

KIRTLAND CITY COUNCIL MINUTES

December 16, 2024

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

Administrative personnel present were Mayor Kevin Potter, Finance Director Louis Slapnicker, City Engineer Douglas Courtney, Fire Chief Tony Hutton, Police Chief Brian McCallister, Law Director Matthew Lallo, and Senior Center Coordinator Julia DeWolf.

Mr. Schulz moved to suspend the rules to allow for the oath of office for Officer Nathaniel Stone. Mr. Smolic seconded. No discussion ensued. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER and SCHULZ. VOTING NAY: NONE).**

Chief McCallister introduced Nathaniel Stone, noting that he will be sworn in as a new part-time police officer. Chief McCallister stated that Mr. Stone is a recent graduate from Lakeland Police Academy.

Mayor Potter administered the Oath of Office to Police Officer Nathaniel Stone. Mr. Stone was joined by many friends and family members who also attended the ceremony. He received the applause of all those present and the congratulations of Council members.

Minutes of the December 2, 2024 Work Session:

Mr. Smolic moved to approve the Minutes as presented, with the second by Mr. Ziegler. **ROLL CALL: MOTION CARRIED 4/0 (VOTING YEA: SMOLIC, SYMONDS, ZIEGLER AND FENSTERMAKER; ABSTAIN: SCHULZ. VOTING NAY: NONE).**

Minutes of the December 2, 2024 Council Meeting:

Ms. Symonds moved to approve the Minutes as presented, with the second by Mr. Ziegler. **ROLL CALL: MOTION CARRIED 4/0 (VOTING YEA: SMOLIC, SYMONDS, ZIEGLER AND FENSTERMAKER; ABSTAIN: SCHULZ. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Hutton directed Council to the November 2024 Fire Department report. Noting that the department is on pace to hit 1,500 calls for 2024 further stating that if this were the case it would represent their busiest year ever.

Police Chief McCallister had no formal report.

Service Director Joseph Fornaro thanked the Public Works team for doing a great job during the recent snow events. Noting that to-date there have been 16 snow events compared to last year at this time there were 9. Also noting that the department used 600 gallons of fuel during the last week of November. Stating the trucks ran 24 hours a day for seven days straight days. Noting that the crew worked twelve-hour shifts.

Council President Fenstermaker inquired regarding the area on Rt. 6 & Sperry where the water puddles in middle of the hill and creates slick conditions. Mr. Fornaro stated he is aware of the issue and will look into it in early spring.

Mr. Fornaro thanked the Grazia family for the donation of the live holiday tree at City Hall. He also thanked the Garden Club for the live greenery on signposts throughout the city and for the decorating City Hall and the Council chambers.

Lastly Mr. Fornaro thanked the Lake County Genealogical Society for their assistance with inputting all of the cemetery files to make the information assessable online.

City Engineer Mr. Courtney requested that 24-R-93 closeout of the Community Center contract be passed this evening. Noting that the final contract costs is \$88,882.11 which is \$1,675.00 above the council's original authorization for that work. Noting that the overage is attributable to extra base pavement repairs needed in the parking lot.

Final pay estimate for Chivers Construction for Phase II was approved by the County. The amount of \$1,657,955 which is \$102,716 less than the estimate when the assessments were originally calculated. Further stating that the full Federal Grant of \$820,890 was used on the project.

Lastly Mr. Courtney reported that he attended a meeting with SME regarding the results of the soil boring tests. SME preparing proposal to deal with slope, this is expected to be received by the end of this week.

Finance Director Mr. Slapnicker reported that end of month reports have been distributed for November. He reported that \$110,000 was awarded by the County Commissioners from the Senior Levy award, noting that these funds are used to help fund programs for seniors. Legislation on this evening's Agenda include the temporary budget for 2025, final amendment for 2024, updated transfer ordinance for 2024, comprehensive insurance coverage for 2025 and delinquent sewer assessments. Noting that he would like all of these ordinances to pass this evening.

Mr. Schulz asked Mr. Slapnicker if he expects any large encumbrances this month. Responding he stated he expects approximately \$800,000 in encumbrances which includes the fire truck engine, final payroll, property and casualty insurance, and workers compensation payment. Mr. Slapnicker stated he expects to be at approximately \$2M.

Law Director Mr. Lallo reported that one civil suit from an aggrieved individual is still pending in Willoughby Municipal Court. Noting that the individual has also filed in state and federal court as well. Council for the City has filed a Motion to Dismiss in both courts and is awaiting a ruling on the motions.

Resolution 24-R-93 needs to be amended to include language to the effect of adding the words “pursuant to 24-R-72” to the first whereas clause. This will be done during the reading of the legislation.

Mr. Lallo responded to a question posed by Ms. Symonds regarding the lawsuit.

Community Center Director Ms. DeWolf stated that today was her full day in her new position. She reported that last week’s Annual Senior Center Christmas Party was held at Pineridge and was tremendous success.

Mayor Potter announced that at tomorrow evening’s P&Z Commission meeting a developer will be in attendance regarding a potential development at 10945 Chillicothe Road. The presentation will be a conceptional plan only, noting that no formal votes will take place and that most likely the developer will be back at the January 2025 P&Z meeting. He encouraged all council members to attend the meeting if they are available.

Mr. Schulz asked Mayor Potter if there are any updates Ohio Gig, responding Mayor Potter stated he has spoken with Jim Gibbs and there has been nothing formal presented yet. Mr. Schulz also asked if there are any updates from the 911 Committee and Mr. Carr. Mayor Potter stated he is meeting with the other west end mayors later this week and should have an update at the next meeting.

Mayor Potter wished everyone a Merry Christmas and Happy New Year.

Standing Committee Reports:

Answering Councilman Smolic Mr. Slapnickler stated he anticipates budget discussions at the first meeting in February.

Correspondence:

Legislative notice for the Ohio Division of Liquor Control regarding the transfer of a license was received. Ms. Symonds requested clarification as to who is transferring the license. Responding Chief McCallister stated that Tall Oaks has had a liquor license in safekeeping and is requesting a transfer to the Kirtland Creamery. Chief McCallister further stated that all background checks were done and there were no issues found.

Public Comments on Matters not on the Agenda:

There were no comments.

OLD BUSINESS:

Public comments on old business.

None.

24-O-79 **AN ORDINANCE DESIGNATING FINANCIAL INSTITUTIONS
(Mayor Potter) AS PUBLIC DEPOSITORIES.**

THIRD READING

The legislation was read by title only. A motion to declare an emergency was made by Mr. Schulz and seconded by Ms. Symonds. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SCHULZ, SMOLIC, SYMONDS, ZEIGLER AND FENSTERMAKER. VOTING NAY: NONE)**

24-O-80 **AN ORDINANCE PROVIDING TEMPORARY
(Mayor Potter) APPROPRIATIONS FOR THE THREE- MONTH PERIOD
ENDING MARCH 31, 2025.**

THIRD READING

The legislation was read by title only. A motion to declare an emergency and adopt was made by Mr. Schulz and seconded by Mr. Smolic. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SCHULZ, SMOLIC, SYMONDS, ZEIGLER AND FENSTERMAKER. VOTING NAY: NONE)**

24-O-85 **AN ORDINANCE AMENDING ORDINANCE NO. 24-O-59
(Mayor Potter) RELATING TO THE APPROPRIATIONS FOR THE YEAR 2024.**

SECOND READING

The legislation was read by title only. A motion to waive the third reading was made by Mr. Smolic and seconded by Mr. Schulz. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SMOLIC, SYMONDS, ZEIGLER, FENSTERMAKER AND SCHULZ. VOTING NAY: NONE)**

A motion to declare an emergency and adopt 24-O-85 was made by Mr. Smolic and seconded by Mr. Schulz. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SMOLIC, SYMONDS, ZEIGLER, FENSTERMAKER AND SCHULZ. VOTING NAY: NONE)**

24-R-86 **A RESOLUTION AMENDING RESOLUTION NO. 24-R-27**
(Mayor Potter) **FOR AUTHORIZING TRANSFERS OF FUNDS, AND**
 DECLARING AN EMERGENCY.

SECOND READING

The legislation was read by title only. A motion to waive the third reading was made by Mr. Smolic and seconded by Mr. Schulz. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SMOLIC, SYMONDS, ZEIGLER, FENSTERMAKER AND SCHULZ. VOTING NAY: NONE).**

A motion to declare an emergency and adopt 24-O-86 was made by Mr. Zeigler and seconded by Ms. Symonds. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SMOLIC, SYMONDS, ZEIGLER, FENSTERMAKER AND SCHULZ. VOTING NAY: NONE).**

NEW BUSINESS:

Public Comments on Agenda Items of New Business.

None.

24-O-89 **AN ORDINANCE AUTHORIZING THE DIRECTOR OF**
(Mayor Potter) **FINANCE TO ACCEPT A PROPOSAL FOR THE PURCHASE OF**
 COMPREHENSIVE LIABILITY INSURANCE FOR THE CITY,
 AND DECLARING AN EMERGENCY.

FIRST READING

The legislation was read by title only. Mr. Schulz moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER AND SCHULZ; VOTING NAY: NONE).**

Mr. Schulz moved to declare an emergency and adopt, with Mr. Smolic seconding. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER AND SCHULZ; VOTING NAY: NONE).**

24-R-90 **A RESOLUTION ESTABLISHING STANDING COMMITTEES**
(Council President **OF COUNCIL, AND DECLARING AN EMERGENCY.**
Fenstermaker)

The legislation was read by title only. Mr. Smolic moved to waive the three readings, with the second by Ms. Symonds. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER AND SCHULZ; VOTING NAY: NONE).**

Mr. Zeigler moved to declare an emergency and adopt, with Mr. Smolic seconding. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER AND SCHULZ; VOTING NAY: NONE).**

24-O-91 **AN ORDINANCE LEVYING LIENS FOR DELINQUENT
(Mayor Potter) SANITARY SEWER CHARGES, AND DECLARING AN
EMERGENCY.**

The legislation was read by title only. Mr. Schulz moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER AND SCHULZ; VOTING NAY: NONE).**

Mr. Smolic moved to declare an emergency and adopt, with Mr. Zeigler seconding. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER AND SCHULZ; VOTING NAY: NONE).**

24-R-92 **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF
(Mayor Potter) JAMES PALEC TO THE BOARD OF ZONING APPEALS, AND
DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Schulz moved to waive the three readings, with the second by Ms. Symonds. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER AND SCHULZ; VOTING NAY: NONE).**

Mr. Smolic moved to declare an emergency and adopt, with Ms. Symonds seconding. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER AND SCHULZ; VOTING NAY: NONE).**

24-R-93 **A RESOLUTION AUTHORIZING THE CLOSEOUT OF
(Mayor Potter) THE KIRTLAND COMMUNITY CENTER PARKING LOT
REPAVING PROJECT WITH OHIO PAVING AND
CONSTRUCTION COMPANY, AND DECLARING AN
EMERGENCY.**

The legislation was read by title only. Mr. Zeigler moved to amend the legislation to add “pursuant to 24-7-72” to the first Whereas clause. Mr. Schulz provided the second. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER AND SCHULZ; VOTING NAY: NONE).**

Mr. Smolic moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER AND SCHULZ; VOTING NAY: NONE).**

Mr. Schulz moved to declare an emergency and adopt, with Ms. Symonds seconding. **ROLL CALL: MOTION CARRIED 5/0 (VOTING YEA: SMOLIC, SYMONDS, ZIEGLER, FENSTERMAKER AND SCHULZ; VOTING NAY: NONE).**

**24-O-94 AN ORDINANCE AMENDING CODIFIED ORDINANCE
(Council President Fenstermaker) SECTION 1290.02 RELATING TO FENCES AND THEIR
DEFINITIONS, AND DECLARING AN EMERGENCY.**

The legislation was read by title only and placed on first reading. Council President Fenstermaker requested the Clerk of Council schedule a public hearing on January 6, 2025, and that proper legal notice be provided.

Mr. Schulz asked a question regarding the height specifications in the Ordinance. Responding Mr. Lallo stated that privacy fences are not to exceed 6'6" and further stated this takes into account the ground grade of the fence.

COUNCIL COMMENTS:

Mr. Smolic wished everyone a happy holiday season!

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. Smolic moved to adjourn, with the second by M. Zeigler. The motion of Council passed by unanimous vote and the meeting adjourned at 7:50 p.m.

President of Council

Clerk of Council