online.

Councilman Schulz inquired how many visitors came to the Community Center during the recent emergency situation from the storms. Ms. Szary said that Friday evening she stayed until approximately 8:30 p.m., and a handful of people came in to charge their devices. She noted they were open on Saturday for the Red Cross blood drive, and the attendant said there were a good number of people who came into the lobby.

Answering Council President Smolic, Ms. Szary said the Senior Center lost power for only a few minutes, and lost internet service for only one day.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter thanked the Police, Fire and Service Departments, along with the Senior Center Director, Ms. Szary, for helping the community get through the storm. He thanked the community for their patience while the power was out, noting some people were without power for over four days.

The Mayor noted that he had the honor to speak at the Joseph Smith Home dedication a couple weeks ago, relating to the rehabilitation and renovation of the home, to the north of the Temple and the cemetery. He stated his appreciation for the great work that was done by the Latter-day Saints Church and the contractor

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

working with Mr. Fornaro and Mr. Courtney. He encouraged everyone to visit the site for a tour. He also thanked Mr. Lallo and the Planning and Zoning Commission for their involvement in that process. He thanked the Church for working so diligently and thoughtfully with that neighborhood, and he thanked the neighboring residents for their patience during the process.

Referring to Resolution 23-R-61, Mayor Potter said the Finance Director has requested that the legislation be passed tonight. He noted it is passed each year; the County sets the rates.

With regard to the legislation for purchase of the pickup truck for the Fire Department, Mayor Potter said that Chief Hutton spoke about it during the work session. He noted it is a good opportunity for the Fire Department to obtain a piece of capital equipment that is needed to keep the community safe.

With regard to the legislation for purchase of the mini excavator, Mayor Potter said that the large excavator, which was too large for the City's needs, was recently sold on GovDeals for \$71,000. Those dollars were returned to the road levy fund to be used for the roads. The new excavator, as well as the truck for the Fire Department, are funded out of the General Fund.

Mayor Potter noted that the Finance Director provided him with some statistics. The income tax is approximately 76 percent collected; the expectation would have been 67 percent at this point. Noting that the County asks the City to estimate low for property tax, the Mayor said it is at approximately 7 percent above budget. He noted that as discussed at the beginning of the year, with those collections above budget, the City is able to move forward with the purchase of the Fire Department vehicle and the mini excavator.

With regard to the legislation for the Rockwood drainage project, Mayor Potter noted that Mr. Courtney has indicated it would be helpful to have that passed tonight so that work can be started.

Mr. Fornaro advised that the new Freightliner came in last Friday, and he thanked Council and the Mayor.

Councilman Fenstermaker requested a summary of the capital equipment that has been purchased in 2023. Mayor Potter said he will ask Mr. Slapnick to provide that.

Councilman Schulz inquired whether someone has been appointed yet to the Records Commission. Mayor Potter advised he has not yet made that appointment.

Councilman Schulz referred to an email to the Farmpark from a neighboring property owner regarding noise from the dog park. Mr. Schulz noted he did not see a response from the executive director of the Farmpark. Mayor Potter noted that he has talked with the Director, and they have asked people to turn the music down and turn the direction of the speakers, and they are monitoring the dog park. He noted it has been an ongoing concern, and that hopefully the park can continue to try to improve the situation for the neighborhood.

STANDING COMMITTEE REPORTS:

Council President Smolic advised that the Service Department Standing Committee met recently, noting that four contractors submitted bids for solid waste collection: Dumpster Bandit, Waste Management, Kimball, and Major. He noted the two higher bidders were Kimball and Major, so the lower bids were provided to Council.

Councilman Schulz inquired how the bids compare to the last contract. Referring to the spreadsheet, Councilman Fenstermaker noted it is initially a cost savings, but it will be a marginal increase to the residents in years 4 and 5.

STANDING COMMITTEE REPORTS (continued):

Council President Smolic invited the representative from Dumpster Bandit to address Council regarding their bid. Mark Horvath, co-owner of Dumpster Bandit, P. O. Box 248, Chardon, Ohio, said they are a local business from Chardon and have been in business since 2018. They service roughly 12,000 dwellings in the area. He said they are honored to bid on the city's single hauler service and look forward to hopefully providing that service.

Councilman Haymer inquired if they would need to purchase more equipment and hire more people if they were awarded the Kirtland contract. Mr. Horvath said they would not necessarily have to do that; however they would do so.

Mr. Haymer inquired how they would handle the transfer with regard to containers. Mr. Horvath said that with approval from the city they would start in December; it would take two to three weeks. They would need a location to bring trucks in and unload them, and the containers would most likely be disbursed to customers by their employees to maintain positive customer contact.

Mr. Haymer inquired if they believe their company could handle all of Kirtland in two days. Mr. Horvath replied they would absolutely be able to do that.

Referring to their bid package, Mr. Haymer noted they do not do a lot of municipal work; they do a lot of condos. He inquired about the reason they cater their business to that segment of the market. Mr. Horvath said the majority of their work is subscription service, which is how most of Geauga County is handled; the customer chooses their own hauler rather than there being a single hauler contract. He said they have approximately 35 to 40 percent of the subscriptions in the county. He noted there are a lot of condos and HOA's in Russell and Novelty that they have acquired over time, and they also provide service to the Village of Bratenahl which was started this past January.

Answering Council President Smolic, Mr. Horvath said that anywhere they service subscriptions, there is no mandate on the day of the week for collection.

Mr. Haymer inquired what makes this company better or different than the others. Mr. Horvath said he feels it is very important to keep local business thriving, and they are a local family-owned company. They have a great rapport and they want to keep that going. He said it is important to support local businesses.

Mr. Haymer inquired about the future of their collection trucks, noting they have 20 trucks now. Mr. Horvath said their fleet is consistently growing, and they try to keep a maintained up-to-date fleet. They keep the trucks for about 60 months, and then determine if they need to be replaced. He noted it is important to keep up-to-date equipment on the roads.

Council President Smolic thanked Mr. Horvath for addressing Council. Mr. Smolic then invited the representative from Waste Management to address Council.

Vince Crawford of Waste Management, 9954 Old State Road, Chardon, Ohio, distributed a printed presentation to Council members and thanked Council for the opportunity to talk about the bid they submitted. Mr. Crawford said he believes they met or exceeded all of the requirements in the bid document, including listing the communities they have served, the trucks they have available, and the safety standards on their trucks. He said they are committed to keeping the collection days the same with no changes in the route. He said their trucks are equipped with camera systems for service verification. For references in the bid spec, they have been servicing the City of Twinsburg since 1995 with similar service (6500 homes); the City of Geneva (2200 homes) since 2003 with trash and recycling service; and the City of Mentor, their largest customer (16,000 homes), since 1992 with trash and recycling service, along with yard waste collection. He noted they have been servicing Kirtland for the last 15 years.

STANDING COMMITTEE REPORTS (continued):

Mr. Crawford said they currently have 53 trucks, 32 of which are for residential collection. They also have the commercial front-loaders for the dumpsters around the city, as well as the roll-off containers as needed. He noted a few residences in the city still utilize the drive-in service; they have a few mini packers used for that purpose.

Mr. Crawford introduced Chris Semrock, the District Manager, also present this evening and available to answer operational questions.

Mr. Crawford explained the safety technology of the drive-cam system, noting that this makes them different than their competitors. He noted that a third party company verifies what their drivers are doing. He noted there is a camera facing out and one facing in the cab; the camera system will start recording if the driver swerves or slams on the brakes. The information is provided to the route manager, who can sit down with the driver and work with them. The system also detects if the driver is on their phone, which is a fireable offense while they are operating heavy equipment.

Mr. Crawford explained the camera system that is used to verify that the service is completed, what is on the curb, and what is going on the truck. This system is tied into the customer's online account and GPS tracking.

With regard to recycling, Mr. Crawford noted there is information that can be downloaded from the website by customers. There are also You Tube videos and Facebook posts that can be sent to the customer base, and there is curriculum for teachers regarding recycling. He noted that their Oakwood facility has just been completed.

Mr. Crawford said that customers are provided with a notification when it is their week for recycling pickup, or for any other information that needs to get out to the residents. With regard to their online services, he noted that customers can schedule bulk pickup or request a new cart if theirs is damaged; it can be done on a mobile phone.

Referring to recent storms, Mr. Crawford addressed disaster emergency response, noting they have the ability to get extra trucks out if needed.

Mr. Crawford explained the training and coaching they provide for employees, which results in a successful operation. He stated that they believe Waste Management is the best bidder as far as value in what they can offer the residents, and he hopes that Council will retain them as their trusted service provider.

Mr. Haymer inquired about the camera system data. Mr. Semrock said the data for the servicing portion is kept for about one week, and the drive-cam data is kept for 30 days.

Mr. Schulz inquired about the process if a driver were to damage a mailbox, and he inquired about the disaster services provided to Mentor following the recent storm. Mr. Crawford said the City of Mentor has a disaster management portion in their contract. With regard to a mailbox, Mr. Crawford said the camera system may or may not show they caused the damage. He said the customer would call customer service and the route manager would go out to the property and take down the details and turn it over to the insurance company, who will work directly with the resident and pay to have the mailbox fixed.

Council President Smolic thanked Mr. Crawford for addressing Council, and he invited Mr. Horvath of Dumpster Bandit to address the same question regarding damage to a mailbox. Mr. Horvath said if they were to damage a customer's mailbox, the driver would call him and he would be there within 20 minutes and make contact with the resident by knocking on the door. They would determine if the resident wants insurance to take care of it; if they just want the mailbox fixed then they will fix it for them. He provided an example of a situation last winter where they had the same type of mailbox installed the same day.

STANDING COMMITTEE REPORTS (continued):

It was noted that the disaster relief service was not part of the bid package. Mr. Fornaro said that the dumpsters for resident drop-off would be used for that purpose. He noted the contract will provide the ability to get 40 yard dumpsters when needed.

Answering Council President Smolic, Mr. Lallo said there will need to be a recommendation to Council from the Standing Committee in order to proceed. He recommended that the Committee convene another meeting to formalize a recommendation, so that legislation can hopefully be on the next Council agenda. Upon agreement, a meeting of the Service Department Standing Committee was scheduled for Saturday, September 9 at 8:00 a.m.

Councilman Fenstermaker thanked the representatives from Waste Management and Dumpster Bandit for attending tonight's meeting and addressing Council.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Catherine Talty, 8815 Fox Hill Drive, inquired what Dumpster Bandit does with their recyclables. Mr. Fornaro advised that he will follow up on that.

Councilman Schulz requested that all of the proposals be sent to Council members. Mr. Smolic agreed to provide those documents.

OLD BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF OLD BUSINESS:

None.

ORDINANCE NO. 23-O-58 - (Second Reading) - AN ORDINANCE ADOPTING SECTIONS 401.125 AND 432.44 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND REGARDING THE PROHIBITION OF ENGINE BRAKES WITHIN THE CITY, AND DECLARING AN EMERGENCY.
(Mayor Potter)

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

NEW BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS:

None.

NEW BUSINESS (continued):

- RESOLUTION NO. 23-R-61** - **A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.**
(Mayor Potter)

The legislation was read by title only. Mr. Fenstermaker moved to waive the three readings, with the second by Ms. Grazia. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: GRAZIA, HAYMER, SCHULZ, SMOLIC AND FENSTERMAKER. VOTING NAY: NONE).** Mr. Schulz moved to adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: GRAZIA, HAYMER, SCHULZ, SMOLIC AND FENSTERMAKER. VOTING NAY: NONE).**

- ORDINANCE NO. 23-O-62** - **AN ORDINANCE AUTHORIZING THE CITY OF KIRTLAND TO ENTER INTO A CONTRACT TO PURCHASE ONE (1) 2024 CHEVROLET SILVERADO 2500HD PICKUP TRUCK FROM SERPENTINI AUTO GROUP, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only. Mr. Fenstermaker moved to waive the three readings, with the second by Mr. Haymer. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: GRAZIA, HAYMER, SCHULZ, SMOLIC AND FENSTERMAKER. VOTING NAY: NONE).** Mr. Fenstermaker moved to declare an emergency and adopt, with the second by Mr. Haymer. Mr. Schulz inquired if this is a cash purchase with no financing involved. Mayor Potter responded affirmatively. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: GRAZIA, HAYMER, SCHULZ, SMOLIC AND FENSTERMAKER. VOTING NAY: NONE).**

- ORDINANCE NO. 23-O-63** - **AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT TO PURCHASE ONE (1) KUBOTA EXCAVATOR FROM AKRON TRACTOR AND EQUIPMENT, INC., AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only. Mr. Schulz moved to amend the legislation to add the following language provided by the Law Director at the end of Section 1: "and shall be paid out of Fund #100, the City's General Fund." Mr. Fenstermaker provided the second. Mr. Lallo read the revised sentence. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: GRAZIA, HAYMER, SCHULZ, SMOLIC AND FENSTERMAKER. VOTING NAY: NONE).**

Mr. Haymer moved to waive the three readings, with the second by Ms. Grazia. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: GRAZIA, HAYMER, SCHULZ, SMOLIC AND FENSTERMAKER. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: GRAZIA, HAYMER, SCHULZ, SMOLIC AND FENSTERMAKER. VOTING NAY: NONE).**

- RESOLUTION NO. 23-R-64** - **A RESOLUTION ACCEPTING THE BID OF ECLIPSE COMPANIES, LLC FOR ITS WORK ON THE ROCKWOOD DRIVE DRAINAGE IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

NEW BUSINESS (continued):

The legislation was read by title only. Mr. Fenstermaker moved to waive the three readings, with the second by Mr. Haymer. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: GRAZIA, HAYMER, SCHULZ, SMOLIC AND FENSTERMAKER. VOTING NAY: NONE).** Mr. Fenstermaker moved to declare an emergency and adopt, with the second by Mr. Haymer. Mr. Schulz inquired about the high bid. Mr. Courtney advised that the Eclipse bid was \$73,635.50; Lake County Landscape was \$77,479; Cook Paving and Construction was \$82,880; and Nerone & Sons was \$86,520. He noted that the first three bids were under the estimate; the last bid was just over the estimate. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: GRAZIA, HAYMER, SCHULZ, SMOLIC AND FENSTERMAKER. VOTING NAY: NONE).**

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COUNCIL COMMENTS:

Councilman Fenstermaker inquired if Mr. Slapnicker can provide the summary to Council this week, relating to equipment purchased in 2023, and including the two trucks purchased at the end of 2022. Mayor Potter said he will speak to Mr. Slapnicker.

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. Schulz moved to adjourn, with the second by Mr. Fenstermaker. The motion of Council passed by unanimous vote and the meeting adjourned at 8:15 p.m.

President of Council

Clerk of Council