

## KIRTLAND CITY COUNCIL MINUTES

May 18, 2020

The meeting of Kirtland City Council was called to order at 7:02 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: Scott Haymer, John Lesnick, Richard Lowery, Jeffrey Ruple, Matthew Schulz, Joseph Smolic and Kelly Wolfe.

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

### MINUTES OF THE MAY 4, 2020 COUNCIL 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 7/0 (VOTING YEA: SMOLIC, WOLFE, HAYMER, LESNICK, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE).**

### DEPARTMENT REPORTS:

**Fire Chief Anthony Hutton** provided an update on the status of COVID-19, stating there have been no new cases diagnosed since the last Council meeting. Some restrictions at the Fire Stations have been loosened, and some joint trainings have resumed between the two firehouses.

Every five years the Fire Department is graded by the ISO (Insurance Service Organization). The ISO grades departments on several levels, to include staffing, communications, water supply, training, response times, equipment, et cetera. This rating is used for household and commercial insurance, and ranges from 1 to 10. Chief Hutton reported the Kirtland Fire Department was graded as a Class 3. This is a good rating for a department of this size, and is a testament to the great job done by all those in the Department. Everyone in the department works well together, taking ownership to make sure the job gets done.

The drainage work for Station 1 was completed last week, and well under budget.

The bid opening for the diesel exhaust at Station 2 will be on Wednesday.

Chief Hutton announced this week is EMS week. He thanked all emergency workers, especially those in Kirtland, for working so hard to keep everyone safe.

Council President Lowery wished Chief Hutton and his staff a Happy EMS Week, noting that the rating reflects not only on the staff but also the leadership in the Department. To receive such a high rating is good for the EMS, community, and residents.

Councilman Smolic asked if Class 3 is the highest ranking a small department can receive, to which Chief Hutton responded Class 2 and 1 are generally the larger departments. Some smaller departments have attained those classes. Part of the grading is response time, which is affected by the large area the Department responds to (Kirtland and Kirtland Hills), and makes it difficult to obtain a Class 2. Also affecting the grade is the water supply to the area, and there are still portions of the city without water. Therefore, a Class 3 is the highest realistically attainable Class at this time.

**DEPARTMENT REPORTS (continued):**

Answering Councilman Smolic, Chief Hutton verified there are no new COVID-19 cases, keeping the total at six.

**Police Chief Lance Nosse** advised the monthly report has been distributed. Chief Nosse reported there will be two dispatchers resigning at the end of the month. Chief Nosse went on to congratulate Officer Petric, as he will be going out on maternity leave in the next couple of months.

The Police Department has been busy over the last couple of weeks, unfortunately on more serious cases. One such case is the robbery at the Circle K. Chief Nosse reported the suspect was in custody in less than 20 hours, due to the hard work of the officers and other entities involved which included Willoughby, Willowick, and a few others. The arrest went smoothly, and the suspect has already given a full confession and a written apology for his actions. Chief Nosse said he's very proud of the Department in how they handled the situation.

Chief Nosse said the Police Department is still receiving complaints on the traffic enforcement in the Joseph Street area, Kirtland-Chardon Road and Chardon Road. Chief Nosse said the Police Department is out in force, doing the best they can to enforce the speed limits. Unfortunately, the Department's resources have been more utilized recently by making arrests on cases.

Concerning Circle K, Council President Lowery inquired if there is specific patrolling happening in that area as this is not the first incident in the past year. He also asked if there are red flags or anything the Department has noticed which makes the Circle K a target for this type of crime. Chief Nosse suggested the hours of operation may make them more susceptible than other businesses in the area. Directed patrols in the area do occur, unfortunately the two incidents did not occur during those patrols. The first instance happened very early in the morning; this second instance was a random act, as there was not a lot of traffic and there was an opportunity.

Responding to Mr. Lowery, Chief Nosse verified there were no injuries. Due to the combined effort of the Kirtland Police Department, Willoughby Police Department, and Willowick Police Department, the suspect was quickly located at the Day's Inn and was taken into custody.

Councilman Haymer asked about the number of businesses listed on the monthly report as "business check," questioning where the 216 businesses were in Kirtland, to which Chief Nosse explained there are multiple business checks per business. Another example would be the listing for community relations, which is when officers are out and about in the community, trying to keep residents involved.

Concerning the arrests and citations report, Councilman Lesnick asked if the 21 listed would be considered the enforcement portion of the 400+ contacts made since the beginning of the year. Chief Nosse responded that the 21 were actual arrests, where a suspect is taken into custody along with issuing other charges. Those come from enforcement, such as drug related charges. Most of those arise from traffic stops. Explaining further, Chief Nosse explained citations are classified as arrests because the individual had to be detained for the citation to be issued. This includes felonies, misdemeanors, and traffic tickets.

Councilman Schulz asked how expired tags are currently being handled, as the DMV is currently closed. Chief Nosse stated his department has been lenient due to the current COVID situation, although tags and plates can be issued through mail. The DMV should be open soon, possibly within a week.

Council President Lowery asked how many individuals out of those 21 have been arrested and detained at City Hall, to which Chief Nosse responded in the last two weeks there have been 10. Responding to a request by Mr. Lowery, Chief Nosse stated he would be able to create a report showing the year to date totals, month by month, of how many individuals were arrested, detained and placed in jail.

**DEPARTMENT REPORTS (continued):**

**Economic Development Manager Monica Drake** advised there would be new grant and loan programs becoming available through Lake County. These will be through community development block grant funds, and approximately \$5,000 will be available for micro businesses (five or less employees). Ms. Drake has reviewed the draft document and offered input, and believes the portal will be opened in early June. Once there is more information available, Ms. Drake will make the community aware. They are also looking at a loan program for businesses of 25 employees or less, possibly up to \$20,000 per business. Bethany Germano from First Federal Lakewood reached out to Ms. Drake and informed her there are still paycheck protection program funds available. Ms. Drake advised that if anyone is interested in applying, there are funds available and they can contact Ms. Germano for more information. Applications will be accepted regardless of whether they are a customer of the bank. Ms. Drake will happily pass along Ms. Germano's information to those who need it.

The Economic Impact Disaster Loan program no longer has funds available, except for those earmarked for agriculture. This means agricultural businesses can still submit applications.

Dave Radachy from Lake County Planning has indicated he would like to put Kirtland forward as a location for the American Planning Association's Great Places in America. He and Ms. Drake will work together on the application.

Last week Ms. Drake attended the Charter Review Committee meeting to review the process for zoning map changes. Also discussed were the processes of other cities, as a compare and contrast with Kirtland's processes.

Responding to Mr. Smolic, Ms. Drake confirmed a micro business is one with 5 or fewer employees. There will be grants available to these micro businesses, as long as they meet the required criteria. Ms. Drake reviewed a whitepaper on the program, and as soon as it is finalized she will put that information out. The program is a community development block grant program, so it will be geared to the low to moderate income businesses. There will be information made available to businesses to review before applying. The intent is to have a preliminary application, and those who are eligible will need to submit a more in-depth application.

Councilman Schulz asked Ms. Drake to share any information she receives with him, so he may forward it on to businesses in the area. Ms. Drake requested help from Mr. Schulz in advising local businesses the paycheck protection program still has funding.

**Service Administrator Joseph Fornaro** introduced himself, and said he's very pleased to be the new Public Works Administrator for Kirtland. Mr. Fornaro said that he has 34 years' experience in the public sector. Mr. Fornaro will keep an open-door policy, and would be glad to meet anyone who wishes to stop by.

Council President Lowery welcomed Mr. Fornaro, saying he's heard good things about him and his abilities.

Councilman Schulz thanked Mr. Fornaro for meeting him, Councilman Smolic, and the residents at Parkwood last night and assessing the drainage issues and resident concerns. It brought a lot of comfort to the residents that there is a new, fresh look being taken on the issue.

**City Engineer Douglas Courtney** updated Council on the 2019 drainage projects. Badger is still indicating the punch list work will be completed by June 12. Revised pricing for Tibbetts Road was received, and is approximately \$1,200 less than the current adjusted contract price. This was forwarded to Mr. Fornaro and Mayor Potter for review. The contractor wants to begin work on Tibbetts the week of the 25th.

**DEPARTMENT REPORTS (continued):**

There has been some work done on Gildersleeve in the stream bed, getting the rock dam out of the way. The flow looks to be getting into the culvert more efficiently now, however the past weekend proved there needs to be some investigation further upstream.

With regard to the Old Town sewer project, Mr. Courtney is waiting to see what is going to happen with the state's capital improvement funding.

Mr. Courtney and Mr. Fornaro have reviewed the 2018 CT report and the SME report, and have begun to prioritize what will need to be completed concerning the streets in the City in the upcoming years. This includes what funding and budget requests will need to be made. Concerning this year, there are discussions underway concerning scope of work and budgeting needs for Springer and Springer Court.

At the last meeting, Mr. Courtney advised that quotes had been received for clearing debris out from under the State Route 306 bridge. As a result of the most recent storm, it seems a good bit of the debris was pushed through the bridge. Mr. Courtney plans to visit the bridge and see for himself what work is left to be done, if any.

There are no updates on the Recreation Park.

With regard to the EPA 319 grant, AES began work the week of May 4 on the Wisner Road Stabilization Project. There has been quite a bit accomplished, to include toe protection on east and west sides of the river, and three riffle zones in the bed of the stream. Work is scheduled to resume this week, dependent upon rain received and level of flow in the creek. Mr. Courtney visited the site this morning, and all the work done to date held up well in the most recent storm.

The Hemlock Ridge water main project should be completed soon; the contractors are in the restoration phase.

AQUA Ohio advertised and took bids for the Riverwood Way water main, and residents should receive notices concerning that project if they have not already.

Mr. Courtney and Mr. Fornaro have planned on Wednesday to drive around the city, reviewing the current list of projects and adding more as they see a need.

Since debris moved from the Route 306 bridge, Council President Lowery inquired if there is any bridge further downstream that should be a concern. Mr. Courtney replied there are none that would be a concern for Kirtland.

With regard to the Wisner Road stabilization, Councilman Smolic asked for verification on what the ripple zones are in the stream, to which Mr. Courtney explained this is when large boulders are placed in the stream, creating a little pond upstream and a little zone of rapids. The ripples zones are at the beginning of the project, one downstream just past the middle, and another at the tail end of the job.

**Assistant Finance Director Louis Slapnicker** advised the April 2020 end of month report has been distributed. The Finance Department will be submitting a senior levy reimbursement request to the County in May, which is earlier than it has been submitted in past years.

Mr. Slapnicker reported the Finance Department continues to work on the new system, along with reviewing the GAAP work papers.

**DEPARTMENT REPORTS (continued):**

Mr. Slapnicker stated that notification was received at approximately 4:20 p.m. this afternoon that the OMAP application has been approved. The OMAP program, which is the Ohio Market Access Program with the State of Ohio, is an application that is filed to link the City's credit rating with the that of the State. This is important, as the last rating for the City in 2016 was downgraded. This will allow Kirtland to link that rating with the State's rating, which has the highest rating for note issuances. This relates to Ordinance No. 20-O-23, which is on second reading.

With contractors coming into the city to work, Councilman Schulz asked if the City will be able to capture any of the taxes. Mr. Slapnicker responded a contractor would need to work 21 consecutive days in the city for this to happen.

**Law Director Matthew Lallo** reported the past week has been busy, with all of the legislation on the current agenda. Mr. Lallo advised there is legislation for Mr. Fornaro's appointment as Director of Public Service. He stated that Ordinance No. 20-O-25 will allow Mayor Potter to reaffirm the City's commitment to the Community Development Block Grant, which will allow the county to participate. This will open the door for Kirtland to receive some of the funding, and Mr. Lallo suggested Council pass the legislation. Mr. Lallo noted there is a resolution addressing the preliminary development plan for property located at 9327 Chillicothe Road, along with two resolutions accepting bids for road materials.

Ordinance No. 20-O-29 concerns the CARES Act passed by the federal government to provide funds to the states to be passed along to local governments. The deadline to pass local legislation on this would be June 1; however there is concern as the legislation has yet to pass the Ohio House. This inhibits local government's crafting of the legislation. Due to the issues at hand, Mr. Lallo informed Council he's drafted legislation he would like passed today, however it has been modified and the most recent version has not been submitted to Council. When Council begins discussion on said legislation, Mr. Lallo will share his screen which contains a Word document with highlighted portions for Council to address. The purpose of passing the legislation is to make sure Kirtland receives funding if and when it is approved in the Ohio House.

Mr. Lallo addressed the situation with dispatch. The City of Kirtland and the City of Willoughby have been negotiating, and Mr. Lallo believes they are close to an agreement. The main objective for Mr. Lallo is to safeguard the City's rights. He went on to apologize to the residents and the dispatchers for the uncertainty of the situation, but assured them he is acting in the best interest of the City. There is one specific provision that is still being discussed, and once that is resolved Mr. Lallo will present the Memorandum of Understanding to Council.

Responding to Councilman Ruple, Mr. Lallo agreed that many of the current legislations on tonight's agenda are deemed emergencies and he recommended they be adopted tonight, declaring an emergency, deferring to Mr. Fornaro on the resolutions concerning the Service Department.

Councilman Smolic asked if there has been any decision made on when the Council meetings will resume in person. Mr. Lallo stated as of right now the law that permits the virtual meetings will be in place as long as there is a state of emergency or until December, whichever comes first. Currently the state is still in a state of emergency so the meetings will continue virtually. The concern with resuming in-person meetings would be fitting everyone in Council Chambers and still abiding by social distancing regulations.

Responding to Council President Lowery, Mr. Lallo confirmed the changes in posting of legislation for public access during the state of emergency. These provisions have been added to current legislation, noting that it will be posted at City Hall and on the City's website only, due to closure of the public library and the Community Center. Discussion ensued on available areas for posting in public, and Mayor Potter and Mrs. Wolfe agreed to work together to find more available areas to post.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Potter thanked the Department Heads for the thorough reports. He noted that the City continues to take donations at the Community Center through "Kirtland Cares" for residents in need. There are multiple ways to donate, including donating funds to the area Service Council. Funds donated are earmarked for when a resident makes a financial request. Also canned food, dried food, supplies, cleaning supplies can be taken any day of the week to the Community Center.

Mayor Potter noted that the local businesses have taken a financial hit throughout this crisis, and asked that everyone do their part to patronize these businesses and help them stay open by social distancing. Mayor Potter thanked Ms. Drake for the good report and reaching out to all the local businesses concerning programs for which they are eligible.

Concerning the CARES Act, Mayor Potter hopes all potential funding earmarked for the City will be received. He went on to say he hopes there will be more latitude written in the statutes as it relates to how this funding may be dispersed.

The Mayor stated he spoke to Matt Kahley, Commissioner of the Baseball League, who informed him that although the summer recreation leagues will not play a typical season, there is opportunity for some travel leagues to use Kirtland's fields in the summer. This is in response to the Governor mentioning baseball and no-contact sports will be opening back up. Mayor Potter said he will meet with Mr. Fornaro to discuss preparations for getting the fields ready.

With regard to the tower behind City Hall, the Mayor noted that Jesse Styles of Northstar Towers is waiting for Verizon to put up their antenna and get it functioning.

Mayor Potter thanked Mr. Fornaro and Mr. Courtney for all of their help recently. Both men are quick to answer their phones and react to situations as best they can, no matter the time of day. He also said he appreciates the work they're doing on the road planning.

The Mayor stated that the City received a request for recognition from Teamsters Local 436, for the Service Department. Mayor Potter said there was a good preliminary meeting with the Teamsters on Friday, and he has informed Council of their request. The Mayor stated the City values the Service Department workers and looks forward to good discussions throughout the process.

Mayor Potter, other mayors in the county, the county Health Department, and Chiefs Hutton and Nosse are continuing to work together throughout the current crisis. He noted that Chief Hutton participates in COVID-19 conference calls every Tuesday and Thursday at 9:00 a.m. to get the most recent updates for the City.

Mayor Potter stated that a final resolution regarding the dispatcher situation will hopefully come in the next few days, and he thanked everyone for their patience. He went on to reiterate Mr. Lallo's statement that due diligence is needed to make sure Kirtland's interests are protected. The Mayor thanked Mr. Lallo for his hard work in this regard.

The Mayor noted that at the last Council meeting, it was reported that the month of March's income tax receipts were down \$40,000. The most recent activity for the month of April shows the receipts are down approximately \$100,000. Some of this is to be expected, with the extended filing deadlines and the rise in unemployment. This is expected to be a continuing trend until everyone is able to get back to work. He noted that the Department Heads are working diligently to curb spending and increase efficiency.

Mayor Potter met with several property owners and business developers in the last several days, and the meetings went well. This will help in designing the vision for the future of Kirtland.

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

Concerning a Memorial Day ceremony for this year, the Mayor noted that most surrounding cities as well as Kirtland have cancelled the typical activities such as the parade. However, the City of Kirtland will have a Facebook live ceremony with the Legion at 10:00 a.m. on Memorial Day. This will be advertised on the Facebook page, and Mayor Potter hopes all who are able will log in and attend.

Council will be asked to waive the three readings for Ordinance No. 20-O-24, which will allow Mayor Potter to relinquish his title and make Mr. Fornaro the new Service Director. This will include a pay decrease for Mayor Potter, but will be a positive transformation for the City's Service Department.

**STANDING COMMITTEE REPORTS:**

Councilman Lesnick noted that the Finance Committee will meet following the Council meeting.

Councilman Smolic stated there will be a Police and Fire Standing Committee meeting scheduled between the first and second reading when the MOU relating to dispatch is placed before Council.

**CORRESPONDENCE:**

None.

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

**Ron Fenstermaker, 8851 Billings Road**, referenced the arrest information for the current year that has been requested by Mr. Lowery. Mr. Fenstermaker believes the reports will be affected by the pandemic and will show lower than normal arrests, and suggested using the 2019 data instead. Mr. Lowery thanked him for the suggestion, and explained he will be using the data from the past three years. Mr. Fenstermaker then brought up the situation with dispatch, saying there had been discussion on April 20, and at that time the MOU was expected to be complete and presented by now. He went on to say he is concerned about the process and the time it is taking, as the City has already lost two dispatchers and he fears there will be more lost. He is concerned about when it will be presented at a public meeting and the public will have a chance to voice their concerns.

Mayor Potter said he shares these concerns, and was disappointed the MOU is not yet ready to be presented to Council. However, it is an unfortunate necessity to take a little more time to make sure the right decisions are made to protect the interests of Kirtland. If the MOU moves forward, it must be drafted with Kirtland's best interests in mind. Mr. Lallo added there had been dialog on whether the MOU should be drafted and finalized first, or if those affected should be informed before it was drafted. The decision was made to release information in the early stages, before the agreement was drafted, out of respect for those who will be directly affected. Responding to Mr. Fenstermaker, Chief Nosse assured everyone that he is in daily communications with the dispatchers, answering questions and giving updates to the best of his ability. This includes explaining the process that will occur, which is once the MOU is agreed upon and presented to Council, there will most likely be three readings and a committee meeting. This will allow for four opportunities for public discussion. If the MOU is approved by Council, the process for moving will take approximately 60-90 days to transition everything over and be ready to work in Willoughby.

**PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA (continued):**

**Carol Martz, 7475 Euclid-Chardon Road**, welcomed Mr. Fornaro, saying she was excited about what he brings to the City and said he has some big shoes to fill. She asked what the process is for the City to report earnings to the State of Ohio for employees. The reason for her question would be concerning unemployment for her husband, who lost his job during the downsizing of the Service Department. The Ohio Jobs and Family Services informed him the City has not reported his earnings, which is holding up his approval for unemployment. Mrs. Martz is concerned about the process and getting the problems resolved, as she worries this situation will occur for the dispatchers if and when they lose their positions as well. Mr. Slapnicker responded the problem was brought to his attention late last week, and his Department is working to find out if the problem is on the City's side or the State's side. Mr. Slapnicker stated his records show the earnings were reported, however there was an error. Mrs. Martz informed him the situation is going on 45 days, making it challenging for their household, and she would appreciate a quick resolution.

**Clint Buchanan, 8217 Kirtland-Chardon Road**, saw online the City is no longer filling ditches if the resident purchases pipes, to which Mayor Potter explained there are so many water issues around the City that Mr. Fornaro has been asked to focus on those instead, utilizing the City's resources and time in the most efficient manner. This includes opening existing ditches and checking water flow. The program may or may not return, however there are multiple issues in the City that are taking priority right now. Mr. Buchanan stated a couple weeks ago he purchased pipe, hoping to utilize the program, and asked if there is a date which a decision will be made to continue the program or not. Mayor Potter responded he did not have an answer to that, and suggested Mr. Buchanan give him a call tomorrow so they may discuss his situation in further detail. Moving on to the dispatch situation, Mr. Buchanan asked what will be done in the time between now and the transition as two dispatchers have been lost. Mayor Potter said he and Chief Nosse will discuss how to provide coverage and what the best decision would be concerning staffing.

**Sharon Vyskocil, 8415 North Locust Drive**, submitted a service request online several weeks ago regarding the catch basin being clogged. She is concerned because she typically receives a confirmation number for follow-up and did not receive one this time. Mayor Potter said he would look into why the system did not automatically generate that for her, asking Mrs. Vyskocil for more information on the request and reminding her she has his personal cell and should feel free to reach out to him.

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

None.

**ORDINANCE NO. 20-O-23**  
**(Mayor Potter)**

- **(Second Reading) - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$2,405,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF RETIRING, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE CITY, THE CITY'S OUTSTANDING VARIOUS PURPOSE NOTES, SERIES 2019, DATED JUNE 19, 2019, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Slapnicker advised that the ordinance can receive three readings. The legislation was placed on Second Reading.

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

None.

**ORDINANCE NO. 20-O-24  
(Mayor Potter)**

- **AN ORDINANCE ACCEPTING THE MAYOR'S RESIGNATION AS DIRECTOR OF PUBLIC SERVICE, ACCEPTING THE MAYOR'S APPOINTMENT OF JOSEPH FORNARO AS THE DIRECTOR OF PUBLIC SERVICE, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mayor Potter requested that this be adopted tonight, and Councilman Lesnick noted that from a financial standpoint this would be no extra burden to the City. Councilwoman Wolfe asked, for clarification, whether approving this legislation will affect Mr. Fornaro in any way other than the transferring of salary. Mr. Lesnick stated as the Director of Public Works, Mr. Fornaro will have influence in projects that will affect the City. Mayor Potter added Mr. Fornaro was brought into his position to oversee the public services of the City. Mr. Lesnick agreed, stating the City would benefit from Mr. Fornaro's 34 years of experience, rather than putting those decisions on the Mayor. Mrs. Wolfe inquired about the Charter requirement of the position concerning residency. Mr. Lallo referenced an Ohio Supreme Court case that invalidates the residency provision for these types of jobs. The Charter Review Committee will meet on Wednesday, and one of the proposed changes is to correct that issue and strike that language from the City Charter, as it is contrary to Ohio law. These changes were made by the Ohio Supreme Court in approximately 2010.

Mr. Smolic moved to waive the three readings, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SMOLIC, WOLFE, HAYMER, LESNICK, LOWERY, RUPLE AND SCHULZ. 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: SMOLIC, WOLFE, HAYMER, LESNICK, LOWERY, RUPLE AND SCHULZ VOTING NAY: NONE).**

**ORDINANCE NO. 20-O-25  
(Mayor Potter)**

- **AN ORDINANCE AUTHORIZING THE MAYOR OF KIRTLAND TO REAFFIRM THEIR COMMITMENT WITH THE LAKE COUNTY BOARD OF COMMISSIONERS TO PARTICIPATE IN THE URBAN ENTITLEMENT COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND FOR THE UTILIZATION OF FUNDS MADE AVAILABLE BY THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AS AMENDED, 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: SMOLIC, WOLFE, HAYMER, LESNICK, LOWERY, RUPLE AND SCHULZ. 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: SMOLIC, WOLFE, HAYMER, LESNICK, LOWERY, RUPLE AND SCHULZ VOTING NAY: NONE).**

**RESOLUTION NO. 20-R-26  
(Council President Lowery)**

- **A RESOLUTION APPROVING THE PRELIMINARY DEVELOPMENT PLAN FOR 9327 CHILLICOTHE ROAD AS APPROVED BY THE PLANNING AND ZONING COMMISSION, AND DECLARING AN EMERGENCY.**

**NEW BUSINESS – RESOLUTION NO. 20-R-26 (continued):**

The legislation was read by title only. Council President Lowery noted that Council will accept comments on this Resolution at this time.

**Catarina Cocca-Fulton, 8299 Mayfield Road, Suite #1, Chesterland, Ohio 44026**, attorney and daughter of the applicants, asked that the proposed resolution be approved. Ms. Fulton reminded Council the owners have spoken before the Planning and Zoning Commission, and began attending meetings in November 2019 and have been consistently attending every month for the past seven months. The resolution is for a project next to City Hall, on Chillicothe Road, for single dwellings in multi-unit buildings (three to four units) on the property. It will be owned by the current owners and will be a 55 years of age and over community. These single floor, double car garage, units are ADA accessible. This will be for senior aging-in-place and independent living, which is of high demand. The downtown Kirtland location will allow residents to be close to City Hall, businesses, the library, and will be a huge investment by the owners to the downtown historic Kirtland area, adding a lot of value. The request for declaring an emergency and waiving the three readings is to move the process along, as this is just the preliminary development plan and many steps have to be taken before the final plan can be presented before the Planning and Zoning Commission.

Councilman Haymer asked if any architectural renderings should have been provided. It was noted that site plans are attached to the Planning and Zoning Commission's resolution. Councilman Ruple noted that the applicant has been questioned thoroughly by Planning and Zoning, and he stated his opinion is that Council should waive the readings and adopt the resolution for the preliminary plan.

Councilwoman Wolfe stated she's been online and viewed this type of development, including a virtual tour of different types of units. This may help other Council members who wish to view examples.

Council President Lowery asked Ms. Cocca-Fulton to expound on the age restrictions, requirements, and regulations concerning this type of housing. Ms. Cocca-Fulton responded this is senior living and aging-in-place, so all requirements to make that possible have been met. Something that came up in the months of working with the Planning and Zoning Commission was to add a conditional requirement on the application that specifically indicated that status. Mr. Lallo added that, according to HUD (Housing and Urban Development) guidelines for this type of community, 80 percent of the households in the community must have at least one person in the residence that is 55 years or older. This condition was added by Planning and Zoning in the approval of the conditional use permit.

Council President Lowery asked if this will be labeled, identified, and advertised as a retirement facility, to which Ms. Cocca-Fulton reiterated it will be labeled an aging-in-place senior living community. The individuals will be those retiring, those who are affectionately referred to as snowbirds, who are looking for maintenance-free living. This means all maintenance is included, the home is secure, modern, up-to-date, safe, ADA compliant, and in the community where they want to downsize. Noting that substantial information was submitted to the Planning and Zoning Commission, Ms. Cocca-Fulton stated the homes will be of mixed material, to include siding and some brick.

Councilman Haymer noted that the property is zoned for mixed use, and this will provide only one use. Ms. Cocca-Fulton responded, stating it is zoned for mixed-use and required conditional approval. The original plans submitted in 2019 to the Planning and Zoning Commission included commercial in the front, and it was requested by the Commission that the entire property be used as residential only. This caused the original plans to be changed to reflect the requested changes.

**NEW BUSINESS – RESOLUTION NO. 20-R-26 (continued):**

When asked further about the age restrictions, and who could live in the units with the seniors, Ms. Cocca-Fulton explained each unit has a single bedroom. There have been a good deal of modifications and the result is four units per building. This was due to the need to enlarge areas for wheelchair access. The expectation is one to two people per unit, due to there only being one bedroom in each unit. There will also be two bathrooms (master and guest), a den, and a two-car garage.

Councilman Schulz asked if the stormwater retention has been addressed, and if the structures have incorporated any green building. Ms. Drake stated there are two stormwater retention ponds on the proposal. Ms. Cocca-Fulton addressed the question of green, stating there is a tremendous amount of landscaping on the preliminary plan that was approved. She went on to say she believes the proposal exceeds the required green space. Mr. Courtney added a significant portion of the property cannot be built on, which will constitute a good deal of the required green space.

Concerning green building materials and supplies, Ms. Cocca-Fulton stated all code requirements will be met, and the units will be built as green and energy efficient as possible.

As the location for this development will be in the Historic Town Center, Council President Lowery read into the Section 1275.01 of the Historic Town Center chapter of the Code of Ordinances, relating to the purpose of the Historic Town Center District.

Ms. Drake stated there are also provisions for additional uses permitted in the Historic District, noting that there is a conditional use permit attached to this proposal.

Councilman Lesnick addressed Ms. Cocca-Fulton, requesting her continued patience as he believes it is only fair to allow Council to have an additional meeting to discuss this further. Many questions are in need of answers. Mr. Lesnick went on to say he would not be in favor of waiving the three readings and would request more time to consider the resolution.

Ms. Cocca-Fulton responded that Fire, Police, and Lake County Water and Sewer have all been contacted and written letters in response to previously asked questions, and all letters have been made part of the record.

Mr. Lallo verified this is being brought before Council for two reasons, one being due to the location in the Historic District, the plan for multi-family uses must be approved by both Planning and Zoning and City Council. Also, this would classify as a conservation district, and that process also requires Planning and Zoning approval along with City Council's approval for both preliminary plans and final plans.

Councilman Ruple noted that for many years he has heard about the need for senior housing in the City of Kirtland, and now there is an opportunity to fill that need. The preliminary plan seems appropriate for the area, and due diligence has been done.

Mr. Ruple moved to waive the three readings, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 5/2 (VOTING YEA: SMOLIC, WOLFE, LOWERY, RUPLE AND SCHULZ. VOTING NAY: HAYMER AND LESNICK).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mrs. Wolfe. Mr. Lesnick advised that he was in attendance during some of the discussions for Ordinance 1275 for the Historic Town Center, and his understanding was the ordinance was for mixed use situations, whether mixed use in the same or separate buildings on the same property. Mrs. Wolfe noted that the applicant mentioned that the mixed use was changed to residential only as a result of the request from Planning and Zoning. Ms. Cocca-Fulton advised that the front building would have been for retail, office and commercial. Discussion ensued concerning mixed use and the conditional use permit. Mr. Lallo stated his understanding is the conditional use was placed on the property on a permanent basis; the condition will still be in effect even if the property is sold in the future.

**NEW BUSINESS – RESOLUTION NO. 20-R-26 (continued):**

Upon request of Mr. Lesnick, Ms. Cocca-Fulton agreed to meet with the Economic Development Standing Committee for further discussion. Council President Lowery commended Ms. Cocca-Fulton for the project she is taking on, sharing his only concern is the lack of ability in the town's historic area to bring small businesses into the area to create the desired small-town environment. **ROLL CALL: ADOPTED 5/2 (VOTING YEA: SMOLIC, WOLFE, LOWERY, RUPLE AND SCHULZ. VOTING NAY: HAYMER AND LESNICK).**

**RESOLUTION NO. 20-R-27**  
(Mayor Potter)

- **A RESOLUTION ACCEPTING THE BID OF STONECO, INC. (dba ALLIED CORPORATION) FOR ROAD MATERIALS, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Answering Mr. Smolic, Mr. Fornaro confirmed that the legislation locks in the prices for the year; it does not commit the City to specific quantities. Discussion ensued concerning pricing and tonnage delivered in previous years. Mr. Schulz moved to waive the three readings, with the second by Mrs. Wolfe. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SMOLIC, WOLFE, HAYMER, LESNICK, LOWERY, RUPLE AND SCHULZ. 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: SMOLIC, WOLFE, HAYMER, LESNICK, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE).**

**RESOLUTION NO. 20-R-28**  
(Mayor Potter)

- **A RESOLUTION ACCEPTING THE BID OF ARMS TRUCKING COMPANY FOR ROAD MATERIALS, AND DECLARING AN EMERGENCY.**

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

**ORDINANCE NO. 20-O-29**  
(Mayor Potter)

- **AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO APPLY AND RECEIVE FUNDING THROUGH THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT), AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Lallo shared his screen for Council to peruse the highlighted changes he made to the Ordinance. Upon discussion, further changes were suggested by the Mayor and Council, and the following amendments were proposed. At the beginning of page 2, the three enumerated items were replaced with language stating funding may be used for any purpose authorized by the State of Ohio relative to the CARES Act and any other Coronavirus Aid Relief. In the next paragraph, the language "Unless the legislature provides a later date" was added at the beginning of items 1 and 2. Language was added in Section 1 relating to similar COVID-19 related economic relief legislation that may be passed in the future. Mr. Lallo noted that depending upon legislation passed by the State, the City would have the option of adopting legislation to amend this Ordinance in the future, if necessary.

Mr. Schulz moved to amend the ordinance as proposed, with the second by Mr. Lesnick. Mrs. Wolfe asked about the reason for an emergency, to which Mr. Lallo explained there is a June 1 deadline to pass this legislation and this will be the last Council meeting before the deadline. Mr. Lallo stated that with the emergency, it will be effective upon signing by the Council President and the Mayor. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SMOLIC, WOLFE, HAYMER, LESNICK, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE).**

**NEW BUSINESS – ORDINANCE NO. 20-O-29 (continued):**

Mr. Ruple moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SMOLIC, WOLFE, HAYMER, LESNICK, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE ).** Mr. Schulz moved to declare an emergency and adopt, with the second by Mrs. Wolfe. Mr. Schulz inquired about the tracking of the out-of-pocket costs, such as PPE. Mr. Slapnicker agreed to look into the costs thus far and present it to Council at the next meeting. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SMOLIC, WOLFE, HAYMER, LESNICK, LOWERY, RUPLE AND SCHULZ. VOTING NAY: NONE).**

\* \* \* \* \*

**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. Smolic moved to adjourn, with the second by Mr. Ruple. The motion of Council passed by unanimous vote and the meeting adjourned at 9:34 p.m.

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk of Council