

KIRTLAND CITY COUNCIL MINUTES

January 22, 2020

The meeting of Kirtland City Council was called to order at 7:00 p.m. by Council President Richard Lowery. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: Scott Haymer, John Lesnick, Richard Lowery, Jeffrey Ruple, Matthew Schulz, Joseph Smolic and Kelly Wolfe.

Administrative personnel present were: Mayor Kevin Potter, Law Director Daniel Richards, Assistant Finance Director Louis Slapnicker, City Engineer Philip Kiefer, Police Chief Lance Nosse, Fire Chief Anthony Hutton and Economic Development Manager Monica Drake.

MINUTES OF THE JANUARY 6, 2019 WORK SESSION AND JANUARY 6, 2019 COUNCIL MEETING:

Mr. Smolic moved to waive the reading of the minutes, with the second by Mr. Lesnick. The motion of Council passed by unanimous vote. Mr. Smolic moved to approve the Minutes, as presented, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton stated that he distributed the report for 2019, saying the Fire Department had a very busy year. At the end of the year the Department responded to quite a few fires, including mutual aid. Unfortunately, two of the fires in the last six weeks were fatal. In December there were 65 EMS calls, 53 being transports, which kept the Department very busy.

Chief Hutton stated that every couple years the Police Department participates in CPR/AED training, along with other emergency skills such as how to administer Narcan. He noted that the Police Department is able to respond quickly when the Fire Department needs them to lend a hand. Police officers carry AEDs in their patrol cars; he noted they arrived on scene at two cardiac arrests and began CPR and using the AEDs. Also, they responded to one overdose where Narcan was administered. Chief Hutton commended the officers for their actions, and asked Chief Nosse to relay his appreciation.

The ISO, Insurance Service Organization, evaluated the Fire Department on January 16. This is a standard evaluation, done every five years or so. Five years ago the Department went from a rating of 6 to a rating of 3, which is a great spot to be in for Kirtland. The ISO looks at everything, including staffing, training, and dispatch. Chief Hutton expects to gain points with this evaluation, hoping to stay at a 3 rating.

With budget time coming, the Chief mentioned his department has had some mechanical issues with some of their vehicles and they will need to be sent out for repairs. Mayor Potter and Mrs. Kovalchik have already been notified.

Concerning ISO, Councilman Smolic asked Chief Hutton to explain the evaluation procedure. Chief Hutton explained they used to come out and spend three days on site. They would evaluate all trucks, equipment, and flow tests. This most recent evaluation was based more on record-keeping, paperwork, etc. An emphasis is placed on training, which is mostly done in-house at the Fire Department. However, Chief Hutton also expects to look into sending some of the employees to school.

DEPARTMENT REPORTS (continued):

Responding to Councilman Schulz regarding the needed vehicle repairs, Chief Hutton explained there are electrical problems, fuel pump issues, and other issues that cannot be taken care of in-house and will need to be outsourced. Concerning repairs for the crack in the wall at Station 1, Chief Hutton said there have been several companies contacted for quotes, but only one quote has been received, from a local contractor in Highland Heights. Once the weather breaks the contractor will come to Station 1 to assess the damage and a plan will be formed from there.

Concerning on-site mechanical and construction work, Chief Hutton stated that some of the Department employees are trying to pick up the duties. However, there is no replacement for Captain Grinstead, and the skill set he brought has been missed.

Council President Lowery mentioned to Chief Nosse that he is quite impressed with the AEDs placed in patrol cars and the capability of the officers in using them.

Police Chief Lance Nosse advised that the 2019 statistical year-end report has been distributed. He noted the report includes a breakdown, pointing out that the arrest section of the report now includes arrests and citations. Concerning the reporting requested at the previous Council meeting, the report is very in-depth and cumbersome and would be too much to decipher. Concerning the subjectivity on serious and not-serious, Chief Nosse stated these categories are not clear cut. An example would be a misdemeanor assault, which Chief Nosse considers more serious than some felonies. Chief Nosse went on to say he continues to work on the reporting, to meet Council's requests. In the current report, December was included as a brief run-down on what happened in December 2019. The Chief noted there are some things that are not numbered: house checks, business checks, etc. These are usually referred to as community relations incidents, to include visitation with community members and interacting with the kids in the neighborhood. Chief Nosse said he encourages such community relations.

Chief Nosse stated that the Department is still working on a couple of breaking and entering cases, vehicle break-ins, and things of that nature. Chief Nosse explained the Department is working with outside entities, including the State Highway Patrol, Cuyahoga County, Lake County and Summit County on a task force. It is believed there is a group of individuals that are wreaking havoc in the area.

Concerning the report on the arrests/citations, Councilman Ruple inquired if the suspect was originally cited for what is listed or if there are other underlying citations. Chief Nosse answered there are times the Department responds to a domestic situation that turns into something different. Some are stops for another type of call than for what they are eventually cited. Almost all citations notated in the report are for the reason the suspect was stopped. There are also some add-on citations, such as seatbelt violations and texting while driving, which are not primary offenses. Therefore, citations listed are what the suspect was arrested for at the time of the incident. If charges are adjusted later the report is not changed to reflect the adjustments.

Answering Councilman Lesnick's question concerning calls that come in, Chief Nosse said all calls are responded to as they come into the Department; they are not prioritized.

Answering Councilman Haymer concerning citations issued for speeding, Chief Nosse said quite a few are on Kirtland-Chardon Road, however he cannot give an exact number looking at the current report. An exact number would have to be determined after research is done. However, Chief Nosse did say the majority of the speeding citations come from Kirtland-Chardon Road.

Council President Lowery mentioned the semi has reappeared and is running all night long on property at the Route 6 and 306 intersection. This led him to believe someone is in the vehicle, and wondered if the Police Department is aware of the person's identity. Chief Nosse responded, stating this person is a resident and the Department has had multiple conversations with the resident.

DEPARTMENT REPORTS (continued):

The Chief noted that he also talked to the property owner, and it does not seem there has been permission granted to park there overnight. Chief Nosse noted he has been working with the Zoning Inspector, who also received a complaint about this situation.

Councilman Smolic asked how the new crosswalk and light are working with the kids and the schools, to which Chief Nosse said it seems to be working well. He noted there are still some people confused, quite possibly just not used to it yet. Chief Nosse said he is working with Officer Petric to put out another Facebook post explaining the functioning and how to proceed through the light. Chief Nosse stated they have issued a few citations, but they are trying to educate the public, including the students. Responding to Councilman Haymer's question as to why there cannot be a regular traffic light instead, Chief Nosse stated it didn't fit into the budget. To put in a functioning traffic light the entire area would have to be reconfigured by engineering. Mr. Haymer stated that the lights at the crosswalk are crooked on the pole, to which Chief Nosse responded that he will look into it. Discussion ensued regarding the crosswalk and the Hawk system.

Economic Development Manager Monica Drake stated that with regard to previous questions from Council, WINT began broadcasting on FM on March 29, 2019. Concerning the rescinding of the 2015 Clean Water Act Expansion on the defined definitions of wetlands, Ms. Drake stated the 2015 expansion included lands that might at times be wet and the hydrology of the land. The expansion also included irrigation ditches. Those are examples of what became defined as a wetland.

With the reversal of the 2015 Clean Water Act in September, the administrative code is being revised, and it is anticipated that sometime this winter the revision will be done. Ms. Drake noted that under the EPA's proposal the only wetlands that will be federally protected are those that are adjacent to a major body of water, or ones that are connected to a major waterway by the surface water. This definition suggests the federal protection for wetlands will be along tributaries such as the Chagrin River or the shores of Lake Erie. It appears that other areas which are now defined as wetlands based on expanded definitions that occurred in 2015 will be reverted back to pre-2015 definitions.

Noting that in the past wetlands had to be over a half acre, Ms. Drake said she doesn't know if that will become a requirement again. What this means for property owners in Kirtland, other than for true wetland areas, it appears the smaller pockets of wetlands will no longer be defined as wetlands. The interesting thing about these changes is the impact it may have on the property that is owned by the City on Route 6. Therefore, this is a good thing on the City's behalf.

Ms. Drake informed Council she has been sharing various grant opportunities with different City departments and looking at ways to save money. There have been conversations on potential opportunities for the sewer project that is approaching. Ms. Drake has been in touch with the Staff Chief of Lake County Planning and Rhea Benton, the Community Development Block Grant Manager regarding community development block grant opportunities. Also, Mr. Radachy, the Director of Lake County Planning and Community Development, shared the different aspects for which his department is responsible, along with the fact that Lake County Planning provides 12 hours of free service to every community in Lake County every year. This is an opportunity to get help in different planning areas where there is a need.

Ms. Drake stated that she and Mayor Potter met with Dominic Manfredi regarding his desire to locate his business in the City and his search for land in Kirtland. Ms. Drake advised that she will be following up with him regarding finding a place to operate his business.

Councilman Smolic thanked Ms. Drake for keeping up with the regulations on wetlands.

DEPARTMENT REPORTS (continued):

City Engineer Philip Kiefer stated that in response to an e-mail from Councilman Lesnick, he sent out information about the need for a Public Utilities Commission meeting. Mr. Kiefer stated that the procedure used and legislation passed for Temple View may be adequate to get a loan without an urgent need to hold the meeting. Mr. Kiefer advised he will be applying for a five-year, zero percent interest design loan for the sewer project.

Mr. Kiefer stated that Council received the proposed scope of services for the sewer project. Mr. Kiefer noted there are some changes in what the EPA wants done; he noted they want the whole area to have the sewers designed at one time. After this is done, the EPA will be willing to talk to the City concerning constructing it in phases to enable Kirtland to apply for more grant money. To accomplish this, Mr. Kiefer stated aerial photography is needed and a digital elevation map must be prepared. The photography needs to be scheduled as soon as possible, as it needs to be completed by the end of March before the leaves come out on the trees. Mr. Kiefer expects to present the proposal to the Mayor, at least for the photography, which will be under \$15,000. Once that is done, the digital mapping can be prepared at any time in the future. That will get Kirtland on the schedule to get the plans done in the time the EPA is expecting.

Answering Councilman Lesnick's question on the comments made in the scope of services, Mr. Kiefer stated the initials "LG" referenced on the report belong to Leslie Gordon, who is an employee in his office. There was discussion regarding the scope of services document.

Mayor Potter advised that there was a conversation last week between the EPA, himself, Mr. Kiefer, two other representatives of CT Consultants, Ms. Drake, and Council President Lowery in relation to the findings and orders of the EPA and entering into negotiations. Mayor Potter went on to say he had not realized negotiations had not yet been completed, which was the purpose of the phone call. The clock on the project has not yet started, and the EPA was asked to follow-up the conference call with an e-mail/letter. Further discussion ensued concerning details on the project, including streets in the area that were not a part of the EPA's findings and orders.

Responding to Councilman Haymer's questions on the low interest loans that have been discussed, Mr. Kiefer explained that the City is applying for grant money from OPWC for each phase of the sewer project, which may only represent 20 to 30 percent of the total cost. With the loan application from WPCLF there is an option to ask them to consider the application for grant money. WPCLF does have grant money that is distributed statewide; however, there is no guarantee that the grant will be received. Mayor Potter added that through discussions regarding the community development block grants, there should be opportunities for low-income residents to get individual grants. Ms. Drake explained certain block areas in Kirtland may qualify for these grants. Individuals are also encouraged to apply if they can demonstrate low to moderate income. Moderate income is considered \$47,000 for a household of two. Moving forward, Ms. Drake said residents can participate in an income survey to determine block areas that will qualify. If these areas are approved, the City can apply for whole sections of piping in lieu of individual connections. However, those who qualify individually can also get assistance for connections, along with overall project reduction.

Council President Lowery summarized the sewer project for those present, verifying with Mr. Kiefer the following timeline. The findings came to Council several months ago, the City replied to those findings, and the City communicated with the EPA regarding a glitch in those findings. The clock for the project was stopped, and it will be reset when it begins again. The City is currently waiting for a response from the EPA to set the stage for negotiations to clarify and verify, then set a plan and timeframe. Mayor Potter added that there will be a strategy on the City's part for the funding.

Answering Councilman Smolic, Mr. Kiefer said the aerial photography will be taken by an airplane; he noted that drones have too much sway.

DEPARTMENT REPORTS (continued):

Assistant Finance Director Louis Slapnicker advised that the 2019 financials have been closed and the reports have been forwarded to Council.

Mr. Slapnicker reviewed some highlights of the financials, noting that governmental revenue decreased approximately \$150,000. However, if the \$300,000 transfer in 2018 for debt proceeds is removed for an “apples to apples” comparison of 2018 and 2019, the revenue is actually increasing approximately \$150,000. The cause of this would be the 3% increase in property taxes and the implemented gas tax is up 14%. If the general fund is reviewed, again taking into consideration the \$300,000 transfer, revenue in the general fund would have been increased by approximately \$58,000. Income tax, included in the general fund, increased \$39,000, approximately 1% over the prior year. Property tax increased \$51,000, approximately 8%. There are some smaller decreases attributed to activity such as cemetery plot sales and the like.

On the expenditure side, the total increase in expenditures was \$617,000 which is mainly a result of the increased spending in the general fund and the road levy. That is a decrease of approximately \$528,000 solely in the general fund. That was a \$367,000 decrease in capital outlay. There was very little capital spending in 2019 from Council approval within the appropriation ordinance compared to 2018. The road levy expenditures decreased \$129,000 as a result of projects that are taking place.

Overall, the fund balances in governmental increased a combined \$343,000. Of that, the general fund balance was a \$232,000 increase over 2018, mainly as a result of the decreased spending, primarily in the capital side.

Mr. Slapnicker advised that the Finance Department has recently met with the GAAP converters to get the 2019 financial statements converted from cash basis accounting to the modified accrual side that will need to be reported to the state auditors for the audit that will take place in 2020.

As an update on W-2s, Mr. Slapnicker stated that they are going well and should be submitted this week.

Answering Councilman Schulz, Mr. Slapnicker stated that a memo of the summary he shared can be prepared for Council.

Law Director Daniel Richards stated that he attended a hearing last week before the Industrial Commission on behalf of the City in regard to a firefighter issue about development of colorectal cancer. Mr. Richards stated there have been changes in the law with regard to the protection of firefighters. This concerns the idea of the development of cancer as a consequence of being exposed to certain carcinogens while fighting fires. This is not a simple matter, and will require the attention of the Fire Department in terms of providing safety equipment necessary to ensure the firefighter is protected as much as possible to avoid these claims. Mr. Richards noted that Chief Hutton is aware of the situation. There are certain thresholds that have to be met to qualify for a firefighter to make a claim which is considered valid before the Industrial Commission. The firefighter's case has been held legitimate against the City of Euclid, where he was a firefighter for over 20 years; in this instance, the City of Kirtland was not found liable. Mr. Richards went on to say the parties may still appeal, and the case can go through further hearings in front of the Industrial Commission or ultimately wind up in court. Mr. Richards said his department will monitor it and keep track, however there is not much more information he can provide on the case at this point.

MAYOR'S REPORT/ANNOUNCEMENTS:

Referring to legislation on tonight's agenda, Mayor Potter requested that the Resolutions relating to Rockwood Drive and Wisner Road be passed tonight. He requested that the legislation pertaining to State Route 306 be placed on first reading, if Council is so inclined, noting that he has further questions for Mr. Slapnick, Mrs. Kovalchik and Mr. Kiefer.

The Mayor suggested moving forward with the SME proposal discussed during the work session, as the City must have at least one road project selected before the end of March and a resolution passed in order to receive the \$52,000 county funding.

Mayor Potter noted that the City is working with the Kiwanis and the Baseball and Soccer Leagues to bring a playground to the Community Center. Kiwanis and the Soccer Leagues are applying for grant opportunities and hope to be able to fund the projects. There has also been discussion of pickleball and tennis on the east side of the building, and the City should be able to get that done relatively inexpensively with the help of the Service Department.

Mayor Potter said he spoke with the new mayor of Willoughby Hills, Andy Gardner, concerning opportunities for next year, if not the coming year, regarding bidding of roads.

The Mayor thanked Council members who submitted suggestions for the Charter Review Committee appointments. Mayor Potter stated he expects to present the final list by Friday, once he has heard back from everyone he has contacted. The group that has been selected is very talented, reasonable, and Mayor Potter sees them working well together.

Mayor Potter thanked Ms. Drake for bringing to his attention last week that capital requests from the State of Ohio were previously due or coming due. He reached out to Senator Eklund and Representative Callendar, and both gave the City an extension through the current week. The Mayor requested Ms. Petersburg follow-up with Senator Eklund's office to request a form to submit a capital budget funding request. With the help of Jenna Hull of the Community Center and Councilman Haymer, the form was filled out and funds were requested for outdoor bathrooms at the Community Center. Mayor Potter thanked Ms. Drake for bringing the situation to his attention, and he thanked Jenna Hull and Helen Petersburg for working quickly to submit to the state by late afternoon today.

Mayor Potter referenced a Facebook post that was brought to his attention yesterday concerning Chief Hutton and Chief Nosse. Both Chiefs were mentioned in the post by a family member for going above and beyond the call of duty by staying with the family members and providing comfort through a situation which unfortunately ended in a loss for the family. Mayor Potter commended both Chiefs for their actions.

Councilman Schulz asked if Mayor Potter could give more information on pickleball, to include the schedule and budget, to which Mayor Potter responded there have been preliminary discussions but nothing concrete.

Referring to recent incidents with mailboxes, Mr. Schulz mentioned the incident reporting mechanism on the City's website, which will log and track the incident. Mayor Potter added there is also a mailbox policy listed on the website.

Council President Lowery asked the Mayor about having Jenna Hull attend a Council meeting in the next few months to provide a report to Council.

Mayor Potter advised that he and Mr. Lesnick met with Mrs. Kovalchik last Friday, relative to the construction, presentation, and organization of the budget and how it will be presented to Council. Mrs. Kovalchik said in the meeting that a full picture of revenue should be available to Council by the end of the week.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

The Mayor noted that on February 8, chairpersons of three committees of Council will come in and review each section of the budget; he noted his intent that each Council member will have some exposure to the budget before it is presented to Council. The budget is expected to be presented to Council at the second meeting in February. Mayor Potter stated his appreciation to both Mrs. Kovalchik and Mr. Slapnick for their work on the budget.

STANDING COMMITTEE REPORTS:

None.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

RESOLUTION NO. 20-R-1 - (Second Reading) - **A RESOLUTION DECLARING INTENT TO CONDUCT AN INTERNET AUCTION FOR THE SALE OF UNNEEDED, OBSOLETE OR UNFIT PERSONAL PROPERTY OF THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only and placed on Second Reading. When asked for a list of the items, Chief Nosse stated once the list is completed, it will be e-mailed to Council.

NEW BUSINESS:

RESOLUTION NO. 20-R-3 - **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE BOARD OF LAKE COUNTY COMMISSIONERS THROUGH THE LAKE COUNTY DEPARTMENT OF UTILITIES, STORMWATER MANAGEMENT DIVISION, RELATING TO FUNDING FOR THE ROCKWOOD DRIVE OUTFALL REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only. Mr. Schulz moved to waive the three readings, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE, AND HAYMER. VOTING NAY: NONE).**

NEW BUSINESS (continued):

RESOLUTION NO. 20-R-4
(Mayor Potter)

- **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE BOARD OF LAKE COUNTY COMMISSIONERS THROUGH THE LAKE COUNTY DEPARTMENT OF UTILITIES, STORMWATER MANAGEMENT DIVISION, RELATING TO FUNDING FOR THE STATE ROUTE 306 RESURFACING AND SAFETY IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mayor Potter noted that he has some questions that need to be addressed, and the legislation was placed on First Reading.

RESOLUTION NO. 20-R-5
(Mayor Potter)

- **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE BOARD OF LAKE COUNTY COMMISSIONERS THROUGH THE LAKE COUNTY DEPARTMENT OF UTILITIES, STORMWATER MANAGEMENT DIVISION, RELATING TO FUNDING FOR THE WISNER ROAD STREAMBANK STABILIZATION PROJECT, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Smolic moved to waive the three readings, with the second by Mrs. Wolfe. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Lesnick. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).**

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CONTINUING CONCERNS:

Mr. Lesnick asked if there are any plans to address the structure of this building. Mayor Potter responded that he has reached out to a gentleman who has done a capital inventory as a free service to the school system, and that gentleman has expressed an interest in doing the same for the City to identify the pressing capital building needs and the costs associated with the repairs that are needed.

COUNCIL COMMENTS:

None.

PUBLIC COMMENTS:

Sharon Vyskocil, 8415 North Locust, informed Council that she commented on the website in the section for concerns and reported about the water drainage areas down by Route 306. Ms. Vyskocil stated she received a return e-mail right away with a tracking number, and was told the concern was being forwarded to the appropriate department who would look at it after the snow melts. Ms. Vyskocil said the system does work. Council members thanked her for letting them know it's working well.

ADJOURNMENT:

Mr. Lesnick moved to adjourn, with the second by Mr. Smolic. The motion of Council passed by unanimous vote and the meeting adjourned at 8:03 p.m.

President of Council

Clerk of Council