

KIRTLAND CITY COUNCIL MINUTES

June 1, 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, City Engineer Douglas Courtney, Service Director Joseph Fornaro, Police Chief Lance Nosse, Fire Chief Anthony Hutton and Economic Development Manager Monica Drake.

MINUTES OF THE MAY 18, 2020 WORK SESSION:

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

MINUTES OF THE MAY 18, 2020 COUNCIL MEETING:

Mr. Lesnick noted that a correction is needed on page 2, in the second paragraph of Police Chief Nosse's report; the minutes should be corrected to reference Chief Nosse, rather than Chief Hutton, in the last sentence of that paragraph. Mr. Lesnick moved to waive the reading of the minutes, with the second by Mrs. Wolfe. The motion of Council passed by unanimous vote. Mr. Lesnick moved to approve the Minutes, as amended, with the second by Mrs. Wolfe. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: WOLFE, HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ AND SMOLIC. VOTING NAY: NONE).**

MINUTES OF THE MAY 18, 2020 FINANCE COMMITTEE MEETING:

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

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton provided an update regarding COVID-19, stated that a new case was picked up in Kirtland last week, for a total of 7 cases in Kirtland since the beginning of the pandemic. Chief Hutton stated that things are slowly getting back to normal at the Fire Department, noting that they have resumed joint trainings between stations. The call volume has also picked up quite a bit over the last month or so.

Chief Hutton advised that the bid opening was on May 20 for the diesel exhaust at Station 2; legislation is on tonight's agenda (Resolution No. 20-R-30). He requested that Council pass the legislation tonight, noting they have a deadline with the AFG grant on August 31. Chief Hutton stated it came in well under budget and there will definitely be funds remaining from the grant; he noted they may be able to add an exhaust system at Station 1.

DEPARTMENT REPORTS (continued):

With regard to current activities (protesting and rioting) around the country and in Cleveland, the fire chiefs are working closely together through mutual aid. Noting that he is one of the two coordinators for Lake County for the Ohio Emergency Response Plan, Chief Hutton said they were in close contact on Saturday night. It appears that the Hillcrest area Departments would have gone to Cleveland, and Lake County would have been next to go. The Chief noted they are following a similar plan that was followed in 2016 for the Republican National Convention in Cleveland. Kirtland Fire Department is very well equipped, thanks to a number of grants, with ballistic vests, helmets and all equipment needed to deal with this situation.

Responding to Councilman Smolic, Chief Hutton stated that a diesel exhaust system for Station 1 would be a smaller, more condensed system than the system for Station 2.

Answering Councilman Schulz, Chief Hutton stated he has not been made aware of any fatalities in the City of Kirtland due to COVID-19.

Councilman Lesnick thanked Chief Hutton for all the Fire Department does, especially given the unfortunate situation occurring across the country.

Police Chief Lance Nosse advised that the Lake County Chiefs have been in close contact regarding events transpiring in the City of Cleveland; he noted that Kirtland was not called for assistance. He noted that some areas of Route 2 and Route 90 were shut down by area departments. Chief Nosse reported that there was a peaceful protest today in the City of Painesville, noting that he received the information early this morning. The Sheriff, Lake County Chiefs and coordinators got together by way of messaging, and they were able to coordinate a pro-active approach to any potential situation. All of Lake County came out and supported the City of Painesville and Lake County Sheriff's Office and they were able to provide a strong presence of officers throughout Lake County; several Kirtland officers participated. Chief Nosse stated no one was hurt, and to his knowledge there were no arrests. As of right now, everything has disbursed and it seems to be quite peaceful.

Chief Nosse stated that he understands some of his reporting is confusing for some; he is working with his assistant and the sergeants to streamline the report. He noted that Council members can advise him exactly what they are looking for in the reports.

As an update since the last meeting, Chief Nosse stated that the Police Department has performed 120 business checks, and they were able to perform some community service. There have been 88 traffic stops, and 44 of those were issued citations. The Department is still doing directed patrols in the areas requested, especially Kirtland-Chardon Road, Joseph Street, and Chardon Road; he noted they are doing the best they can with the resources available. Chief Nosse stated he is proud of the Department, noting that they are taking on everything they possibly can.

Chief Nosse stated that also in the last two weeks they have handled 24 incidents. With regard to Council President Lowery's inquiry regarding physical arrests, Chief Nosse stated they had 41 arrests that came back to the Kirtland Police Department to be processed.

Noting that he received concerns about a pursuit that occurred through the City of Kirtland, Chief Nosse reported that two men were drag racing on Kirtland Chardon Road at speeds up to 90+ m.p.h. The Police Department tried to slow the situation down, and they fled from the police. Thanks to a joint effort with Lakeland Community College and some other cities, the Police Department was able to identify the vehicles and identify the operators, and two arrests have been made. Chief Nosse commended Sergeant LaTurner, noting that he handled the situation very well; there were no injuries or property damage.

DEPARTMENT REPORTS (continued):

Councilman Lesnick inquired how speed limits on various roads in the City are determined. Chief Nosse replied that they are determined by the State. If there is a desire to change a speed limit, the City would need to request the County to perform a study; he was not sure whether there would be a cost to the City. The Chief advised that he will look into it further before the next meeting.

Referring to the 41 arrests, Councilman Haymer inquired if they were all held in Kirtland's jail. Chief Nosse replied that they were all brought back to the Kirtland Police Department and processed. The Chief noted that no one is held longer than necessary; they are brought in for processing, the Police Department issues their charges, and if they cannot post a bond or need to be held on bond, they are taken to Lake County Jail.

Council President Lowery thanked the Chief for getting back to him with the number of individuals jailed for 2018 through 2020. Councilman Lesnick commended the Police Department staff for all they are doing.

Service Director Joseph Fornaro stated it has been a busy couple of weeks; the staff did a great job getting the banners and flags up for Memorial Day in the downtown area. They are doing their best to keep up with the grass. The crew has done approximately 6000 feet of ditching during the month of May.

Mr. Fornaro stated that he and Mr. Courtney did a drive-through of the City and are working to get the road program up and running for the coming year.

Councilman Haymer inquired about flooding concerns at the bottom of the Route 306 hill. Mr. Fornaro stated they are working on a plan for the Eisenhower and Sexton area; they will add an additional piece of pipe and a catch basin, which will help that area.

Councilman Lesnick inquired about the status of the five drainage projects from last year. He noted that a few months ago the Fox Hill cul-de-sac was a mess; it was muddy and there was still no grass planted. Mr. Fornaro stated there are punch list items that the contractor is getting ready to complete; June 12 is the completion date. Mr. Fornaro noted that the Gildersleeve project may be delayed a little longer. With regard to the Fox Hill cul-de-sac, Mr. Fornaro stated that this week the road crew cleaned up the damage from the snow plows.

Referring to Mr. Fornaro's experience with Mayfield and Chester, Councilman Schulz inquired if they did any of their own striping. Mr. Fornaro stated in Mayfield, with the exception of the long lines, they did all in-house, including stop bars, crosswalks and arrows. Mr. Schulz inquired about the savings to the city. Mr. Fornaro replied that it was a different make-up of the cities, noting that in Mayfield every street had a crosswalk and a stop bar.

Councilwoman Wolfe inquired if Mr. Fornaro and Mr. Courtney had come up with anything regarding the flooding issues on Woodcroft. Mrs. Wolfe noted that water was flowing off of Route 306, going through the back yards off Pinehurst. Mr. Courtney replied that he and Mr. Fornaro went out on May 20 to look at several issues, noting that he has a list at his office. Mr. Courtney stated he can get back to Council on that issue.

Councilman Haymer inquired if the City owns any striping equipment. Mr. Fornaro stated that the Department has a walk-behind airless striper that is used for the baseball fields and the football field; he noted it would work for stop bars.

Councilman Smolic inquired if Mayfield rented or owned the equipment for striping. Mr. Fornaro stated that Mayfield owned their equipment, clarifying that striping the long lines (center double-lines) was contracted out.

DEPARTMENT REPORTS (continued):

Councilman Lesnick inquired if there is any type of paint that will show up at night, when it is dark and raining. Mr. Fornaro stated that the winters are hard on the paint's durability, noting that it may last two years. He stated that glass beads added into the paint is a good option for night reflectiveness.

City Engineer Douglas Courtney advised that, with regard to the 2019 drainage projects, Badger Transfer confirmed over the weekend that they are committed to completing the punch list items by June 12. Mr. Courtney stated he requested a detailed schedule indicating when they will work on each area, but he has not heard back today. The contractor provided revised pricing for Tibbetts and a net deduct change order was written and forwarded to Badger last week for their signature. Mr. Courtney stated he discussed the project on Tibbetts with the Mayor and the Service Director, noting their desire to have that done after all the other punch list items are done, which he informed Badger today.

With regard to the Old Town sewers, Mr. Courtney noted that State capital funding is still on hold; funding for that project remains in question. He expects to have another discussion with the EPA within the next two weeks regarding the findings and orders.

With regard to streets, Mr. Courtney stated that he and Mr. Fornaro visited several streets on May 20, and they looked at several drainage problems. They are refining their vision on approaching the updating of the five and ten year plans for street repairs and maintenance. Mr. Courtney stated he is working on a budget for this year for Springer. He noted that tomorrow evening the Mayor and the road paving task force will meet with him and Mr. Fornaro.

With regard to the State Route 306 bridge, Mr. Courtney stated that as a result of the last storm, Mother Nature took care of the bulk of the problems; he does not believe there will be a need to spend any extra money to clean under that bridge.

Mr. Courtney advised that he and Mr. Fornaro took a look at Kirtland Recreation Park; it is on their radar.

With regard to the Wisner Road streambank stabilization, Mr. Courtney stated that Applied Ecological Services (AES) started that project on May 4; as of Friday the work was complete and a walk-through is scheduled with AES, Chagrin River Watershed Partners and Lake County Stormwater tomorrow at 1:00 p.m.

Mr. Courtney advised that the Hemlock Ridge water main work is complete, and the Riverwood Way water main replacement started today, with some erosion control work.

Law Director Matthew Lallo noted that the MOU for dispatch has been finalized and legislation is on tonight's agenda; the MOU is available for the public to review. Mr. Lallo noted that legislation is on the agenda to accept the bid for the exhaust system for Fire Station No. 2, along with legislation declaring the roller no longer necessary for City purposes, which permits the City to list it for sale on GovDeals.com.

Councilman Ruple noted that it is reported in the newspapers today that many municipalities have filed amended complaints relating to the opioid litigation; he questioned whether the City is a part of that. Mr. Lallo stated that he will reach out to the attorney that is handling this matter to find out if the City is included in that portion.

Councilman Schulz inquired if there has been any word from the Attorney General's Office relating to the provision for not meeting in person and whether there is any determination regarding resuming in-person meetings. Mr. Lallo stated the ruling is in effect until the Governor releases the state of emergency or until a specific date in December, whichever comes first; when that occurs HB 197 and those provisions that allow for the virtual meetings will no longer be in effect. Mr. Lallo stated he has not received any updated information from the Attorney General's Office.

DEPARTMENT REPORTS (continued):

Economic Development Manager Monica Drake reported that the Lake County Commissioners have rolled out the small business loan and grant program and the portal is now available on their website. This is for micro-businesses, with five or less employees, or small businesses, with 25 or less employees. Ms. Drake stated she has reached out to various Kirtland business owners to share the information.

Ms. Drake participated in a virtual meeting hosted by Jason Wuliger that included State Representative Jamie Callender and County Commissioner Jerry Cirino; Congressman Joyce was unable to join the meeting. She stated updates were received on the State and local level. There was discussion regarding in-person voting, and Representative Callender requested that people reach out to him to share their viewpoints. She encouraged Council to reach out to him on this matter and any other concerns.

At the request of the Charter Review Committee, Ms. Drake put together information that was shared with the News Herald, and she will be participating in their public hearing on Wednesday at 7:00 p.m. to help answer any questions and provide factual information on the proposed Charter amendments.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter stated his condolences to the Finance Director, Mary Kovalchik, on the loss in her family. The Mayor noted that Mr. Slapnick is not in attendance tonight due to an important agenda item in Lyndhurst, which they also cover.

Mayor Potter noted that Resolution No. 20-R-31 is on tonight's agenda relating to the possible sale of the roller on GovDeals; he requested that Council consider passing the legislation tonight. He noted that the proceeds would go back into the road levy fund, and it is important to help augment the City's paving and patching efforts.

The Mayor noted that he will be meeting tomorrow with the road paving task force, Mr. Courtney and Mr. Fornaro to discuss the assimilation between the former CT report, the SME report and Mr. Courtney's and Mr. Fornaro's current findings along with the findings of the road paving task force. Mayor Potter stated this will take into account new perspectives from an experienced team, to determine the plan and the costs to move forward with a road program. The Mayor thanked Mr. Fornaro and Mr. Courtney for their work in this regard, noting that they are consistently responding to residents' concerns and requests, especially drainage.

Mayor Potter thanked the Chiefs for all they do, noting that these are troubling times; he noted that thoughts and prayers are with the first responders that are working every day to protect the community.

Mayor Potter mentioned that he had requested Mrs. Kovalchik to provide an update from RITA, noting that the tax rolls were down \$40,000 in March and \$100,000 in April. With the current economy, the City stands to risk more loss; some of the early projections from RITA were suggesting the income tax revenue could be down as much as nine percent in 2020.

The Mayor noted he also asked Mrs. Kovalchik to see if there is any information relating to the gas tax. He noted the projection was approximately \$550,000 to \$560,000 this year as a result of the new 18 cent per gallon gas tax that went into effect this year; he is waiting for an update regarding whether any numbers are available, especially for March and April.

Mayor Potter stated he also began to reach out to community members of various backgrounds to invite them to be part of an economic development round table, with regard to a plan to move the community forward and capitalize on some of the local talent. He has been working with Ms. Drake in this effort as well.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Mayor Potter stated that Resolution No. 20-R-32 is on First Reading tonight regarding the dispatch MOU and consolidating with the City of Willoughby. The financial worksheets provided by Mrs. Kovalchik, relating to the possible consolidation, will be posted on the City website, as well as the questions and answers developed from community members reaching out to their councilpersons, and facilitated through Ms. Petersburg, to streamline the questions relating to the possible consolidation of dispatch with Willoughby. The Mayor noted that the Police and Fire Standing Committee will meet to discuss the financial worksheets and the questions from the community, which he and the Chiefs have answered. He thanked the Chiefs for their work in getting the questions answered very thoroughly. The Mayor noted that all of the questions and answers have been sent to Council members.

Mayor Potter thanked the Charter Review Committee, and Jim Young for chairing the Committee, for all the hard work they have done over the last couple months. He noted they have worked through the City Charter to come up with a handful of issues. Mr. Lallo advised there will be a public hearing on Wednesday, June 3, at 7:00 p.m., with a Charter Review Committee meeting immediately following the public hearing. Mayor Potter stated the Charter Review Committee will be recommending removal of the referendum zoning, removal of residency requirements for Department Heads and new language relating to the Mayor's appointment of a Charter Review Committee at least every ten years.

Councilman Schulz thanked the Mayor for holding the Memorial Day service on Facebook live; he stated it was a great honor for him to be involved and he appreciates the invitation to share in the prayer. Mayor Potter thanked him for coming and saying the prayer. The Mayor also thanked the Kirtland Kiwanis and the American Legion for the involvement, along with the Kirtland Garden Club, Mr. Fornaro and the Service Department for getting the Veterans' Memorial in such great shape. The Mayor noted that with the help of many, it came out beautifully.

Councilman Schulz noted that Councilman Ruple mentioned the possibility of entering into roadway construction projects jointly with other cities. Mr. Schulz suggested that subject could be discussed at the meeting with the road paving task force, noting that budgets are constrained.

STANDING COMMITTEE REPORTS:

Councilman Smolic suggested June 11 for scheduling of the Police and Fire Standing Committee meeting to discuss dispatch. He noted that Councilman Ruple and Councilwoman Wolfe are on this Committee, although he requested that all Council members attend this meeting, along with both Chiefs. Upon agreement of the Committee, the meeting was tentatively scheduled for June 11 at 6:00 p.m. Mr. Smolic noted that the regular Council meeting will be the following Monday (June 15), and public comments and questions can also be taken at that meeting.

Councilwoman Wolfe advised the Mayor that she contacted Capitol Beverage, and they will allow the City to post announcements there. She has not yet been able to reach out to the owner of the Dairy Mart; Mayor Potter stated he will contact the owner.

Councilman Lesnick noted that for the foreseeable future, the Finance Committee will continue to meet after the second Council meeting of each month, to follow up on the changing state of possible revenues and any other matters that should be addressed. He noted that shortfalls are being seen, noting that Council receives several e-mails each week from the Finance Department. Answering Council President Lowery, Mr. Lesnick confirmed that there will be shortfalls in income taxes and gas taxes, and the City is looking at a shortfall of approximately \$175,000, and projections for doubling that.

STANDING COMMITTEE REPORTS (continued):

Upon discussion, an Economic Development Standing Committee meeting was scheduled for Wednesday, June 10 from 5:30 p.m. until 6:30 p.m. Mr. Lesnick inquired about meeting in person. Mr. Lallo responded that it is not required that the meeting be held virtually, as long as the City can comply with all of the social distancing rules. Mr. Lallo stated his concern would be if Council Chambers can adequately hold the number of people that may attend and still comply with those rules. He suggested if there will be more than ten attendees, he would err on the side of caution and hold a virtual meeting. Upon Mr. Lesnick's suggestion, it was agreed that the Standing Committee members and Ms. Drake will meet in person, but it will also be held via Zoom so it can be open to attendance by others.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

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

None.

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

- (Third 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. Lesnick moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: WOLFE, HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ AND SMOLIC. VOTING NAY: NONE).**

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

Clint Buchanan, 8217 Kirtland-Chardon Road, asked the Mayor about the financial report that will be placed on the website; he inquired if it will be detailed regarding the dispatchers' budget or if it is an overview. If it will not be detailed, he inquired where the public can find a detailed review of the dispatchers' budget. Mayor Potter stated it is a detailed report, noting that Mrs. Kovalchik did a tremendous job of breaking it down a couple different ways, and it includes a summary. He apologized that it was not on the City website today, but Ms. Petersburg will post it on the website as soon as she is back in the office.

PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS (continued):

Councilman Lesnick added that Council wanted to make sure that it was very clear, by looking at the appropriations budget also posted on the website, item for item, to see what is projected under the current budget and what would be projected in the future.

RESOLUTION NO. 20-R-30 - **A RESOLUTION ACCEPTING THE BID OF CLEAN AIR CONCEPTS FOR THE VEHICLE EXHAUST REMOVAL SYSTEM AT FIRE STATION #2, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only. Mr. Schulz moved to waive the three readings, with the second by Mr. Ruple. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: WOLFE, HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ AND SMOLIC. VOTING NAY: NONE).** Mr. Lesnick moved to declare an emergency and adopt, with the second by Mrs. Wolfe. Answering Mr. Lesnick, Chief Hutton stated that the majority of the cost is covered through the AFG; there is a five percent match of approximately \$4100. Mr. Schulz inquired who was involved in the bid opening. It was noted that the bids were opened by Chief Hutton, with Helen Petersburg also present for the bid opening. Chief Hutton thanked Captain Frank Ponzani, who is the grant writer for all the AFG grants; and Captain Tony Catania will be the project manager for this exhaust system grant. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: WOLFE, HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ AND SMOLIC. VOTING NAY: NONE).**

RESOLUTION NO. 20-R-31 - **A RESOLUTION DECLARING CITY PROPERTY AND EQUIPMENT AS SURPLUS PROPERTY AND GRANTING AUTHORIZATION TO SELL SAID SURPLUS PROPERTY ON THE OPEN MARKET UPON SUCH TERMS AND AT SUCH PRICES AS ARE DEEMED MOST ADVANTAGEOUS TO THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only. Mr. Lesnick moved to amend Section I, Item 1, on page 2, to change the approximate fair market value from \$65,000 to \$70,000. Mr. Schulz provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: WOLFE, HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ AND SMOLIC. VOTING NAY: NONE).** Mr. Lesnick moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: WOLFE, HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ AND SMOLIC. VOTING NAY: NONE).** Mr. Lesnick moved to declare an emergency and adopt as amended, with the second by Mrs. Wolfe. Mr. Schulz reiterated the Mayor's comment that upon successful completion of the auction, the dollars will go back into the road levy fund from which they came. Mr. Lallo noted it is stated in the legislation so the Finance Director knows where those funds should go. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: WOLFE, HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ AND SMOLIC. VOTING NAY: NONE).**

RESOLUTION NO. 20-R-32 - **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF WILLOUGHBY FOR THE CONSOLIDATION OF DISPATCH SERVICES, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only. Council President Lowery stated there are two important documents: (1) all of the community questions that were sent to the Council members, to the Mayor and to City Hall have been answered, and City Council has had those questions and answers in hand as of approximately three days ago; and (2) the financial worksheets put together by the Finance Director, setting the standard to clearly understand the financial impact of this Resolution, which has also been in the hands of City Council members for at least three days.

NEW BUSINESS – RESOLUTION NO. 20-R-32 (continued):

Mr. Lowery stated that he wants to make sure that all Council members have the most accurate and current information related to this important Resolution. Mr. Lowery stated he is happy to hear that Mayor Potter will have those same documents posted on the website, potentially as early as tomorrow. Mr. Lowery noted that a Police and Fire Standing Committee meeting is being scheduled for June 11, as an open forum for the community to listen, ask questions and provide comments. He noted that there will again be opportunity to continue dialogue at the second reading of the Resolution during the next regular Council meeting, along with additional opportunity at third reading prior to the vote.

Mr. Lesnick stated he looks forward to everyone taking a look at the documents, noting that he worked closely with Mary Kovalchik to get the financial information as clear as possible. He noted if there are any questions, he or Mrs. Kovalchik can be contacted. Mr. Lesnick thanked both Chiefs for their help in putting together the information.

Responding to Mr. Schulz, Mr. Lallo confirmed that he will be present for the Police and Fire Standing Committee meeting.

Mrs. Wolfe moved to refer this matter to the Police and Fire Standing Committee, with the second by Mr. Schulz. **ROLL CALL: MOTION CARRIED 6/1 (VOTING YEA: WOLFE, LESNICK, LOWERY, RUPLE, SCHULZ AND SMOLIC. VOTING NAY: HAYMER).** The legislation was placed on First Reading.

In preparation for the June 11 Police and Fire Standing Committee meeting, Mr. Schulz inquired if Mr. Lallo can touch on some of the sticking points that were of concern for Kirtland and Willoughby, so Council has an understanding of the back and forth involved with the MOU document. Mr. Lallo responded affirmatively.

* * * * *

COUNCIL COMMENTS:

None.

CONTINUING CONCERNS:

Council President Lowery noted that this is an opportunity for the public to address Council about any continuing concerns.

Ron Fenstermaker, 8851 Billings Road, stated he will hold his questions on the MOU until the Standing Committee meeting. Requesting clarification on a matter, he noted he has never heard that Council has to go into executive session regarding the sale of equipment. Mr. Lallo stated that the Ohio Revised Code allows City Councils or public bodies to go into executive session to discuss the sale of property.

Mr. Fenstermaker inquired if the meeting with the road paving task force will be open to the public. Mayor Potter stated that the meeting will not be open to the public, but he assured that all information garnered from that meeting and reported will be open to the public. He noted that previous task force meetings have not been open to the public.

CONTINUING CONCERNS (continued):

Answering further inquiry from Councilman Ruple, Mayor Potter stated the task force is a working group of residents, meeting with the Service Director and the City Engineer. Once the report is complete, the delineation of that report will be addressed at a meeting open to the public. Mayor Potter explained that the road paving task force met with him one time on a Saturday morning, then they went out and looked at miles of roads; this will be their first chance to meet with Mr. Courtney and Mr. Fornaro, which will be a good opportunity for them to work toward finalizing a report.

Mr. Fenstermaker stated now that he has had a chance to review the MOU, he has some questions about it, which he will send by e-mail to Mr. Smolic as Chairman of the Committee. Council President Lowery noted he can also send his questions to him, the Mayor and the Law Director. Mr. Lowery stated that hopefully the questions and answers that will be posted on the website will answer some of his questions.

Referring to the upcoming task force meeting, Councilman Ruple noted concern about the Open Meetings Act and requested that Mr. Lallo look into that. Mr. Lallo noted that looking at the statute, it refers to any Board, Commission, Committee, Council or any other similar decision-making body of a State agency, institution or authority and any legislative authority, Board, Commission, Committee or Council. Noting that it is a meeting of the City Engineer, Service Director and residents, Mr. Lallo stated they are not necessarily the decision-making or legislative authority of the City and are not making any decisions on behalf of the City. Mr. Lallo stated he will continue to research this matter and get back to the Mayor.

ADJOURNMENT:

Mr. Lesnick moved to adjourn, with the second by Mrs. Wolfe. The motion of Council passed by unanimous vote and the meeting adjourned at 8:25 p.m.

President of Council

Clerk of Council