

KIRTLAND CITY COUNCIL MINUTES

October 2, 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, 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, Service Director Joseph Fornaro, Police Chief Brian McCallister, Fire Chief Anthony Hutton and Senior Center Coordinator Teresa Szary.

MINUTES OF THE SEPTEMBER 18, 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 7/0 (VOTING YEA: HAYMER, LOWERY, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND GRAZIA. VOTING NAY: NONE).**

MINUTES OF THE SEPTEMBER 18, 2023 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised the September report was distributed today. He noted it was a very busy month, with 118 calls; and they are on pace for their busiest year ever at this point. The Station 2 project is underway; they are wrapping up the permitting process and should start the project soon. He noted the new pickup truck has been delivered, and they are working with a local vendor for installation of the lights, sirens, and radios.

Councilman Schulz asked if all departments across the board are seeing their busiest year ever. Chief Hutton said he is not sure if all are, but everyone in this area is very busy. He noted the hospitals are full again, but there are not as many delays as in the past.

Councilman Fenstermaker inquired about the new hospital on Route 615. Chief Hutton noted the new hospital has been great for the Department; they are still with University Hospital for med control, but they always try to take the patients where they want to go. He noted that about half of their calls want a Cleveland Clinic facility. Some have to go to Hillcrest, but they take them to the Mentor Hospital if possible. He noted that approximately 40% of the calls last month went to Mentor Hospital; he also noted the turn around time is almost immediate for them. He stated most of the overtime cost has been for recalls and when they send multiple people to the hospital or on squad calls, and this hospital has allowed them to reduce that cost.

Council President Smolic inquired about the gear for the new vehicle. Chief Hutton stated the vehicle is a Chevy 2500 and will be their command vehicle. He noted it will also serve as their chase vehicle with all the basics for rope rescue, water rescue equipment, fire extinguishers, incident command kits, medical supplies, an AED, and everything needed for a first response vehicle.

DEPARTMENT REPORTS (continued):

Police Chief Brian McCallister noted the monthly report was distributed. He said that 36 physical arrests are shown for the month of September, noting that 36 is the total of all charges. He stated they have a wrecked vehicle out in front of the building, noting that the texting and driving law went into effect on October 1. They will be looking for those violations with the hopes of stopping some cars and saving some lives in the meantime.

Chief McCallister congratulated Officer Julia Dewolf, who just completed DARE, which is a very intensive program learning how to teach at an elementary school level, prepare a curriculum, make lesson plans and have everything needed to teach the DARE program within the school.

Chief McCallister thanked Ms. Szary and the seniors for hosting them today at the Senior Center for the threat assessment training. He noted they were able to get information to the seniors about what to do in an active threat scenario. He noted they were very welcoming and hoped it was informative for those who attended.

Chief McCallister noted that Sgt. Jamey Fisher is going through CLEE to be a Certified Law Enforcement Executive. He was also at the Senior Center and had them complete surveys as part of his capstone project to find better ways to serve the seniors in the community. He noted they learned there is a lot they can be doing as a Police Department to get information to the seniors and information out to the platforms. He noted they will be able to make a lot of headway with the seniors moving forward.

Councilman Schulz inquired about the response to the jake brake legislation recently adopted. Chief McCallister noted the law did go into effect, and that Mr. Fornaro is having signs made and they will be posted in terms of enforcement. He stated the officers have not yet observed any violations or made any traffic stops; but noted in the event it does happen they will conduct a traffic stop.

Council President Smolic inquired about the texting violations. Chief McCallister stated all they need to see is the phone in hand to stop and issue a citation.

Service Director Joseph Fornaro noted road construction is going well on Blueberry Hill and Fox Hill, with Crestwood starting in a couple weeks. The crews are doing a great job in keeping up with the grass, baseball fields, and a couple ditch eliminations. They are still crack sealing and should finish Kirtland Lakes tomorrow with crack seal.

Mr. Fornaro advised that October 30 through November 4 will be the fall brush pick up for Wards 1 and 4; November 6 through November 10 will be Wards 2 and 3. He noted that October 21 will be shred day at the Community Center from 8:30 a.m. to 11:00 a.m.

Mr. Fornaro said that today they started getting the trucks ready for snow. He noted the first snow last year was October 18.

City Engineer Douglas Courtney reported on the street program, noting that the base repairs and the intermediate asphalt are in place both at Blueberry Hill and Fox Hill, and the concrete aprons on Fox Hill. The drainage project will be completed, and aggregate drains will be installed on Blueberry and Fox Hill this week. He stated surface asphalt will be done either on Friday or early next week. He noted that a pre-construction meeting was held last Thursday with Cole Burton for Crestwood from Oakwood to the south cul-de-sac. He noted they are scheduled to begin on October 16, with completion by October 31.

Mr. Courtney said that he spoke with the County today regarding the Old Town sewer project, and they indicated they are still two to three weeks from the Commissioners' closing out the contract and accepting the maintenance bond. Once that happens, the County will send letters to residents in the Phase 1 area.

DEPARTMENT REPORTS (continued):

With regard to the Route 306 bridge over the East Branch of the Chagrin River, Mr. Courtney advised that the pre-construction meeting will be held on October 19. It will be a video call, and he and/or Mr. Fornaro will be in attendance. He said once he has more information on the schedule, he will report that to Council.

Mr. Courtney noted the Rockwood area stormwater basin pre-construction meeting is set for October 10. The contractor revised his schedule and is now planning to start work on October 16 or 17, and that work is expected to take one to two weeks. Councilman Schulz inquired about the lay-down area; Mr. Courtney advised that will be discussed at the pre-construction meeting.

Councilman Haymer inquired if there is an update on Phase 2 of the sewer project. Mr. Courtney advised that the plan specs are done and the advertisement dates will be later this fall.

Councilman Lowery advised that he received a letter from an attorney representing individuals on Saxon, referencing water that is flowing down Saxon from the top of the hill off Maple and Bluff, regarding some changes in the water flow. Mr. Lowery said that he understands that Mr. Courtney needs approval from Council in order to do a study. Mr. Courtney thanked Mr. Lowery for forwarding the email; he noted that he, Mr. Lallo and Mr. Fornaro met with the attorney and the homeowners there two weeks ago. He noted they need to know how much water is actually coming down the hill into the Saxon area, and that will take some study. They will need to delineate drainage areas, do runoff calculations and try to determine how much water they will be dealing with. He said he will be working up a proposal to do a drainage study, which will come to Council for authorization.

Answering Council President Smolic, Mr. Courtney stated that Blueberry Hill had a little more base repair than anticipated, and Fox Hill had less. He noted as far as cost, Blueberry Hill is going to be a little tight, but the savings on Fox Hill will offset that extra expense.

Mr. Fornaro requested that a Service Department Standing Committee meeting be scheduled pertaining to the PMG (Pavement Management Group) report. A meeting was tentatively scheduled for October 23.

Finance Director Louis Slapnick stated that a Finance Committee meeting was held this evening, noting he is working on closing the September reports. He noted he has not heard back from the Auditor regarding the post audit conference, and he will advise Council as soon as he hears something. He noted he received the Senior Levy 2024 application; he and Ms. Szary will be working on that with an early November deadline.

Mr. Slapnick advised that he asked Industrial Appraisals to push up their timeline to get the City in this year, and they were able to accommodate that. He noted they will be working on the City from November 6 through November 17. This is to value the buildings for insurance purposes. Mr. Slapnick noted this has not ever been completed, so it is important to get good valuations for the upcoming property and casualty insurance renewal. He noted they will be tagging all of the equipment, so there will be an actual inventory with bar codes for all equipment.

Mr. Slapnick stated that the health insurance renewal has been out to market in addition to the County purchasing cooperative. There is a meeting this Thursday with the County in regard to the health insurance renewal. He noted that with the industrial appraisals, they will be going through the property insurance renewal soon as well.

With regard to health insurance, Mr. Slapnick stated that once they have their meetings and have a recommendation, it will come before Council in legislation.

Answering Council President Smolic, Mr. Slapnick explained that the equipment is being tagged for inventory purposes. The valuations for property, buildings and electronics is to provide the proper values for the insurance renewal. Mr. Slapnick stated the threshold is \$2,500, noting they will bulk smaller items.

DEPARTMENT REPORTS (continued):

Law Director Matthew Lallo reported that over the last two and a half weeks he and City staff have been inundated with public record requests; there have been approximately 25 to 30 requests. He stated his appreciation to the staff in getting those records together. As a reminder, he requested that everyone please check their emails and texts and send any records requests to him.

Mr. Lallo noted the administrative appeal from the zoning case on Singlefoot is in court. The brief is due at the end of the month, so hopefully there will be a response by the end of the year.

With regard to the former Police Chief Nosse case that is in Federal Court, the 6th District Court of Appeals, Mr. Lallo advised that he received an email today from the City's counsel advising that the Court decided not to do oral arguments; they are just doing written briefs and those have all been submitted. He noted that period will close December 6, and the City might get a response by the end of the year.

With regard to the street paving program, Mr. Lallo said there was a question posed by Mr. Slapnicker regarding any overages that might come into play, possibly needing a change order for authorization. Mr. Lallo noted he reviewed everything, and it is his opinion that a change order is needed. Discussion ensued, and it was noted that a special meeting may be needed.

Senior Center Coordinator Teresa Szary noted the Center had a beautiful day for their annual clam bake. She thanked Mayor Potter and Mr. Zeigler for joining them and also helping with clean up. Ms. Szary noted that the Police Department's threat assessment training was held today at the Center with Chief McCallister and Sgt. Fisher; she said they are great with engaging with the community. Also, the Kirtland Area Service Council hosted their fall luncheon for seniors today. They did a wonderful job of hospitality and welcoming the seniors from around the community.

Ms. Szary said they are close to the end of outdoor pickleball season, noting they have had many compliments on the courts. The Mentor courts were down for a few weeks, and they had a barrage of Mentor players coming over to play with some of the Kirtland members and residents. Ms. Szary thanked Mr. Fornaro and his team for doing such a great job with the courts.

Ms. Szary said that Trunk or Treat will be on Wednesday, October 25 from 6:30 to 8:00 p.m. She noted they generally have about six locations around the City; both City Hall and the Community Center will be two of the locations. She noted that the Fire, Service and Police Departments will also be involved.

The annual fall cleanup will be held on November 11 from 8:00 to 11:00 a.m. A lot of churches and groups will be going out assisting veterans and seniors with yard cleanup for the fall. The annual prayer service will be held on Tuesday, November 21; the Kirtland Temple will be hosting.

Councilman Ziegler inquired about the outdoor bathrooms at the Community Center. Mr. Fornaro said the City went out for bids twice, and received one bid for electrical; it will be going back out to bid shortly.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter thanked all the Department Heads for the great reports and Mr. Slapnicker for staying on top of the finances and for running the Finance Committee meeting; and he thanked Councilman Schulz for scheduling the Finance meeting. Mayor Potter thanked Jim Gibbs from Fairsite Technologies for running a phenomenal RFP process related to potential fiber broadband internet service providers within the City; and he thanked Councilman Haymer for scheduling the Utilities meeting tonight.

Mayor Potter said he spent a few hours with Mr. Fornaro on the roads on Saturday morning, noting it is good to see the professional contractors out paving the roads.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

There was discussion regarding the overage relating to the street paving and the process of authorizing a change order. It was agreed that a special meeting be scheduled for Thursday, October 5 at 5:00 p.m. to consider the legislation for the change order.

Answering Councilman Schulz, Mayor Potter advised that Eddie Eckart will attend the next meeting to provide a report. Mr. Schulz said he received an inquiry about the potential for sewers at Route 6 and 306, and whether properties on Route 306 would need to be tied in. Mayor Potter advised it is very early in discussions, and it is not known where the money would come from. He noted that a project estimate is needed before applying for any grants. Mr. Courtney stated they are still in preliminary discussions with the Department of Utilities reviewing the old sewer studies and waiting on data from them regarding actual flows. Mayor Potter stated that to his knowledge there is a purchase agreement in place and there is due diligence to be done. He noted that getting sewers to that intersection will be a determining factor for that potential project.

STANDING COMMITTEE REPORTS:

Council President Smolic noted that a Utilities Standing Committee meeting was held today at 5:30 p.m., and another meeting is scheduled for October 16 at 6:00 p.m. pertaining to broadband. Councilman Fenstermaker noted that a Special Committee meeting of Council as a Whole is scheduled for October 16, immediately following the regular Council meeting. Mr. Smolic also noted that a Service Department Standing Committee meeting is tentatively scheduled for October 23 pertaining to PMG reports.

CORRESPONDENCE:

Council President Smolic advised that an application has been submitted by Ray Tintor requesting Council approval for a zoning permit for a new residence on Sublot 8 in the Parks Farm Subdivision. Mr. Lallo noted that traditionally Council has approved issuance of these permits, knowing that in the near future the street will be dedicated. Mr. Schulz moved to grant approval for the issuance of a zoning permit for Sublot 8 in the Parks Farm Subdivision. Mr. Fenstermaker provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: HAYMER, LOWERY, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER AND GRAZIA. VOTING NAY: NONE).**

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Barb Ducca, 8850 Eagle Road, addressed Council regarding her concerns about the idea of the Town Center; she does not think Kirtland is the City for that. She noted that she is concerned about bulldozing the building down. She wanted to know what the plans are and to make sure they all have a say in this.

Mayor Potter stated that Marous Development came to Planning and Zoning in early May with this concept, and at that time he said the community would have plenty of opportunity to weigh in and provide their thoughts about that project or any project with this property or other properties to the south. Mayor Potter said he knows a lot of others have concerns about moving City Hall and the Veterans Memorial. He stated the vote would absolutely go to the people to vote if a project is determined to be good for the City. Mayor Potter noted they are far from determining what a right project might be, and through the process of reaching out to the community they have learned many have the same concerns. He stated it is hard to imagine that a potential project would not change direction considerably from the initial renderings of that idea.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA (continued):

Ms. Ducca said she hopes they do listen to the residents and that it does go to a vote. She said a lot of people moved here for the current atmosphere. She thinks the City needs progress but not at that magnitude. She stated concern about some of the past actions relating to Dispatch and employees. Mayor Potter stated that he and the Council members will make that decision to put it to the voters, noting that Council members have expressed interest and/or concerns about the original renderings. He noted that these conversations have been going on for 15 years or more. He said that nothing will be done without broad support from the residents. Mayor Potter said if it includes the City Hall building, it will go to a vote of the residents.

Jim Vyskocil, 8415 North Locust Drive, said there was a little feud on Facebook the other day.

Linda Davidson, 10640 Rockwood Drive, said she and Catherine will not be doing Candidates Night, and the League of Women Voters will take care of everything. She stated she will be picking up the baked goods. She also noted her concerns about the Town Center, the impact on the schools, and the new Willoughby development going up by the country club. Ms. Davidson stated she does not know how much more the schools can take from the impact of the children. She stated she wants the City to be more organic and bringing in more tax money is good. She said she heard the impact is going to be done internally on economics and the schools, which is not a good thing. Mayor Potter advised that nothing has been decided yet; this information has been put out to the community to have this conversation. Council President Smolic noted that the City has nothing to do with the Willoughby development near the Kirtland Country Club. Ms. Davidson spoke about the process for determining the impact on the schools.

Mayor Potter said he would be happy to sit down with her and discuss that process. He assured her that there are no foregone conclusions and that Council would vote on any potential project only after the community has had much time and opportunity to weigh in on this project. Mayor Potter stated that nothing will be done without the full support and engagement from the community.

Councilwoman Grazia asked her for clarification on what she means by bringing in business organically. Ms. Davidson said that instead of building a town center, there are strip stores that could be enhanced. She stated concern about taking the prettiest part of Kirtland and making it very dense. She stated concern about where there would be green space, and she does not understand selling City Hall. Council President Smolic said that the City has been growing fairly organically over the eight years he has been on Council, pointing out the various new businesses.

Councilman Fenstermaker thanked her for coming to the meeting tonight, and for asking her questions and stating her concerns. He said from his perspective, the town center discussions were simply discussion of a concept. He said there has been no commitment to sell the building; he noted there has been discussion relating to green space. He noted there have been good comments from the residents. Mr. Fenstermaker said this is a very slow and long process when talking about the development of property. He said that Council and the Administration have to vet these matters relating to economic development and have these discussions, or they are not doing what the residents asked for in finding ways to improve revenue in the city.

Councilman Lowery said there is a misconception that this is on a fast track to get approved and done. He said Council saw one conceptual drawing. Mr. Lowery commended the Mayor for providing the opportunity to review a concept plan to do something the community has been asking for.

Donald Webbe, 7790 Russellhurst Drive, said there should have been three readings on the legislation for the MOU.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA (continued):

Doug Davidson, 10290 Chillicothe Road, said the legislation came in from Mr. Lallo on May 1, and Council approved it on the first reading as an emergency on May 3. He said the ordinance calls for five days from the inbox to give people an opportunity to look at it, think about it, discuss it with the electorate, and there is no rush. He said it is called into question because it gave two days to look at the legislation, and it is a powerful MOU; there is no need not to go through the three readings according to Section 220.23. Mr. Lallo noted that can be waived by a vote of five Council members.

OLD BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF OLD BUSINESS:

None.

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

- **(Second Reading) - 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 and placed on Second Reading.

NEW BUSINESS:

None.

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COUNCIL COMMENTS:

None.

CONTINUING CONCERNS:

Mayor Potter noted that this community has had a chance to weigh in and will continue to have the opportunity to weigh in on the best path forward for this community. The MOU was to give the City the opportunity to potentially get to the right project, with the community being well informed and on board. He said the City never got close to that and now it is politic season, so they are not going to get any closer. Mayor Potter noted the record is very clear about hearing, talking and listening to the residents and stopping things that are not good for the community. He also noted everyone will be able to weigh in if things do move forward.

Council President Smolic noted 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. Schulz. The motion of Council passed by unanimous vote and the meeting adjourned at 8:12 p.m.

President of Council

Clerk of Council