KIRTLAND CITY COUNCIL MINUTES

<u>May 6, 2024</u>

The meeting of Kirtland City Council was called to order at 7:08 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.

PUBLIC HEARING CONTINUATION (Tabled from 4/15/2024 Meeting) Application for Zoning Map Amendment 9501 Chillicothe Road

Council President Smolic re-opened the public hearing. Law Director Lallo confirmed that the public comment portion of the public hearing was closed at the last meeting, and at that time it was suggested that if there were any members of the public that had questions, they should contact Council, and Council could present the query to the applicant. Council President Smolic noted that Council has received a lot of emails from residents.

Applicant Andrew Pisorn noted that also present with him are Dusty Keeney of Polaris Engineering & Surveying and Judy Bennett of GPD Group, whose firm performed the traffic study. Mr. Pisorn thanked the Council members for their service to the community, noting that they moved to the property in 1995 and many of his relatives still live in Kirtland.

Mr. Pisorn reiterated that they are requesting rezoning of the property from R-2A to R-1 zoning. He noted the R-1 zoning layout would be similar to the adjacent neighborhood to the north. Mr. Pisorn said this would be an opportunity to add to the growth and development of the city with a quality neighborhood that captures the character and beauty of the city, while fulfilling several impactful objectives of the city. Mr. Pisorn noted there are currently several buildings on the property; those rental units would be replaced by a thriving neighborhood with a walkable quality. He noted that 50 percent of the property to the east would remain naturally wooded land.

Mr. Pisorn said they propose to invest heavily in the public infrastructure, noting they would privately fund a substantial extension to the sewer system, which has been a goal of the city.

Mr. Pisorn noted that at the last meeting, someone from the public mentioned the importance of capturing the character and essence of Kirtland and said that challenges like stormwater and traffic have solutions. He said he believes this project will be successful in capturing the Kirtland character.

Councilman Ziegler noted that he has lived here his whole life, and one of the captures of Kirtland is that it is spread out; adding a lot of houses so close together seems to be a concern of a lot of residents because it goes against the way Kirtland is currently. He inquired how adding 30 houses in a small area would capture the current character of Kirtland.

Mr. Pisorn said that not all of Kirtland is developed in the manner of being spread out, referencing the adjacent neighborhood to the north. He said the property currently has ten residents, with multi-unit structures that existed before the zoning regulations were in place. He said he believes there is an aging population that is struggling to maintain residence in Kirtland. Mr. Pisorn said it is not officially an age 55 and older development.

PUBLIC HEARING (continued)

Councilman Haymer inquired if there are proposed drawings of what could be developed without a zoning change. Mr. Pisorn said there was a plan that was reviewed approximately 12 years ago, with 10 to 12 single-family homes.

Answering Councilwoman Symonds, Mr. Pisorn said it is too preliminary in the process to have the home values and sizes locked down. He noted the development would go through the entire subdivision approval process. Ms. Symonds said if the goal is to target residents who want to downsize, it is not logical to downsize into a new home if the cost is not a savings from their current home. Councilwoman Grazia agreed, noting that a new home would likely cost at least \$400,000. Mr. Pisorn said the other aspect is the maintenance and upkeep of a larger home and property.

Councilman Fenstermaker noted that there must be some idea of home value and sizes, since the applicant is proposing to fund sewers. He noted the applicant must have some idea of the cost to develop the property. Mr. Fenstermaker also said there has been a lot of community feedback with concerns about traffic and safety, and he asked about the results of the traffic study.

Judy Bennett of GPD Group (Garfield Heights office) addressed Council, noting she is licensed in the State of Ohio as a professional traffic operations engineer. She said they performed the traffic study, including intersections on some of the adjacent streets to determine the impact of the proposed development. Ms. Bennett said they did traffic counts at Pinehurst Drive, Barristers Court, Charlesderry Road and Russellhurst Drive, as well as the existing driveway to the property. She said they ran the analysis to determine a level of service, which is a grade (A through F). She noted in a metropolitan area, a grade of D or better is considered good. The study was performed during the peak morning rush hour and peak evening rush hour, and all traffic was counted during those time periods. For the existing drive, she said there are currently 2 cars turning out of there in the morning and 5 cars turning out of there in the afternoon, based on their counts. With the proposed development, there would be 17 cars in the morning and 12 cars in the afternoon.

Explaining how the projected counts were determined, Ms. Bennett said the Institute of Transportation Engineers has trip generation, based on land use information entered, such as single-family homes, a school, or retail or eating establishment. For homes, it is based on the number of homes. She said hundreds of studies have been done across the United States over the last 50 years, and the program is updated every couple years. She said it is roughly 10 trips per day that each single-family home generates, but those trips do not all happen during the peak hours. Ms. Bennett said they counted traffic from 7:00 a.m. to 9:00 a.m. and from 4:00 to 6:00 p.m.; she said the morning peak hour was from 7:00 to 8:00 a.m. and the evening peak hour is from 4:45 to 5:45 p.m.

Answering Councilman Haymer, Ms. Bennett said the projected traffic would not warrant a traffic light. She said there would need to be 100 cars per hour on a side street to warrant a traffic light, for 8 hours per day. She noted that none of the side streets they counted come anywhere close to that amount of traffic.

Mr. Pisorn said they plan to partner with local builders to help capture some of their objectives; he noted their plan is to sell lots to those builders, with deed restrictions in place. He said there would be no phasing, all of the infrastructure and the road would be done at one time; he anticipates development would take approximately 3 years.

Noting that the proposed zoning change would reduce the minimum acreage from 1 acre to approximately 1/4 acre, Council President Smolic inquired what would prevent the 29 acres of property to the south from being purchased and developed in the same manner; he stated concern with setting a precedent. Mr. Lallo advised that an argument could be presented to Council; however, any rezoning would have to go before the voters.

PUBLIC HEARING (continued)

Councilman Ziegler inquired if the remaining 50 percent of the property retained by the Pisorn family could be developed with more houses in the future. Mr. Lallo advised that if the entire property is rezoned, the property can be developed according to the zoning specifications.

Mr. Pisorn noted that the proposed development would have larger lots that the required minimum. He noted they would not necessarily retain the remainder of the property; they are exploring options of donating land to the parks, extending the back lots so that multiple people would have slightly larger lots, or retaining the land as part of his parents' lot. Mr. Pisorn said it is not feasible to develop the remaining property in the back.

Answering Councilman Haymer, Mr. Lallo advised that if Council votes "yes" for the proposed rezoning, legislation would be on the next meeting agenda to submit it to the voters. If Council votes "no", then the issue dies today. Mr. Lallo advised that if placed on the ballot, it requires a 55 percent affirmative vote of those voting in the election; the entire city would vote on the ballot issue.

Council President Smolic noted that if the property is rezoned to R-1 and sold to someone else before being developed, it could be developed at the minimum requirements, with smaller lot frontages than proposed, resulting in a greater number of lots. Mr. Pisorn said they are following the city's process, and they have presented their plan. He noted that may not be what happens, but it would be subject to the subdivision approval process.

Councilman Schulz noted that, as he had asked at the last meeting, the frontage was based on the minimum square footage of 12,600 sq. ft.; narrower lots would be deeper. He noted that they maximized the space to have 31 sublots; the 85 ft. frontage gives enough space with the 5 ft. side yard setbacks.

Answering Councilman Fenstermaker regarding the public comment portion of the public hearing, Mr. Lallo advised that in keeping with proper Robert's Rules, the public comment portion has been closed. Council members noted that many emails were received from the public since the last meeting.

Council President Smolic said he would entertain a motion to close the public hearing. Mr. Schulz so moved, and Ms. Grazia provided the second. The motion passed upon the unanimous vote of Council. Mr. Smolic said he would entertain a motion to approve the application for the zoning map amendment at 9501 Chillicothe Road, in accordance with the recommendation from the Planning and Zoning Commission. Mr. Schulz so moved, with the second by Mr. Fenstermaker.

In discussion of the motion. Councilman Schulz thanked Mr. Pisorn, noting that he believes he wants the best for the community. Mr. Schulz said he has thought a lot about the economic impact that could occur, noting that many years ago the plan was to bring in sewers to help develop the downtown area. He noted the funds to extend the sewers 1500 feet would be paid for by the applicant. Mr. Schulz noted that Council has received many emails about the concerns discussed tonight. Noting that Mayor Potter and Council started an Economic Development Committee of Council and the City has an Economic Development Manager, Mr. Schulz said the goal is responsible development. Assuming that the lots would be valued at approximately \$100,000 each, with \$300,000 to \$400,000 homes, Mr. Schulz said the 30 homes would generate approximately \$23,000 in property tax that the City would receive. Assuming that the 30 homes would have a household annual income of approximately \$150,0000, Mr. Schulz said it would generate possibly \$12,000 of income tax if those residents worked outside of Kirtland. He noted that it would possibly generate \$140,000 of new money for the schools. Mr. Schulz noted he had asked the applicant if he would be willing to install a sidewalk to connect the subdivision for a more walkable community. Mr. Schulz noted that the Finance Committee met at 6:00 today to discuss a road plan and road funding, and the necessary tax increases that would be needed to fund a \$27.2 million plan through 2033. He noted that several months ago, the City Hall property was considered for development of townhouses, apartments and mixed-use retail.

PUBLIC HEARING (continued)

Council President Smolic noted that the property is not considered historic. Mayor Potter noted that the process has been interesting; he said he is proud of how the residents have handled the correspondence and Council has listened. Mayor Potter said he considers this a fundamental question of whether the Historic Town Center District should be expanded, although it is not the exact zoning change requested.

Councilwoman Grazia said that Council is here to represent the people of the community, noting they showed up two weeks ago and again today. She noted Council has received a lot of communication in the past couple weeks regarding the thoughts and concerns of the residents. Ms. Grazia said she believes Council needs to represent what the community wants, and not necessarily what Council members may want.

Upon completion of discussion, the roll was called on the motion. **ROLL CALL: MOTION FAILED 6/1** (VOTING YEA: SCHULZ. VOTING NAY: SYMONDS, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER AND SMOLIC).

Mr. Lallo advised the applicant that he can reconsider his plan, but the current zoning remains; the applicant can reach out to City Administration with regard to other plans going forward. Mr. Pisorn thanked everyone for their time. Mr. Fenstermaker thanked Mr. Pisorn for his efforts, and Ms. Symonds said she would be encouraged to see something that falls within the regulations for that area.

MINUTES OF THE APRIL 15, 2024 FINANCE COMMITTEE 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: SYMONDS, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER, SCHULZ AND SMOLIC. VOTING NAY: NONE).**

MINUTES OF THE APRIL 15, 2024 WORK SESSION:

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

MINUTES OF THE APRIL 15, 2024 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton thanked Mayor Potter and Council for their consideration of the lease purchase of the fire engine. He noted he will work with Mr. Slapnicker to hopefully have something for the next meeting.

Chief Hutton advised that the monthly report was distributed, noting that the Fire Department has been very busy. The call volume for EMS transports is up 20 percent over this time one year ago. He advised that the EMS ATV has been ordered, and he thanked Kirtland Kiwanis and the Kirtland Firefighters Association for their donations toward the purchase. He said that \$20,000 of the \$35,000 cost was donations. It should be received in July.

DEPARTMENT REPORTS (continued):

Chief Hutton thanked Captain Tony Catania for leading the project to rehab Station 2, noting he did some designs and they were able to build separate dorms without changing the footprint of the building, and the bathroom was redone. Chief Hutton thanked all three shifts for their work on the project, saving a lot of money for the City. He also thanked Mr. Fornaro and Pantelis Kouvaris, a Service Department employee, for help with the drywall finishing.

Police Chief Brian McCallister advised that the monthly report has been distributed. He thanked Officer Julia DeWolf, noting she completed her first session of DARE at the Kirtland Schools. The program has been very well accepted, and the Department is excited to continue it next year. He noted that Officer DeWolf also coordinated the Prom Promise in the schools, with a lot of other area police departments. The program was very well liked, and the School would like the Police Department to continue the program next year.

Responding to Councilman Fenstermaker regarding northbound traffic on Route 306 through the construction area, Chief McCallister said the Department is still monitoring traffic. He noted that stops were made and some citations were issued over the weekend; the numbers are down. Chief McCallister said the Police presence has been beneficial, and they will continue to monitor it. He said he will get some numbers together regarding those violations and send them to Council.

<u>Service Director Joseph Fornaro</u> thanked the Service Department team for the great job they are doing. He thanked Council and the Mayor, noting that he sent a video of the crew working with the new chipper.

Mr. Fornaro advised that the litter clean-up was held a couple weeks ago; he thanked the Mayor, Mr. Smolic, Mr. Jackson's team, the Kiwanis, and the other volunteers, noting they were able to clean up the roadside along Route 306.

Mr. Fornaro said that the blue tractor started going out last week and has almost made its first round. He advised that the bridge project is moving along; a progress meeting will be held tomorrow.

Councilman Ziegler asked if some weed killer can be used in front of City Hall, noting that it is an eyesore. Mr. Fornaro advised that the Mayor is not in favor of using fertilizer; he noted they use a small amount of fertilizer only at the Recreation Park on the baseball and soccer fields. Mayor Potter noted that the dandelions are short-lived.

Referring to the resolution on tonight's agenda for the purchase of road salt through ODOT, Council President Smolic inquired about the past year's salt use. Mr. Fornaro said it is at 2600 tons, noting that 4000 tons were ordered this year; an order was placed today for 1000 tons. He noted they took 90 percent this year and will have 2500 tons ordered for next year.

Answering Mr. Smolic, Mr. Fornaro said the latest in the year that he has seen snow and had to plow was on Mother's Day.

<u>City Engineer Douglas Courtney</u> advised that plans for the 2024 streets are progressing, noting he is still waiting on the final report from the pavement testing.

Mr. Courtney advised that the Old Town Phase 2 sewer project is progressing; the contractor is now on Fairview. He noted that a progress meeting was held on Thursday with the contractor and the County; he and Mr. Fornaro reviewed with them the Strawberry Festival dates and parade route, and they said they will accommodate those requests.

With regard to the Route 306 bridge project, Mr. Courtney said that a progress meeting is scheduled tomorrow. There are no updates from the County regarding the Booth Road bridge project.

DEPARTMENT REPORTS (continued):

Mr. Courtney said that the road plan was emailed to all Council members for discussion during the Finance Committee meeting, noting that questions can be directed to him or Mr. Fornaro.

Mr. Fornaro invited everyone to attend the Public Works open house on Friday, May 17 from 5:00 to 7:30 p.m. He noted that hot dogs and hamburgers will be served, there will be an inflatable for the kids, and they will hold their usual truck rodeo.

Finance Director Louis Slapnicker advised that the Finance Department is wrapping up the GAAP conversion, which is the conversion from cash basis accounting to accrual basis, with Local Government Services with the Auditor of State's office. He noted they took part in the entrance conference to start the audit for the 2023 fiscal year.

Mr. Slapnicker noted that he forwarded to Council a press release from the OMAP program, which is a credit enhancement program utilized for the debt issuance for the note. The press release states that this year's program saved an estimated \$38,602.50 in interest costs.

Mr. Slapnicker advised that he met with the BWC Third Party Administrator, noting that the city will have a group rating in 2025, which is the best program to control the BWC premiums. Answering Mr. Lallo, Mr. Slapnicker said the discount is based on the EMR number; he explained how the group rating works.

Law Director Matthew Lallo advised that stemming from a criminal case in Court, a citizen filed an action in the Common Pleas Court and the Court of Appeals; the Law Department is busy defending that action.

Mr. Lallo advised that he and Chief McCallister recently attended an informative seminar relating to drug recognition experts in the Police Force. He noted that to be DRE certified, candidates must go to the Ohio State Academy for three weeks for training and testing; it is a very rigorous process. These officers can perform a battery of tests on subjects and conclude what drugs they are or were taking, or if they are having a medical emergency. He noted that one of the Kirtland officers will be attempting to obtain the certification; there are only approximately 210 officers certified in the State. Mr. Lallo noted it would be a huge asset for the city to have a DRE certified officer, with the prevalence of drugged driving on the roads and the passage of the state law for recreational marijuana. Brief discussion ensued.

<u>Senior Center Coordinator Teresa Szary</u> thanked the Service Department for putting up the outdoor pickleball nets, noting that all three courts were occupied with pickleball players within an hour of the nets going up. Ms. Szary noted there is no parking on the side by the pavilion, due to the construction work on the restrooms.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter thanked the more than 30 volunteers that came out last Saturday, noting that yard clean-up was done at 10 homes of veterans and seniors.

Mayor Potter thanked Mr. Fornaro, Mr. Courtney, Mr. Slapnicker, and Council members for their participation in tonight's Finance Committee meeting regarding road funding. Before that meeting, the Mayor said that he, Mr. Gibbs, Mr. Fornaro, Mr. Lallo and Mr. Haymer met with Patrick Mohorcic of the Lake County Port and Economic Development Authority regarding discussions with Chagrin Valley Gig (Ohio Gig). He noted that there should be an update in the next month or two from Chagrin Valley Gig regarding when they can start running the fiber broadband throughout the city.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

The Mayor advised that due to tonight's public hearing on the agenda, Economic Development Director Eddy Eckart will attend the May 20 Council meeting. He noted that a report will be provided to Council prior to that meeting.

Mayor Potter advised that clean-up at City Hall in preparation for Memorial Day will be held on Saturday, May 18; he noted this is a volunteer effort.

STANDING COMMITTEE REPORTS:

Councilman Haymer advised that a Public Utilities Commission meeting needs to be scheduled. Mr. Lallo advised that the Public Utilities Commission consists of the Mayor, the Public Service Administrator, the City Engineer, the Director of Finance, the President of Council, and one other Council member selected by the President and approved by Council. It was unclear whether the additional Council member had been selected during this term of Council; Mr. Lallo advised that legislation is not required. Council President Smolic appointed Councilman Scott Haymer, since he is Chair of the Utilities Standing Committee of Council. Upon roll call vote, each member stated his/her approval of the Council President's selection. **ROLL CALL: APPROVED 7/0 (VOTING YEA: SYMONDS, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER, SCHULZ AND SMOLIC. VOTING NAY: NONE).**

Mayor Potter noted that a meeting date and time must be scheduled, and notifications will need to be sent to the residents served by those package plants.

With regard to the lease purchase of a new fire truck, Councilman Ziegler requested that a work session be scheduled for 6:30 before the next regular meeting for further discussion.

CORRESPONDENCE:

Council President Smolic acknowledged receipt of Planning & Zoning Commission Resolution No. 24-PZ-2 relating to the Commission's recommendation of approval of a number of zoning ordinance amendments. Mr. Lallo advised that the amendments simply clean up various code sections; he noted that legislation will be on the next agenda, and Council will need to schedule a public hearing on the proposed amendments. It was noted that the public hearing can be held at Second Reading of the legislation.

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. 24-R-33
(Mayor Potter)-A RESOLUTION AUTHORIZING PARTICIPATION IN THE
ODOT ROAD SALT CONTRACTS AWARDED IN 2024,
AND DECLARING AN EMERGENCY.

The legislation was read by title only. Mr. Fenstermaker moved to waive the three readings, with the second by Mr. Ziegler. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: SYMONDS, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER AND SMOLIC. VOTING NAY: NONE. ABSTAINING: SCHULZ).** Mr. Ziegler moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 6/0/1 (VOTING YEA: SYMONDS, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER AND SMOLIC. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

The legislation was read by title only. Mr. Fornaro requested that the legislation be adopted tonight, noting that it is for crossover pipes. Ms. Symonds moved to waive the three readings, with the second by Ms. Grazia. ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SYMONDS, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER, SCHULZ AND SMOLIC. VOTING NAY: NONE). Ms. Symonds moved to declare an emergency and adopt, with the second by Ms. Grazia. ROLL CALL: ADOPTED 7/0 (VOTING YEA: SYMONDS, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER, SCHULZ AND SMOLIC. VOTING NAY: NONE). June 10, 2000 MS. Symonds M

RESOLUTION NO. 24-R-35 (Mayor Potter) - A RESOLUTION ACCEPTING THE BID OF WATTS EXCAVATING FOR ITS WORK ON THE QUAIL CIRCLE CULVERT REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY.

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

COUNCIL COMMENTS:

Councilwoman Symonds thanked all the residents that called, emailed and sent text messages to provide their opinions about the rezoning application, noting that it is important to have feedback from the citizens. She said it is much easier to represent the residents when Council hears from them.

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.

<u>RESOLUTION NO. 24-R-34</u> - A RESOLUTION ACCEPTING THE BID OF WATTS (Mayor Potter) EXCAVATING FOR ITS WORK ON THE PHEASANT LANE CULVERT REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY.

Ms. Symonds moved to adjourn, with the second by Mr. Fenstermaker. The motion of Council passed by unanimous vote and the meeting adjourned at 8:29 p.m.

President of Council

Clerk of Council