

## KIRTLAND CITY COUNCIL MINUTES

November 20, 2023

The meeting of Kirtland City Council was called to order at 7:01 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, Service Director Joseph Fornaro, Police Chief Brian McCallister, Fire Chief Anthony Hutton, Senior Center Coordinator Teresa Szary and Economic Development Director Eddy Eckart.

### MINUTES OF THE NOVEMBER 8, 2023 WORK SESSION:

Ms. Grazia moved to waive the reading of the minutes, with the second by Mr. Fenstermaker. The motion of Council passed by unanimous vote. Ms. Grazia moved to approve the Minutes, as presented, with the second by Mr. Fenstermaker. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: LOWERY, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

### MINUTES OF THE NOVEMBER 8, 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 6/0/1 (VOTING YEA: LOWERY, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

### DEPARTMENT REPORTS:

**Fire Chief Anthony Hutton** advised that the new pick-up truck should be in service by Wednesday. Chief Hutton thanked Captain Catania, who has done a lot of work getting it ready.

Chief Hutton noted that the 2018 Rosenbauer (the Department's newest fire engine) is out for painting. The vehicle is being fully repainted under warranty because there was some blistering with the paint.

Referring to the active shooter incident last week in Mentor, Chief Hutton advised that the Kirtland Fire Department was one of the first mutual aid squads on the scene. He noted that the Police and Fire Departments in Lake County work amazingly well together.

**Police Chief Brian McCallister** gave no formal report and no questions were asked of him.

**Service Director Joseph Fornaro** advised that the crews have wrapped up the work for Fall; they have installed the holiday lights, which are ready to be lit. He noted that the crews are getting the equipment ready for snow.

Council President Smolic thanked Mr. Fornaro for the constant updates on the road work for the year.

**City Engineer Douglas Courtney** advised that Crestwood has been completed from Oakwood to the south cul-de-sac, with the exception of berms. He noted this wraps up the paving for this year. Noting that he drove down Crestwood on Saturday, Council President Smolic said it looks very good.

**DEPARTMENT REPORTS (continued):**

**Finance Director Louis Slapnicker** thanked Council for taking his call last Wednesday during the Council meeting, and for getting the health insurance legislation passed. Mr. Slapnicker advised that industrial appraisals have been done on site over the last two weeks; and they are working on the report. He advised that the property insurance quotes will be coming in this week or next week, which will be in front of Council in December. Mr. Slapnicker advised that he and Ms. Szary submitted the 2024 levy applications, and they are waiting to hear back.

With regard to upcoming legislation in December, Mr. Slapnicker advised that Council will see the 2024 temporary appropriations, in addition to the final amendment.

Mr. Slapnicker advised there are four items of legislation on tonight's agenda for the Finance Department; the first being creation of Fund 214 for the Fire Department grant authorized by Council at the last meeting. He noted there is also an amended appropriation, along with legislation requesting the County Auditor to make advance payments of taxes. The County requires legislation for the City to receive those advance property taxes, and it is necessary to receive those dollars for the operations into the first quarter of the following year. Mr. Slapnicker noted the last piece of legislation is an ordinance designating financial institutions as public depositories; the amount on the legislation was increased last year from \$5 million to \$7.5 million, due to the fund balances for the ARPA dollars. Mr. Slapnicker said the City has only two accounts – one with Huntington and one with Star Ohio; he noted the other banks are listed in the event the City has to do business with them at any point. Mr. Slapnicker requested that the Finance legislation be passed tonight.

**Law Director Matthew Lallo** noted that Council met in executive session to discuss collective bargaining. He said it is his understanding there is a tentative agreement between the City and the Police Department that will likely be on the next regular meeting agenda. According to past practice, once negotiations are complete with one union, then they begin negotiations with the other Department. He noted that since the negotiations with the Police Department are tentatively done, negotiations can move forward with the Fire Department. Developments relating to the negotiations will be discussed with Council in executive session.

**Senior Center Coordinator Teresa Szary** advised that the Veterans Day lunch was held on Thursday, November 9, with approximately 60 to 70 people in attendance at the Community Center. She stated appreciation for everyone who supported the Veterans on Thursday, as well as on Veterans Day for the yard clean-up. She said approximately 75 volunteers came out and took care of 24 yards of Veterans and seniors throughout the City. She stated special thanks to Mr. Fornaro and Mr. Smolic for joining them. She stated that the seniors were very appreciative, and she has received several notes of thanks.

Ms. Szary advised that the annual Thanksgiving prayer service with area churches and civic groups will be held tomorrow at 7:00 p.m. at the Temple. She noted they would love to see everyone there.

**Economic Development Director Eddy Eckart** advised that the Historic Town Center remains the focus and they are continuing to examine the balance of commercial development in the downtown area, based on the things the community has expressed, especially over the past year. He noted that an accomplished restaurateur is looking for space in Lake County with a property owner in the historic downtown area, and they have had a couple conversations.

Mr. Eckart said he is continuing to work with the Mayor regarding the process for fostering different opportunities in the community. He said he is also looking at infrastructure solutions, which involves bigger picture items such as getting sewers to Route 6 and 306. It also involves grant opportunities for the wastewater plants, which he is exploring with the Mayor, Mr. Fornaro and Mr. Courtney.

Mr. Eckart noted he has been talking with the Mayor about putting together a business fair sometime in early Spring to discuss needs with multiple businesses.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Potter thanked everyone who came out for the senior and Veteran yard clean-up, noting it is amazing to see so many people come to help. He noted he was unable to attend this year, as he was at a wedding in Ireland. He thanked Mr. Smolic for "holding down the fort" while he was gone.

The Mayor noted that the Police negotiations were hopefully wrapped up this evening. He thanked Mr. Lallo, Mr. Slapnick and Chief McCallister for their hard work during this process. He thanked the representatives from the Kirtland Police Department, who were fair, tactful and respectful, noting that they had a good working relationship throughout the process. He thanked them for their patience as they worked through the negotiations.

With regard to economic development, the Mayor noted they will continue to work on the items that Mr. Eckart addressed in his report.

Mayor Potter thanked all those who came out for coffee with Council on Saturday, noting it is an opportunity for residents to have informal discussions with Council members and Department Heads.

With regard to the combined meeting with the Planning and Zoning Commission and the Board of Zoning Appeals, it was noted that the Commission suggested a meeting date of Tuesday, January 16, 2024. Mr. Lallo noted that Council will be passing legislation setting up the meeting dates for the year. Due to the Martin Luther King Jr. holiday on January 15, it was suggested that Council schedule the second January meeting on the 16<sup>th</sup>, and the combined meeting can be held following that Council meeting. It was noted that the January 16 date would accommodate more Planning and Zoning members than the traditional Wednesday date (January 17). In checking their availability, Council members were in agreement with the suggested January 16 Council meeting, followed by the combined meeting. Mr. Lallo noted the January 16 meeting date will be reflected in the legislation setting up the meeting dates, and he thanked Council for accommodating the Planning and Zoning Commission.

Mayor Potter thanked Councilman Lowery, noting that tonight will be his last meeting on this Council. He noted that Mr. Lowery was gracious enough to step up over the last couple years and fill the vacancy on Council. He said Councilman Lowery has been a great voice of reason, and he thanked him for all he has done for the City government and the community.

**STANDING COMMITTEE REPORTS:**

Councilman Haymer advised that the Utilities Standing Committee has made a recommendation to partner with Ohio Gig with regard to the broadband internet proposals. With that recommendation having been made to Council, Mr. Lallo advised that legislation will be on the December 4 meeting agenda to authorize negotiations with Ohio Gig.

**CORRESPONDENCE:**

None.

**PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:**

None.

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

None.

**OLD BUSINESS (continued):**

- ORDINANCE NO. 23-O-67** - (Second Reading) - **AN ORDINANCE AMENDING SECTION 254.065 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND REGARDING SICK LEAVE TRANSFERS, 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 Ms. Grazia. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. VOTING NAY: NONE).** Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Schulz. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. VOTING NAY: NONE).**

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

None.

- ORDINANCE NO. 23-O-71** - **AN ORDINANCE CREATING FUND 214 TO PROPERLY ACCOUNT FOR THE RECEIPT OF FUNDING RELATING TO ARPA'S FIRST RESPONDER GRANTS, AND DECLARING AN EMERGENCY.**  
(Mayor Potter)

The legislation was read by title only. Mr. Ziegler moved to waive the three readings, with the second by Mr. Lowery. Mr. Slapnickner noted that at the last meeting, Council passed Resolution 23-R-69 for the Ohio Ambulance Transportation Grant and Resolution 23-R-70 for the ARPA First Responders Recruitment, Retention and Resilience Program Grant; this new fund is to account for both of those grants. Answering Councilman Schulz, Chief Hutton confirmed that an individual had to be employed during the pandemic and still be employed today; if they left employment, they are no longer eligible. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, SCHULZ, 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 7/0 (VOTING YEA: LOWERY, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. VOTING NAY: NONE).**

- ORDINANCE NO. 23-O-72** - **AN ORDINANCE AMENDING ORDINANCE NO. 23-O-60 RELATING TO THE APPROPRIATION FOR THE YEAR 2023.**  
(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 7/0 (VOTING YEA: LOWERY, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. VOTING NAY: NONE).** Mr. Lowery moved to adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. VOTING NAY: NONE).**

- RESOLUTION NO. 23-R-73** - **A RESOLUTION REQUESTING THE COUNTY AUDITOR TO MAKE ADVANCE PAYMENTS OF TAXES PURSUANT TO OHIO REVISED CODE SECTION 321.34, AND DECLARING AN EMERGENCY.**  
(Mayor Potter)

**NEW BUSINESS (continued):**

The legislation was read by title only. Mr. Ziegler moved to waive the three readings, with the second by Mr. Lowery. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. VOTING NAY: NONE).** Mr. Lowery moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. Answering Councilman Schulz, Mr. Slapnicker confirmed that the first of the two advances will be received in February. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. VOTING NAY: NONE).**

**ORDINANCE NO. 23-O-74** - **AN ORDINANCE DESIGNATING FINANCIAL INSTITUTIONS AS PUBLIC DEPOSITORIES.**  
**(Mayor Potter)**

The legislation was read by title only. Mr. Lowery moved to waive the three readings, with the second by Mr. Ziegler. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. VOTING NAY: NONE).** Mr. Lowery moved to adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, SCHULZ, SMOLIC, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. VOTING NAY: NONE).**

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**COUNCIL COMMENTS:**

Councilman Lowery thanked the community for allowing him to have the seat on Council for the last six years; he said it has been an honor and a pleasure, and he enjoyed his time on Council. Mr. Lowery thanked all of the Administration, noting the City has a very powerful team; he encouraged everyone to stay focused and continue with the work that is being done. He commended the Mayor for his direction for the City. He thanked the majority of Council, noting that he appreciates the teamwork, the camaraderie, and working through problems.

Council President Smolic thanked Mr. Lowery for being a fantastic Councilman for the past six years, noting his respect and appreciation for Mr. Lowery.

**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. Ziegler moved to adjourn, with the second by Mr. Fenstermaker. The motion of Council passed by unanimous vote and the meeting adjourned at 7:30 p.m.

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President of Council

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Clerk of Council