

KIRTLAND CITY COUNCIL MINUTES

November 4, 2020

The meeting of Kirtland City Council was called to order at 7:01 p.m. by Council President Richard Lowery. Due to the current state of emergency regarding COVID-19, the meeting was held virtually via Zoom. Mr. Schulz led the prayer which followed the Pledge of Allegiance. The members of Council present were: John Lesnick, Richard Lowery, Jeffrey Ruple, Matthew Schulz, Joseph Smolic and Kelly Wolfe. Absent: Scott Haymer.

Administrative personnel present were: Mayor Kevin Potter, Law Director Matthew Lallo, Assistant Finance Director Louis Slapnicker, City Engineer Douglas Courtney, Service Director Joseph Fornaro, Economic Development Manager Monica Drake, Police Chief Lance Nosse and Fire Chief Anthony Hutton.

MINUTES OF THE OCTOBER 19, 2020 WORK SESSION:

Mr. Smolic moved to waive the reading of the minutes, with the second by Mr. Schulz. The motion of Council passed by unanimous vote. Mr. Smolic moved to approve the Minutes, as presented, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: SCHULZ, SMOLIC, WOLFE, LOWERY AND RUPLE. VOTING NAY: NONE. ABSTAINING: LESNICK).**

MINUTES OF THE OCTOBER 19, 2020 COUNCIL MEETING:

Mr. Schulz moved to waive the reading of the minutes, with the second by Mrs. Wolfe. The motion of Council passed by unanimous vote. Mr. Schulz moved to approve the Minutes, as presented, with the second by Mrs. Wolfe. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: SCHULZ, SMOLIC, WOLFE, LOWERY AND RUPLE. VOTING NAY: NONE. ABSTAINING: LESNICK).**

MINUTES OF THE OCTOBER 19, 2020 FINANCE COMMITTEE MEETING:

Mr. Schulz moved to waive the reading of the minutes, with the second by Mr. Smolic. The motion of Council passed by unanimous vote. Mr. Schulz moved to approve the Minutes, as presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 5/0/1 (VOTING YEA: SCHULZ, SMOLIC, WOLFE, LOWERY AND RUPLE. VOTING NAY: NONE. ABSTAINING: LESNICK).**

MINUTES OF THE OCTOBER 27, 2020 FINANCE COMMITTEE MEETING:

Discussion ensued regarding documents shared during the meeting; Mr. Lallo advised it is not required that those documents be attached to the minutes. Mr. Lesnick moved to waive the reading of the minutes, with the second by Mrs. Wolfe. The motion of Council passed by unanimous vote. Mr. Lesnick moved to approve the Minutes, as presented, with the second by Mrs. Wolfe. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SMOLIC, WOLFE, LESNICK, LOWERY AND RUPLE. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised the monthly report will be distributed for the next Council meeting. October was a busy month for the Fire Department, with a total of 106 calls including 52 EMS transports.

As for the COVID update, the numbers are up to 66, which is an increase from the last reported update of 51. EMS transports for COVID have gone down, but hospitalizations in the area are up. Several police and fire departments' personnel have been affected, however not yet in Kirtland.

DEPARTMENT REPORTS (continued):

Chief Hutton has received pictures of the demo ambulance currently being built, and said that it looks great. The ambulance is scheduled to be delivered in December.

Chief Hutton mentioned that Firefighter Doug Malvicino will be retiring at the end of this month, and his replacement will be Firefighter Cory Eisenberg.

Council President Lowery asked for further clarification on the positive COVID tests reported for surrounding police and fire departments, to which Chief Hutton said those affected are in Lake County and surrounding Cuyahoga County. Mr. Lowery asked if there was a way to determine if those testing positive contracted COVID on the job or in the community, to which Chief Hutton advised that the departments are doing a very good job at protecting their employees.

Mr. Schulz asked for an update on the water tank for the LaFrance engine. Chief Hutton advised that the LaFrance engine will be out of service for a short time, as a repair specialist will need to do the repairs. He said it will hopefully be back in service by the end of next week.

Police Chief Lance Nosse advised that October's report will be distributed for the next Council meeting. There are no major issues to report at this time.

Voting at the polls went well, officers were out and making sure everyone felt safe and comfortable. There were no reports of any issues.

Officer Jose Carrillo will be leaving the Police Department to take a position at the City of Painesville. Chief Nosse wished him the best of luck in all of his endeavors. There is already a candidate in the pre-employment process, and hopefully there will be a seamless transition.

Chief Nosse stated he is working with Chief Hutton, the Mayor and Mr. Fornaro to get things up and running with the tower. There have been some added costs, including an ice guard to protect the equipment, that were not included in the original quote. It also will require the Service Department digging a major trench from the building back to the tower. There may be another option, a repeater, which will help communications at a lower cost. The appropriation and work is still moving forward at this time.

Responding to Councilman Smolic, Chief Hutton explained the repeater would be similar to Ham radios, on a smaller scale. Answering Mr. Smolic, Chief Hutton said residents with Ham radios have been helpful with special events.

Service Director Joseph Fornaro reported it has been a busy couple of weeks in the Service Department, and the crews have been doing a great job. Eight catch basins in the Rocking Horse area were done today, which should complete the catch basin repairs for the year.

Mr. Fornaro stated the fall brush pickup has begun and is going well, noting that they delayed for a couple days to give residents a chance to catch up after the rain last week.

Councilman Schulz asked if the City has any opportunity to re-use the chipped recyclables, or if the City has to pay to dump them. Mr. Fornaro said there is a list, noting that residents call and the Service Department will deliver to them. Due to this, there are no dumping fees paid by the City.

Responding to Council President Lowery, Mr. Fornaro advised that work on Emerald Glen began Tuesday. The surface was ground down, the holes were patched, and chip seal went down today with pavement scheduled for Friday.

DEPARTMENT REPORTS (continued):

Mr. Fornaro agreed to forward information to Councilman Smolic on the total number of ditches that were done this year by the Service Department.

Economic Development Manager Monica Drake reminded those present that the State of Ohio has opened up for small business grants. This is handled through the Development Services, and is for small businesses up to 25. They must have employees, pay payroll, and issue W-2s. There are also relief funds for bars and restaurants. The first grant is for \$10,000; the second one is up to \$2500. There is also a program set aside to help citizens with paying rents and utilities. These programs became available Monday.

Ms. Drake stated that last week she provided information to the Utilities Standing Committee during their meeting, noting that she can answer additional questions if needed.

Councilman Schulz noted that Kirtland Area Service Council also offers assistance to residents.

City Engineer Douglas Courtney advised that Tim Meyer from Badger will drop off the final paperwork today for the 2019 Drainage Projects.

Concerning the Wisner Road Streambank Stabilization 319 Grant Project, Mr. Courtney advised the rains on the 20th and 21st created an issue with the east bank of the river. A portion of the bank slid back into the river. Mr. Fornaro and Mr. Courtney have met with several people at the site, including the contractor and Chagrin River Watershed Partners, and reviewed the situation. The design/build contractor is expected to present repair solutions tomorrow. Once more information is available on the situation it will be shared with Council.

Regarding the 2020 Street Rehab project, the chip seal and intermediate course was done today. The surface course will be done tomorrow, and Friday the reclamite spray is scheduled.

Ronyak has indicated the Charlesderry Road chip seal will be pushed to spring, as it's getting late in the year to do finished course chip seal work.

The Street Maintenance and Repair plan has been adjusted by Mr. Courtney and Mr. Fornaro, based on financing options provided by Mrs. Kovalchik. Once the adjustments have been finalized, it will be shared with Council.

Mr. Courtney is working with Mr. Fornaro to input all street inventory and ratings into a GIS-based system. This will make it easier to sort streets and assign maintenance and repair measures. It will also be easier to read, as it will be in map form. The project is in its infancy, and once there is more information available it will be shared.

With regard to the Old Town sewer project, Mr. Courtney advised he has redone the estimate. Revised costs without Saxon Drive and Fairidge Road for sewer installations will be approximately \$2.969 million, and the pavement cost would be approximately \$1.95 million. Mr. Courtney does not expect to hear from WPCLF or OPWC until December or later.

With regard to the Saxon Drive drainage issue, there seems to be an issue every time it rains. Mr. Courtney has done some work trying to determine how much flow is going to that particular area, and where it's coming from. Storm sewer maps are thin, so Mr. Courtney and Mr. Fornaro will have to physically go out to the area and research. More information will be released as it becomes available.

Mr. Courtney and Mr. Fornaro will be going to Woodlake tomorrow morning to verify grades, and the Service Department will begin working on that issue Thursday or Friday.

DEPARTMENT REPORTS (continued):

Responding to Councilman Lesnick regarding the Wisner Road issue, Mr. Courtney stated it is the south end.

When asked if the drainage issue on Saxon Drive and Eisenhower Drive was causing flooding to the septic systems, Mr. Courtney said one of the owners has indicated his system has been flooded. This seems to be where there is the biggest issue, as water comes down the rear yards in a drainage channel and ends at this resident's property line. There was a catch basin installed years ago, but it's not enough to carry all the water. There is also the problem of the basin getting blocked and the water goes out to the street. The goal is to keep the drainage in the rear yards, down to Eisenhower Drive, and then picked up in the system that begins at the end of Eisenhower Drive and on to the Chagrin River.

Councilman Schulz asked how residents will be advised on the delay of chip seal, to which Mr. Courtney stated that has not yet been determined as the notification was received yesterday. Mr. Schulz went on to ask if there is a spreadsheet showing the cost of each roadway, to which Mr. Courtney said that document was shared with Council earlier. Mayor Potter noted there was discussion at the first Service Department Committee meeting, pointing out that the document needed to be updated with the finance options discussed earlier. Mr. Smolic said he would forward Mr. Schulz a copy of the original document by e-mail.

Assistant Finance Director Louis Slapnicker advised that the September additional end of month reporting has been distributed, noting there was a delay due to reporting of COVID numbers.

The 2018 and 2019 audit has been completed. The report will be released by the Auditor of State.

Mr. Slapnicker said he's been very focused on the new system, and has completed the payroll parallels through September and expects to have October completed shortly. All purchase orders are in the system and being kept up.

The BWC announced a possible third dividend for Ohio employers, subject to Board approval. The approval was set to take place on the 2nd, but Mr. Slapnicker has not yet seen it come through. This dividend is estimated at 3.72 times the October dividend, which is estimated around \$163,000 based on those numbers.

There is legislation on tonight's agenda to amend the appropriations, and Mr. Slapnicker requested it be passed on first reading. There are only two changes. In the General Fund there is an addition of \$10,623 for capital items. The second change is for Fund 219, an additional \$203.81 which is interest on the COVID grant monies. Mr. Slapnicker noted those would be recorded on the revenue side as well as the expense side.

Council should expect to receive amended appropriations at each of the next meetings, as things are changing constantly and the Finance Department is trying to stay abreast of all changes.

Councilman Ruple asked for an update regarding the 2021 budget and the possibility of getting it out sooner. Mr. Slapnicker suggested Mr. Ruple speak to Mrs. Kovalchik. Discussion ensued concerning the 2021 budget and how soon it will be available. Mr. Ruple inquired when the new system will be completely intact, to which Mr. Slapnicker replied that the year will be closed out in the new system.

Councilman Schulz asked when a check would be received for the BWC rebate discussed earlier. Mr. Slapnicker said the Board was set to vote on November 2, noting he has not seen anything come out as of yet.

DEPARTMENT REPORTS (continued):

Law Director Matthew Lallo reported the Kirtland Public Library is closed due to the County's COVID level. One of the City's ordinances requires posting of any ordinances or legislation in the Library. Therefore, Ordinance 20-O-52 will need to be amended to permit the posting at City Hall and on the City's website and not posting at the Community Center or Library because they are closed. The proposed modified ordinance has been distributed to Council. Since it is on Third Reading, the legislation will revert to Second Reading once it is amended.

Mr. Lallo stated that Resolution 20-R-58 is a resolution authorizing Chief Nosse to enter into a MOU (Memorandum of Understanding) with the Kirtland Local School District. This is for a new hire, Officer Bill Bauckman. Officer Bauckman is a retired City of Cleveland police officer recently brought in by the Police Department to be the SRO (School Resource Officer) for the school. Noting there have been prior agreements with the school for the SRO, Mr. Lallo stated this agreement is auto-renewing, however either party can back out at any time. However, the auto-renew protects the SRO to be included in any pay increases passed for city employees. The cost of that increase would be reimbursed by the school. Mr. Lallo said he believes the school has already authorized Mr. Van Arnhem to sign off on the MOU and will be asking along with Chief Nosse that the three readings be waived today as Officer Bauckman is already working in the school.

Responding to questions Mr. Ruple had on clarifying a TIF (Tax Increment Financing), Mr. Lallo explained the purpose and process in detail to those present.

Mr. Lallo explained that he's consulted with one attorney and has a call into two other attorneys, including one Ms. Drake has consulted with previously. There are issues that will need to be addressed, one of which would be the direct benefit to that parcel. Another potential problem that has been brought up is the passing of the ordinance for the TIF. That is typically when the clock, or value, starts.

If this goes forward, Mr. Lallo would like to see the TIF go into effect before 12/31/2020. Therefore, the 1/1/20 value can be captured. Discussion ensued concerning the TIF and the best way it can benefit the City. Mr. Lallo agreed to request an attorney come and speak at an upcoming Finance Committee Meeting so everyone will be able to ask questions and understand the process a little better.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter thanked all Kirtland voters that came out to the polls. He had the opportunity to work through the Board of Elections as an election day rover, which is a bi-partisan team that visits many different polling locations. Mayor Potter worked with a trustee from another city, getting to know them very well and seeing some of the behind-the-scenes and effort required by many people, young and old, to allow the American people a safe and secure way to cast their ballot.

Because of the rain last week, the brush pickup will be bumped out a week. Mayor Potter suggested anyone with questions contact Mr. Fornaro.

There is an ad posted on Indeed for a new Community and Senior Center Coordinator. Mayor Potter, along with other Council Members and City Administration, will be interviewing candidates. There have been many qualified applicants.

Councilman Schulz suggested the brush pickup be added to the city's website.

Responding to Mr. Schulz, Mayor Potter stated many good candidates for plow drivers came forward, one of which will begin part-time seasonal in the next few days. There is also a firefighter from another city that lives in Kirtland and will be coming on board to work on an as-needed basis.

CORRESPONDENCE:

Council President Lowery read a letter dated October 25, 2020 from Kirtland Local Schools' Superintendent Chad VanArnhem, expressing concerns about a possible Tax Increment Financing (TIF) project being considered by the City.

Council President Lowery noted that correspondence dated October 30, 2020 was received from Dominion Energy, which was forwarded to all Council members. Upon Mr. Lowery's request, Mr. Lallo explained the letter is a notice of the extension of the pipeline infrastructure replacement program. Essentially, they are replacing old pipeline with new pipeline, and charging \$1.72 - \$1.82 per month for the public infrastructure investment from 2022 to 2026. The funds will be used to help pay for the cost of replacing the old pipes.

STANDING COMMITTEE REPORTS:

Councilman Smolic noted that on Tuesday, November 10, there will be a Finance Committee meeting at 6:30 p.m., followed by a Service Department Standing Committee meeting.

Councilman Schulz stated that on October 26 Ms. Drake spoke to the Utilities Standing Committee and explained the Tax Increment Financing (TIF).

Councilman Lesnick stated he spoke with Wendy at the Illuminating Company concerning the recent outages, and she has agreed to present information to Council on the subject. Mr. Schulz said he would talk with Mr. Fornaro and the other Utilities Committee members and set a time and date for her to present, along with discussion of other matters.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:**PUBLIC COMMENTS ON AGENDA ITEMS OF OLD BUSINESS:**

None.

ORDINANCE NO. 20-O-52 - (Third Reading) - AN ORDINANCE DESIGNATING FINANCIAL INSTITUTIONS AS PUBLIC DEPOSITORIES. (Mayor Potter)

Mr. Lallo advised that a motion is needed to amend the ordinance to properly reflect the closure of the Kirtland Public Library relating to posting of adopted legislation. Mr. Schulz moved to amend the Ordinance to reflect the language for posting related to the Kirtland Public Library being closed. Mrs. Wolfe provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SMOLIC, WOLFE, LESNICK, LOWERY AND RUPLE. VOTING NAY: NONE).** Mr. Lallo advised that due to the amendment, the legislation reverts to Second Reading.

The legislation was read by title only. Mr. Lesnick moved to waive the three readings, with a second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SMOLIC, WOLFE, LESNICK, LOWERY AND RUPLE. VOTING NAY: NONE).** Mr. Lesnick moved to adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: SCHULZ, SMOLIC, WOLFE, LESNICK, LOWERY AND RUPLE. VOTING NAY: NONE).**

NEW BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS:

None.

RESOLUTION NO. 20-R-58 - **A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH THE KIRTLAND LOCAL SCHOOL DISTRICT FOR THE SERVICES OF A SCHOOL RESOURCE OFFICER, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only. Mr. Ruple moved to waive the three readings, with the second by Mrs. Wolfe. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SMOLIC, WOLFE, LESNICK, LOWERY AND RUPLE. VOTING NAY: NONE).** Mr. Ruple moved to declare an emergency and adopt, with the second by Mr. Lesnick. Mr. Schulz asked if the training requirements referred to on page 4 are paid out of the police budget and if they are the same requirements of all police officers. Chief Nosse responded SROs are trained like any other road officer. Officer Bauckman has already gone through this training. There is a field training program, and depending on the knowledge and experience of the officer being trained it can be modified. Concerning the cost of any additional training for the SRO position specifically, the school and Police Department will share the cost. Mr. Lowery asked if the SRO could be pulled for other duties if the need should arise; Chief Nosse replied affirmatively and noted that he will be an active member of the Kirtland Police Department. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: SCHULZ, SMOLIC, WOLFE, LESNICK, LOWERY AND RUPLE. VOTING NAY: NONE).**

ORDINANCE NO. 20-O-59 - **AN ORDINANCE AMENDING ORDINANCE NO. 20-O-57 RELATING TO THE APPROPRIATION FOR THE YEAR 2020.**
(Mayor Potter)

The legislation was read by title only. Mr. Slapnicker advised that there are two changes – in Fund 219, \$203.81 in interest will be received on funds received for COVID-19. The other change is in the General Fund for \$10,623, which is the additional capital for the ice bridge antenna and radio console space for the tower, as mentioned earlier by Chief Nosse. Mr. Slapnicker requested that the legislation be adopted tonight so those purchases can go forward. Mr. Smolic moved to waive the three readings, with the second by Mrs. Wolfe. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: SCHULZ, SMOLIC, WOLFE, LESNICK, LOWERY AND RUPLE. VOTING NAY: NONE).** Mr. Schulz moved to adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: SCHULZ, SMOLIC, WOLFE, LESNICK, LOWERY AND RUPLE. VOTING NAY: NONE).**

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COUNCIL COMMENTS:

None.

CONTINUING CONCERNS:

Council President Lowery noted that this is an opportunity for the public to address Council about any continuing concerns. There were no comments from the public.

ADJOURNMENT:

Mr. Schulz moved to adjourn, with the second by Mrs. Wolfe. The motion of Council passed by unanimous vote and the meeting adjourned at 8:33 p.m.

President of Council

Clerk of Council