

## KIRTLAND CITY COUNCIL MINUTES

February 3, 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, Service Administrator Duane Martz, Police Chief Lance Nosse, Fire Chief Anthony Hutton and Economic Development Manager Monica Drake.

### MINUTES OF THE JANUARY 22, 2020 WORK SESSION AND JANUARY 22, 2020 COUNCIL MEETING:

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

### DEPARTMENT REPORTS:

**Fire Chief Anthony Hutton** gave an update on vehicles in his Department that were in need of repair. Engine 1913 had issues with a fuel pump and ladder rack, and is expected to be back at the station tomorrow; and a squad will be sent out for repair. Concerning the delay in service of the truck, Chief Hutton explained it is a 2002 American LaFrance model and it has been difficult to acquire parts since it is a custom truck and American LaFrance filed bankruptcy several years ago. There are two of these trucks in service; they are identical and problems tend to come in twos.

Referencing an e-mail he sent the Mayor today, Chief Hutton reported his Department is working on a Regional Assistance to Firefighters Grant with Geauga County for radios. He noted that in 2023 the radios currently in use will no longer be supported by Motorola. It is the hope that working together with other departments will be helpful in getting new radios.

The Fire Department has received a good bit of communication concerning the Coronavirus. While there have been calls requiring personnel to mask up and suit up to transfer patients, there have been no confirmed cases in this area. However, the Fire Department and the City are well prepared to handle whatever situation should arise.

Concerning the two 2002 fire engines, Councilman Lesnick inquired if either vehicle is working better than the other. Chief Hutton responded that both vehicles work similarly and are on a six-month rotation to keep them functioning. Mr. Lesnick asked if one of the engines could be sold, to which Chief Hutton stated it would not be feasible. There are two fire stations, with three squads and three engines. One engine and one squad are considered backups in case there is an engine or squad down. If there were no backups and one engine or squad went down, the Fire Department would be unable to respond to calls and unable to meet the needs of the community. Councilman Smolic inquired about the possibility of purchasing a truck from another department to be used for parts. Chief Hutton stated that he is not aware of any other department that has the same engine, noting that American LaFrance engines were built in three different factories, so they would not be identical. Chief Hutton noted that Countryside Truck does a great job with service and support and finding parts, including recently finding parts for the light tower, which is first generation.

**DEPARTMENT REPORTS (continued):**

Councilman Schulz expressed his appreciation to the Fire Department for their help when an ambulance had to be dispatched to his home recently. He praised the professionalism of the Department and thanked both Chief Hutton and Chief Nosse for their concern, follow-up and texts.

**Police Chief Lance Nosse** stated the Police Department has been working diligently on open cases, specifically the convenience store robbery. Following up on Councilman Haymer's comment at the last meeting, Chief Nosse stated that the crosswalk will be repaired this week.

Chief Nosse advised that he has compiled a list of property the Department would like to put on GovDeals. Explaining the process, Chief Nosse stated the City has an account as a selling entity. The equipment is posted on the site and will run for 10 days. The City has the decision of whether or not to accept a bid, however Chief Nosse suggested accepting whatever is offered as the payor is responsible for all fees and the cost of picking up the item. The process costs the City nothing. Chief Nosse asked how the City would like to dispose of property that does not sell, noting that it is mostly scrap. There was discussion regarding some of the items on the list.

**Economic Development Manager Monica Drake** stated she is currently working on a business identification project for Mayor Potter, gathering information from the Police and Zoning Departments. She will also be completing parcel information identification along State Route 6 and State Route 306.

She stated there does not currently appear to be any complete information on any one location of the businesses. Therefore, Ms. Drake's goal after the project has been completed is for the City to be able to assess where there is obsolete information on the list and where information needs to be gathered to be added to the list. That will create a complete data set on operational businesses in those two corridors.

Ms. Drake mentioned that due to the lack of sewers on Route 6 and Route 306, a party interested in one of the properties will most likely not move forward with the purchase of the property.

She noted that she has provided everyone with a copy of the power point presentation regarding the zoning map amendment process.

**Service Administrator Duane Martz** reported his Department is operating two shifts, around the clock, seven days a week. So far the salt use has been minimal, with the Department using only approximately 1800 tons to date. Answering Councilman Lesnick, Mr. Martz stated the Department used approximately 130 tons between two shifts for the recent lengthy snowfall; he noted the amount used during a snowfall fluctuates.

**City Engineer Philip Kiefer** advised that the City has not yet heard from the EPA relative to the Old Town sewer project. He is expecting written confirmation of what had been discussed.

Mr. Kiefer has finally received a final number on the additional Wisner Road repair, which was originally expected to be a maximum of \$40,000; the final amount was \$3,036.67.

Councilman Schulz brought to Mr. Kiefer's attention a situation on Gildersleeve Drive. He stated after the last thaw he went out after concerns were voiced by other council members familiar with the area. He stated there were some concerns about the placement of the rock channel protection. Mr. Schulz stated it appeared to him as though a dam situation had been created as the channel is spread out a lot more in the flood plain area. The #1s and #2s look to be a foot higher than the invert of the inlet, which may be attributing to the problem. Mr. Schulz said despite the water buildup, the area was not clogged. Mr. Kiefer said he would look into it, if the weather cooperates.

**DEPARTMENT REPORTS (continued):**

Councilman Schulz also mentioned the guardrail in that area is significantly substandard, and he questioned why this was not addressed in the scope of the project and brought up to current standards. Mr. Kiefer responded that the contractor wanted to bring a lot more dirt to shore up the east side, but that would have been a change order to the project and Mr. Kiefer did not agree to the change at the time. Also, Mr. Kiefer stated the guardrail would be a road improvement and not a drainage improvement. Answering the Mayor, Mr. Martz stated that this can be done by the Service Department. Mr. Schulz suggested that moving forward all aspects of the area be considered in the scope of the project. Council President Lowery stated there needs to be discussion regarding the safety of that turn.

Councilman Haymer stated he received a call from a resident on Markell Road concerning the state the area was left in when the State Route 306 improvement work was done. The resident said the area where the large equipment had been parked was left a mess and questioned if the contractor is responsible for restoring that area. Mr. Kiefer said he would look into it, noting that usually the contractors reach an agreement with property owners for use and restoration.

Mr. Haymer asked if the project on the north side of Wisner Road is complete, as there are still approximately 15 cones in the area. Mr. Kiefer responded that the contractor is expected to come back and do some work to the area in the spring.

Councilman Lesnick referenced the CT Consultants' website where sketches for projects can be accessed, and asked Mr. Kiefer if there are ever detailed drawings completed for the projects. Mr. Kiefer said there is not a need for more detailed drawings, as the sketches have been sufficient. Noting the recent issue on Gildersleeve Drive, Mr. Lesnick stated he does not believe the sketches provide sufficient detail; he inquired if there is another reason that it was not done correctly. Mr. Kiefer stated he would look into it.

**Assistant Finance Director Louis Slapnick** advised that the Finance Department submitted the final 2019 Senior Levy request. The 2019 reporting has been completed, and W-2's and 1099's have been issued, as well as all state and federal reporting.

The Finance Department continues to work on the 2020 budget. As the Department continues to work out of the SAGE program and working toward a new system, the Council will see January end of month reports by the next council meeting. These reports may look slightly different, in that the temporary budget is approved by the fund level. Therefore, the report may look different but the monthly information will show.

Councilman Schulz asked about the Ohio Bureau of Workers' Compensation reduction in premiums that was mentioned in a previous meeting, to which Mr. Slapnick said he would have to get back to Council once he's looked into it.

Noting that Mrs. Kovalchik had expressed concerns regarding cyber security in surrounding municipalities, Mr. Schulz stated that the Auditor's Office offers training in cyber security.

**Law Director Daniel Richards** had no formal report, and no questions were asked of him.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Potter reported the Charter Review Committee has been named and submitted. With Council's approval tonight, that project will be able to begin.

The Mayor went on to thank Chief Nosse and Chief Hutton for their open, candid, and frank conversations.

**MAYOR'S REPORT/ANNOUNCEMENTS (continued):**

Referencing Mr. Martz's report, Mayor Potter stated he is happy with the lower salt usage and overtime as a result of the weather.

The Mayor advised that a purchase order was issued on Friday to SME to do the City's road evaluation; hopefully the weather will hold and the report can be completed soon. Once the report is completed, a road project can be put out to bid and the City can receive the funds from the County.

Mayor Potter thanked Council for holding back on the Memorandum of Understanding from the last meeting concerning the State Route 306 project. The Mayor hopes Council will pass the legislation, after amending with a new dollar figure.

The Mayor asked Councilman Smolic to join himself, Mr. Lesnick, Mrs. Kovalchik and Mr. Slapnicker on Saturday morning relative to a couple committees of Council, to look deeper into where the City stands in respect to revenues and expenditures by department.

Concerning the spreadsheet Ms. Drake is creating for properties on Route 6 and Route 306, Mayor Potter stated this will provide information on property owners. This will be helpful in contacting property owners with potential business development opportunities. There will also be a business owner spreadsheet created, which will also be useful.

Mayor Potter attended a Mayors and Managers meeting in Lake County last week, which was an opportunity to meet other mayors and managers throughout Lake County.

Concerning Old Town sewers, the Mayor noted he called the Ohio EPA attorney on Friday afternoon in reference to the correspondence that has not yet been received. The attorney stated the letter had been drafted but not yet proofed, so it will be forthcoming.

With regard to the list of properties, Councilman Haymer inquired if it will be available on the website. Ms. Drake explained the program, CoStar, allows for generation of monthly reports listing properties for sale or lease in the City of Kirtland. CoStar doesn't necessarily capture all of the businesses, due to some being recognized as residential properties. Because of that issue, the listing on CoStar is not comprehensive. However, for some businesses there will be information given concerning property owner contact information. Ms. Drake stated that Wickliffe, Kirtland, and Willowick use the same program. The City of Willoughby has the program, and Ms. Drake understands Painesville has also received this program. In the program there is a licensing fee and if anyone wanted to use it, they would need to contact Ms. Drake. She stated that the program is excellent; not only is contact information available, but demographics of the location is also given, along with drivetime information from ODOT's data on traffic counts. To include the information on the website, Ms. Drake would generate a report, download it, and then it could be uploaded to the website.

Councilman Schulz asked for an update on the cell tower. Mayor Potter stated he had a meeting with Jesse Styles from North Star Cell Tower Services on Friday. He noted there will be a walk-through with some of the contractors on Wednesday, February 5, at 11:00. Mayor Potter stated that construction should start in March or April. Noting that Chief Nosse was at the meeting, the Mayor stated it provided an opportunity to discuss moving some of the equipment off the current tower and onto the new tower. Mr. Schulz stated he reached out to the City of Lakewood regarding small cell tower legislation.

Mr. Schulz asked if there had been any talk of the union negotiations, to which Mayor Potter responded he believes it will be addressed soon.

**MAYOR'S REPORT/ANNOUNCEMENTS (continued):**

With regard to the road task force, Mayor Potter stated that he spoke to Joe Petraus, formerly of EDP, who is a geotechnical engineer, and Premo Panzarello, who was in road construction. He's also spoken with Dave DiCillo, who is a sales engineer for Allega, and Dan Laux of Polaris Engineering, in an attempt to bring another engineer's perspective into the situation. When SME presents the results of their study, that information will be used for the kick-off meeting.

With regard to the budget, it was noted that on Saturday morning, there will be a meeting between Mayor Potter, Mr. Lesnick (as Chair of Finance Committee), Mr. Smolic (as Chair of Police & Fire Standing Committee) and Mrs. Kovalchik; Mr. Slapnick indicated he would not be available.

**STANDING COMMITTEE REPORTS:**

Council President Lowery suggested that the Public Relations Standing Committee plan to meet soon, to discuss updates for the website. There was discussion regarding the website, and the possibility of Council having access to add information to the website. Mayor Potter reported that several residents have brought to his attention that the Service Department has done a wonderful job of responding to service requests generated through the website. Councilman Smolic noted that there is no contact information for Monica Drake on the website.

**CORRESPONDENCE:**

Council President Lowery reported on receipt of correspondence from the Ohio Environmental Protection Agency, regarding public notice of National Pollutant Discharge Elimination System (NPDES) permits.

**PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:**

**Nick Angie, 8013 Gildersleeve**, stated that he is a fireman, and that the Kirtland Fire Department is still operating on the same truck they trained on 15 years ago. He stated that the ambulances are getting old. Mr. Angie praised Kirtland Fire as the best there is in Lake County; they are a solid fire department, and he just wants to see their trucks fixed. When the Fire Department shows up on scene, they work very hard. Mr. Angie expressed his appreciation for the Fire Department, stating Chief Hutton is probably the best chief in the county.

**OLD BUSINESS:**

**RESOLUTION NO. 20-R-1** - (Third 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. Mr. Ruple moved to adopt, with the second by Mr. Lesnick. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE).** Councilman Schulz inquired about the date of the Resolution's effectiveness, since the motion did not state an emergency. Law Director Richards advised that the Resolution contains an emergency clause, stating that the Resolution shall be in full force and effect immediately upon its passage by the affirmative vote of five members of Council and approval by the Mayor. Mr. Richards advised that the legislation becomes effective upon the Mayor's signature.

**OLD BUSINESS (continued):****RESOLUTION NO. 20-R-4  
(Mayor Potter)**

- (Second Reading) - 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. Mr. Lesnick moved to amend the additional amount requested in the Memorandum of Understanding (Exhibit A of the Resolution) from \$102,259.21 to \$34,760.00, with the second by Mrs. Wolfe. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: LOWERY, RUPLE, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE. ABSTAINING: SCHULZ).** Mr. Lesnick moved to waive the third reading, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: LOWERY, RUPLE, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE. ABSTAINING: SCHULZ).** Mr. Lesnick moved to declare an emergency and adopt, with the second by Mrs. Wolfe. Mr. Lesnick explained for those present that this will allow the City to get the money to pay off loans more quickly. **ROLL CALL: ADOPTED 6/0/1 (VOTING YEA: LOWERY, RUPLE, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

**NEW BUSINESS:****RESOLUTION NO. 20-R-6  
(Mayor Potter)**

- A RESOLUTION APPOINTING A CHARTER REVIEW COMMITTEE, WITH RECOMMENDATIONS TO BE SUBMITTED TO THE ELECTORATE, AND DECLARING AN EMERGENCY.

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

**RESOLUTION NO. 20-R-7  
(Mayor Potter)**

- A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2020 ENERGIZED COMMUNITY GRANT(S) FUNDS, AND DECLARING AN EMERGENCY.

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

**NEW BUSINESS (continued):**

- RESOLUTION NO. 20-R-8** - **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AMENDMENT #1 WITH APPLIED ECOLOGICAL SERVICES FOR THE KIRTLAND EAST BRANCH CHAGRIN RIVER STREAMBANK STABILIZATION 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. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mrs. Wolfe. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE).**

- ORDINANCE NO. 20-O-9** - **AN ORDINANCE ESTABLISHING A FUND TO BE IDENTIFIED AS "CAPITAL IMPROVEMENT FUND" FOR THE PURPOSE OF RECORDING ALL EXPENDITURES AND RECEIPTS RELATED TO THE CAPITAL IMPROVEMENTS OF THE CITY, AND DECLARING AN EMERGENCY.**  
(Mayor Potter)

The legislation was read by title only. Mr. Slapnicker was asked to explain the purpose of the next three ordinances for those who were not present during the work session. Mr. Slapnicker went on to say these three funds will account for all expenditures for which they state. This will affect the cash fund balance report, consolidating into these three funds. Each specific project can be tracked within these three capital funds. Mr. Schulz moved to waive the three readings, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mrs. Wolfe. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE).**

- ORDINANCE NO. 20-O-10** - **AN ORDINANCE ESTABLISHING A FUND TO BE IDENTIFIED AS "STREET IMPROVEMENT FUND" FOR THE PURPOSE OF RECORDING ALL EXPENDITURES AND RECEIPTS RELATED TO STREET IMPROVEMENTS OF THE CITY, AND DECLARING AN EMERGENCY.**  
(Mayor Potter)

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

- ORDINANCE NO. 20-O-11** - **AN ORDINANCE ESTABLISHING A FUND TO BE IDENTIFIED AS "STORM DRAINAGE PROJECTS OR IMPROVEMENTS FUND" FOR THE PURPOSE OF RECORDING ALL EXPENDITURES AND RECEIPTS RELATED TO THE STORM DRAINAGE PROJECTS OR IMPROVEMENTS OF THE CITY, AND DECLARING AN EMERGENCY.**  
(Mayor Potter)

**NEW BUSINESS – ORDINANCE NO. 20-O-11 (continued):**

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

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**CONTINUING CONCERNS:**

Mayor Potter expressed his appreciation to Mr. Richards for his many years of service to the City of Kirtland. His diligence, hard work, thoughtfulness and knowledge he shared with the City is most appreciated. Mr. Richards expressed his pleasure in serving this community for the past 20 years. He went on to say he was invited to come to Kirtland by Mayor Podojil, who had previously been the City Manager for the City of Mentor. Mr. Richards said before coming to Kirtland he was the Assistant Law Director at the City of Mentor for approximately 30 years. Mr. Richards stated the importance of cooperation between the administrative and legislative branches. Mr. Richards said one of the things he's always felt was most important in giving advice to the City, its Mayors and City Council Presidents, is to maintain the decorum and the decency of the Council and the Administration. Mr. Richards wishes to leave behind a continuation of good government that includes relationships between those that are chosen by the citizens to do the governing.

Council President Lowery also expressed his appreciation for Mr. Richards' 50 years of wisdom and knowledge, noting that he will leave a legacy.

**COUNCIL COMMENTS:**

None.

**PUBLIC COMMENTS:**

**Lita Laven, 8970 Riverwood Way,** asked for clarification on ordinances that were presented this evening concerning the capital improvement fund, the street improvement fund, and the storm drainage fund. Ms. Laven wanted to clarify if the capital fund included the capital improvements for the other two funds. She stated she was trying to determine what is capital and what is operations and maintenance costs. Mr. Slapnick explained all capital costs will be included in those three funds, anything project-based specifically. He stated that operation expenses will be kept separate; these three funds are strictly capital.

**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 8:14 p.m.

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President of Council

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Clerk of Council