

KIRTLAND CITY COUNCIL MINUTES

January 3, 2024

The meeting of Kirtland City Council was called to order at 7:01 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, Matthew Schulz, Joseph Smolic, Julie Symonds and Eric Ziegler.

Administrative personnel present were: Mayor Kevin Potter, Law Director Matthew Lallo, 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 DECEMBER 18, 2023 WORK SESSION:

Mr. Schulz moved to waive the reading of the minutes, with the second by Ms. Grazia. The motion of Council passed by unanimous vote. Mr. Schulz moved to approve the Minutes, as presented, with the second by Ms. Grazia. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: GRAZIA, HAYMER, SCHULZ, SMOLIC, SYMONDS, ZIEGLER AND FENSTERMAKER. VOTING NAY: NONE).**

MINUTES OF THE DECEMBER 18, 2023 COUNCIL MEETING:

Mr. Fenstermaker moved to waive the reading of the minutes, with the second by Ms. Grazia. The motion of Council passed by unanimous vote. Mr. Fenstermaker moved to approve the Minutes, as presented, with the second by Ms. Grazia. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: GRAZIA, HAYMER, SCHULZ, SMOLIC, SYMONDS, ZIEGLER AND FENSTERMAKER. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the Department finished the year with just under 1400 calls and 625 EMS transports. He will provide the stats for the next meeting.

Chief Hutton advised that yesterday the Department received the engine that has been out of service for warranty painting; it looks great and it was put back in service today.

Council President Smolic asked about the Department's equipment. Chief Hutton noted that the engines are getting older. He said there were some issues over the weekend and the Department had to borrow an engine from Willoughby for the time being. He noted that it is getting difficult to find parts for the two American LaFrance engines due the age of the vehicles. He will be getting some specs together for a new engine this year, and hopefully discuss this through the budget process. Answering Councilman Fenstermaker, Chief Hutton confirmed that the Department currently has an engine out of service with a drive shaft issue; it will hopefully be back in service early next week. He advised that Fire Departments and Service Departments often share vehicles with other municipalities, noting that Kirtland has loaned vehicles to other departments; the vehicle would be added to the other community's insurance for the time it is in their possession.

Police Chief Brian McCallister wished everyone a Happy New Year and thanked the community for their generosity over the last month for the food and cards that were dropped off; it was outstanding to see the support from everyone.

DEPARTMENT REPORTS (continued):

Chief McCallister said he will be preparing the annual report for Council. In looking at some of the numbers from last year (not including December), the Department had almost 11,000 calls in 2022 and the total calls anticipated for 2023 is 15,000. Arrests were up from 92 to 138; and reports were up from 589 to 720. With full staff now in the Department, Chief McCallister said he anticipates even more activity out of the officers.

Service Director Joseph Fornaro wished everyone a Happy New Year. He noted that everyone should prepare for snow, which is expected tonight and over the weekend. Mr. Fornaro advised that the previous year had seven snow events before Christmas and roughly 700 tons of salt were used; for 2023 there were five snow events and roughly 550 tons of salt have been used. He stressed those are rough numbers.

Answering Councilman Fenstermaker, Mr. Fornaro said the new trucks are working great. He noted there has not been a heavy snow yet, but the trucks are working as expected.

Answering Council President Smolic, Mr. Fornaro confirmed that the plow equipment is up and running.

City Engineer Douglas Courtney wished everyone a Happy New Year. He advised that work is ongoing with regard to a street list and preliminary estimates for 2024.

Mr. Courtney advised that the bid opening for the Old Town sewer project, Phase 2, will be held January 17. Currently there are eleven plan holders for that project so it should be a competitive bid.

He said there are no updates on the bridge project or stormwater projects.

Mr. Courtney noted that the legislation relating to Parks Farm Subdivision was discussed during the work session.

Mr. Fornaro requested that a Service Department Standing Committee meeting be scheduled in the near future regarding an update on the PMG (Pavement Management Group) report. Upon agreement of the Committee members and Mr. Fornaro, Councilman Fenstermaker, as Committee Chair, scheduled a meeting for 6:00 p.m. on February 5, 2024, before the regular Council meeting.

Law Director Matthew Lallo advised that he has been working on negotiating the collective bargaining agreement with the Fire Department; he noted they have not yet come to an agreement. Noting that they would like one more meeting, Mr. Lallo said that hopefully an agreement will be reached after that meeting and legislation can be placed on the agenda.

Mr. Lallo said there will likely be legislation on the next agenda relating to longevity pay, to forego making the payments in January of each year and make the payments on the employee's anniversary date.

Mr. Lallo advised that there is legislation on tonight's agenda relating to the Law Department. Ordinance 24-O-2 relates to the appointment of Mark Marong as Assistant Law Director. Mr. Lallo requested that the legislation proceed to Second Reading, noting that Mr. Marong will be present to meet with Council, the Planning and Zoning Commission, and the Board of Zoning Appeals at the next meeting, when the combined meeting with Planning and Zoning will be held. Mr. Lallo said it will be a good opportunity for him to meet everyone and answer questions.

Referring to Resolution 24-R-3 relating to the PERS contribution pick-up, Mr. Lallo said it has been in his contract for the last four years to have the City pick up that ten percent, although he had not yet exercised that option. In lieu of asking for a salary increase, Mr. Lallo requested that Council approve the City picking up that portion. He noted that the amount he had not asked to be collected is approximately \$25,000. Mr. Lallo requested that the legislation be approved.

DEPARTMENT REPORTS (continued):

With regard to Resolution 24-R-5, Mr. Lallo asked that Council modify that legislation to include the new updated agreement and exhibit, which he provided to Council members by email around noon today.

With regard to the exhibit for Resolution 24-R-5, Councilman Schulz noted that the legislation mentions a parcel number, but he cannot find that parcel number on the plat. Mr. Courtney said he believes the parcel number refers to the original property before it was subdivided.

Senior Center Coordinator Teresa Szary said she has no official updates but was open to questions. Council President Smolic inquired about holiday events at the Center. Ms. Szary said there were 135 people present for the annual Christmas party, and she thanked all who participated in the random acts of kindness throughout the month. She said the seniors gave back by supplying gift cards to the Kirtland Area Service Council. Ms. Szary said there were a lot of opportunities to come together throughout the season.

Ms. Szary noted that no one beat Mr. Ziegler and his wife in pickleball this past year. She invited anyone on Council or the Administration to come and play pickleball against the seniors during the day.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter said he hopes everyone had a wonderful Christmas and holiday season, noting he is looking forward to working with everyone in 2024.

As mentioned in the work session, Mayor Potter said that Finance Director Louis Slapnicker will not be in attendance tonight, as he is closing out 2023 and opening 2024.

Mayor Potter said that he and Mr. Slapnicker will be meeting this coming weekend to work on some budget scenarios, noting there is a lot to consider, including wages, buildings, equipment, roads, drainage. He noted they will be working on the debt calculations, along with short and long-term financial strategies. The Mayor noted that meetings will be scheduled with the Department heads to discuss the upcoming budget.

Mayor Potter said that he, Mr. Fornaro, Mr. Courtney and Mr. Eckart had a meeting with the County last week with regard to the potential for extending sewers to the intersection of Route 6 and Route 306. He said he is looking forward to hearing back from the County, noting that Mr. Courtney is working on some assignments to reach the next step of conversation. The Mayor noted that he and Mr. Eckart have been working with some developers and business owners for potential development and/or business opportunities, both in the downtown Kirtland center and at Route 6 and 306. He thanked Mr. Eckart for his help in this regard. He noted he is available to answer questions in this regard after the meeting.

With regard to Resolution 24-R-3, Mayor Potter noted that he hopes Council will pass that legislation tonight, relating to Mr. Lallo's contract and the PERS pick-up. He thanked Mr. Lallo, noting that he did not collect from the City approximately \$25,000 over the last four years. The Mayor said it was a benevolence to the City, noting that it was included in Mr. Lallo's contract but was not exercised with legislation. He asked that Council pass the legislation tonight so Mr. Lallo can receive that provision going forward.

With regard to Resolution 24-R-4 and Resolution 24-R-5 relating to the Parks Farm Subdivision, Mayor Potter noted that the Parks family is in attendance tonight; and he thanked them for their large-scale investment in the City of Kirtland, noting they have been fabulous to work with throughout the process. The Mayor requested that the legislation be passed tonight, noting that they have met all the requirements for the subdivision.

Mayor Potter said it was just brought to his attention that there is an article in the News Herald relating to the Kirtland Senior Center; he noted it is online and will probably be in print tomorrow.

STANDING COMMITTEE REPORTS:

Council President Smolic noted that the first Standing Committee meeting of the year has just been scheduled, for the Service Department Standing Committee.

CORRESPONDENCE:

Council President Smolic noted that an application has been submitted by property owners Marko Vucic and Courtney Tintor requesting Council approval for issuance of a zoning permit for a new residence on Sublot 9 in the Parks Farm Subdivision (10087 Parks Farm Road), for the purpose of building a single-family home on the street that is not yet dedicated. It was noted that there is legislation on tonight's agenda relating to the dedication of the street; however, it does not contain an emergency clause and will not become effective immediately. Mr. Schulz moved to grant approval for the issuance of a zoning permit for Sublot 9 in the Parks Farm Subdivision. Ms. Grazia provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: GRAZIA, HAYMER, SCHULZ, SMOLIC, SYMONDS, ZIEGLER AND FENSTERMAKER. VOTING NAY: NONE).**

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

None.

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

None.

**RESOLUTION NO. 24-R-1
(Mayor Potter)**

- **A RESOLUTION DECLARING INTENT TO CONDUCT AN INTERNET AUCTION FOR THE SALE OF UNNEEDED, OBSOLETE OR UNFIT PERSONAL PROPERTY OF THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.**

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

**ORDINANCE NO. 24-O-2
(Mayor Potter)**

- **AN ORDINANCE ACCEPTING THE APPOINTMENT OF MARK B. MARONG AS ASSISTANT LAW DIRECTOR, ESTABLISHING A WAGE AND FEE ARRANGEMENT WITH MARK B. MARONG AND MATTY, HENRIKSON & GREVE, AND DECLARING AN EMERGENCY.**

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

NEW BUSINESS (continued):

RESOLUTION NO. 24-R-3
(Mayor Potter)

- A RESOLUTION THAT THE CITY OF KIRTLAND WILL PICK UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR THE DIRECTOR OF LAW, AS AN EMPLOYEE OF THE CITY OF KIRTLAND AND PURSUANT TO IRC SECTION 414(h)(2), 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: MOTION CARRIED 7/0 (VOTING YEA: GRAZIA, HAYMER, SCHULZ, SMOLIC, SYMONDS, ZIEGLER AND FENSTERMAKER. VOTING NAY: NONE).** Mr. Ziegler moved to declare an emergency and adopt, with the second by Ms. Grazia. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: GRAZIA, HAYMER, SCHULZ, SMOLIC, SYMONDS, ZIEGLER AND FENSTERMAKER. VOTING NAY: NONE).** Mr. Lallo thanked Council; and Council President Smolic thanked Mr. Lallo, noting that he does an outstanding job for the City.

RESOLUTION NO. 24-R-4
(Mayor Potter)

- A RESOLUTION DEDICATING THE STREET IN THE PARKS FARM SUBDIVISION, WHICH PLAT WAS PREVIOUSLY ACCEPTED FOR RECORD PURPOSES ONLY.

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

RESOLUTION NO. 24-R-5
(Mayor Potter)

- A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INSPECTION AND MAINTENANCE AGREEMENT FOR STORMWATER BEST MANAGEMENT PRACTICES WITH THE PARKS FARM HOMEOWNERS' ASSOCIATION.

The legislation was read by title only. Mr. Schulz moved to amend the Resolution to substitute the Inspection and Maintenance Agreement and the Exhibit with the documents provided earlier today by the Law Director. Mr. Ziegler provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: GRAZIA, HAYMER, SCHULZ, SMOLIC, SYMONDS, ZIEGLER AND FENSTERMAKER. VOTING NAY: NONE).** Mr. Schulz moved to waive the three readings, with the second by Mr. Ziegler. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: GRAZIA, HAYMER, SCHULZ, SMOLIC, SYMONDS, ZIEGLER AND FENSTERMAKER. VOTING NAY: NONE).** Mr. Ziegler moved to adopt, with the second by Ms. Symonds. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: GRAZIA, HAYMER, SCHULZ, SMOLIC, SYMONDS, ZIEGLER AND FENSTERMAKER. VOTING NAY: NONE).**

* * * * *

COUNCIL COMMENTS:

Councilman Haymer requested a list of the Standing Committees. Council President Smolic said the legislation was approved at the last meeting, and he will forward it to Mr. Haymer.

COUNCIL COMMENTS (continued):

Mayor Potter reminded everyone present that the combined meeting of Council, the Planning and Zoning Commission and the Board of Zoning Appeals will be held immediately following the next Council meeting on Tuesday, January 16.

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. Ziegler. The motion of Council passed by unanimous vote and the meeting adjourned at 7:35 p.m.

President of Council

Clerk of Council