

KIRTLAND CITY COUNCIL MINUTES

September 18, 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 Slapnicker, City Engineer Douglas Courtney, Police Chief Brian McCallister and Senior Center Coordinator Teresa Szary.

MINUTES OF THE SEPTEMBER 6, 2023 WORK SESSION:

Mr. Lowery moved to waive the reading of the minutes, with the second by Mr. Schulz. The motion of Council passed by unanimous vote. Mr. Lowery moved to approve the Minutes, as presented, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: GRAZIA, HAYMER, LOWERY, SCHULZ, SMOLIC, ZIEGLER AND FENSTERMAKER. VOTING NAY: NONE).**

MINUTES OF THE SEPTEMBER 6, 2023 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

Police Chief Brian McCallister advised that the monthly report was distributed today; he noted it has been a busy year. He noted that the book nook in the lobby is complete; everything has been installed and it is ready for the community to bring their kids. It is geared for elementary school aged kids. He noted it is free to take a book and drop them off to continue and share the love of reading. He noted that a grand opening event called Bone Soup is scheduled for October 14 at 4:30 p.m. The Department will provide food and games, and it is open to anyone that wants to attend. They request an RSVP through the Facebook post, so they can get a head count.

Chief McCallister advised that a threat awareness training will be held on October 2 at the Senior Center to talk to the seniors about handling different situations. Afterwards, Lieutenant Fisher will administer some surveys to the seniors to determine how the Police Department can better assist them. The Department wants to identify needs the seniors have and develop special events that would help the Police Department be more involved with the seniors.

City Engineer Douglas Courtney reported that Fox Hill and Blueberry Hill will see more action this week on Wednesday or Thursday; he is still awaiting confirmation on which day. He noted they are still trying to set up the pre-construction meeting with Cole Burton, hopefully this week.

Mr. Courtney said that he spoke with the County last week regarding the Old Town sewer project, and they indicated they are still a couple weeks from the final closeout of the contract. They are doing a final change order, so it will probably be another two to three weeks before any notices can go out to residents. Once the sewer is accepted, residents in the Phase One area will receive notices from the County regarding when the tie-ins will take place. That letter will have specific instructions on the process and who to contact if residents have any questions.

DEPARTMENT REPORTS (continued):

Mr. Courtney advised that the Rockwood area storm water basin contracts have been signed by Eclipse. He received those back on Friday and they are ready for signatures by the Mayor, Finance Director and Law Director. The contractor's preliminary schedule on that project has mobilization to the site on November 24, and they are saying it should take about a week to do the job. They are figuring everything on their punch list will be done by December 18.

Council President Smolic stated he spoke with a resident on Fox Hill, and he asked for more detail on when they will get to Fox Hill and what the process will be. Mr. Courtney stated the process will be milling the pavement and making full depth pavement repairs after a proof roll identifies the soft spots. The milling should take place Wednesday or Thursday. They are going to do all the proof rolls for Blueberry Hill and Fox Hill in one day. They do not want to leave Fox Hill open too long to traffic before they can get it repaired and covered back up. He noted it should be a fairly quick process on Fox Hill.

Finance Director Louis Slapnick reported the July and August end-of-month reports have been released and posted to the website today. The 2022 audit is nearing completion. He will be sending an email to Council to determine if Council would like a post audit meeting. He said to look for his email tomorrow, and he requested that Council members advise whether they would like a post audit meeting.

Mr. Slapnick advised that the three-year agreement with the County Health Care Consortium is expiring and they are looking at different things going forward to control cost and provide good healthcare to the employees. He noted they are seeing in the market some significant increases. He said this will be coming to Council soon.

Mr. Slapnick said he received an update for the appraisal. They are doing everything in their power to get that taken care of before the end of the year. He noted the insurance renewal is upcoming for the insurable values. He noted they had a meeting in Lyndhurst and saw some significant increases there as well. There is a lot of uptick in these costs.

Council President Smolic asked if he had seen any increase on insurance policies on vehicles. Mr. Slapnick said they are seeing an increase on everything.

Law Director Matthew Lallo did not present a formal report and no questions were asked of him.

Senior Center Coordinator Teresa Szary reported the Center has been very busy. She congratulated the chair volleyball team, noting they were invited to Perry for a tournament and she believes they won every game. They will be joining them for another event in November.

Ms. Szary noted there was a Lake County Senior Services Coalition fundraiser pancake breakfast on Saturday, and she thanked all who attended. She stated special thanks to Mr. Fornaro who did a great job decorating the Community Center, noting that a lot of families have been taking their fall pictures there.

Ms. Szary thanked the Police Department for scheduling the threat awareness training. She noted it is open to the public and not just for seniors, and there is a lunch before the training that is open to anyone as well. She noted that Police, Service and Fire are always in the building with the seniors and are part of the community. They will also be hosting an AED and hands-on CPR training with the Fire Department at the end of October. She noted they are very fortunate to have those collaborations.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter wished a happy 24th anniversary to his wife.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mayor Potter stated congratulations to Officer Julia Dewolf. He, Chief McCallister and Ms. Szary had an opportunity to visit the Great Lakes Mall to see Lake County Crime Prevention Task Force present Officer Dewolf an award for her efforts in community policing.

Shred day will be October 21 at the Community Center from 8:30 a.m. to 11:00 a.m.

Mayor Potter thanked Ms. Szary for the great work at the Community Center over the weekend. The Senior Breakfast was on her birthday, and she spent the day working at the Center for the City of Kirtland. It was a tremendous success that morning.

Mayor Potter stated the Utilities Standing Committee Meeting will be held on October 2. He noted that the Records Commission met earlier this evening. They have an appointee to the committee, thanks to Amy Buchanan who always seems to be willing to step up and help in any way she can. She agreed to fill the community member position on that Commission, and Ms. Szary will hold the role as secretary. Mayor Potter thanked both Ms. Buchanan and Ms. Szary.

Answering Councilman Schulz, Mayor Potter confirmed that there will be a contract this year for Police and Fire. Mr. Schulz asked if there is any opportunity that he can be involved, as Chair of the Police and Fire Committee. Mr. Lallo stated the Charter gives the Mayor the direct authority to negotiate and deal with negotiations. He believes the Mayor would be open to meeting with the Police and Fire Standing Committee in an Executive Session for discussion. Mr. Lallo confirmed that since it is not a signed contract it needs to stay in executive session. The Mayor can brief Council, whether it is the Standing Committee or Council as a Whole, in executive session about those ongoing negotiations.

Answering Mr. Schulz about the negotiation process in other communities, Mr. Lallo stated they are all staggered. Some are in the middle of negotiations now, others are in year one or two of their CVAs; every community is different. Mr. Schulz stated there has been a high inflationary period and he is trying to understand how that impacts the finances going forward. He stated Mr. Slapnick just mentioned some of the costs that will be incurred in the insurance realm, and payroll is a big portion of the budget.

Answering Council President Smolic, Ms. Szary stated the annual community fall service day is scheduled for Saturday, November 11 from 8:00 a.m. to 11:00 a.m. for senior and veteran yard clean up. The City is pairing with Latter-day Saints and Divine Word, and any other groups that want to join them to do different service projects around the City. Afterwards, a Veterans' Day Ceremony will be held at the American Legion at 11:00 a.m. She encouraged participation in this effort and said she would love to have Council members join them on that day.

STANDING COMMITTEE REPORTS:

Council President Smolic noted that a Service Department Standing Committee meeting was held on Saturday, September 9 for discussion on the waste collection bids.

Mr. Smolic confirmed that a Utilities Standing Committee meeting has been scheduled for October 2 at 5:30 p.m. to discuss the bids for broadband, and a Finance Committee meeting has been scheduled for October 2 at 6:30 p.m.

CORRESPONDENCE:

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-58
(Mayor Potter)

- **(Third 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.**

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

NEW BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS:

None.

RESOLUTION NO. 23-R-65
(Mayor Potter)

- **A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE BID OF WASTE MANAGEMENT OF OHIO AND TO ENTER INTO A FIVE-YEAR CONTRACT FOR SOLID WASTE AND RECYCLING COLLECTION FOR THE CITY OF KIRTLAND.**

The legislation was read by title only.

Councilman Schulz inquired about the determination of Waste Management’s bid to be the lowest and best bid, noting that the Dumpster Bandit bid appeared to be less over five years. Council President Smolic stated that the Service Department Standing Committee is recommending the Waste Management bid due to its better advantages and Dumpster Bandit not having a long-term contract with any municipalities. Mr. Fenstermaker said the Committee voted to stay with Waste Management. They discussed the service equipment, innovations and things of that nature that Waste Management provides to the residents that Dumpster Bandit cannot, such as the trucks, the safety, the lack of complaints and cameras. They went through everything that Waste Management continues to offer to the residents, including the automated system with the phones and billing. The net impact to the residents was \$1.21 per year or \$0.63 a year. The first two years Waste Management is cheaper. It was noted there is an environmental savings as well. Answering Mr. Schulz, Mr. Smolic confirmed that residents will need to apply for the 5% senior discount for those 65 and older.

Mr. Lallo noted that the Excel spreadsheet was provided to Council, noting that it is Exhibit A to the legislation. Mr. Lallo explained the lowest and best bid language, and noted when all factors are considered that is the lowest and best bid.

The legislation was placed on First Reading.

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COUNCIL COMMENTS:

Councilman Lowery stated he would like to propose and set in motion a plan/resolution regarding adoption of a term of limits for City Council members and the Mayor. He asked if Mr. Lallo could help with setting that plan in motion and moving forward. Mr. Lallo stated that based on his research and the way the Charter is written, it would have to be a Charter amendment. Council would have to pass an Ordinance, which would place it on the ballot to amend the Charter. Mr. Lowery inquired if this should be put to a committee for discussion, or if he should write a proposal. Mr. Lallo stated that a committee can review it; he recommended reviewing it with the Ohio Municipal League or National League of Cities, or other statewide or national organizations that represent municipalities, and consider their research and recommendations on the process.

In discussion, Mr. Lallo noted that the committee could be Council as a Whole and meetings need to be open to the public. He stated that pursuant to Section 220.10, the President of Council shall appoint all committees of Council, whether standing or special, and the Mayor and Council President shall be ex-officio members thereof. Mr. Lallo stated that Section 220.12 states that special committees for the consideration of special measures or matters, or for the performance of special legislative functions, may be appointed by the President of Council. Mr. Lallo stated it would be a special committee pursuant to 220.12, and this committee would be reviewing city term limits.

Councilman Schulz inquired if it is correct that there is no cost to the City to place something on the ballot for a general election, but if it is a special election the City bears a cost to do so. Mr. Lallo stated that is correct, but it would not be a special election; it would be during either the primary election or the general election according to Article 7 of the Charter relating to Charter amendments.

Council President Smolic established a special committee of Council as a Whole to meet pertaining to establishing city term limits. A meeting is tentatively scheduled for October 16, immediately following the regular Council meeting. With the consent of Mr. Lowery, Mr. Smolic appointed Mr. Lowery as the Chair of the committee.

CONTINUING CONCERNS:

This is an opportunity for the public to address Council about any continuing concerns. There were no comments or questions 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 7:38 p.m.

President of Council

Clerk of Council