

## KIRTLAND CITY COUNCIL MINUTES

May 20, 2024

The meeting of Kirtland City Council was called to order at 7:10 p.m. by Council President Joseph Smolic. Ms. Grazia led the prayer which followed the Pledge of Allegiance. The members of Council present were: Ronald Fenstermaker, Suzanne Grazia, Scott Haymer, Joseph Smolic, Julie Symonds and Eric Ziegler. Absent: Matthew Schulz.

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 MAY 6, 2024 FINANCE COMMITTEE MEETING:

Mr. Fenstermaker moved to waive the reading of the minutes, with the second by Ms. Symonds. The motion of Council passed by unanimous vote. Mr. Fenstermaker moved to approve the Minutes, as presented, with the second by Ms. Symonds. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SYMONDS, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER AND SMOLIC. VOTING NAY: NONE).**

### MINUTES OF THE MAY 6, 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 6/0 (VOTING YEA: SYMONDS, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER AND SMOLIC. VOTING NAY: NONE).**

### MINUTES OF THE MAY 6, 2024 COUNCIL MEETING:

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 6/0 (VOTING YEA: SYMONDS, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER AND SMOLIC. VOTING NAY: NONE).**

### DEPARTMENT REPORTS:

**Fire Chief Anthony Hutton** advised that Resolution 24-R-36 and Resolution 24-R-37 are normal appointments by Council that are done each year, appointing Christine Speece and Amy Buchanan to the Volunteer Firefighters Dependents Board. He noted that in Ohio, part-time firefighters are considered volunteer and this gives them added protection in case of line of duty injury or death.

**Police Chief Brian McCallister** said it was nice having the students visit for Government Day last week.

Chief McCallister noted that the Police Department had backed off some of the traffic enforcement at the Route 306 bridge, but he noticed they are starting to get more concerns, especially during the afternoon and evening rush, so they will pick up enforcement again. He noted that the Department is also focusing on traffic concerns in residential areas in response to complaints.

Councilwoman Symonds noted that she reached out to Chief McCallister regarding a recent situation where a semi was driving north on Route 306 into the oncoming one-way traffic; the semi did not stop and other drivers had to get out of the way. She took note of the company name on the truck, and she thanked Chief McCallister for reaching out to the company regarding the driver's actions.

**DEPARTMENT REPORTS (continued):**

Responding to Councilman Ziegler, Chief McCallister said it is not possible to allow the traffic coming off of Markell to turn left onto Route 306 because it is set up for one-way traffic. Mr. Ziegler inquired about traffic coming out of the church. Chief McCallister said the church parking lot is beyond that construction, so drivers can turn right from that parking lot to go north on Route 306.

**Service Director Joseph Fornaro** noted that in addition to Government Day with the third-graders, an Arbor Day celebration was held with the students last week, with the help of Ms. Szary and Holden Arboretum.

Mr. Fornaro thanked the Public Works team for doing a great job with the banners, flags and flowers.

Mr. Fornaro advised that the road program is going out to bid. He thanked everyone that came to the Service Department open house on Friday. He thanked Council, the Mayor, Ms. Szary, the Senior Center, Kiwanis and all the departments for helping to make the open house a success. Councilman Fenstermaker thanked Mr. Fornaro for holding the open house, noting that it is nice to be able to see the equipment that has been purchased in the last couple years.

**City Engineer Douglas Courtney** advised that the road program specifications are done and it will be advertised for bid on Wednesday; bids will be opened on June 6 and a recommendation to award contracts should be before Council on June 17.

**Finance Director Louis Slapnicker** advised that the third meeting regarding road funding was held this evening; he noted he will send out worksheets to Council.

Mr. Slapnicker advised that the GAAP conversion has been completed, which is the process to convert the cash basis accounting to accrual basis to get ready for the audit. He advised that the tax budget will be on Council's agenda within the next couple meetings.

**Law Director Matthew Lallo** did not present a formal report and no questions were asked of him.

**Senior Center Coordinator Teresa Szary** noted it has been a busy week, with Government Day and Arbor Day with the third-graders, the open house, and the Memorial Day clean-up. She said it is nice to see the residents come out in support and the departments come together. She stated her appreciation to everyone involved. Ms. Szary added that the gazebo concerts will begin on June 19, noting there is information on the city website.

Councilwoman Symonds inquired if there is an estimated date for completion of the outdoor restrooms at the Community Center. Mr. Fornaro advised that the estimated completion is mid to late June.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Potter expressed his condolences to the family of Officer Jacob Derbin and the Euclid Police Department. He stated his appreciation to all the men and women who serve in that profession.

Mayor Potter congratulated the Kirtland High School Girls' Flag Football Team for winning another city championship.

The Mayor thanked Mr. Fornaro and the Public Works Department for putting together the tremendous open house event, noting it is nice to see the community, officials and employees come out in support.

Mayor Potter noted that the Memorial Day cleanup was held this past weekend with Kirtland Kiwanis, the Garden Club and the American Legion. He thanked all who participated, noting that a lot of work was done.

**MAYOR'S REPORT/ANNOUNCEMENTS (continued):**

Mayor Potter thanked Council for a productive work session, noting that good questions are being asked and good points are being made.

Noting that legislation for the Fire Department pumper is on First Reading tonight, Mayor Potter said this should be acted on quickly. He said that legislation is also on the agenda for the appointment of Louis Slapnickner as full-time Finance Director. He noted that the Finance Director position should be full-time, and he thanked Mr. Slapnickner for his willingness to step up for the community and the City of Kirtland. The Mayor requested that the legislation be adopted tonight.

Mayor Potter noted that Eddy Eckart is present tonight to provide a report to Council. The Mayor advised that as a result of Mr. Eckart's work on the grant request for potential sewer extension up to Route 6, he received an announcement from Congressman Joyce's office that \$2 million has been placed in the Federal budget for this purpose. If Congress passes the budget, the City of Kirtland will receive \$2 million toward extension of the sewer. The Mayor thanked Mr. Eckart for his hard work.

Mr. Eckart thanked Council for renewing his contract, noting that it is a pleasure working with the City. He noted that the good news from Congressman Joyce's office came today. He said he has worked with Mr. Courtney, Mr. Fornaro, Mr. Rothlisberger at Lake County Department of Utilities, and other community entities on the sewer expansion research. Mr. Eckart said if Congress passes the budget later this year, the \$2 million will be allocated for the sewer expansion in Kirtland.

Mr. Eckart advised that he has met with representatives from Holden Arboretum several times over the last quarter regarding their needs and plans for the future.

Mr. Eckart noted that he met with a downtown property owner regarding plans for development on their small site; he will share more on that when he has more information.

For the months that he does not attend a Council meeting, Mr. Eckart advised that he will be submitting a report to the Mayor to share with Council.

Mayor Potter advised that the Memorial Day parade will kick off at 10:00 a.m. at the High School and proceed on Route 306 to the Veterans Memorial, where a ceremony will be held. He noted the American Legion will provide refreshments after the ceremony.

**STANDING COMMITTEE REPORTS:**

Councilman Haymer advised that he will send an email regarding the scheduling of a Public Utilities Commission meeting.

**CORRESPONDENCE:**

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-36** - **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF CHRISTINE SPEECE TO THE VOLUNTEER FIREFIGHTERS' DEPENDENTS BOARD, AND DECLARING AN EMERGENCY.**  
**(Council as a Whole)**

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 6/0 (VOTING YEA: SYMONDS, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER AND SMOLIC. VOTING NAY: NONE).** Mr. Ziegler moved to declare an emergency and adopt, with the second by Ms. Grazia. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: SYMONDS, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER AND SMOLIC. VOTING NAY: NONE).**

- RESOLUTION NO. 24-R-37** - **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF AMY BUCHANAN TO THE VOLUNTEER FIREFIGHTERS' DEPENDENTS BOARD, AND DECLARING AN EMERGENCY.**  
**(Council as a Whole)**

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

- ORDINANCE NO. 24-O-38** - **AN ORDINANCE AMENDING ORDINANCE NO. 24-O-10 RELATING TO THE APPROPRIATION FOR THE YEAR 2024.**  
**(Mayor Potter)**

The legislation was read by title only. Mr. Slapnicker advised that the only change in the appropriation ordinance is the \$375,000 increase for the down payment on the fire engine. Ms. Symonds moved to waive the three readings, with the second by Mr. Fenstermaker. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SYMONDS, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER AND SMOLIC. VOTING NAY: NONE).** Mr. Ziegler moved to adopt, with the second by Ms. Grazia. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: SYMONDS, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER AND SMOLIC. VOTING NAY: NONE).**

- ORDINANCE NO. 24-O-39** - **AN ORDINANCE AMENDING SECTION 624.17 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND REGARDING THE PROHIBITED ACTIVITIES RELATING TO MEDICAL AND RECREATIONAL MARIJUANA, AND DECLARING AN EMERGENCY.**  
**(Mayor Potter)**

The legislation was read by title only. Answering Council President Smolic, Mr. Lallo advised that the City has until July 31, 2024 for the moratorium to cease. The legislation was placed on First Reading.

**NEW BUSINESS (continued):**

**ORDINANCE NO. 24-O-40**  
**(Council President Smolic)**

- **AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTIONS 1273.03, 1273.04, 1273.09, 1275.03, 1275.04, 1275.09, 1277.03, 1277.04, 1277.09, 1279.03, 1279.04, AND 1279.09 RELATING TO PERMITTED USES, CONDITIONAL USES, AND LANDSCAPE REGULATIONS IN THE INSTITUTIONAL AND OFFICE DISTRICT, HISTORIC TOWN CENTER DISTRICT, RETAIL BUSINESS DISTRICT, AND LIMITED INDUSTRIAL DISTRICT; SECTION 1284.04 RELATED TO LANDSCAPE REQUIREMENTS; SECTION 1292.06 RELATING TO WIRELESS COMMUNICATION FACILITIES; AND SECTION 1296.03 RELATING TO OUTDOOR LIGHTING, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Lallo advised that the Planning & Zoning Commission is mandated by the Charter to perform a review of all the zoning ordinances at least once every five years; that review was conducted last year. During that review, it was noted that the permitted uses and conditional uses were scattered throughout the code but referenced the same uses, and it created some confusion. Mr. Lallo noted that these amendments place all of the permitted uses for retail business in that chapter of the code, and it is cross-referenced for other districts that allow the same uses. He noted these amendments clean up the code, and they also clarify that a conditional use permit is required for uses declared similar by the Planning and Zoning Commission.

Mr. Lallo stated that there have been questions about propane filling stations in the city, but it is not listed anywhere in the zoning code as a permitted use. He noted that in determining where this use could be located, automotive service stations are permitted uses in Limited Industrial Districts, and this use is similar. Mr. Lallo recommended that it be written into that provision in the Limited Industrial District. If Council would like to entertain that issue, Mr. Lallo said that Section 1279.03(d)(6) could be amended to include “the storage and retail sales of liquefied petroleum gas.”

Answering Council President Smolic, Chief Hutton said this would not be an issue as long as there is conformance with the fire code and building code.

Mr. Lallo said it is up to Council to determine which zoning district would be most appropriate for this use. He also noted that Council needs to schedule a public hearing on the proposed zoning changes; he requested that the public hearing be set for the next meeting.

Mr. Fenstermaker moved to amend Section 1279.03(d)(6) to read “Automotive service station and the storage and retail sales of liquefied petroleum gas.” Ms. Symonds provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SYMONDS, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER AND SMOLIC. VOTING NAY: NONE).** The legislation was placed on First Reading.

Council President Smolic advised that the public hearing for the proposed amendments to the zoning ordinances will be held during the Council meeting on Monday, June 3, 2024.

**RESOLUTION NO. 24-R-41**  
**(Mayor Potter)**

- **A RESOLUTION CONFIRMING THE APPOINTMENT OF LOUIS SLAPNICKER AS THE FULL-TIME FINANCE DIRECTOR FOR THE CITY OF KIRTLAND, PURSUANT TO CONTRACT AND TO THE EXTENT OF THIS CONTRACTUAL ARRANGEMENT ONLY, AND DECLARING AN EMERGENCY.**

**NEW BUSINESS – RESOLUTION NO. 24-R-41 (continued):**

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

**ORDINANCE NO. 24-O-42**  
**(Mayor Potter)**

- **AN ORDINANCE AUTHORIZING THE CITY OF KIRTLAND TO ENTER INTO A CONTRACT TO PURCHASE ONE (1) ROSENBAUER PUMPER TRUCK FROM ALL-AMERICAN FIRE EQUIPMENT, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Chief Hutton advised that the specs have been completed and the price is locked in. He said it will be an extrication engine with a light tower; it will hold water and carry the amount of hose needed. He noted that the truck design is the size the Department desired for length, wheelbase and turn radius. Chief Hutton said he has been working with Mr. Slapnicker on the lease purchase agreement.

Mr. Slapnicker advised that a financing rate comparison was done, noting that a \$375,000 deposit will be made. With the lease purchase agreement, Mr. Slapnicker said that a one-time payment will be made, and the City is utilizing Huntington Financing, with an anticipated interest rate of 5.24 percent. The total interest cost is \$50,131.17. The payment will be due on June 1, 2026. Chief Hutton advised that the truck should be in the City's possession sometime in June through fall of 2026.

Mr. Slapnicker advised that Chief Hutton has been tracking the cost of a fire engine over the last few years; based on inflation, it looks like the cost would increase significantly, and this will lock in the price now. He noted that the \$50,000 interest cost for financing would be less than the estimated inflation if it were purchased outright in 2026. Mr. Slapnicker advised that the money will be in escrow until the vendor delivers the truck.

Ms. Symonds moved to waive the three readings, with the second by Ms. Grazia. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SYMONDS, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER AND SMOLIC. VOTING NAY: NONE).** Ms. Symonds moved to declare an emergency and adopt, with the second by Mr. Fenstermaker. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: SYMONDS, ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER AND SMOLIC. VOTING NAY: NONE).**

**COUNCIL COMMENTS:**

None.

**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. Ziegler moved to adjourn, with the second by Ms. Grazia. The motion of Council passed by unanimous vote and the meeting adjourned at 7:53 p.m.

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President of Council

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Clerk of Council