

KIRTLAND CITY COUNCIL MINUTES

June 17, 2024

The meeting of Kirtland City Council was called to order at 7:00 p.m. by Council President Joseph Smolic. Mr. Ziegler led the prayer which followed the Pledge of Allegiance. The members of Council present were Suzanne Grazia, Joseph Smolic, Julie Symonds and Eric Ziegler, Ronald Fenstermaker and, Scott Haymer
Absent: Matthew Schulz.

Administrative personnel present were Mayor Kevin Potter, Finance Director, Louis Slapnicker, City Engineer Douglas Courtney, Service Director Joseph Fornaro, Fire Chief Anthony Hutton and Senior Center Coordinator Teresa Szary.

MINUTES OF THE JUNE 3, 2024, WORK SESSION:

Mr. Zeigler 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. Ziegler. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER, SMOLIC AND SYMONDS. VOTING NAY: NONE).**

MINUTES OF THE JUNE 3, 2024 COUNCIL MEETING:

Mr. Ziegler moved to waive the reading of the minutes, with the second by Ms. Symonds. 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 6/0 (VOTING YEA: ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER, SMOLIC AND SYMONDS. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton reported members of the Fire Department were on-hand throughout the Strawberry Festival and was happy to report there were no major concerns or issues.

Police Chief Brian McCallister reported there were no incidents to report from the Strawberry Festival. Only one report of a fight, but after investigating it was determined there was no fight. He further reported that very few people were turned away based on the rules that were implemented prior to the event. He thanked Law Director Matt Lallo, Mayor Potter and Joe Fornaro for their hard works and efforts in collaborating a plan to assure resident safety at the Strawberry Festival. He was appreciative of the residents' support for the rules that were implemented based on safety concerns.

Chief McCallister congratulated Detective Zack Petric for receiving a Life Saving Award from the Lake County Sheriff's department. Detective Petric assisted on a call April 4, 2024, which resulted in a lifesaving incident.

Councilperson Smolic thanked Chief McCallister as well as Law Director Matt Lallo and Mayor Potter for their efforts in implementing the new security rules and ensuring the safety of the residents and attendees at the annual Strawberry Festival.

Service Director Joseph Fornaro thanked the Public Works team for their work in making the city look beautiful with the flowers, baskets, and banners. Mr. Fornaro advised that Forestdale crossover pipes were completed. Mr. Fornaro thanked Mayor Potter for his assistance with the roof on the new public restrooms at the Community Center.

DEPARTMENT REPORTS (continued):

City Engineer Douglas Courtney advised that the bid opening for the 2024 road program took place on Thursday June 6, 2024., noting that the project was awarded to Specialized Construction, Inc. Also noting that Resolution No. 24-R-51 is on this evening's Agenda representing award of the contract. Mr. Courtney advised that the Old Town sewer project is on schedule. He stated that he had no updates on the bridge schedule at this time but hopes to have a report at the next meeting.

Director of Finance Louis Slapnicker reported that the 2023 unaudited financials are complete. Mr. Slapnicker also reported the City received a \$48,489 refund from RITA. He explained this refund represents the difference between the 1.36% retainer charged for the cost of collection versus the actual cost for collection which was only 1.05%. Responding to Ms. Symonds Mr. Slapnicker advised the monies were deposited in the general fund. Mr. Slapnicker reported the first reading of the 2025 tax budget is on this evening's Agenda and a public hearing will be held on July 1, 2024. He also reported there is a resolution on this evening's Agenda regarding authorizing the adoption of an alternative method of apportioning the local government fund, noting that the resolution is a result of a request made by the Lake County Auditor, Christopher Galloway.

Law Director Matt Lallo reported that at this time he is working on several public record requests and court prosecution proceedings. Mr. Fenstermaker stated that council received an email from a resident regarding Richard's Maple compliance conditions. Responding to Mr. Fenstermaker, Mr. Lallo stated the deadline for compliance is June 30, 2024, and that he will investigate the matter to assure the performance of the conditions are on schedule.

Senior Center Coordinator Teresa Szary recognized Jeni Potter on the success of the Safety Town program which occurred in the City from June 3rd through June 7th. She thanked all the volunteers and sponsors who also contributed to the success as well. Ms. Szary noted there were a significant increase in runners this year for Historic Kirtland 5K as this year marks the 40th Anniversary of the event. Also, the 59th Annual Conference of the Mormon History Association took place last week. Ms. Szary represented the City at an event held at the Marriott in Beachwood. At the event, the City of Kirtland was presented a commendation award. Ms. Szary read the commendation in its entirety. Lastly Ms. Szary informed that the gazebo concert series begins on Wednesday, June 19, with the Chardon Polka Band.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter followed up on Chief McCallister's comments and thanked everyone who assisted with drafting and implementing the new security rules for the Strawberry Festival including Matt Lallo, Chief McCallister and members of the Police Department, Fire Department and Service Department and surrounding agencies for their assistance in implementing and executing the new security rules. He specifically thanked the Kirtland Kiwanis for their hard work and all the volunteers that donated time and efforts throughout the weekend.

Mayor Potter congratulated Service Director, Joseph Fornaro, on receipt of an award from the American Public Works Association for being awarded as one of the top ten Public Works Directors in the area for 2024. Mayor Potter and other city representatives were present when Mr. Fornaro received the award.

Mayor Potter also congratulated Detective Zack Petric for receiving a Life Saving Award from the Lake County Sheriff's department.

Mayor Potter reported there were 786 participants in the annual Church of Jesus Christ of Latter-day Saints 5K Heritage Run. Mayor Potter thanked representatives from the Church for all of the efforts extended to

make this event a success. Mayor Potter further thanking the Police and Fire Departments for their efforts as well.

Mayor Potter reported that on the morning of the run, a special presentation to the City of Kirtland from The Church of Jesus Christ of Latter-day Saints and former Hall of Fame quarterback Steve Young took place via telecast. A framed picture of Steve Young including a signed autograph jersey was presented to the City. Mayor Potter stated the framed piece will be hung in City Hall for the public to view. Mayor Potter thanked the Jackson Family and all the local churches for their support and partnership with the City.

Mayor Potter thanked Mr. Courtney, Mr. Fornaro and Mr. Haymer for their efforts throughout the spring working with the contractor performing the work in Old Town. He especially shared his appreciation for their assistance in ensuring the parade route was clear and available for Friday evening's Strawberry Festival Annual Parade.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

P&Z Resolution No. 24-PZ-3 was received for consideration by Council. Mr. Smolic provided a summary of the Resolution.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF OLD BUSINESS:

None.

ORDINANCE NO. 24-O-39
(Mayor Potter)

(Third Reading) 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.

The legislation was read by title only. Council President Smolic stated that he has questions about the ordinance. Mr. Fenstermaker also stated he would like more time to understand the ordinance. Discussion was had and Law Director Lallo suggested the matter be tabled so that any ambiguity regarding the contents of this ordinance can be clarified.

A motion to table Ordinance No. 24-O-39 until the July 1, 2024, City Council meeting was made by Mr. Haymer and seconded by Ms. Grazia. The legislation was tabled until the July 1, 2024, meeting. **ROLL CALL: MOTION CARRIED 5/1 (VOTING YEA: FENSTERMAKER, GRAZIA, HAYMER, SMOLIC AND SYMONDS. VOTING NAY: ZEIGLER)**

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

(Second Reading) 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.

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

RESOLUTION NO. 24-R-43
(Mayor Potter)

(Second Reading) A RESOLUTION CONFIRMING THE APPOINTMENT OF LENNY MORGANO AS THE ZONING INSPECTOR FOR THE CITY OF KIRTLAND AND DECLARING AN EMERGENCY.

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

RESOLUTION NO. 24-R-44
(Mayor Potter)

(Second Reading) A RESOLUTION ACCEPTING THE BID OF OSBORNE CONCRETE & STONE COMPANY FOR THE PICK-UP OF LIMESTONE ROAD MATERIALS AND DECLARING AN EMERGENCY.

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

RESOLUTION NO. 24-R-45
(Mayor Potter)

(Second Reading) A RESOLUTION ACCEPTING THE BID OF OSBORNE CONCRETE & STONE COMPANY FOR THE PICK-UP OF LIMESTONE ROAD MATERIALS AND DECLARING AN EMERGENCY.

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

RESOLUTION NO. 24-R-46
(Mayor Potter)

(Second Reading) A RESOLUTION ACCEPTING THE BID OF ARMS TRUCKING COMPANY FOR THE DELIVERY OF LIMESTONE ROAD MATERIALS AND DECLARING AN EMERGENCY.

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

ORDINANCE NO. 24-O-47
(Council President Smolic)

(Second Reading) AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF THE CITY OF KIRTLAND, OHIO, A PROPOSAL TO AMEND THE CHARTER OF SAID CITY BY AMENDING ARTICLE VI – TAXATION AND DECLARING AN EMERGENCY.

The legislation was read by title only. The legislation was placed on Third reading.

RESOLUTION NO. 24-R-48
(Mayor Potter)

(Second Reading) A RESOLUTION APPROVING OF A DEED RESTRICTION ON THE COMMUNITY CENTER PROPERTY LOCATED AT 7900 EUCLID CHARDON ROAD AND DECLARING AN EMERGENCY.

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

NEW BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS:

None.

RESOLUTION NO. 24-R-49
(Mayor Potter)

(First Reading) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT TO PURCHASE ONE (1) ARI HETRA MOBILE COLUMN LIFT FOR THE CITY’S MECHANIC AND DECLARING AN EMERGENCY.

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

RESOLUTION NO. 24-R-50
(Mayor Potter)

(First Reading) A RESOLUTION AUTHORIZING THE ADOPTION OF AN ALTERNATIVE METHOD OF APPORTIONING THE LOCAL GOVERNMENT FUND

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

RESOLUTION NO. 24-R-51
(Mayor Potter)

(First Reading) A RESOLUTION ACCEPTING THE BID OF SPECIALIZED CONSTRUCTION, INC. AWARDDING SECTIONS I, IA, II AND IIA OF THE 2024 PAVEMENT REHABILITATION PROJECT, AND DECLARING AN EMERGENCY.

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

RESOLUTION NO. 24-R-52
(Mayor Potter)

(First Reading) A RESOLUTION ADOPTING A TAX BUDGET FOR FISCAL YEAR 2025.

The legislation was read by title only. Council President Smolic advised that the public hearing for the proposed Tax Budget for Fiscal Year 2025 will be held during the Council meeting on Monday, July 1, 2024.

Mr. Lallo addressed the Council and asked for a motion to appoint Jennell Muscatello interim Clerk of Council because of Ms. Roelle's anticipated extended period of absence.

A motion to appoint Jennell Muscatello as Interim Clerk of Council was made. Mr. Zeigler made the motion and Mr. Fenstermaker provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: ZIEGLER, FENSTERMAKER, GRAZIA, HAYMER, SMOLIC AND SYMONDS. VOTING NAY: NONE).**

COUNCIL COMMENTS:

Council Member Symonds thanked Mayor Potter and Service Director Joe Fornaro for their efforts with coordinating with both Waste Management and the Post Office throughout the Old Town area sewer project.

Council member Fenstermaker thanked Chief McCallister for his hard work and efforts relating to implementing the new security rules for the Strawberry Festival, further noting he has received a lot of positive feedback from residents.

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. Symonds. The motion of Council passed by unanimous vote and the meeting adjourned at 7:50 p.m.

President of Council

Clerk of Council