

KIRTLAND CITY COUNCIL MINUTES

December 4, 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, Matthew Schulz, Joseph Smolic and Julie Symonds. Absent: Scott Haymer and Eric Ziegler.

Administrative personnel present were: Mayor Kevin Potter, Law Director Matthew Lallo, City Engineer Douglas Courtney, Service Director Joseph Fornaro, Fire Chief Anthony Hutton and Senior Center Coordinator Teresa Szary. Police Lieutenant Jamey Fisher was present in the absence of Police Chief Brian McCallister.

MINUTES OF THE NOVEMBER 20, 2023 WORK SESSION:

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 5/0 (VOTING YEA: FENSTERMAKER, GRAZIA, SCHULZ, SMOLIC AND SYMONDS. VOTING NAY: NONE).**

MINUTES OF THE NOVEMBER 20, 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 5/0 (VOTING YEA: FENSTERMAKER, GRAZIA, SCHULZ, SMOLIC AND SYMONDS. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the new pick-up truck is in service, and he thanked Captain Catania for his work in getting it ready. Answering Councilman Fenstermaker, Chief Hutton said the truck will be stationed at Station No. 1; it will be the shift commander/chase vehicle. Answering Council President Smolic, Chief Hutton said they are still waiting on the main console, which is on back order. They have a temporary set-up now, and it is functional. Chief Hutton noted the vehicle carries a lot of equipment that the Department utilizes when responding to calls; it also has towing capacity.

Police Lieutenant Jamey Fisher advised that they partnered with the Kirtland Fire Department Association and Divine Word, and they fed 55 families for Thanksgiving this year. He advised that the "Giving Tree" has been set up in the lobby for the Christmas season; anyone can take a gift tag from the tree, purchase the gift noted and return it by December 15. They will shop on December 18, and they are partnering with the Senior Center on December 19 to wrap the presents. The gifts will be delivered on December 23 by appointment with the families.

Answering Council President Smolic, Lieutenant Fisher said he will complete the executive training on January 18.

Service Director Joseph Fornaro thanked the Service Department crew, noting they did a great job with the recent snow event. He noted there were 7 to 8 inches of snow that fell between 4:00 and 6:30 a.m. Mr. Fornaro noted that the crews were in at 9:30 p.m. the prior evening to keep up with the ice and snow.

Mr. Fornaro thanked the Garden Club for the City Hall decorations and the swags throughout the City.

DEPARTMENT REPORTS (continued):

Councilman Schulz inquired if the City will be using brine this year. Mr. Fornaro replied affirmatively, noting that when it is raining, as it did the night before the recent snow, they are unable to pre-treat the roads because it washes right off. He noted if it is really windy, they cannot use brine because the snow will stick.

Councilman Fenstermaker commented that Kirtland's roads were wet when he left home at 6:15 a.m., but as soon as he left Kirtland there was at least 4 inches of snow on the roads through Chesterland and Bainbridge. He commended the Kirtland Service Department, noting that the roads in Kirtland were phenomenal.

City Engineer Douglas Courtney advised that all work is completed on the 2023 street projects, with the exception of the Reclamite application; due to cooler temperatures, they will wait until Spring to put that down. With regard to 2024 streets, Mr. Courtney said that he, Mr. Fornaro and Mayor Potter are working on putting together a preliminary street list and estimates.

With regard to Old Town sewer improvements, Mr. Courtney advised that the final plan and bid book were sent to the printer today and the project will be advertised on Friday. The bid opening is scheduled for January 17, the contract award is expected in March, and the project should take approximately six months. In the Phase I area, resident notices went out on November 17 from the County.

With regard to bridge projects, Mr. Courtney said there is no update on the Route 306 bridge. He advised that the County is finalizing the Booth Road bridge plans for submission to ODOT, and the project is scheduled to begin in early Spring 2024.

Mr. Courtney advised there are two initial 2024 stormwater projects for pre-funding with stormwater money; the first is the Saxon-Eisenhower area drainage study and concept planning to determine the stormwater runoff coming downhill. Concept plans and estimates are being prepared for a stormwater improvement project in that area. Mr. Courtney noted the cost of the drainage study will be approximately \$25,000. He noted the second project would be the Parkwood area drainage improvements. The initial pre-funding request will be for site assessments, engineering and permitting for the stormwater improvements from Euclid-Chardon Road to Beechwood Drive, and for improvements along portions of Beechwood, Crestwood and Elmwood. The estimated cost for the site assessment, engineering and plan preparation, and permitting is approximately \$93,000.

Law Director Matthew Lallo advised that he will not be available to attend the next Council meeting. He noted that legislation for the next agenda will include the MOU for stormwater funding, along with an amendment to Section 254.05 relating to longevity pay; currently employees are paid in January each year for their longevity. He noted there were some CBA modifications, and after discussions with Mr. Slapnicker, it is probably best to pay it on the employee's anniversary date.

Mr. Lallo advised that the collective bargaining agreement with the Police Department is on tonight's agenda; the current CBA expires at the end of the year. Noting that the legislation does not need to be passed tonight, Mr. Lallo requested that Council review the CBA in preparation for the next meeting. Mr. Lallo said he will be meeting with the Fire Department in the next week to discuss and negotiate the terms of their CBA. He noted that hopefully it can be placed on the next agenda.

For new Council members, Mr. Lallo asked that they complete the Sunshine Law training. He noted there is newly elected officials' training through the Attorney General's office, known as the Mount Vernon project. It instructs newly elected officials about public records and about their purpose and role with regard to municipal law. Mr. Lallo recommended they complete the Mount Vernon training, and if not, the policy is that they need to do the Sunshine Law training. He noted that he will provide the information to the new members.

DEPARTMENT REPORTS (continued):

Councilman Schulz noted that he saw on the news that Lakewood passed a moratorium relative to the legalization of recreational marijuana. Mr. Lallo advised that Issue 2 was not a constitutional amendment; it was a law that was drafted, and then passed by the electorate. He advised that if the Ohio House and Senate do not do anything, it will go into effect December 7. He noted they can repeal it, or they can amend and modify it. Mr. Lallo said he believes they are considering modifications to the statute, and because there are potential changes, he said he does not want to address a moratorium or prohibition at this point. He noted that their version of the statute should be complete in the next couple of days; if there are no changes, then the City can address whether it wants to prohibit the issuance of any permits to open a dispensary for recreational marijuana in the City. Mr. Lallo noted that the law is written to allow political subdivisions to prohibit or impose a moratorium on permits for dispensaries or facilities, but he does not know if it would stand with any potential modifications. Council President Smolic noted that Council previously passed legislation in response to the legalization of medical marijuana. Answering Mr. Smolic, Mr. Lallo said he believes the medical marijuana dispensaries have specific permits for the sale of medicinal marijuana, and they would likely need another permit for the sale of recreational marijuana.

Senior Center Coordinator Teresa Szary advised that the annual Thanksgiving prayer service was wonderful, and she thanked everyone who came out to the Temple. She thanked Dr. Roger Rose, the Director of the Temple, and his team. She thanked Sarah Jackson of the Church of Jesus Christ of Latter-day Saints, who worked very hard for months to make this happen.

Ms. Szary advised that on Thursday morning the Kirtland Area Service Council will be assembling holiday baskets at the Community Center for families in the area. She stated there is much appreciation by the community to everyone who has supported their efforts throughout the year.

Ms. Szary said she heard that the first Breakfast with Santa that the Kiwanis hosted yesterday was a success. She stated special thanks to Mary Sams who took the lead on that effort; she noted they did a wonderful job of decorating the building.

As a reminder, Ms. Szary said if anyone would like to take a day to provide a “random act of kindness” for the seniors, please let her know after the meeting.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter noted that the holiday lighting will be held tomorrow evening at 7:00 p.m.; he noted there will be hot chocolate in the front lobby.

He congratulated the Kirtland Hornets on their 7th State Football Championship, noting that he attended the game on Friday. It was another display of fine coaching and fine athleticism; it was a culmination of years of hard work by the coaches and players, and the families that supported them. He noted it was a win for the whole community.

Mayor Potter noted he met last week with Mr. Slapnicker regarding the new year and the budget. He said they would like to have early discussions with Council related to budget and capital.

Mayor Potter advised that he met with Mr. Fornaro and Mr. Courtney to discuss open drainage concerns and they are working to prioritize estimates and budgets for next year. He noted they would like to address the Eisenhower project soon to get the drainage study done, and to move forward with the Parkwood drainage project before any road paving is done in that specific area. He thanked Mr. Fornaro and Mr. Courtney for coming out to meet in this regard on the day after Thanksgiving.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

The Mayor noted that he had a good discussion with Rhea Benton of Lake County relating to Community Development Block Grant funding. He said that a letter will be going out to the Old Town residents. Mayor Potter noted that the County Commissioners had agreed to award up to \$250,000 two years ago for different income thresholds for assistance specifically for the lateral tie-ins. He noted they discussed having a Q&A so residents can speak with County representatives one-on-one regarding the process. Mayor Potter thanked the Commissioners for agreeing to the award, and he thanked Rhea Benton for bringing this to the community.

With regard to legislation, Mayor Potter requested that Resolution 23-R-79 and Ordinance 23-O-80, relating to the Director of Public Safety and the Director of Public Service, be passed this evening.

STANDING COMMITTEE REPORTS:

Councilman Schulz suggested that a Finance Committee meeting be scheduled in February to discuss the main points of the budget. Mr. Schulz said he will speak with the Finance Director regarding a date for the meeting.

Mr. Schulz requested that Committee meeting minutes be shared with all Council members, rather than with the Committee members only. Upon discussion, Council President Smolic requested that the Clerk email all Council members the Committee meeting minutes once they are in final form.

Responding to Councilman Fenstermaker, Mr. Lallo advised that the Planning and Zoning Commission has confirmed the date of Tuesday, January 16, 2024, for the combined meeting.

CORRESPONDENCE:

Council President Smolic acknowledged receipt of correspondence dated November 30, 2023, from Dominion Energy regarding a notice of filing a new PIR (pipeline infrastructure replacement) adjustment case. Mr. Smolic noted this relates to estimated rate increases, and he said the letter will be posted on the City's website.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

None.

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

None.

NEW BUSINESS (continued):

RESOLUTION NO. 23-R-79 - **A RESOLUTION APPOINTING MAYOR KEVIN F. POTTER AS DIRECTOR OF PUBLIC SAFETY, AND DECLARING AN EMERGENCY.**
(Council as a Whole)

The legislation was read by title only. Mr. Schulz moved to amend Section I of the Resolution to add the following language: "The Mayor shall be compensated an annual rate of \$5,603 as Director of Public Safety." Mr. Fenstermaker provided the second. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: FENSTERMAKER, GRAZIA, SCHULZ, SMOLIC AND SYMONDS. VOTING NAY: NONE).** Mr. Schulz moved to waive the three readings, with the second by Mr. Fenstermaker. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: FENSTERMAKER, GRAZIA, SCHULZ, SMOLIC AND SYMONDS. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: FENSTERMAKER, GRAZIA, SCHULZ, SMOLIC AND SYMONDS. VOTING NAY: NONE).**

ORDINANCE NO. 23-O-80 - **AN ORDINANCE CONFIRMING THE RE-APPOINTMENT OF JOSEPH FORNARO AS THE DIRECTOR OF PUBLIC SERVICE, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only. Mr. Schulz moved to waive the three readings, with the second by Ms. Grazia. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: FENSTERMAKER, GRAZIA, SCHULZ, SMOLIC AND SYMONDS. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 5/0 (VOTING YEA: FENSTERMAKER, GRAZIA, SCHULZ, SMOLIC AND SYMONDS. VOTING NAY: NONE).**

RESOLUTION NO. 23-R-81 - **A RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE TERMS FOR CITYWIDE BROADBAND INTERNET SERVICES.**
(Councilman Haymer)

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

ORDINANCE NO. 23-O-82 - **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

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

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COUNCIL COMMENTS:

Councilman Schulz requested that the Clerk provide all Council members with a copy of the Legislative Index for the year.

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. Schulz 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