

## KIRTLAND CITY COUNCIL MINUTES

### December 18, 2023 – Work Session

The work session meeting of Kirtland City Council commenced at 6:07 p.m. Council members present were: Suzanne Grazia, Scott Haymer, Matthew Schulz, Joseph Smolic, Julie Symonds and Eric Ziegler. Absent: Ronald Fenstermaker.

Mayor Kevin Potter, Law Director Matthew Lallo, Finance Director Louis Slapnicker, Police Chief Brian McCallister and Fire Chief Anthony Hutton were also in attendance.

Upon request of the Law Director, Council President Smolic stated he would entertain a motion to convene an executive session to discuss collective bargaining, pursuant to Article I, Section 7(d) of the City Charter. Mr. Schulz so moved, and Ms. Grazia provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: GRAZIA, HAYMER, SCHULZ, SMOLIC, SYMONDS AND ZIEGLER. VOTING NAY: NONE).** The time was 6:08 p.m.

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Upon adjournment of the executive session, the work session meeting reconvened at 6:30 p.m.

Responding to Council President Smolic regarding the legislation to reappoint him as Law Director, Mr. Lallo advised that his salary will remain the same; there is no increase. He said that if his reappointment is confirmed by Council, he will request that Council pass separate legislation to pick-up the PERS portion. He noted this was discussed four years ago when he was first appointed, and it was contracted for the City to pick-up that portion as part of the negotiation, but he did not ask the City to do so. It was ten percent every year, and that has essentially been a donation to the City. For matters beyond routine legal services, Mr. Lallo noted that the \$150 hourly rate is significantly lower than the private rate.

Mr. Lallo said that Resolution 23-R-90 provides for a moratorium on permits for retail dispensaries of adult use cannabis. Noting that the initial statute was passed by the voters, Mr. Lallo said that statute allows for municipalities to limit or prohibit the issuance of permits for adult use cannabis dispensaries, processing and distribution facilities. He believes it is the City's position to prohibit the dispensaries at this time. He stated that the Ohio General Assembly is looking to create other laws that address the implementation of the passage of Issue 2. He noted those laws are expected to be passed in July; the moratorium before Council would prohibit the issuance of any permits for adult use marijuana dispensaries. Mr. Lallo explained that the moratorium would protect the City from potential litigation. Council President Smolic noted that legislation (Resolution 16-O-42) was passed November 21, 2016, relating to the prohibition of a cultivation facility, processing facility, and dispensary for medical marijuana.

With regard to Ordinance 23-O-94 relating to the purchase of a new phone system, Mr. Slapnicker requested that the legislation be passed tonight, noting it is part of the amended appropriation.

With regard to Ordinance 23-O-93 relating to levying liens for delinquent sanitary sewer charges, Mr. Slapnicker said the City has three wastewater treatment plants, and invoices are sent out quarterly by the Finance Office. For delinquent accounts, the amount is certified to the County and will be placed on the owner's property taxes for payment.

With regard to Ordinance 23-O-91 providing temporary appropriations, Mr. Slapnicker advised that according to the Ohio Revised Code, the City must approve a budget for 2024. If a final budget is not in place for 2024, then a temporary budget must be passed for the first three months

of the year. Mr. Slapnicker advised that the temporary budget includes strictly operational costs; it does not include any capital. He said that during the first three months of the year, the final budget for 2024 will be put together and must be passed by March 31. Mr. Slapnicker said he provided a separate line-item appendix, with a three-year history.

Mr. Slapnicker advised that the 2024 temporary budget is two percent higher than last year's temporary budget, and the budget is a ten percent increase over actual spending. He noted that one significant change is a decrease for the two-month holiday received for health insurance premiums. He noted there is a six percent increase for department labor, and there is a new hire in the Police Department that was not included in last year's temporary budget. Mr. Slapnicker said the temporary budget also includes 5,000 tons of salt, noting that the City is able to purchase 110 percent of that contract; it is fully funded in three sources - the General Fund, Street Construction, Maintenance and Repair Fund, and the State Highway Fund.

Answering Councilman Schulz regarding the final wrap-up legislation for the road program, Mr. Slapnicker confirmed that he has the numbers needed for the final appropriation.

Mr. Slapnicker reviewed the final amended appropriation, noting there is still one payroll remaining. He said that significant changes include police overtime, noting that \$73,000 was originally appropriated in anticipation of having a new police officer hired earlier than it actually occurred, so the overtime expense in the Police Department was \$93,000. He noted that he removed the \$50,000 for the parking lot, which will roll over until next year; a grant was received through the County. With regard to the phone system, Mr. Slapnicker advised that \$20,000 was budgeted; upon further investigation it will cost an additional \$8,600. Noting that there were unspent funds from the Fire Department relating to Station 2 improvements, Mr. Slapnicker said the Fire Station improvements are being reduced by the exact dollar amount to increase the line item for the phone system.

Mr. Slapnicker said that Ordinance 23-O-95 relates to the property and casualty insurance renewal, noting the City went to market in late 2022 and there was significant savings in the quote from Jackson Dieken. He noted that last year's premium was \$86,000, and the quote the City did not accept was approximately \$100,000. Mr. Slapnicker said he is proposing to stay with Jackson Dieken. He noted there is an increase of approximately ten percent with a quote of \$94,000; it includes the property casualty insurance and the cyber insurance. Mr. Slapnicker advised that the increase is not a result of the City's claims history; it is an inflationary trend across the board.

Mr. Slapnicker advised that the citywide appraisal was done and the appraisers completed all of their field work. The City is waiting for them to issue their report to make sure that the buildings are sufficiently insured, with no insurance gaps. The report is expected in the first quarter of 2024.

Noting that Jim Gibbs of Fairsite Technologies is present, Mayor Potter asked that he address Council regarding the new phone system. Mr. Gibbs said the existing phone system is very old and is no longer supported in terms of hardware or software. He said that approximately 46 handsets across the City will be replaced. He noted that the system will increase convenience features for the users. Mr. Gibbs said the City should realize an annual savings of \$5,000 to \$8,600 as old lines are converted to digital lines as part of the upgrade.

Councilman Schulz inquired if there is any concern about a power outage affecting the phones. Mr. Gibbs advised that the City is already set up to deal with weather related events. He noted that each building outside of City Hall will have a fail-over line so it will not depend on the main

system at City Hall in the event there is a loss of the fiber or internet connection at the Fire Departments, Service Department, or the Community Center.

Mayor Potter noted that the legislation for the broadband internet and the Ohio Patrolmen's Benevolent Association contract are on Second Reading. He requested that Ordinance 23-O-82 relating to the Police contract be passed tonight. He also requested that Ordinance 23-O-84 reappointing Mr. Lallo as Law Director be passed tonight.

With regard to the legislation for appointments and reappointments, Mayor Potter stated that Mr. Laux filled an unexpired term and has been a tremendous asset on the Planning and Zoning Commission. He noted that Ms. Quiggle also filled an unexpired term on the Board of Zoning Appeals. With regard to the Civil Service Commission, the Mayor noted that Dave Skeggs has served on that Commission for 36 years and is ready to pass that on to someone else. Mayor Potter stated his appreciation for Mr. Skeggs' commitment and service to the City. The Mayor noted that he is appointing Greg Kessler to that Commission, noting he is a part-time firefighter in another community and is familiar with City government; he will be a good addition to that Commission. Noting that all of these appointments expire at the end of this year, Mayor Potter requested that Council waive the readings and pass these tonight.

Mayor Potter noted that Dana Dennis has been serving on the Kirtland Board of Tax Review for several terms, and Paul Rupert is a partner in an accounting firm. He requested that these reappointments also be passed tonight.

Mayor Potter requested that the legislation be passed tonight as an emergency for the moratorium relating to retail dispensaries for recreational marijuana. He noted that the six-month moratorium will provide an opportunity to see how this will be handled going forward and protect the City from legal challenges.

Mayor Potter also requested that the legislation for the temporary appropriation, the final amended appropriation, and the liens for delinquent sanitary sewer charges be passed tonight.

The Mayor thanked Mr. Gibbs for his hard work relating to the new phone system and getting the City to a place where the antiquated system can be replaced.

Answering Council President Smolic, Mayor Potter said it is up to Council if they want to pass Resolution 23-R-81 relating to broadband internet tonight. Mr. Schulz noted that the legislation does not contain an emergency clause, so it will not be in effect until 30 days after it is passed.

Fire Chief Hutton advised that after he gives his report during the regular meeting, he will ask Mayor Potter to swear-in a new full-time firefighter, Jasmine Pierce. She will be replacing Jeff Drake, who was hired with the grant. Mr. Drake has taken a position with the City of Eastlake, where his father and grandfather both retired; he will stay with Kirtland part-time.

There was no further discussion, and the work session meeting adjourned at 6:58 p.m. upon the unanimous consent of Council.

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President of Council

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Clerk of Council