

KIRTLAND CITY COUNCIL MINUTES

November 8, 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, Joseph Smolic and Eric Ziegler. Absent: Matthew Schulz.

Administrative personnel present were: Mayor Kevin Potter, 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 OCTOBER 16, 2023 COUNCIL MEETING:

Mr. Lowery moved to waive the reading of the minutes, with the second by Mr. Fenstermaker. The motion of Council passed by unanimous vote. Mr. Lowery moved to approve the Minutes, as presented, with the second by Mr. Fenstermaker. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LOWERY, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. VOTING NAY: NONE).**

MINUTES OF THE OCTOBER 16, 2023 SPECIAL COMMITTEE OF 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: LOWERY, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the formal report has been distributed. He reported that the Fire Department is still very busy, with 128 calls last month.

Noting that he spoke about the two grants during the work session, Chief Hutton stressed that those are time sensitive and he asked that Council pass the legislation tonight.

Police Chief Brian McCallister noted that drivers need to be aware there has been a lot of increased deer activity, and there has been an uptick of deer vs. car accidents. The Chief noted that the City has a very healthy deer population, and hunters have been helping to mitigate some of that.

Chief McCallister stated that on October 29 the Police Department held a threat awareness training at the LDS Church, with approximately 30 people in attendance. He noted they covered issues specific to their building that would help them in the event of an active attack.

The Chief advised that the Department was recently awarded the AAA Platinum Safety Award. He noted that it was an honor and shows all the hard work that the men and women of the Kirtland Police Department are doing every day to try to keep everyone safe in the community.

Chief McCallister advised that Sergeant Martin will be graduating from STEP (Supervisor Training Education Program) that is offered through the Ohio Law Enforcement Foundation. There are more than 24 different topics specifically related to management and transition into the sergeant role. Chief McCallister will join him on November 15 in Columbus for his graduation.

DEPARTMENT REPORTS (continued):

With the passage of Issue 2 yesterday, Council President Smolic inquired when it will take effect. Chief McCallister said he is waiting to see how this is handled by the State, noting that marijuana is still a drug and it impairs people. He noted that the fumes from a passenger smoking marijuana in a vehicle can impact the driver. He noted that law enforcement strategies will need to be developed for situations when it is being abused. Chief McCallister said that marijuana is tested in the blood as a metabolite, and if it is over a certain amount the person is considered impaired.

Councilman Ziegler noted that the fireworks law passed, and the City was able to minimize it on a local level. He inquired if that can be done with marijuana as well. Chief McCallister said he will need to see what the State does with legislation and what rights cities will have in terms of enforcement. He noted he will look into it.

Service Director Joseph Fornaro said that as a public service announcement, leaves do not belong in the ditches. He asked that everyone keep them out of the ditches as they will cause flooding problems. Noting that the winter season is approaching, he said that everyone should check their tires. Mr. Fornaro noted that the first snowfall of the year was on November 1.

Mr. Fornaro advised that Blueberry Hill and Foxwood are completed.

Councilman Fenstermaker said he has had a couple of residents ask him about leaf pick-up, and they are asking why Kirtland does not have that option. Mr. Fornaro said he also heard this from another Council member, noting that he has some rough numbers. Mr. Fenstermaker suggested that it be discussed in a future Committee meeting.

City Engineer Douglas Courtney advised that Blueberry Hill and Foxwood paving is complete; the only remaining work is the Reclamite, which should be done shortly. Crestwood Drive was milled last week and concrete repairs were completed this week. Asphalt repairs are scheduled for tomorrow, and asphalt paving is scheduled for Friday. The asphalt patching on Crary, Far Bar, Hillcrest and Highland has been completed.

With regard to Old Town sewer improvements, Mr. Courtney advised that the final bid book for Phase 2 was submitted to the County yesterday. Phase 2 will be advertised on December 8, with a bid opening scheduled for January 17. The contract award is expected in March 2024, and construction for Phase 2 is expected to take about six months. For the Phase 1 area, resident notices will be sent by the County, informing residents that connection to the sewer can now be made.

Mr. Courtney advised that the ODOT bridge project is scheduled to begin in March; the completion date is late October 2024. During construction, traffic on Chillicothe Road will be one-way southbound, and the detour route for northbound traffic will be via Route 615 east and north to I-90.

With regard to the Rockwood area stormwater basin, Mr. Courtney advised that the detention basin construction is complete, and final quantities and costs of construction are being reviewed. With a preliminary review, it looks to be coming in just under the contract amount. Answering Council President Smolic, Mr. Courtney said he will make sure the sign and portable toilet are picked up.

Answering Council President Smolic, Mr. Fornaro confirmed that the crack sealing work has been completed for the year.

Senior Center Coordinator Teresa Szary said it was nice to see so many people voting yesterday at the Community Center.

DEPARTMENT REPORTS (continued):

Ms. Szary said this was the third year for Trunk or Treat, and it was the best year yet. There were eight locations around the city. She noted there were 115 children in the first 35 minutes at the Community Center, and the other locations were just as busy. She thanked all involved who made this event a success.

Ms. Szary thanked the Fire Department and Chief Hutton, noting that last week they held CPR and AED training at the Senior Center.

The annual prayer service will be held on Tuesday, November 21, at 7:00 p.m. at the Kirtland Temple. Several of the City's faith organizations will be joining the service. More information will be online within the next week.

Ms. Szary noted that the service day will be held on Saturday, November 11 beginning at 8:00 a.m. behind City Hall, for the clean-up of 24 seniors' and veterans' yards across the city. She stated appreciation to anyone that would like to come and help.

Noting that she sent an email to Council members, Ms. Szary said they will be doing "random acts of kindness" at the Senior Center throughout the month of December. She said that anyone that would like to sign up for a day can contact her.

Ms. Szary advised that the annual senior services levy application has been submitted to the County Commissioners, noting they have received those funds every year since the 1990's. She noted they should find out in the next month whether those dollars have been awarded.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter noted that he had mentioned previously that Eddy Eckart would attend tonight to give an update report to Council; however, Mr. Eckart was unable to attend tonight due to a death in his family.

With regard to Election Day yesterday, Mayor Potter congratulated Councilman Haymer, Council President Smolic, Councilwoman Grazia and Julie Symonds. He thanked the residents for coming out and being respectful in voting, and for putting up with some oddities during the election season. He commented on the positive interaction at the polls between opposing candidates and their families. Mayor Potter thanked the residents and those who ran for office.

The Mayor noted that he will be unable to participate on Saturday for the yard clean-up for seniors and veterans; he said any help would be greatly appreciated.

Council President Smolic congratulated Mayor Potter on his success in the election.

STANDING COMMITTEE REPORTS:

Council President Smolic noted that outstanding Committee meeting minutes from the year will be addressed at the next Council meeting.

CORRESPONDENCE:

Councilman Lowery noted that an application has been submitted by lot owner David Miller requesting Council approval for issuance of a zoning permit for a new residence on Sublot 10 in the Parks Farm Subdivision, for the purpose of constructing a single-family home on a street that is not yet dedicated.

CORRESPONDENCE (continued):

Councilman Fenstermaker asked Mr. Courtney when the street in this subdivision will be dedicated. Mr. Courtney advised they are getting the final paperwork together and it should be done very shortly. He noted that Carol Parks is in attendance tonight.

Mr. Lowery moved to grant approval for the issuance of a zoning permit for Sublot 10 in the Parks Farm Subdivision. Mr. Fenstermaker provided the second. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: LOWERY, SMOLIC, ZIEGLER, FENSTERMAKER AND HAYMER. VOTING NAY: NONE).** It is noted that Ms. Grazia had temporarily stepped out of the meeting during the vote.

Mayor Potter thanked the Parks family, noting they did a tremendous job throughout the entire subdivision process and provided all documents required. He thanked them for their investment in Kirtland.

Responding to Council President Smolic, Mrs. Parks confirmed that all of the lots in the subdivision have been sold.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Sterling Coleman, 7636 Markell Road, commented on the passage of Issue 2 and legalization of marijuana, noting that his son is a DUI expert and instructor in Manatee County, Florida, which has similar legislation in effect. Mr. Coleman said his son has advised that Ohio can now expect an uptick in crime, an uptick in domestic violence, and an increase in automobile accidents. He noted that the effects of the drug depend on where it is purchased and how it has been enhanced with regard to hallucinogenic effect, which is what recreational users tend to look for. Mr. Coleman said there will probably be a significant rise in auto insurance rates in the state.

Sharon Vyskocil, 8415 North Locust Drive, inquired about the December 1 organizational meeting indicated on the agenda; she asked if it is open to the public. Council President Smolic advised that the swearing-in ceremony will be held that evening, and it is a public meeting.

Mayor Potter noted that if the Kirtland Hornet football team makes it to the State Championship, that game will be played that day (December 1) at 10:30 a.m. in Canton.

OLD BUSINESS:

None.

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

None.

ORDINANCE NO. 23-O-67
(Mayor Potter)

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AN ORDINANCE AMENDING SECTION 254.065 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND REGARDING SICK LEAVE TRANSFERS, AND DECLARING AN EMERGENCY.

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

NEW BUSINESS (continued):

ORDINANCE NO. 23-O-68
(Mayor Potter)

- **AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO THE HEALTHCARE PROGRAM PARTICIPATION AGREEMENT WITH THE LAKE COUNTY BOARD OF COMMISSIONERS TO PARTICIPATE IN ITS HEALTHCARE PROGRAM FOR THE YEARS 2024 THROUGH 2026, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Council President Smolic noted that the Finance Director reviewed this in detail during the work session. Mr. Ziegler moved to waive the three readings, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LOWERY, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. VOTING NAY: NONE).** Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LOWERY, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. VOTING NAY: NONE).**

RESOLUTION NO. 23-R-69
(Mayor Potter)

- **A RESOLUTION AUTHORIZING THE CITY TO ACCEPT THE OHIO AMBULANCE TRANSPORTATION GRANT FROM THE STATE OF OHIO OFFICE OF BUDGET AND MANAGEMENT, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Fire Chief Hutton stated that this \$20,000 grant is from the State Board of Budget Management and will be used for premium pay for firefighters and paramedics during the COVID pandemic. Chief Hutton said the second grant (Resolution 23-R-70) is a \$60,000 grant from ARPA and the Ohio EMA for firefighter retention during the pandemic.

Mr. Lowery moved to waive the three readings, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LOWERY, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. VOTING NAY: NONE).** Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LOWERY, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. VOTING NAY: NONE).**

RESOLUTION NO. 23-R-70
(Mayor Potter)

- **A RESOLUTION AUTHORIZING THE CITY TO ACCEPT A GRANT FROM THE OHIO EMERGENCY MANAGEMENT AGENCY FOR THE ARPA FIRST RESPONDER RECRUITMENT, RETENTION, AND RESILIENCE PROGRAM, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Ziegler moved to waive the three readings, with the second by Ms. Grazia. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LOWERY, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. VOTING NAY: NONE).** Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LOWERY, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. VOTING NAY: NONE).**

On behalf of all the firefighters, Chief Hutton thanked Council for passing these Resolutions. Council President Smolic thanked Chief Hutton for his work in obtaining these grants.

COUNCIL COMMENTS:

None.

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 7:32 p.m.

President of Council

Clerk of Council