

KIRTLAND CITY COUNCIL MINUTES

October 16, 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 and Joseph Smolic. Absent: 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, Fire Chief Anthony Hutton and Senior Center Coordinator Teresa Szary.

MINUTES OF THE OCTOBER 2, 2023 FINANCE COMMITTEE 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 6/0 (VOTING YEA: HAYMER, LOWERY, SCHULZ, SMOLIC, FENSTERMAKER AND GRAZIA. VOTING NAY: NONE).**

MINUTES OF THE OCTOBER 2, 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 6/0 (VOTING YEA: HAYMER, LOWERY, SCHULZ, SMOLIC, FENSTERMAKER AND GRAZIA. VOTING NAY: NONE).**

MINUTES OF THE OCTOBER 5, 2023 SPECIAL 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 5/0/1 (VOTING YEA: HAYMER, LOWERY, SMOLIC, FENSTERMAKER AND GRAZIA. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the new pick-up truck has been lettered, striped and had some of the accessories installed; the emergency light package should hopefully be installed this evening. He hopes to have the vehicle in service by next week, noting that the Tahoe has started having transmission issues.

Police Chief Brian McCallister thanked the community for coming out and supporting the book nook opening on Saturday. They read Bone Soup to the kids, had some food and everyone had a great time. He noted there is a Facebook post covering the event.

Chief McCallister noted that in November the officers will be contributing money for donations to grow a full beard for "No Shave November." Chief McCallister invited Council members to join in this endeavor.

Chief McCallister advised that the Thanksgiving food drive is getting ready to start; there will be a table in the lobby.

DEPARTMENT REPORTS (continued):

City Engineer Douglas Courtney did not present a formal report. Answering Council President Smolic, Mr. Courtney advised that work on the Rockwood basin should start this week, noting that a piece of equipment has been dropped off there. He advised that Blueberry Hill and Fox Hill should be getting berms this week. The work on Crestwood should start this week as well.

Mr. Smolic asked if the equipment has been staged on Crestwood. Mr. Courtney responded not as of this morning.

Finance Director Louis Slapnicker thanked everyone that attended the post audit meeting this afternoon.

Mr. Slapnicker advised there is another meeting this week for the health insurance renewal, so he will have some results and legislation to Council for the upcoming health care renewal for 2024. He advised that the temporary 2024 budget will be upcoming in late November or early December, along with a final budget amendment.

Mr. Slapnicker advised that the industrial appraisers are coming on site beginning November 6, and that will be a two-week process. Afterwards, they will write up the report and then the City will receive the results.

Law Director Matthew Lallo reported on a matter brought to his attention by a resident relating to the issuance of business permits. He stated that pursuant to Section 802.03, the issuance of a business permit is supposed to be upon the written approval of the Director of Public Service. It appears that for the last 20 plus years it has been done by the Zoning Department. To resolve this, Mr. Lallo inquired if it would be preferred that the language be modified to have it reflect that the Zoning Inspector issues the business permit, or keep it as the Director of Public Service. He told the resident he would bring it to the attention of the Mayor and Council.

Answering Councilman Lowery, Mr. Lallo explained the current process, noting that the Zoning Inspector issues a permit and provides the information to the Police and Fire Departments, so they have information about the business in case of an incident.

Councilman Haymer asked if it can be the responsibility of either of the two individuals. Mr. Lallo said the Zoning Inspector is under the purview of the Mayor, and the Director of Public Service is its own department, still under the purview of the Mayor. Mr. Lallo suggested that it could be upon the written approval of the Zoning Inspector, but if there is no Zoning Inspector, then it shall be upon written approval of the Director of Public Service.

Councilman Fenstermaker inquired how business permits are handled in surrounding cities. Mr. Lallo stated he would look into that.

Mr. Lallo advised that a question was brought to his attention by Mr. Slapnicker on Ordinance 254.065 regarding sick leave transfers. He noted the ordinance provides that if an employee exhausts all of his or her sick time and is still out of work, other employees are able to donate their sick time to that employee so that they are still getting paid. He stated a concern arose that an employee may have exhausted all of his or her sick time, but has banked comp time and vacation time that can be used, which is not addressed in this ordinance for the sick leave transfers. One thought is in order for someone to be eligible to receive a sick time transfer, they must first exhaust all of their sick, comp and vacation time before accepting any transfers from other employees.

Chief Hutton said that ordinance went into effect years ago for a firefighter that had a kidney transplant. He said the intent at that time was exactly what Mr. Lallo presented. He stated this is how they have always done it informally.

DEPARTMENT REPORTS (continued):

Mr. Lallo said Council can expect legislation at the next meeting. Chief McCallister and Chief Hutton both said they agree with proceeding in that manner.

Senior Center Coordinator Teresa Szary reported that last year they did random acts of kindness at the Senior Center, and they will be doing that again. Every day in December that they are open they are asking people (departments, individuals or local businesses) to volunteer to take one day to do something nice for either one person or a group of people at the Senior Center. She noted it can be a difficult time of year for the seniors.

Ms. Szary reported that in October they opened membership for 2024.

Ms. Szary advised that Trunk or Treat is on Wednesday, October 25 from 6:30 to 8:00 p.m. This year they have eight locations around the City. Ms. Szary thanked everyone who offered to host all of those sites for the event.

Ms. Szary reported that on Veterans Day, Saturday, November 11, they will be doing yard clean-up for seniors and veterans. They will meet at the Kirtland Municipal Center at 8:00 a.m. Ms. Szary asked if anyone knows of any veterans or seniors that need to be on the list to please let her know. She also asked that anyone that would like to come and help please let her know; they can always use the help.

Ms. Szary said that in September planning began for the annual citywide prayer service. They are inviting all local faith communities and several new communities that have not joined in the recent past. This event is on Tuesday, November 21 at 7:00 p.m. at the Kirtland Temple. Everyone is invited and all information will be available on the City website and Facebook page.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter advised that Eddy Eckart will be attending the November 8 meeting. He noted that Mr. Eckart has identified a wastewater grant from the Department of Development, and details for the next round might be opening soon. He will hopefully have more details on November 8.

Mayor Potter said Mr. Eckart has identified some other infrastructure grants, particularly for trails and improving community walkability. He has had some meetings with industry professionals and incentive experts to better understand and offer guidance on how to pursue and set up a structure for potential development in the City. Mr. Eckart has also been discussing some opportunities in downtown Kirtland with the successful local restaurants.

Mayor Potter said that the Resolution for the Waste Management contract is on third reading on tonight's agenda, noting there have been committee meetings and good discussions leading up to this meeting.

Mayor Potter thanked Jim Gibbs and Councilman Haymer for spearheading the expansion for high-speed internet broadband fiber in and around the community. Councilman Haymer has been discussing this for a couple years and has been working with Mr. Gibbs, who has a good understanding of the industry itself.

Mayor Potter reported that the 2023 road program is shaping up. The streets that have been done so far look good.

Mayor Potter thanked Ms. Szary for her work in setting up Trunk or Treat. It is becoming a tradition that is expanding every year, and many people are looking forward to the event.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Referring to the yard clean-up to be held on November 11, Mayor Potter encouraged anyone who has not been able to participate in the past to please do so; he said there is no better feeling than being out there with other community members to help the seniors and veterans.

Ms. Szary reminded everyone that Shred Day will be this Saturday from 8:00 a.m. to 11:30 a.m. at the Community Center. She thanked Mr. Fornaro for organizing the event. Ms. Szary noted that the Mayor's office starts getting calls for Shred Day around February, so she wants to make sure no one misses it.

STANDING COMMITTEE REPORTS:

Council President Smolic noted that a Utilities Standing Committee meeting was held before tonight's Council meeting. Councilman Haymer noted that another meeting will need to be scheduled.

CORRESPONDENCE:

None

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Sharon Vyskocil, 8415 North Locust Drive, said that as much as she wanted to say moving the dispatch a couple years ago was a concern to her, she wanted to let everyone know that last week she had to use the EMS services and the dispatch system was excellent. The call was answered on the first ring, the dispatcher asked what type of service was needed and asked if she was at 8145 North Locust. The squad arrived three to five minutes later, and Lieutenant Cory (Eisenberg) was the lead paramedic; he and his team were all very professional. Mrs. Vyskocil stated she could not have asked for a better group of first responders or better service. She asked Chief Hutton to please pass on her sincere thanks.

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

None.

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

- **(Third 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. Mr. Fenstermaker moved to adopt, with the second by Mr. Lowery. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: HAYMER, LOWERY, SCHULZ, SMOLIC, FENSTERMAKER AND GRAZIA. VOTING NAY: NONE).**

NEW BUSINESS:

None.

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COUNCIL COMMENTS:

Councilman Schulz said he would like to comment on the RFP for broadband service, stating that he appreciates the gentlemen coming out here today. Mr. Schulz said this was kicked off in February last year and then sat dormant for a while, and it came back up in March with the Mayor sponsoring 23-R-14. Jim Gibbs of Fairsite Technologies, the City's IT consultant, took the reins, and it was passed at second reading to move forward with a vote of 7/0. Mr. Gibbs did his work relative to the RFP, and it was advertised, pre-bid responses due, questions scheduled and answered, and it went through the process. On September 18 Council President Smolic stated that a meeting would be held on October 2. On Friday the 29th, 11 days after the meeting notice, Mr. Schulz said he had to ask Utilities Committee Chairman Haymer when he would receive the three proposals and when it would be available for City review. Mayor Potter answered the email and copied Jim Gibbs at Fairsite Technologies. Mr. Schulz stated he received those digital copies at 9:51 p.m. on Friday night, leaving him roughly 68 hours to review, read, understand and prepare for discussion on approximately 111 pages of material.

Mr. Schulz said at the October 2 meeting, Mr. Gibbs provided to Council and those present an 11-page Power Point presentation. Mr. Schulz stated they went through the presentation, but he noticed that it seemed to be obvious they were being steered to Ohio Gig. He stated he felt uncomfortable, concerned and asked for a continuance until today. Mr. Schulz stated the meeting was held today at approximately 6:15. He stated he was thankful these gentlemen came in because they put his mind at ease regarding the three proposals. Mr. Schulz said that Section 4 of the RFP stated that the responses shall be evaluated based on a list of criteria. Mr. Schulz stated to this day there has not been an evaluation of the six criteria. Mr. Schulz said there are two other proposals, and to be fair to them they need to be scored. Mr. Schulz stated that gives cover to the City that they have the best consultant on board. Mr. Schulz said he thinks this step is imperative to this process.

Council President Smolic stated they are planning to have other meetings, and this is not something Council will be deciding on anytime soon. He noted they can bring in the other two vendors.

Mayor Potter asked why the concerns were not brought up at the Committee meeting, noting it would have been a great topic during the actual discussion related to the broadband internet proposals. Mr. Schulz stated the Committee meetings are not being recorded and he does not care for the minutes that are taken; they do not accurately reflect what has been discussed. Mayor Potter thanked Councilman Schulz and stated they would take it under advisement.

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 7:29 p.m.

President of Council

Clerk of Council