

KIRTLAND CITY COUNCIL MINUTES

May 4, 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 Matthew Lallo, Assistant Finance Director Louis Slapnick, City Engineer Douglas Courtney, Police Chief Lance Nosse and Fire Chief Anthony Hutton.

MINUTES OF THE APRIL 20, 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).**

MINUTES OF THE APRIL 20, 2020 FINANCE COMMITTEE MEETING:

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

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that the monthly report for April has been distributed. He noted that the call volume has increased over the last two weeks; they have been busy with calls and with birthday-type parades and such, to keep the firefighters involved with the community.

Update on COVID-19: To date, Kirtland has six confirmed cases; this is the total number of people infected or tested positive since testing began in March. He noted this does not mean there are currently six active cases, as most of the people have already recovered. The Fire Department is working closely with the Health Department on reporting, communication and guidance from the Health Department. They are also working with Lake County EMA for equipment needs, and the Department is adjusting to the "new normal" with regard to EMS responses.

Chief Hutton stated his thanks to a group of women in the community who made face masks for the Fire Department imprinted with "Kirtland Fire", along with face masks imprinted with "Kirtland Police" for the Police Department. He thanked Kelly Addis, Michelle Cirino, Ashley Vodila, Kristy DiCello, Maura DeGreene and Katie Zielaskiewicz, noting that the masks are greatly appreciated. The firefighters are wearing them over their N95 masks when they are out on calls and out in public.

The Station 1 drainage project is almost complete; they have been working on the project for the last 1-1/2 weeks. It should be done this week, and it should come in well under budget.

DEPARTMENT REPORTS (continued):

With regard to the diesel exhaust project, Chief Hutton thanked Law Director Matt Lallo and Mayor's Assistant Helen Petersburg for helping get the bid package together. It will be advertised on May 6 and May 13, and the bid opening will be May 20. This project is paid with the Assistance to Firefighters Grant with a City five percent match.

With regard to the Department's PPE supplies, specifically the N95 or surgical masks, Council President Lowery inquired who supplies them, and whether the Department has an ample supply or if there is concern about shortages going forward. Chief Hutton replied that the Department has a good supply right now, noting that they received a good supply at the beginning of the crisis from Lake Health, along with some from the Lake County EMA. He noted that the Department has access to the EMA's stockpile from the strategic national stockpile. He said that forms are completed every week, and they can swap out the N95's when needed. The Chief noted that the only shortage is gowns; and with doctors' offices opening up and minor surgeries going forward, it will likely become more difficult to get gowns.

Referring to the report, Councilman Lesnick inquired about the different zone areas and the 14 incidents that were not in the city. Chief Hutton stated that the majority of those are auto aid calls or MABAS (Mutual Aid Box Alarm System), mainly for fires and some EMS calls; they are the mutual aid calls. Mr. Lesnick inquired if the number is typically that high; Chief Hutton replied that the number is typical. He noted the overall call volume is down, but the number of mutual aid calls are fairly normal.

Responding to Councilman Lesnick, Chief Hutton stated that the Department is holding up well. They are hoping to get back to normal; the stations have been locked down and the weight rooms have been closed. He noted that both firefighters and police officers normally work out at the stations. They are following the Governor's orders in this regard.

Police Chief Lance Nosse noted that the Police Department received the same masks that the Fire Department received, and he stated his thanks to the ladies that made and donated them. Chief Nosse said that the Police Department has not been overwhelmed with any increase in calls; unfortunately, there have been a few domestic violence calls in the last few days and weeks. The Chief noted he will submit the April report for the next Council meeting. He stated that everything is going well in the Department and they are doing everything they can to stay healthy and continue their mission.

Councilman Schulz inquired about an issue with firearms in the Crestwood area several weeks ago. Chief Nosse stated he has been in contact with the Law Director and there was consideration because of the House Bill that was passed; as of now the charges have been rescinded and they are working on getting clarity regarding discharging firearms within City limits.

Addressing both the Police Chief and the Fire Chief, Councilman Smolic inquired about the effects on training as a result of the current situation. Chief Nosse stated they had to hold back on some of the training that was scheduled for the officers, because the training sessions were cancelled or postponed. He noted that Sergeant LaTurner was involved in a three-week leadership course, but he was unable to attend the final two weeks because they were in subsequent months; he is waiting to hear from the State regarding when he will be able to finish the courses.

Chief Hutton stated that the Fire Department training has been affected, noting that most of the classes have been cancelled; the majority of Hazmat, fire investigation drills have also been cancelled or postponed. Because of budget issues, the Fire Department has shut down almost all outside training at this point, and it is due to COVID-19 as well. Chief Hutton stated they have also stopped training between the two stations, so they have not had joint training over the last six weeks; hopefully that will start again in the next few weeks.

DEPARTMENT REPORTS (continued):

Chief Nosse stated there is a lot of online training for the Police Department through the State of Ohio and OPOTA. He is also looking into another program known as "Virtual Academy" which is online; it will cost some money, so he is looking into hopefully having this incorporated this year or next year.

Responding to Councilman Smolic, Chief Nosse stated the Department has access to the shooting ranges, but the social distancing and having too many people in the range at one time becomes an issue. He stated that now that the weather is improving, they will start going to the outdoor range in Madison where they can keep their distance.

Council President Lowery inquired if there have been any issues with expirations of any certifications of BLS (Basic Life Support), ACLS (Advance Cardiac Life Support) and PALS (Pediatric Advanced Life Support). Chief Hutton replied that the Fire Department is in good shape; they do their own training every two years, and they did the training last year. Chief Nosse replied that the Police Department is also in good shape.

City Engineer Douglas Courtney reported on the 2019 drainage projects – Badger has indicated that all punch list work should be complete by mid-June. He stated that he still does not have pricing for Tibbetts; before finalizing the price, Badger wants to meet on site again, which will be scheduled for later this week.

With regard to the old town sewers, Mr. Courtney stated that OPWC funding remains in question and that the Law Director has been in touch with the EPA regarding the funding issues and trying to schedule revised timelines. Mr. Lallo stated that he spoke with the EPA's legal counsel and he was understanding with regard to the situation with OPWC, and he will relay that information to his supervisors and others in the organization. He noted that there will be a follow-up phone call in the next week or two with the Columbus office and the Northeast Ohio group as well. With regard to a potential revised timeline, Mr. Lallo stated that the EPA understands that right now the City's hands are tied as it relates to this project and the lack of funding from OPWC.

With the new Service Administrator now on board, Mr. Courtney stated that he and the Mayor have discussed sitting down with him to discuss the SME report and working out a scope based on this year's budget for the streets.

Regarding the State Route 306 bridge, Mr. Courtney stated that three quotes were received last week for getting the rest of the debris out from under the bridge, from upstream, and along the northerly bank of the river. The quotes received were from Badger Transfer (\$12,700 approx.), Grade Line Inc. (\$32,000 approx.), and Trax Construction (\$45,000 approx.); the information was sent to the Mayor today, and there will be some discussions with Lake County Stormwater.

Mr. Courtney advised there are no updates regarding the recreation park.

With regard to Wisner Road bank stabilization (EPA 319 Grant), Mr. Courtney advised that AES mobilized to the site today and began installing the temporary access drive to the river; he is meeting there tomorrow morning with the new Service Administrator to provide him with a set of plans and review the project.

With regard to the Hemlock Ridge water main, all mains are installed and apron restoration done, and the job is nearing completion. The next Aqua Ohio project will be Riverwood Way, and Aqua Ohio will be receiving the bids on that project this week.

DEPARTMENT REPORTS (continued):

Councilman Haymer inquired if the Fox Hill project is part of the June follow-up for Badger, and inquired why it is taking so long for them to get back there to do some remedial work. Mr. Courtney replied that the weather has not been conducive; it is still very wet. Mr. Haymer stated that Fox Hill can be reached from the road. He stated there is no erosion control and there are no bales of hay around the storm drains; there is more erosion occurring and he would like to see them out there sooner rather than later. Mayor Potter stated that he would be happy to assist in trying to get the contractor out sooner, since a lot of the work can be done from the road. Mr. Courtney noted that the contractor should be starting long before his stated completion date on June 12 for the items on the punch list. It was noted that it is important for the ground to be dry for the Gildersleeve project.

Council President Lowery inquired if there is any update on the tower behind City Hall. Mayor Potter stated that he can address this during his report.

Assistant Finance Director Louis Slapnicker advised that the Finance Department made application for the Ohio Market Access Program, aka OMAP, in relation to the note issuance on tonight's agenda. He noted that Mrs. Kovalchik sent a memo to Council reviewing highlights regarding that program. Mr. Slapnicker advised that this links Kirtland's credit rating with that of the State. He stated that the note issuance on tonight's agenda serves two purposes – to make the minimum required principal payments on the existing debt and to pay off the prior year's notes and issue new notes at the current rates.

Mr. Slapnicker advised that the new software system is coming along, and there is still a lot of work to be done. He stated they are working on getting 2020 purchase orders into the system and converting the old account numbers to the new chart of accounts. Current invoices will be entered, and work is continuing on the payroll data.

Mr. Slapnicker noted they are continuing to work with the GAAP conversion and preparing for the audit.

With regard to the ordinance for bond issuance, Councilman Lesnick inquired if it is considered long-term or short-term debt. Mr. Slapnicker advised that it is short-term. Mr. Lesnick inquired about the total outstanding debt for the City, short-term and long-term. Mr. Slapnicker advised that the ending 2020 balance is approximately 3.6 million dollars; if you include the front-end loader that is outstanding for \$53,000, the outstanding debt is approximately 3.7 million dollars, for both short and long-term.

Mr. Lesnick inquired if the long-term debt is at a lower interest rate than the short-term debt. Mr. Slapnicker stated there are several different items that are included in the long-term debt, noting that there are four different OPWC loans – the interest rate is zero percent, all various terms. There is also a USDA bond for Temple View sewer project with a 4.375 percent interest rate, and various bonds outstanding, originally issued in 2006 for improving/widening Route 306, for some road garage work, and for some senior center work. Mr. Lesnick inquired about the possibility of taking some of the higher interest debt and renegotiating at a lower rate. Mr. Slapnicker stated it can be looked into; however, with re-issuing and re-financing there are additional costs, so an analysis would need to be done.

Council President Lowery inquired if there is any new debt incurred in 2020. Mr. Slapnicker confirmed that there is no new debt.

Relative to the Route 306 payoff of 0.5 million dollars, Councilman Schulz inquired when that payment will occur. Mr. Slapnicker replied that it will be in June of this year; it is part of the note issuance and paying off the previous note.

DEPARTMENT REPORTS (continued):

Law Director Matthew Lallo advised that, with regard to the Memorandum of Understanding, Willoughby's Law Director has been working with their Department Heads on a first draft. Mr. Lallo stated that he received a first draft this afternoon, and that there are a number of items he wants to address with regard to a potential consolidation of dispatch. Mr. Lallo stated it is a work in progress, and he wants to make sure that the City of Kirtland's interests are protected now and in the future and that it is properly reflected in the agreement. He noted that it is not ready for proposed legislation, and there is a fair amount that needs to be addressed/clarified before it will be presented to City Council. Mr. Lallo stated he would like to meet with Chief Hutton and Chief Nosse to review terms and issues, and then present it to Willoughby's Law Director with desired changes. He noted that a preliminary agreement will hopefully be reached in time for placing it on the next meeting agenda.

With regard to questions and comments related to the MOU and/or dispatch, Council President Lowery stated that Council members have been asked to provide them to the Mayor's office. He noted that Helen Petersburg is combining those questions, and they will be answered to the best of the City's ability once the MOU is available.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter thanked the Department Heads for the thorough reports. With regard to the cell tower behind City Hall, the Mayor advised that it has been erected. He noted that Councilman Schulz sent him pictures of the path leading to the tower, and there is some cracking along the asphalt. He stated that he forwarded the pictures to Jessie Styles of North Star Towers, noting that it was clearly damage from their trucks; he also requested a status update. Mr. Styles had advised that he would look at it, and they will take care of the damage along that path.

The Mayor noted that the City crew was out today ditching and cutting grass; they finished the brush pick-up last week. He noted that the brush pick-up went very well; it was done ahead of schedule and they were able to go back through the community and do a final sweep through each ward to make sure that they picked up everything, including anything that may have been put out late. Mayor Potter noted that the Department will continue to address the ditches and the drainage in the City in the near future.

Mayor Potter stated that he spoke with Doug Courtney, and they agreed that the road paving task force will be reconvened. He noted he would like the City Engineer and the Service Department Standing Committee of Council involved, along with the new Service Administrator. He stated that short-term road fixes will be discussed, with the goal to ultimately lay out the long-term strategy for the roads.

The Mayor advised that today was Joe Fornaro's first day as the new Service Administrator. He thanked Kelly Wolfe, Matt Schulz, Joe Smolic and Scott Haymer for coming out over the weekend to meet Mr. Fornaro. Mr. Potter stated that he spent today helping Mr. Fornaro acclimate in the Service Department, and he introduced him to the Service Department employees. Mr. Fornaro had an opportunity to spend some one-on-one time with several of those employees, which he will do each day until he has a chance to get to know each of them better.

The Mayor noted that he also introduced Mr. Fornaro to the staff at City Hall, including Chief Nosse and Chief Hutton; they also met with Rick Blum of Kirtland Kiwanis to familiarize him with Kiwanis' involvement in the City and some of the projects they have been involved with in the past, and their willingness to continue that relationship in the future. He noted that Mr. Blum has a list of projects that Kiwanis can work on together with the Service Department.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mayor Potter stated that Mr. Fornaro will bring accountability and leadership to the Service Department, and that it will be noticed by the residents. Noting that he has been asked about the new Service Administrator's salary, Mayor Potter stated that bringing him on board will result in reorganization and restructuring of the Department. He noted that the Service Department secretary position has been eliminated, and he will be giving up his pay of \$5,600 as Service Director. He noted there will also be savings on the signalization services, since Mr. Fornaro is certified for that service. The Mayor stated that by hiring someone with management and leadership skills, the City will be able to transition into the era of smaller government and scale the Service Department back by 30+ percent in staff. He stated that the City has the responsibility to spend the residents' tax dollars in the most efficient manner possible, noting that he will continue to work with City Council and Department Heads to achieve that.

Mayor Potter stated that he is troubled by a small group on social media that strongly dislikes anything he attempts to achieve while he is in office, and he requested that they please leave his family out of their comments and stop the hateful spewing on social media relative to his family.

STANDING COMMITTEE REPORTS:

Councilman Lesnick noted that the Finance Committee will meet following the next regular Council meeting to review the monthly financial report.

Councilman Smolic advised that the Police and Fire Standing Committee meeting that was scheduled for May 6, 2020, has been cancelled since the MOU is not yet available relative to Dispatch; the meeting will be rescheduled between the first and second reading of the legislation once it is placed on the agenda.

Councilman Lesnick stated it is his understanding there is an Economic Development Standing Committee meeting planned in June. Councilman Ruple noted that the meeting has not yet been finalized.

Noting that there have been some personnel changes in the Service Department, Councilman Schulz requested an update regarding an analysis of the finances; he noted there will also be an individual retiring. Mayor Potter acknowledged that he owes Council the information relative to the layoffs, noting that he will contact the Finance Director tomorrow and request that information.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

None.

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

None.

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

- **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. Answering Council President Lowery, Mr. Slapnicker advised that the legislation can receive three readings. Responding to Councilman Lesnick, Mr. Slapnicker advised that the interest rate will not be known until this goes to market. Councilman Smolic requested that Mr. Slapnicker review this for anyone that may have missed the initial review. Mr. Slapnicker stated that the City has \$3,015,000 in the outstanding short-term note coming due in June. This new note for 2,405,000 would be for the purpose of paying down the previous note in addition to the \$500,000 for State Route 306. Additionally, there is \$110,000 of required pay-downs. Mr. Smolic stated that the referenced \$500,000 was put before Council in 2018; Council was told it would be paid off in October 2018, but it was delayed. Answering Mr. Smolic, Mr. Slapnicker stated there were no payments against the \$500,000 during the prior year.

Responding to Council President Lowery, Mr. Slapnicker confirmed that, as required, the Fiscal Officer's Certificate relating to Ordinance No. 20-O-23 was signed by the Finance Director and submitted to the Clerk of Council prior to tonight's meeting.

Councilman Ruple inquired if earlier passage of this Ordinance would allow the City to take advantage of rates, if they are lower now. Mr. Slapnicker stated that the application for the OMAP program, which he mentioned earlier, has been submitted but the City will not receive a response until sometime later this month. Looking at the City's bond rating, Mr. Slapnicker stated that the last time the City was rated was in 2016, which was a rating of 3 from Moody; by linking the City's rating with the OMAP program, it links the rating to the State of Ohio, which is 1+ (S&P's highest municipal short term rating). The City needs to wait for that application to be processed by the State.

Relating to State Route 306, Councilman Schulz inquired whether it makes sense to make a one-time \$500,000 payment, given the uncertainties of the incoming cash flow. Noting that the \$500,000 was issued for State Route 306, Mr. Slapnicker stated that \$500,000 must be paid back toward State Route 306 for which it was borrowed, and it is earmarked for this purpose.

Mr. Lesnick inquired about the interest, noting that the prior Finance Director estimated approximately \$9,000 interest for the six to eight-month window; it has now been two years. Mr. Slapnicker stated he reported the interest when he received the escrow funds from the County, but he does not have the exact figure available at the moment. Council President Lowery inquired if the majority of those funds for the \$500,000 are reimbursements earmarked only for that project, which Mr. Slapnicker confirmed.

The legislation was placed on First Reading.

COUNCIL COMMENTS:

Councilman Smolic noted that it was mentioned earlier that the City is not borrowing this year and did not borrow last year, after borrowing for the three previous years, 2016 through 2018.

Responding to inquiries from Mr. Lesnick, Mr. Slapnick stated that, excluding the note proceeds, the total amount the City will be paying is \$875,265.72 this year, and included in that is the \$500,000 from State Route 306.

In summary, Mr. Slapnick stated that for the OPWC, USDA and GO bonds, total payments this year is approximately \$182,000. In addition, there is \$110,000 for the required pay-downs, and the \$82,682.19 is the interest the City is paying on the current note. Excluding the note proceeds the City is receiving this year, tentatively the \$2,405,000, the City would be outlaying \$875,265.72.

CONTINUING CONCERNS:

Law Director Lallo noted that this is an opportunity for the public to address Council about any continuing concerns.

Ron Fenstermaker, 8851 Billings Road, inquired if the MOU (relating to dispatch) is done. Mr. Lallo advised that there is a draft, but the terms are not finalized and the MOU is not completed. Mr. Lallo stated the City is still in the process of reviewing the terms with the City of Willoughby. Mr. Fenstermaker asked if there is a timeline for the rescheduling of the meeting with regard to dispatch. Mr. Lallo replied that the Police and Fire Standing Committee meeting will be held after the first reading of the ordinance.

Councilman Schulz noted that there are currently 84 participants in the online attendance of tonight's meeting.

ADJOURNMENT:

Mr. Smolic moved to adjourn, with the second by Mr. Lesnick. The motion of Council passed by unanimous vote and the meeting adjourned at 7:58 p.m.

President of Council

Clerk of Council