

KIRTLAND CITY COUNCIL MINUTES

March 4, 2024

The meeting of Kirtland City Council was called to order at 7:05 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, 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 FEBRUARY 21, 2024 WORK SESSION:

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: SCHULZ, SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. VOTING NAY: NONE).**

MINUTES OF THE FEBRUARY 21, 2024 COUNCIL MEETING:

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: SCHULZ, SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the formal report was distributed today.

Council President Smolic inquired about the brush fire today in Waite Hill. Chief Hutton advised that the Fire Department was dispatched to Metcalf Road for a brush fire caused by a power line; the fire was rapidly spreading up the hillside toward Elm Street. He said the fire was knocked down quickly, noting that the drone team also came out and deployed the drone to look for hot spots and see how far the fire spread. The drones are stored at HAZMAT at Willoughby Fire Station 1, and there are drone pilots all over the county.

Police Chief Brian McCallister advised that the formal reports for January and February were distributed today.

Chief McCallister advised that Lieutenant Jamey Fisher completed the certified law enforcement executive program; he spent all of 2023 doing several different projects and developing a peer support program for the Police Department in the event of a critical incident; the program has been included in the policies and procedures.

Service Director Joseph Fornaro thanked the Service Department team for their work during the recent snow event; it was challenging due to the timing during the morning rush hour with school buses also going out on the road. They did a great job clearing the roads. He noted the crews have also been continuing with the ditching; they have accomplished a lot of ditch work with the mild weather.

Mr. Fornaro advised that a pre-construction meeting was held for the Old Town sewer project, and the bridge project will be starting soon.

DEPARTMENT REPORTS (continued):

City Engineer Douglas Courtney advised that he is working on finalizing the 2024 streets project.

With regard to the Old Town sewer improvements, Mr. Courtney advised that a pre-construction meeting was held Friday; the contractor provided their proposed schedule to him today. They plan to mobilize to the site this week. They will install main line sewers on Maple between March 12 and April 8; the main line on Coudry between April 9 and April 22; the main line on Fairview between April 23 and May 20; the main line on Elm between May 21 and June 5; and Joseph Street, the last main line installation, will be done between June 6 and July 8. After all main lines are installed, they will install laterals between July 9 and August 28. The testing, restoration, pavement repair, etc. will be done from the end of August through mid-November.

Mr. Courtney advised that the Route 306 bridge project is getting ready to start; there are no updates on the Booth Road bridge.

Councilwoman Symonds said she has received inquiries about the marked locations for the individual tie-ins on certain properties for the Old Town sewer project. Mr. Courtney said when those plans were designed, they were not sure where people would want the tie-ins, so many landed in the middle of the property. As the main lines are being installed, the County inspector will be out in front of the main line installation speaking to each resident to make sure their lateral connection is where they want it to be. Noting this was addressed in the pre-construction meeting, Mr. Courtney said he asked the County to make sure they are far enough ahead of that main line installation so that residents have some time to decide. Ms. Symonds said people have asked if they can move the tie-ins themselves; Mr. Courtney advised that residents should not move them. Mr. Fornaro said he would be happy to meet with residents with the County inspector.

Council President Smolic inquired if any issues are expected with both the sewer project and the bridge project taking place at the same time. Mr. Courtney noted this was discussed at the pre-construction meeting; Chivers Construction is well aware that the bridge project will be taking place and will accommodate them.

Mr. Fornaro advised that he will be meeting with ODOT engineers on Wednesday regarding the bridge project. Councilwoman Symonds inquired if the bridge project was determined by ODOT without the City's input on the project and its timing. Mayor Potter said it was supposed to be done last year, but there were no bids on the project so it was pushed to this year. Mr. Courtney said it is a State bridge, so the State decided it needed to be replaced and they scheduled it for replacement. He noted that the City had an opportunity to review plans as they were being developed.

Finance Director Louis Slapnick advised that the second of three budget meetings was held this evening, with good discussion; he looks forward to another meeting.

Law Director Matthew Lallo advised that Ordinance 24-O-18 on tonight's agenda amends a recently passed codified ordinance addressing engine braking. He noted that the registered name of the company is being removed to keep the language as general as possible. Mr. Lallo requested that the readings be waived and that it be passed tonight.

With regard to other legislation on the agenda, Mr. Lallo asked about Council's appetite for waiving the three readings on Ordinance 24-O-14 regarding competitive bidding to keep it in line with the State law. He noted that if Council is willing to waive the readings and pass it tonight, it would help with various purchasing. Mr. Lallo advised that it increases the threshold from which the City has to solicit bids; Council approval is still required for purchases beyond the Mayor's authority of \$25,000. He noted that the threshold for soliciting bids will increase three percent every year.

Answering Councilman Schulz, Mr. Lallo said without the amendment there would be a delay in purchasing, noting that the police cruisers are a good example because of the current cost.

DEPARTMENT REPORTS (continued):

Senior Center Coordinator Teresa Szary advised that Safety Town is scheduled for June 3 to June 7; registration will open to residents in the first week of April. She noted that the program fills up very quickly. Information is on the City's Facebook page.

Ms. Szary advised that Holden Arboretum will again offer a free Holden week for Kirtland residents; the City is working with them on the dates.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter reminded everyone that the Shamrock Shuffle and Shenanigans will be held on Saturday, March 9, at City Hall. It is a 5K race, and proceeds will benefit the Miracle League of Lake County. He noted the race begins at 10:00 a.m. at City Hall and finishes at the Kirtlander, with music, food and beverages for purchase, and a raffle.

The Mayor thanked everyone for the good discussion during the work session relating to the budget.

With regard to the bridge project, Mayor Potter said that Senator Cirino called him yesterday with concern about the southbound only traffic. The Mayor noted that ODOT looks to keep traffic from backing up on the freeway off-ramps. Mayor Potter said that Senator Cirino indicated he will put in a call to ODOT, stating concern about the effect on Kirtland businesses. The Mayor noted this is also a City concern.

With regard to the Old Town sewer project, Mayor Potter said there will be a Facebook post regarding the timeline. He noted that the contractor was very close on the timeline projections for the last project. The Mayor thanked Mr. Courtney and Mr. Fornaro for their work regarding this project.

Councilman Schulz inquired if there has been any discussion with Ohio Gig. Mayor Potter said that he, Mr. Fornaro, and Mr. Gibbs (the City's IT consultant) will be meeting by telephone on Friday at noon in this regard. The Mayor said the new phone system is scheduled for mid-March.

STANDING COMMITTEE REPORTS:

It was noted that a Utilities Standing Committee meeting will be held following tonight's Council meeting.

Councilman Fenstermaker noted that a Service Department Standing Committee meeting was held on February 24 regarding the 2024 road plan.

Councilman Schulz stated that he would like to schedule a Police and Fire Standing Committee meeting to discuss capital expenditures for the Fire Department. Potential meeting dates were discussed, and Mr. Schulz said he will follow up with everyone once a date and time is confirmed.

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

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

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

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

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

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

ORDINANCE NO. 24-O-12 - (Second Reading) - 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 Second Reading.

ORDINANCE NO. 24-O-13 - (Second Reading) - 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 Second Reading.

OLD BUSINESS (continued):

ORDINANCE NO. 24-O-14 - (Second Reading) - **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)

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

NEW BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS:

None.

RESOLUTION NO. 24-R-17 - **A RESOLUTION AMENDING RESOLUTION NO. 23-R-78 RELATING TO ESTABLISHING RULES, TIME AND PLACE OF COUNCIL MEETINGS FOR THE PERIOD FROM DECEMBER 1, 2023, THROUGH NOVEMBER 30, 2024, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only. Council President Smolic noted that the April 1 meeting is being moved to April 3. Mr. Ziegler moved to waive the three readings, with the second by Ms. Grazia. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SCHULZ, SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. 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: SCHULZ, SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. VOTING NAY: NONE).**

ORDINANCE NO. 24-O-18 - **AN ORDINANCE AMENDING SECTIONS 401.125 AND 432.44 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND REGARDING THE PROHIBITION OF ENGINE BRAKES WITHIN THE CITY, 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 Ms. Grazia. Mr. Lallo noted that one of the types of engine brakes was used in the previous legislation, and they kindly asked that the language be more general as engine brakes; this legislation removes that name. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SCHULZ, SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. 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: SCHULZ, SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER, GRAZIA AND HAYMER. VOTING NAY: NONE).**

As a point of order, Mr. Lallo said that he wanted to make sure that all Council members are aware that when legislation on the agenda is read, there is opportunity for discussion on that legislation. He noted if there is a need for discussion, it can be recalled on the agenda and re-addressed.

COUNCIL COMMENTS:

With regard to Ordinance 24-O-13 relating to the borrowing of \$2.5 million, Councilman Schulz said there was good discussion in the work session. He noted that the payment over time of that note is approximately \$1,050,000 in interest costs, which does not include issuance costs, and it could be said it is a deferred tax. He noted that at some point the City will need more income tax to repay that significant amount of money. With regard to the previous legislation to amend the Charter, Mr. Schulz said it was fairly clear that it was a tax increase on earned income. Council President Smolic agreed this is a valid point; but he noted that the longer the road repairs are delayed, the more the cost to repair the roads will increase.

Mayor Potter agreed that all of the implications of taking on more debt need to be considered. In looking at the debt schedule, Mayor Potter pointed out that in 2021, Council authorized \$2 million in notes for the roads that would take the City debt to \$5.6 million. He noted that because of the City's aggressive paydown of debt in the last few years, the addition of \$2.5 million today would bring the City debt to approximately \$5.8 million; the City has proven in the last few years that it is able and willing to aggressively pay down debt. He added that in 2021 when Council discussed and reviewed the budget, the idea of the note for roads was the result of Mr. Schulz bringing up the flexibility of a note to pave some roads. Mayor Potter stated his appreciation to Mr. Schulz for bringing this up, noting that there will be further discussion on the matter.

Councilman Schulz stated that borrowing \$2.5 million warrants serious consideration.

Councilman Haymer stated that the track team extends their thanks to Mr. Fornaro and his team for fixing the shot-put area.

Mr. Haymer noted as a reminder that a Utilities Standing Committee meeting will be held following the Council meeting to discuss the wastewater treatment plants.

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 7:43 p.m.

President of Council

Clerk of Council