

KIRTLAND CITY COUNCIL MINUTES

February 21, 2024

The meeting of Kirtland City Council was called to order at 7:03 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, Matthew Schulz, Joseph Smolic, Julie Symonds 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 and Senior Center Coordinator Teresa Szary.

MINUTES OF THE JANUARY 16, 2024 COMBINED 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 7/0 (VOTING YEA: HAYMER, SCHULZ, SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER AND GRAZIA. VOTING NAY: NONE).**

MINUTES OF THE FEBRUARY 5, 2024 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 7/0 (VOTING YEA: HAYMER, SCHULZ, SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER AND GRAZIA. VOTING NAY: NONE).**

MINUTES OF THE FEBRUARY 5, 2024 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the Department finally received all of the extrication equipment from last year's grant. He noted they have had the battery-operated extrication tools for a while and they are already in service. They received a new set of airbags to replace the 25-year-old set, along with rescue jacks for vehicle stabilization. Chief Hutton thanked Mike's Auto Salvage for dropping off a couple cars, and he thanked Mr. Fornaro for setting them on their sides for training purposes.

Chief Hutton said he is looking forward to working with Council on the budget process this year.

Answering Council President Smolic, Chief Hutton advised that all of the batteries are Milwaukee, and they are used for all extrication tools and spreaders. The chargers are mounted on the vehicles. Answering Councilman Schulz, Chief Hutton said the battery-powered equipment is more powerful than the gas-powered equipment, due to new technology.

Police Chief Brian McCallister advised that Officer DeWolf is teaching the DARE program at the Kirtland Schools. She is enjoying it and looking forward to building relationships with the students. Chief McCallister said he believes the program will have a huge impact on the community.

DEPARTMENT REPORTS (continued):

Service Director Joseph Fornaro advised that the crews have been taking advantage of the nice weather for ditching, along with getting the fields ready at the Recreation Park.

Mr. Fornaro said that this year there have been 26 snow events, and 1887 tons of salt used. He noted that last year at this time there were 27 snow events, with 2500 tons of salt used. An additional 1000 tons of salt was ordered today; there is still 1400 tons of salt to be ordered.

City Engineer Douglas Courtney advised that he is working on the 2024 draft streets list and preliminary estimates.

With regard to the Old Town sewer improvements, Mr. Courtney advised that contracts with Chivers Construction should be approved and signed by the Commissioners late this week or early next week. A late March or early April start date is expected on the project. The specific start date and construction sequence will be provided after a pre-construction meeting is held with the County and Chivers Construction.

Mr. Courtney advised that the project for the Route 306 bridge over the Chagrin River is expected to start in mid-March; he noted that Mr. Fornaro is confirming this with ODOT. The Booth Road bridge was supposed to start this spring, but there have been some ODOT comments and it has been delayed; he is waiting for an updated schedule from the County.

Councilman Fenstermaker asked about the duration of the Route 306 bridge project. Mr. Courtney said the project will be from mid-March through late October. Traffic will be one-way southbound; northbound traffic will be routed to Route 615.

Finance Director Louis Slapnick noted that January and February are the busiest time of the year for the Finance Department, and he stated his thanks to the staff for getting the job done. The Department completed all of the tax reporting, W-2 forms, 1099 forms, PERS reporting, implementing the new CBA changes, USDA reporting for the outstanding loans, and closing 2023 and opening 2024. He advised that the Department began the 2023 basic financial statement GAAP conversion; this converts the cash basis financials into an accrual basis, which is audited by the Auditor of State.

Mr. Slapnick noted that the first meeting was held regarding the 2024 appropriations, and he looks forward to another meeting in this regard prior to the next Council meeting.

Council President Smolic advised there will be two more sessions to review the budget, noting that the legislation will receive three readings.

Law Director Matthew Lallo advised that he has been working on pending litigation for a couple different cases, and responding to record requests. He advised that he is open for any questions relating to the legislation on tonight's agenda.

Senior Center Coordinator Teresa Szary thanked Mr. Slapnick and the Finance Department for working closely on the budget process and keeping everyone informed.

Ms. Szary advised that the annual St. Patrick's Day Slyman's lunch is one of the Center's largest in-house events and will be held on March 14; she said any Council members or Department Heads who would like to join the seniors for this event should let her know so she can reserve a spot.

Ms. Szary advised that Chief McCallister will be making a presentation to the seniors at the end of March. She said they are also in the midst of planning the spring and summer city events. She advised that the Easter egg hunt will be held on Saturday, March 23 at 10:30 a.m. outside of City Hall.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter thanked Mr. Slapnicker for his preparation for the meeting relating to the budget. He thanked the Department Heads for their patience in working through the budget.

Mayor Potter advised that the third annual Shamrock Shuffle and Shenanigans will be held on Saturday, March 9. It will begin at City Hall with the 5K race; afterwards there will be a band at Sausalito. He encouraged everyone to attend to cheer for the runners or hear the band. He noted this event will raise money for the Miracle League of Lake County, which is a tremendous cause; they do amazing work with special needs children in Lake County. He noted this charity was an important pet project of former Eastlake Mayor Dennis Morley, who passed away last month.

The Mayor thanked Mr. Fenstermaker for scheduling a Service Department Standing Committee meeting on Saturday to discuss the 2024 road program. He said that a Finance Committee meeting will be held on Monday to focus on capital, noting there is a healthy amount of capital in the budget, including equipment and maintenance items for some of the buildings and grounds. He noted there is a \$1.1 million projected carryover.

Councilman Schulz asked about the phone system upgrade. Mayor Potter advised it is in the works; he will check with Jim Gibbs regarding the target date.

Mayor Potter noted that a Council meeting is scheduled for the day after Easter, on April 1. Noting that people often travel for the holiday, he asked if there was any interest in changing the meeting date. Upon discussion, Council agreed that the meeting date be changed from Monday, April 1, to Wednesday, April 3.

STANDING COMMITTEE REPORTS:

Councilman Fenstermaker noted that a Service Department Standing Committee is scheduled for Saturday, February 24, at 8:00 a.m. to discuss the 2024 road program. It was noted that the meeting will be held at City Hall.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF OLD BUSINESS:

None.

**ORDINANCE NO. 24-O-7
(Mayor Potter)**

- (Second Reading) - AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2024 ENERGIZED COMMUNITY GRANT, AND DECLARING AN EMERGENCY.

OLD BUSINESS – ORDINANCE NO 24-O-7 (continued):

The legislation was read by title only. Mayor Potter noted that the grant amount is \$30,000 and it will be used for energy efficient upgrades to the Community Center outdoor restrooms. The legislation was placed on Second Reading.

NEW BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS:

None.

ORDINANCE NO. 24-O-10 - **AN ORDINANCE SETTING THE APPROPRIATION FOR THE YEAR 2024.**
(Mayor Potter)

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

RESOLUTION NO. 24-R-11 - **A RESOLUTION AUTHORIZING TRANSFERS OF FUNDS, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

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

ORDINANCE NO. 24-O-12 - **AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$2,647,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF RETIRING, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE CITY, THE CITY’S OUTSTANDING VARIOUS PURPOSE NOTES, SERIES 2023, DATED APRIL 19, 2023, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only and placed on First Reading. The Fiscal Officer’s Certificate was presented to the Clerk of Council prior to tonight’s meeting.

ORDINANCE NO. 24-O-13 - **AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$2,500,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING STREETS BY RECONSTRUCTING, RESURFACING, GRADING, DRAINING, PAVING AND MAKING OTHER IMPROVEMENTS AS DESIGNATED IN THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only and placed on First Reading. The Fiscal Officer’s Certificate was presented to the Clerk of Council prior to tonight’s meeting.

ORDINANCE NO. 24-O-14 - **AN ORDINANCE AMENDING SECTION 236.02 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO EXPENDITURES AND COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

NEW BUSINESS – ORDINANCE NO 24-O-14 (continued):

The legislation was read by title only. Mr. Lallo advised that State law previously required competitive bidding for expenditures of \$50,000 or more. He noted that for the calendar year 2024 it increased to \$75,000; and for every year thereafter it increases by three percent. Mr. Lallo said the City’s ordinance previously copied the State law capping it at \$50,000; and the amendment will incorporate the new State provisions. Mr. Lallo noted that for expenditures of \$25,000 or less, the Mayor has authority to make those purchases without going before Council; that is not changing. He said that the informal bid process that still requires an act of Council is for expenditures of \$25,000 to \$75,000; and expenditures of \$75,000 or more will require competitive bidding. In discussion, it was noted that with the increased costs of police vehicles and other equipment, those expenditures are reaching the limit of the previous threshold. Mr. Lallo advised that the three percent increase each year is built into the amended Ordinance. The legislation was placed on First Reading.

ORDINANCE NO. 24-O-15 - **AN ORDINANCE AMENDING CHAPTER 883 OF THE
(Mayor Potter) CODIFIED ORDINANCES OF THE CITY OF KIRTLAND
REGARDING MUNICIPAL INCOME TAX, AND
DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Lallo said there are only a few changes, noting that a red-lined version was provided to Council. He noted there was a change to the tax code in 2015, and Chapter 883 went into effect in 2016; the previous Chapter 882 can now be repealed since it was in effect through 2015 and is no longer needed.

Mr. Slapnicker advised that House Bill 33 mandates that cities incorporate these changes; he noted he provided Council a summary of the changes, some of which extend filing dates and cap late fees. He noted that no one under the age of 18 is subject to municipal withholding tax.

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

ORDINANCE NO. 24-O-16 - **AN ORDINANCE REPEALING CHAPTER 882 OF THE
(Mayor Potter) CODIFIED ORDINANCES OF THE CITY OF KIRTLAND
REGARDING EARNED INCOME TAX REGULATIONS
EFFECTIVE THROUGH DECEMBER 31, 2015.**

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: HAYMER, SCHULZ, SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER AND GRAZIA. VOTING NAY: NONE).** Mr. Schulz moved to adopt, with the second by Ms. Grazia. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: HAYMER, SCHULZ, SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER AND GRAZIA. VOTING NAY: NONE).**

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COUNCIL COMMENTS:

Councilman Haymer inquired about scheduling a Utilities Standing Committee meeting to discuss the wastewater treatment plants. It was agreed that the meeting be scheduled immediately following the next Council meeting on March 4.

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 7:41 p.m.

President of Council

Clerk of Council