

Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Smolic. Prior to roll call, Mr. Schulz voiced his appreciation to the Mayor for working with Council on this ordinance. Mr. Schulz stated that he supports C.W. Courtney Company for this appointment, noting that they are experts in drainage, which is an issue in the City, and he believes they will bring a great deal of value to the community. He stated he was impressed with their awareness and ability to remain up to date with grants, their work history, and that they have a local office. The company is family owned, fourth generation, and one of the owners is a Kirtland resident; Doug is the Chief Operating Officer and will be the main point of contact, with his brother, Chris, as back-up when there are scheduling conflicts.

Council President Lowery commended the Mayor for his role in the process that led to this appointment; he welcomed the company and their team, praising the experience and background of the company. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER, LESNICK AND LOWERY. VOTING NAY: NONE).**

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DEPARTMENT REPORTS:

Fire Chief Anthony Hutton reported that Lake County is doing a great job of passing information on to the City with regard to the Coronavirus. Chief Hutton noted that symptoms of Coronavirus present as flu-like: fever, headache, cough. Lake County is requesting those who have those symptoms to stay home, reduce contact with others, wash hands, cover your cough. The Fire Department has stocked up supplies over the last week, and Lake Health has provided the Department with masks. The Department has already made up kits with masks, gowns, gloves, booties, and goggles.

Chief Hutton stated that several cases have been reported in the U.S. Dispatch has guidelines for asking questions of incoming callers, such as whether they have been out of the country, or have a cough or fever. Chief Hutton reported there have already been a few cases where the masks were used. The Chief stated that the Fire Department is closely following decontamination guidelines from the Health Department.

Chief Hutton stated there have fortunately been no cases reported as yet in Ohio, however he does expect to see confirmed cases in the future. He noted that the Lake County Fire Chiefs' meeting was last week, and EMA Director Joe Busher attended. Director Busher is very active at the state and national level, and informed everyone at the meeting that he would probably schedule a meeting soon with the Mayors to discuss the situation.

Chief Hutton mentioned news reports about a nursing home in Washington that had an outbreak, with six deaths reported. Of the first responders (firefighters from Kirkland, Washington), 37 are now currently quarantined, and 19 are beginning to show symptoms and are isolated. This brings to light the dangers to the elderly and infirm.

Chief Hutton reported that the Fire Department has had good training over the last month, including ice rescue. Shift commanders in Lake County meet monthly for training, and this month was active shooter/mass casualty incident.

Councilman Schulz inquired about the effect of the quarantine on the fire department in Kirkland, Washington. Chief Hutton stated one-third of the department is quarantined. The quarantine did not shut the department down, but most likely it has had a huge impact.

DEPARTMENT REPORTS (continued):

Noting that he has been in the health care field for a long time, Council President Lowery stated it is important that people do not panic; people should wash their hands, and if they do not feel well they should not be out in public. Mr. Lowery advised that if anyone has further questions, they should visit the CDC website for the most up-to-date information.

Police Chief Lance Nosse advised that there have been a few issues regarding vehicles, and they are being addressed by the Zoning Inspector.

Chief Nosse updated Council on the computer forensics discussed at the last meeting. Officer Petric has assisted in executing three search warrants to date. Any accumulated overtime concerning this assignment will be reimbursed to the City via the Secret Service.

Chief Nosse is still working with the Route 306 corridor to determine the timing of the traffic lights from Route 615 to the freeway. He is trying to work with ODOT to get a free study, and he will update Council as more information becomes available.

Economic Development Manager Monica Drake advised that the project Mayor Potter had requested is almost complete and is proving to be very helpful. The information includes zoning classifications of the properties and will be beneficial in many ways, including a comprehensive review by Planning and Zoning.

Ms. Drake stated she has received calls from business owners interested in moving businesses into Kirtland. She noted that Mr. Lallo provided input into questions concerning zoning, which she will discuss with Mayor Potter.

Ms. Drake noted that she is making business retention/expansion calls, noting that she has enjoyed touching base with the business owners in the City, receiving feedback from them regarding their challenges and important aspects as a business owner.

Regarding the Transportation Safety Projects and the grant information that has been shared, Ms. Drake spoke to Keri Welch, the Safety Coordinator for the Ohio Department of Transportation (ODOT). Ms. Welch provided Ms. Drake with ODOT Safety Targeted Areas, a list of intersections which are high priority for the Department of Transportation. There are no areas in the City of Kirtland on the list, but Ms. Welch provided information on the criteria that has to be met for the City to make application to be included on the listing. The next step in the process would be to look at these areas in more detail. Ms. Drake will go over the information provided recently by Chief Nosse concerning these areas and determine if any of the thresholds for application can be met. There are two funding cycles for this program, and there will be opportunities to make application if the criteria is met.

Ms. Drake stated that trees are being taken down and the land is being cleared to start the construction of the wedding barn.

The plans for the independent senior housing apartments will be before the Planning and Zoning Commission in the near future.

Assistant Finance Director Louis Slapnick stated that the first draft of the 2020 Budget was released to Council today. The Mayor will elaborate on the report.

Councilman Schulz inquired about cyber security, noting that this was a concern of Mrs. Kovalchik. Mr. Schulz inquired if there has been any progress made in researching this issue. Mayor Potter advised that the City has been working with Cornerstone IT in this regard.

DEPARTMENT REPORTS (continued):

Law Director Matthew Lallo advised that he prepared three pieces of legislation to be addressed tonight. One is to appoint Tom Lobe as the Assistant Law Director. Mr. Lallo stated Mr. Lobe is very experienced in municipal law, working as a Law Director in Solon for a number of years, and also in Willoughby Hills and many other jurisdictions. Mr. Lallo believes he will be a great asset to the Law Department, and he requested Council's support on the legislation.

Mr. Lallo advised that the other two pieces of legislation are relative to the opioid litigation that is going across the state and country. One piece of legislation is essentially a class action, where all local governments across the state are involved as part of the One Ohio Memorandum of Understanding. Mr. Lallo went on to say the Ohio Municipal League has asked the City of Kirtland to accept the memorandum, and Mr. Lallo feels it is appropriate to pass.

Mr. Lallo noted that currently the City of Kirtland is not a party to any suit or litigation. Should the One Ohio Memorandum of Understanding pass, Kirtland is set to receive limited funds from the settlement. Mr. Lallo stated there needs to be a certain threshold of local governments to accept the Memorandum of Understanding. Mr. Lallo recommended that the legislation be passed, accepting the Memorandum of Understanding, as it causes no harm to the City and would allow the City to receive extra funds. He noted there is a short window of opportunity for accepting the Memorandum of Understanding, as a response is required by March 6.

If the Memorandum of Understanding fails to pass across the state, Mr. Lallo stated that the third piece of legislation he is proposing provides another way for Kirtland to recoup funds from the opioid manufacturers, the pharmacies, and any other wrongdoers in this epidemic. This would be an opportunity to assert the City's own case, and there is a deadline of March 6 as well.

Mr. Lallo advised that the Charter gives the Mayor the authority to appoint special counsel in certain cases. Therefore, Mr. Lallo is asking the Mayor to appoint Plevin & Gallucci to be retained as special counsel to pursue any potential cause of action as relates to the situation. Frank Gallucci is the lead partner in that office, and has been the lead attorney across the state in the opioid litigation. Mr. Gallucci's main client is Cuyahoga County, who has already settled, and he represents a number of other local governments concerning this matter.

Mr. Lallo assured those present this would be a purely contingent fee case. Therefore, if the Memorandum of Understanding passes across the state, there is no fee that is owed to Plevin & Gallucci. If the Memorandum of Understanding fails and the City were to pursue a separate cause of action through this firm, the City would owe Plevin & Gallucci nothing unless funds are recouped. Mr. Lallo stated there is zero risk in pursuing this option and that he believes it would be beneficial to the City, noting that resources have been expended from both Police and Fire in responding to opioid related offenses and calls. Mr. Lallo mentioned his experience with retaining Plevin & Gallucci in the same circumstance for Painesville Township.

Relative to Resolution No. 20-R-18, Councilman Schulz asked what percentage of municipalities/townships must accept the Memorandum of Understanding, to which Mr. Lallo responded he believes the percentage is in the 70 percentiles. There has to be an overwhelming amount of support shown for the Memorandum to pass.

Councilman Lesnick asked both Chief Nosse and Chief Hutton if they have an idea of what the City of Kirtland has spent concerning the opioid crisis, and if it has been an extraordinary amount of money.

DEPARTMENT REPORTS (continued):

Chief Hutton said his Department began responding to overdose calls approximately five years ago. Concerning cost, it's hard to determine a figure. The Police Department's medication comes from the Health Department, and the Fire Department's medication comes from the hospital. There is a cost associated; Chief Hutton believes there have been more costs associated with the Police Department, considering overtime for court appearances.

Chief Nosse said in the beginning of the crisis, his department was able to charge when responding to certain overdoses, depending on evidence found on scene. As of right now, some of those laws have changed and the person who has overdosed is not immediately charged fees although there may be charges to them later depending on what is found. Chief Nosse stated that once the medication is used, the Department has to pay for it. Chief Nosse noted that an initial dose was provided by the Health Department, and any other doses needed have to be purchased. Chief Nosse said his Department has spent money on the medication, however probably not a large amount.

Councilman Lesnick stated that the Lake County Health Department had made a request to increase their funds, to benefit the testing facility. Chief Nosse said his Department is not testing powders or anything such as that on the street. The evidence is collected and submitted to the crime lab, due to the possibilities of officers being placed at risk of absorbing the chemicals.

Chief Hutton noted that the Health Department received a grant and distributed medication to all the police departments.

Councilman Smolic asked how the funds would be distributed if the Memorandum of Understanding passed. Mr. Lallo stated that from past litigation experience, run reports have been compiled from the Fire Department that referenced EMS runs for overdoses, Police Department reports concerning drug possession, overdoses where a needle is present, or theft offenses related to drug abuse. The reports are hard to compile, but the more debt that can be shown the better position to prove the case and to prove damages. The resources such as Narcan (Naloxone) is not only considered in the reimbursement, also the time and sweat equity from responders. Instead of patrolling, or performing other job duties, they are occupied with this task. In the mind of the litigators, this is a task they should not have had to do.

Councilman Lesnick thanked Mr. Lallo for the time he's put into this legislation, including all the e-mails and questions that have been answered. Responding to Mr. Lesnick regarding gathering of information related to the City's cost, Mr. Lallo suggested holding off until there is a decision on the Memorandum of Understanding. If it passes, there may be a strict schedule set concerning monies received by each community. However, if the City is individually involved in a lawsuit, Mr. Lallo suggested waiting for the law firm to request the data and information, to avoid spending time gathering data that may not be requested.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter thanked Mr. Lallo for bringing the opportunity to the attention of Council and spoke of his support of the legislation presented concerning the Memorandum of Understanding. Referring to Ordinance No. 20-O-14, the Mayor stated his support of the appointment of Mr. Lobe as Assistant Law Director.

With regard to the City Engineer appointment, Mayor Potter congratulated Mr. Courtney and spoke about the process of interviewing and evaluating several applicants; he noted that C. W. Courtney Company made a very good impression and he looks forward to working with them.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Now that the City has a new Engineer and Law Director, the Mayor said the City will reach out to the EPA to have a follow-up discussion concerning the sewer project. He stated that the next step is have another discussion and look into negotiations.

Mayor Potter thanked Mr. Slapnicker and Mrs. Kovalchik for their tireless work over the course of the last couple of months on the City's finances, noting that they are moving from an older system to a newer system with the software conversion. He noted that a draft appropriations ordinance has been presented to Council. Mayor Potter said he realizes it is not typical to be entering March without a full delineation of finances, and he voiced his appreciation to the Chiefs and Council for their patience and understanding.

The Mayor noted that Councilman Lesnick will be the point of contact concerning questions related to the budget in the next few weeks. Mayor Potter added that Mr. Lesnick will be scheduling meetings with Standing Committee Chairs, Chief Hutton and Chief Nosse in the coming weeks.

Councilman Lesnick noted that there will be several upcoming meetings with Standing Committee Chairs and Department Heads, along with a Finance Committee meeting following the next regular meeting and a special meeting on the last Monday in March. Mr. Lesnick requested that any further questions be sent to him, Mrs. Kovalchik and Mr. Slapnicker. Discussion ensued concerning the scheduling of meetings.

Mayor Potter advised that he received the report from SME, but he has not yet had a chance to review it due to working on the budget. He noted that Councilman Lesnick set a tentative meeting for this coming Thursday, unfortunately it had to be rescheduled due to conflicts. Now that Mr. Courtney is on board, Mayor Potter would like to include him in that meeting. The Mayor noted he will forward the report to Council members.

Mayor Potter noted that he had the honor last week to perform a wedding ceremony in Council Chambers for a Kirtland couple. He said it was a humbling experience, and he thanked Mrs. Petersburg for her help in scheduling the ceremony and seeing to the details.

The Mayor noted that a Western Lake County Chamber of Commerce event will be held in Council Chambers, and all of the businesses in Kirtland will be invited. A date has not yet been set for the event.

For clarification, Council President Lowery stated that there is a budget in front of Council and questions concerning the budget are to be sent to the Finance Chair and/or Mrs. Kovalchik and Mr. Slapnicker. He implored those on Council not to wait until the last minute to pose any questions they may have.

Councilman Lesnick added that questions relating to details of the budget will need to be addressed by Mrs. Kovalchik and Mr. Slapnicker; any questions on the process should be addressed to him, along with Mrs. Kovalchik and Mr. Slapnicker.

Council President Lowery noted that the finance documents look greatly different than in years past, which is helpful for Council to read and understand the budget moving forward in the coming year. He thanked Mrs. Kovalchik and Mr. Slapnicker for an excellent job.

STANDING COMMITTEE REPORTS:

As Chair of the Finance Committee, Mr. Lesnick stated that a Finance Committee meeting will be held following the regular Council meeting on March 23, 2020. He requested that meetings be scheduled in the next two weeks with the Police & Fire Standing Committee Chair and the Service Department Chair and the respective Department Heads.

STANDING COMMITTEE REPORTS (continued):

It was agreed that a special Council meeting be held on Monday, March 30, 2020 at 7:00 p.m., for the Third Reading and approval of the appropriation legislation.

Mayor Potter noted that the first organizational meeting for the Charter Review Committee will be tomorrow night at 7:00 p.m. in Council Chambers. He noted that everyone is welcome to attend.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

None.

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

Scott Mason, 7784 Fairidge, had a question concerning Ordinance No. 20-O-19, and the appointment of Plevin & Gallucci; he asked if Mr. Lallo could explain how there is no risk of fees to Kirtland. Mr. Lallo stated it is a contingent fee, noting that if the City retains Plevin & Gallucci, the City can still be a party of the Memorandum of Understanding if it passes. As it relates to the proposed settlement with the One Ohio Memorandum of Understanding, a certain percentage of the fees have already been designated for the attorneys involved. No matter how many attorneys are involved, the amount that will be paid out in fees will not change. The more attorneys involved, the less each law firm receives, and the monies designated to the cities and local governments will be released in full. Mr. Lallo stated that if the Memorandum of Understanding fails, the ordinance appointing special counsel provides the City an opportunity to try and recoup funds. He noted that it will be on a contingent fee basis, meaning that the law firm is paid only if the City is paid. The fee is 25 percent of the settlement the City receives.

Mr. Mason asked if other avenues have been vetted that would possibly be less cost or a smaller percentage. Mr. Lallo stated that while he was the Law Director for Painesville Township, he vetted a few other firms; he noted that one of the other firms' fees were between 33-1/3 and 40 percent. Mr. Lallo noted that Plevin & Gallucci's fee will be 25 percent; their firm is the lead attorney on many of the national cases. He stated that Plevin & Gallucci are a preeminent firm that handles this specific issue and they know this issue very well.

ORDINANCE NO. 20-O-14
(Mayor Potter)

- **AN ORDINANCE ACCEPTING THE APPOINTMENT OF THOMAS G. LOBE AS ASSISTANT LAW DIRECTOR, ESTABLISHING A WAGE AND FEE ARRANGEMENT WITH THOMAS G. LOBE, AND DECLARING AN EMERGENCY.**

NEW BUSINESS – ORDINANCE NO. 20-O-14 (continued):

The legislation was read by title only. Mr. Schulz moved to amend the first sentence in Section III of the Ordinance, which currently reads: "For the performance of all routine legal services as the Assistant Law Director as described herein, Thomas G. Lobe shall be paid a monthly retainer of One Thousand Five Hundred Dollars (\$1,500.00) for the period commencing March 2, 2020 until December 31, 2021." The amendment will replace the period at the end of that sentence and replace it with a comma and the following language: "unless removed pursuant to the City Charter." Mr. Lesnick provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER, LESNICK AND LOWERY. VOTING NAY: NONE).** Mr. Schulz moved to waive the three readings, with the second by Mrs. Wolfe. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER, LESNICK AND LOWERY. VOTING NAY: NONE).** Mr. Schulz moved to declare an emergency and adopt the legislation as amended, with the second by Mr. Lesnick. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER, LESNICK AND LOWERY. VOTING NAY: NONE).**

ORDINANCE NO. 20-O-15
(Mayor Potter)

- **AN ORDINANCE ESTABLISHING A FUND TO BE IDENTIFIED AS "SANITARY SEWER PROJECTS OR IMPROVEMENTS FUND" FOR THE PURPOSE OF RECORDING ALL EXPENDITURES AND RECEIPTS RELATED TO SANITARY SEWER PROJECTS OR IMPROVEMENTS OF THE CITY, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Lesnick moved to waive the three readings, with the second by Mr. Smolic. Responding to Mr. Schulz, Mr. Slapnick stated that this fund will encompass only sanitary sewer projects and sanitary sewer improvements. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER, LESNICK AND LOWERY. 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: RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER, LESNICK AND LOWERY. VOTING NAY: NONE).**

ORDINANCE NO. 20-O-16
(Mayor Potter)

- **AN ORDINANCE SETTING THE APPROPRIATION FOR THE YEAR 2020.**

The legislation was read by title only. Mr. Schulz stated for the record that appropriations are shown as \$13,183,566.20. Mr. Lesnick noted that it includes past borrowing, which will be reduced. The legislation was placed on First Reading.

RESOLUTION NO. 20-R-17
(Mayor Potter)

- **A RESOLUTION AUTHORIZING TRANSFERS OF FUNDS, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Slapnick explained that this is a summation of all the transfers, which are necessary for several different reasons. He explained the various transfers, noting that there are transfers to pay down the current outstanding debt. There was discussion regarding the urgency of passing this resolution. Mr. Lallo stated he was under the impression that this resolution needed to pass after the budget passed. However, by declaring an emergency it will go into effect immediately after being signed. It was determined the resolution can receive three readings. Answering Mr. Schulz, Mr. Slapnick explained that the trust and agent funds are held on deposit to be remitted. For example, the street improvement deposits and road opening deposits are listed in funds 400 through 405 and will be transferred out of those funds into trust payment, where they will be held.

NEW BUSINESS (continued):

RESOLUTION NO. 20-R-18
(Mayor Potter)

- **A RESOLUTION ACCEPTING THE ONE OHIO MEMORANDUM OF UNDERSTANDING, AND DECLARING AN EMERGENCY.**

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

ORDINANCE NO. 20-O-19
(Mayor Potter)

- **AN ORDINANCE CONFIRMING THE APPOINTMENT OF PLEVIN & GALLUCCI, LLC FOR SPECIAL COUNSEL FOR THE PROSECUTION OF ANY LEGAL CLAIM RELATIVE TO THE OPIOID LITIGATION CURRENTLY PENDING IN THE OHIO AND FEDERAL COURTS, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Lesnick moved to waive the three readings, with the second by Mrs. Wolfe. Answering Mr. Smolic, Mr. Lallo confirmed that Plevin & Gallucci are representing many municipalities throughout the state. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER, LESNICK AND LOWERY. 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: RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER, LESNICK AND LOWERY. VOTING NAY: NONE).**

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COUNCIL COMMENTS:

Councilman Lesnick thanked Mrs. Kovalchik and Mr. Slapnick for their hard work on the City's finances.

CONTINUING CONCERNS:

Council President Lowery noted that this is an opportunity for residents to address Council about any continuing concerns. There were no concerns brought up by the public.

ADJOURNMENT:

Mr. Lesnick moved to adjourn, with the second by Mr. Haymer. The motion of Council passed by unanimous vote and the meeting adjourned at 8:28 p.m.

President of Council

Clerk of Council