

## KIRTLAND CITY COUNCIL MINUTES

June 15, 2020

The meeting of Kirtland City Council was called to order at 7:00 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 Director Joseph Fornaro, Police Chief Lance Nosse, Fire Chief Anthony Hutton and Economic Development Manager Monica Drake.

### MINUTES OF THE JUNE 1, 2020 WORK SESSION:

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).**

### MINUTES OF THE JUNE 1, 2020 COUNCIL MEETING:

Mr. Ruple moved to waive the reading of the minutes, with the second by Mr. Smolic. The motion of Council passed by unanimous vote. Mr. Ruple 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).**

### DEPARTMENT REPORTS:

**Fire Chief Anthony Hutton** advised the monthly report has been distributed. Chief Hutton reported call volume is beginning to pick up. June has been extremely busy to date. There have been no new cases of COVID in Kirtland since the last Council meeting. There have, however, been more cases in Lake County. There are concerns on the weekly conference calls that there may be an increase in cases as the public is opened back up. So far that has not been the case.

Councilman Smolic inquired who would respond to a complaint about a waitress not wearing a mask. Chief Hutton advised that Lake County Health District has a team that investigates those calls.

**Police Chief Lance Nosse** advised that the May monthly report has been distributed, pointing out that some of the reported numbers were broken into categories. As an example, the physical arrests were 11 and 75 additional summons in lieu of arrest. These summons would be for disorderly conducts, traffic violations, etc.

Responding to questions he received recently, Chief Nosse advised there has not been a rash of burglaries in the area, however the Department is working two burglary cases and has just issued warrants for one of those cases. He went on to say he's very happy with the work the officers have been doing.

Speeding violations are being enforced, and the Department is doing everything they can to hit all areas of the community and be as visible as possible.

**DEPARTMENT REPORTS (continued):**

The Chief noted that Mayor Potter swore in a new part-time officer, Tyler Lillash, who comes highly recommended. Officer Lillash is currently a full-time officer with the Waite Hill Police Department and has done a great job in the three and a half years he's been there. During his time there he's helped the Kirtland Police Department quite a bit with mutual aid, and is excited to be a member of the team.

Chief Nosse is also in the process of vetting another part-time applicant who is currently full-time with the Lakeland Police Department. She has also been highly recommended, and Chief Nosse hopes to have her sworn in by the end of the week.

Councilman Schulz asked Chief Nosse to speak about the recent accident on Route 6 and Route 306. Chief Nosse reported there was a younger gentleman that failed to yield the right-of-way in the intersection, causing the initial accident. From there, the accident moved to Chardon Road where they ended up striking two other vehicles. There were four cars involved in the accident; a citation was issued. There were two reported minor injuries, and no major injuries on scene.

**Economic Development Manager Monica Drake** reported she was invited to attend the Business Owners Association meeting a couple weeks ago. The group was founded by business people, and the focus is on businesses here in Kirtland, supporting Kirtland businesses, and helping one another grow. The next meeting will be in August.

Ms. Drake recently participated in a webinar with Congressman Joyce, who gave an update on the Paycheck Protection Program. The program has new guidelines. The program has been extended from 8 weeks to 24 weeks. Also, the criteria originally required 75% of proceeds to be used for payroll. This has since been modified to 60% required to be used for payroll, and the remaining balance may be used toward mortgages, utilities, rent, and those type of payments.

Ms. Drake attended the Charter Review Committee's public hearing and gave a presentation. She also provided answers regarding the proposed Charter Amendment on referendum zoning. She has also followed-up by putting together an overview of the recommendation. Eastlake was an example of a municipality that has replaced referendum zoning with a new format of referendum on demand. A resident asked about the impact, and Mayor Morley shared that the change was used when they were bringing a new business into the old Wal-Mart building. The City was able to rezone that building from retail to commercial manufacturing through a conditional use permit for manufacturing. They still held their Planning Commission meeting, the three readings, and followed procedure before passing the legislation. Mayor Morley said the business relayed to him that had the mandatory referendum been in place they would have walked away from the opportunity. The addition of this company brought 175 jobs to the city.

Ms. Drake has been working with the Economic Development Committee, including a questionnaire to be shared in the future.

Responding to Mr. Schulz, Ms. Drake said she had not heard any new information on the micro grants discussed at the last Council meeting. She advised those interested that information is available on the county website, and said she would follow-up and try to find out what type of applications are coming in and which communities are applying.

**Service Director Joseph Fornaro** reported the crews have been busy cutting grass, and he expects they will get the first round of roadside mowing done by the end of the week.

With the help of Willoughby Hills, the Service Department was able to jet a few areas with flooding issues. Using the jet truck from Willoughby Hills they were able to work on the Eisenhower area, Kirtland-Chardon Road, and in Regency Woods.

**DEPARTMENT REPORTS (continued):**

Mr. Fornaro is continuing to work on the road program, and reported the roller auction is up to \$40,000 and still has a few days left.

Council President Lowery said the Gildersleeve project is moving along well, and it looks good. He thanked Mr. Fornaro for his help on the project.

Councilman Schulz thanked Mr. Fornaro for reaching out to a resident with a tree issue. He asked if Mr. Fornaro could help in determining the next step in the process, such as an MOU with First Energy concerning their tree trimming policies, or a meeting of the Utility Standing Committee in the fall. Mr. Fornaro responded if the crews are able, they will remove that tree this week, along with another tree a couple houses to the north that is also dead.

**City Engineer Douglas Courtney** provided updates on current projects. Concerning the 2019 drainage projects, Badger has finished the punch list work on Raccoon Hill, Fox Hill, and Wisner. Grading work is complete on Gildersleeve, and the restoration and seeding work will happen later this week. Change Order 2 on Tibbetts has been executed, which is an overall deduction change order based on the changes made.

On Euclid-Chardon Road, there is a culvert approximately 1200 feet west of Sperry that is failing. The culvert was extended some time ago, and Mr. Courtney is waiting on plans from ODOT concerning the culvert extension. The failure is at the connection of the original shorter culvert and the extension, resulting in failing culvert walls. Mr. Fornaro is confident that Service Department personnel can handle the project, with the cost of the repair funded by stormwater funds through Lake County.

OPWC funding for the Old Town sewer project remains on hold, which has stagnated the project.

The Road Paving Task Force met on June 2 to begin work on the City's long range street plans. The current scope of work for 2020 includes Springer and Emerald Glen. The total budget for the 2020 projects is currently fluid, as it will be affected by the final auction sale of the roller and salt prices.

Mr. Courtney had a conference call with Tim Miller of Lake County Stormwater to discuss a number of topics, including Kirtland Recreation Park. There will be further discussions concerning scope of work and how to move forward.

The Wisner Road streambank stabilization project, related to the EPA 319 grant, has been completed. In the walk-through with the contractor, Chagrin River Watershed Partners, and Lake County Soil and Water, there were no punch list items noted. In time the plantings on the hillsides will fill in, and it will look even better.

The Riverwood Way water main project began the week of June 1 and is progressing rapidly. Mr. Courtney believes all the water main line has been installed.

Following up from the last Council meeting and Mrs. Wolfe's request for an update on 9655 Woodcroft, Mr. Courtney stated the original development plan has a 50 foot drainage easement along its north property line. This carries roughly 27 to 28 acres of runoff down that property line. In 2002, a permit was requested and granted to enclose that drainage ditch, which was an open channel previously. Mr. Fornaro has looked at the situation, and believes the pipe may be undersized. Mr. Courtney said the permit was for an 18 inch pipe to be installed with an ODOT 2x2 catch basin at the upstream end. Mr. Courtney and Mr. Fornaro will continue to investigate this issue and update Council when more information is available.

**DEPARTMENT REPORTS (continued):**

Referencing the earlier flooding and resulting debris on State Route 306, Councilman Ruple inquired who is responsible for those situations. Mr. Courtney advised the city is responsible, though the county does lend funding assistance. In this specific situation, stormwater funds were used to pay Badger.

Councilman Smolic asked about the expected start and finish dates on the Tibbetts Road project, to which Mr. Courtney responded the project had been on hold until the change order was executed and the active punch lists were complete. Now that the project is ready to move forward, and Gildersleeve will be finished this week, Mr. Courtney will speak with the contractor about the Tibbetts Road schedule.

**Assistant Finance Director Louis Slapnicker** advised the May 2020 end of month reports have been distributed. The tax budget is on first reading on tonight's agenda. Reading from an e-mail Mrs. Kovalchik sent to Council concerning the purpose of a tax budget, Mr. Slapnicker advised that the tax budget provides the information necessary for the county auditor to set a property tax rate for next year. Failure to pass the tax budget results in zero real estate tax revenue for 2021. Local government revenue is also based on the completion of the tax budget. Finally, it allows the county auditor to provide Kirtland with a Certificate of Estimated Resources, which limits the amount of money Council can appropriate for the year 2021, thereby avoiding negative fund balances. The tax budget needs to be adopted by Council on or before July 15 and submitted to the county auditor by July 20. Noting the legislation can receive three readings, he stated two readings are preferred so it can be submitted to the county with some lead time.

Mr. Slapnicker stated the previously reported five percent reduction used to determine the estimates for 2021 will be revised to six percent, based on information received today from Lake County.

The City's note sold in the amount of \$2,405,000 and will mature on June 17, 2021. The interest rate is 1.5% with a yield of 40 basis points. This is a new record low at Fifth Third for municipal bonds this year. The total principal and interest due at maturity will be \$2,441,075 with \$36,075 of that being interest.

The OMAP program saved the City approximately \$5,215 for 2020. Over the last five years the program has saved approximately \$30,000. As discussed, that rating attached an SP+1 rating which is the highest that can be obtained for municipal bonds.

**Law Director Matthew Lallo** stated there are three different proposed Charter amendments on the agenda, drawing Council's attention to the actual Charter which requires City Council to place it on the ballot. Therefore, although it does go to a vote by City Council, Article 7 Section 2 of the City's Charter specifically states, "Council shall submit such proposals, unaltered, to the electorate."

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Potter reported he had a Zoom meeting with Dr. Beverage of Lakeland Community College, discussing future partnering between the College and the City.

The Road Paving Task Force is working on a report to present to the Mayor's Office and Council, to delineate and discuss some issues that should be taken into consideration with any future road plan. Examples of these issues would be core sampling and drainage. Mayor Potter hopes it will be submitted by the end of the month.

Mr. Fornaro is also working on a 10-year road maintenance budget, to give Council a projection on what money needs to be budgeted towards maintenance, upkeep, and new projects. Mayor Potter thanked Mr. Courtney and Mr. Fornaro for doing such an amazing job and being very responsive to residents.

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

The Mayor advised he has asked Mr. Courtney and Mr. Fornaro to re-evaluate Emerald Glen due to issues that have come about in the last several months, including recent complaints received from residents living on Emerald Glen near the cul-de-sac. During the last few weeks, there have been discussions about how to address the problem of the road, with current funding and other budgetary unknowns.

Noting that Mr. Courtney presented an estimate of approximately \$57,000 for the project, Mayor Potter called Commissioner Cirino concerning the \$52,000 accepted from the county for Springer Drive/Springer Court and asked if some of that funding could be transferred to Emerald Glen. Commissioner Cirino said that could be done with no problem. Mayor Potter then followed up with the Commissioner and his assistant concerning whether Council would need to amend the current legislation to reflect the changes, and the decision was made that it would not be required as long as the money is used for roads. It was requested that there be a letter, on City letterhead, advising that the funds would be moved from one road to the other. This does not mean Springer road work has been abandoned, and there can be other work done on the road until the reconstruction can begin. Mayor Potter said he's looking for input from Council concerning moving the funding to Emerald Glen.

Mayor Potter advised that Neil Ribelli, a resident of Kirtland, approached him with an alternative to road patching. Mr. Ribelli has a new piece of equipment that works on an infrared heater, patching a 5x7 foot area, returning the asphalt to its original state. The heater is temperature controlled, so as to not burn the asphalt. Mr. Ribelli did a couple of demonstration patches at the Community Center in May, one using the city's roller. After the demonstration, Mr. Ribelli submitted a verbal quote for 65 patches in the Locust area, and he will submit a formal quote for 65 patches in the Bridlehurst area. Mayor Potter believes this to be a good opportunity for the City to work in tandem with a local business. Mr. Fornaro has been asked to put in a requisition for \$8,500 for the 65 heats in the Locust area that were verbally quoted. After the Service Department does their part of the road work, the total should be approximately \$11,000 for the project.

The Mayor advised that the City of Willoughby has determined the City pools will not be open this season, so the residents will not have the opportunity to use those pools with the subsidy. Answering Councilman Smolic, Chief Hutton stated it is his understanding that Mentor plans to open one of their three pools.

**STANDING COMMITTEE REPORTS:**

Councilman Lesnick noted that the Economic Development Committee met last Wednesday and will begin work on a questionnaire for businesses in the Historic Town Center. They are also looking for clarifications of guidelines in the code for the HTC District, as well as supplemental documents to help out as well.

Mr. Lesnick advised there will be a Finance Committee meeting following the Council meeting to discuss revenue, expenditures, and projections for the year.

Councilman Smolic thanked everyone for attending last week's Police and Fire Standing Committee meeting.

**CORRESPONDENCE:**

Council President Lowery read a letter dated June 2 addressed to City Council members, written after the last Council meeting, regarding a parliamentary error concerning referring matters to committees. Council President Lowery apologized for the error in procedure, which resulted in the motion now being null and void. He prefaced his reading of the letter by reading Ordinance Section 220.18 Referring Matters to Committees. A copy of Council President Lowery's letter will be provided to the Clerk for Council's records.

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

**Wendy Bak, 10777 Chillicothe Road**, thanked Mr. Fornaro for his recent help and voiced concerns for the Service Department, as she feared for their safety using small lawnmowers on State Route 306. Her understanding is the larger equipment normally used is not in working condition.

Concerning the road plan that was submitted a couple months ago, Ms. Bak asked for clarification on the differences between the current road plan and the previous administration's road plan. Mayor Potter explained the report was created using previous information, as it was early in his administration, and will be changed as deemed necessary. Ms. Bak then asked what plans were being discussed in regard to raising the funds to pay for the road expenses, since the levy was not put on the ballot in November. Mayor Potter thanked Ms. Bak for bringing up the topic, as he failed to mention in his update to Council that he will be in discussions in the next few weeks with the Finance Department to determine what options are available for funding these projects.

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

**Clint Buchanan, 8217 Kirtland-Chardon Road**, thanked the Kirtland dispatchers for the job they do. He then asked Mayor Potter what local cities have outsourced their dispatching only to bring them back, and what would it cost Kirtland to bring them back. Mayor Potter said he knew of only one community that has done that, noting that several communities have successfully combined their dispatch with another area. It would cost a lot of money to bring the dispatchers back, and if the decision is made to partner with Willoughby he would not expect dispatch to be brought back.

Mr. Buchanan went on to question the MOU's language concerning the City of Kirtland relinquishing responsibilities for equipment purchasing, maintenance staffing, disciplinary issues, management over dispatchers, and wage increases and relying solely on Willoughby and their administration. Mr. Buchanan is concerned how Kirtland will ensure the same quality of dispatching currently being received if the authority over the issues is relinquished. Mayor Potter responded, pointing out the benefits of partnering with Willoughby.

Chief Nosse stated the only community he knows of that moved their dispatch and then brought it back would have been Madison Township in the '90s, and the only dispatch brought back was for the police department; other dispatch is still with Central Communications.

Mr. Buchanan then asked Chief Nosse how the situation will be handled if someone comes to the Police Department after hours as there will be no dispatchers there to bring them in and offer sanctuary. Chief Nosse is working on a "safety zone" plan. Noting that the goal and the plan is to add additional help for the road, Chief Nosse stated there should be enough people to respond to City Hall in an expedient manner. The goal is to make sure everyone in the community is protected as best as possible.

With the estimated 60,000 calls per year between Kirtland and Willoughby, being handled for the most part by two dispatchers, Mr. Buchanan stated concern about increased confusion on the radio and a chance of a call for help being missed. Chief Nosse responded, using the car accident that was discussed earlier as an example. Willoughby received 911 calls concerning that accident and seamlessly transitioned them to Kirtland, notifying Kirtland of the calls they received regarding the accident. He went on to say there will be continuous review to determine minimum staffing requirements, and if more dispatchers are needed they will increase the available positions. Mr. Buchanan then referred to a school shooting in which the original 911 call was received by a central dispatch and incorrectly transferred multiple times, due to confusion of where the call needed to be forwarded. He stated that longer dispatch times will logically cause a negative effect on the community.

**PUBLIC COMMENTS ON AGENDA ITEMS OF OLD BUSINESS (continued):**

Mr. Buchanan stated although the City Council and the Mayor have the right to outsource the dispatch duties, it does not make it moral and just to do so without allowing this to be voted on by the citizens. Therefore, he asked what the community needs to do, to be able to vote on this matter.

Chief Hutton addressed the 911 calls, school emergencies, and other such situations, reminding Mr. Buchanan that every school in Lake County has a panic button in the office. If the panic button is pressed, every dispatch center throughout Lake County is notified. The dispatchers know what school has pressed the button, and where to send help. Phone calls will come in on landlines and cell phone lines. The landlines will go to Willoughby dispatch, and the other calls will go to Central to pick up the slack. There should be no delay in dispatch calls. Concerning fire emergencies and tactics, as Lake County Fire Departments they have county SOGs (Standard Operating Guidelines) when it comes to response, mutual aid, and mayday. Fire West, which is a special channel, is being set up to expedite response. Therefore there are already plans in place to handle any increased radio traffic.

**Carol Martz, 7475 Euclid-Chardon Road**, questioned the formality of the agreement between Kirtland and Willoughby that Kirtland will be included in discussions. Mrs. Martz said she was concerned with any verbal agreements, as they are not binding. Chief Hutton responded that they are still in discussion on those agreements.

Mrs. Martz then referenced the 2018 Fiscal Task Force review, which had suggested two options concerning dispatch. One option was to outsource the dispatch, and the second option was for Kirtland to create a revenue stream by contracting with surrounding areas to provide dispatch services. Mrs. Martz asked what research had been done concerning the second option and why it is not being pursued. Chief Hutton responded, saying there had been negotiations with both Kirtland Hills and Waite Hill, but it never came to fruition.

**Amanda Fennell, 7718 Saxton Drive**, voiced concerns about response time for the Fire Department for her area if dispatch is moved. The homes are fairly close together, and there are only four fire hydrants. Being new to the area, Ms. Fennell asked if there is a plan regarding a fire situation in her area. Chief Hutton explained when a 911 call is received, it will be received at the dispatch center and then dispatched to the Fire Department. For a working fire (flames and smoke), automatic aid will be dispatched, and Willoughby, Mentor, Willoughby Hills, and Eastlake will automatically respond to the call. Concerning the number of fire hydrants, Chief Hutton said the Department carries almost 2,000 feet of fire hose on their trucks and does not have any issues reaching any homes in that area.

**Karen Appell, 7753 Hidden Valley Drive**, asked if voiding the motion from the last Council meeting automatically places the MOU on a first reading, to which Council President Lowery responded that it is on second reading. Mr. Lallo stated the legislation was read as a first reading, and after the first reading, the motion was made to refer to committee. That motion was null and void, but the legislation had received first reading, and today is the second reading.

Ms. Appell asked both Chief Nosse and Chief Hutton if they are in support of the decision to move the dispatchers, and if they feel it is what's best for the community. She also questioned if this was just about money. Chief Hutton responded, repeating his previous comments that he has always been in favor of keeping the dispatch center in-house as long as two stipulations were met, the first being that the City could afford it, and second, it did not reduce staffing in the Fire Department or officers on the road to keep it. At this time Kirtland is in a position where both of those conditions are not being met, which makes it a financial decision at this point. Concerning the operations, Chief Hutton stated that he and Chief Nosse will make sure the system works properly and the residents are safe. Chief Nosse agreed, stating the current financial situation in Kirtland has limited the options. Financially Willoughby offers a better chance to keep policies and procedures in place, including the reporting system. Mayor Potter added other communities that have gone this route have seen increased efficiencies.

**PUBLIC COMMENTS ON AGENDA ITEMS OF OLD BUSINESS (continued):**

Ms. Appell asked when the last police levy was passed; Chief Nosse responded he believes it was 1981. Ms. Appell strongly suggested this go to the community for a vote.

Councilman Smolic joined the discussion, agreeing with Mayor Potter that even if there were finances to pay for dispatch the money could be used towards other needs in the community, such as emergency vehicles and equipment. Councilman Lesnick suggested if the community wishes to raise money, it should be raised for the General Fund and not a specific purpose, allowing the funding to not be restricted.

**Skylar Chappell, 9152 Elm Street**, asked how much Kirtland will be paying the City of Willoughby for dispatch services. Mr. Lallo answered, stating \$125,000 per year on average, a total of \$600,000 over the five year period. Mr. Chappell then asked if any of the \$125,000 was negotiated to be set aside for a third full-time dispatcher. Mr. Lallo explained there was a workload analysis completed to determine if there will be a need for another full-time or part-time employee. The Chiefs between the two cities will make those decisions, to ensure there is adequate staff and all needs are being met. The workload analysis gives a baseline of call volume, which will help to determine when there needs to be an increase in personnel and, in turn, cost.

**Rodger Dunn, 7744 Joseph Street**, asked about the delay with the Old Town sewer project. Mayor Potter explained there was some confusion with the lawyer of the Ohio EPA, as he received the signed findings and orders in December, and then in January received an intent to negotiate. Mayor Potter and several others joined a conference call with the Ohio EPA lawyer and straightened out the confusion. Mayor Potter requested it be put into writing that the timeline had not been affected by the confusion, which he received. At that point, Mr. Lallo and Mr. Courtney came into their positions and then COVID-19 hit, and everything was placed on hold. There was a follow-up conversation with Ohio EPA to be able to present better timelines and direction in the future; it was noted that the "clock" had not yet started. Mr. Lallo added that when he spoke with the Ohio EPA lawyer concerning the halt in funding for this type of program, they agreed to wait until things settle down and get a better grasp as it relates to funding, and then proceed with a timeline.

**Sheila Dikowicz, 7250 Raccoon Hill Drive**, asked for clarification of a point that was made in the last meeting concerning additional training the dispatchers receive. Chief Hutton explained Kirtland dispatchers are trained in emergency medical dispatch, as is Willoughby. However, for years Kirtland has not been able to give true CPR and choking instruction because there is only one dispatcher. Willoughby, having multiple dispatchers, is able to give instruction in these areas.

Chief Nosse added the Kirtland dispatchers are trained the same as any other community dispatchers. There is a lot of training received, with a great amount of training in the past couple years to make sure they are qualified on performing their tasks. Clarifying a point brought up earlier, Chief Nosse wanted to make clear the dispatchers are like family to him and Chief Hutton, and this situation is being taken very seriously. He went on to say the Kirtland dispatchers are as qualified as any others in the field. He referred to the City's financial position; however, he was very clear in saying roads are not more important than the dispatchers, because they are very important to all involved. Unfortunately, given the current financial situation of the City, he sees no other options. Chief Nosse reiterated, for all dispatchers that may be listening, they are more important to him than they realize.

**John Bengal, 8826 Far Bar Road**, asked how much the revenue has decreased with RITA, and whether an income tax increase been considered. Mayor Potter responded, stating that the current projection from RITA shows a 9 percent decrease this year. There will also be a reduction in the state gas tax, as a result of the lack of activity on the roads in March and April. March was down \$40,000 in income tax, and April \$100,000. Mr. Slapnicker added May is down \$80,000. Mayor Potter said there is hope some of the loss is a result of delayed filings, with the deadlines extended for tax year 2019. Nevertheless, the RITA projections were a loss of \$340,000. With delays, the loss is calculated to be \$650,000. These were early



**PUBLIC COMMENTS ON AGENDA ITEMS OF OLD BUSINESS (continued):**

projections, but undoubtedly the revenue will be down. Concerning the possible raise in income taxes, that is an option for the City, but Mayor Potter would prefer to reduce expenses first. Once the need for the City is defined, Council can begin those discussions.

**Cindy Gabor, 8025 Barristers Court**, said she understands the City's financial situation, having reviewed the numbers presented. Mrs. Gabor asked Council and Mayor Potter why the levy was not placed on the ballot last year, when it was apparent the City would be strained financially. Mrs. Gabor asked how the City expected to fund the Police Department from the General Fund and a levy from 1980.

Mayor Potter responded, saying when the levy was presented to Council in 2018, at that time he'd asked if the levy would expand the Police Department budget and was told no. The amount the levy would have raised was very close to what the road levy at that time was raising. Therefore, the idea was to free up the money from the General Fund by supporting a police levy with the new \$500,000 in revenue. That \$500,000 of freed money in the General Fund that had previously been used for the Police Department would then help augment the loss of the road levy. In 2019 the proposal was similar; one proposal was for a road levy renewal and the other was for a police levy replacement. Mayor Potter explained his thinking at that juncture was that \$500,000 in road levy money was not enough, and he did not want to repeat the mistakes of the past.

Councilman Smolic added he also voted no. In 2018 there was a police levy proposed and it was explained that the road levy was not expected to pass the next year and therefore the police levy would free up money from the General Fund in anticipation of the road levy not passing again. The legislation was not going to add to the Police Department budget, therefore he saw it as a shell game and could not in good conscience vote yes. In 2019, Mr. Smolic explained there were two proposals, a road levy and a police levy, and his memory is that they were proposed as either/or. To explain why he felt this way, he read passages from the minutes of the Finance Committee meeting held at the time, referencing the statement, "Mayor said that he more favored a police levy making it to the ballot." This led him to believe the levy, had it passed, would be used to free up funds in the General Fund and would not be used for the Police Department.

Mrs. Gabor then pointed out a police levy cannot be used for anything but funding the Police Department, to which Mr. Smolic agreed, stating the Police Department would have received the same amount of money, simply out of the levy instead of the General Fund, freeing up funds in the General Fund for other projects, which would have been for roads.

Council President Lowery stated in the five years the road levy was active, for approximately \$500,000, only five miles of roads were done. Therefore, when he was approached to pass another road levy to continue what he saw as a failed venture, he decided not to vote for it. Concerning the police levy that had been proposed, he had inquired as to whether the police and fire were underfunded at the time, and needs not being met. When the answer was no, he could not support asking the taxpayers to fund the levy.

Councilman Lesnick agreed the road projects were not being completed as expected with the levy. He also said the Police Department was not underfunded and all needs were being met; therefore, asking the citizens to vote on a police levy would be deceptive when it would be used to free up other funding for road projects that weren't being handled efficiently. Mr. Lesnick said he felt it would be disingenuous to ask the tax payers for a police levy. If money is needed for roads, then the City should be transparent with the citizens and make the needs clear.

**PUBLIC COMMENTS ON AGENDA ITEMS OF OLD BUSINESS (continued):**

Mrs. Gabor, after listening to the responses, stated there is obviously a funding issue because dispatch is being moved. She went on to state her opinion that if the police levy had been placed on the ballot, and passed, the City would not be in this financial situation. She added if the levy had been put before citizens, and not passed, she would see it differently. However, given how the situation was handled, she feels it was poor decision making by Council.

Mr. Lesnick thanked Mrs. Gabor for her opinion, bringing up the creation of the Fiscal Review Task Force by the previous Administration. Said Task Force recommended a comprehensive review of the costs associated by maintaining dispatch in Kirtland as opposed to contracting out the service. This was done as part of the intermediate spending reduction to promote efficient and effective operations and ensure a financially strong government. Therefore, Council simply followed the guidelines from the Fiscal Review Task Force. He stated with the current projections of reduced income for 2020, there has to be revision in spending and research of additional income sources.

Councilman Schulz stated he was on Council at that time, and explained that any expenditures from the General Fund over \$25,000 must be approved by Council and are not at the whim of the Mayor. Mr. Schulz added he had supported the police levy and felt if the citizens were pleased with the services provided by the Police Department they would cast their ballots to fund the levy. He went on to say he prefers monies to be locked into specific use, as it deters misappropriation of funding. Therefore, he saw the police levy as an option to lock those monies for police use and free up the burden on the General Fund that the State Auditor said was a threat to the City. Mr. Schulz said he believed it to be a forward-looking move, but it did not happen. Therefore, the City must deal with the current situation as best it can.

Mayor Potter added, relative to dispatch, the City has an opportunity to deliver a service of safety. The primary function of dispatch is to get emergency services as quickly as possible to those who need help. This move will not diminish the ability to provide those services, while saving the City \$800,000 over the course of five years and freeing up the funds to move two part-time police officers into full-time status. The warranty for dispatch equipment was set to expire in a year and a half, and at that point the City would have had to renew the contract for another seven years at a high cost. Therefore, this is the time to make the move, and it is good government at work. Keeping residents safe and reducing expenditures to free funding for other projects is a good thing.

Councilwoman Wolfe asked Mayor Potter to explain his statement about asking if the police levy would expand the police budget. Mayor Potter responded two years ago when the police levy was proposed, several Council members asked if the levy would increase the budget of the Police Department. The levy was going to be dedicated to the police, but it would reduce General Fund expenditures and free up monies for a failed road program. Mrs. Wolfe then brought up it has been said Council wants to bolster the General Fund, to which Mayor Potter agreed, saying he first spoke to the Chiefs about contracting out dispatch in an effort to bolster the General Fund. Once COVID-19 hit, it became even more imperative to make the move. Further discussion ensued concerning the effect of not passing the police levy, and the benefits and costs of contracting with Willoughby.

Noting concern about possible cost increases, Mr. Schulz brought up the 60 days' notice of any major capital expenditures referenced in the agreement, and voiced that it will not give Council enough time to have discussions and the three readings on any amendments or alterations of the agreement. Mr. Lallo explained the 60 days' notice does not mean Kirtland will have 60 days to pay, it means they are required to give 60 days' notice that those expenditures will be taking place. He went on to state the original provision from Willoughby stated 30 days, and Kirtland had requested 90 days, to which a compromise was reached for 60 days for notice. There is no expectation of changes for at least seven years. The equipment is under full warranty, and Willoughby has everything necessary to accommodate and run

**PUBLIC COMMENTS ON AGENDA ITEMS OF OLD BUSINESS (continued):**

dispatch services utilizing the system. Willoughby will spend approximately \$167,000 on the upgrade and warranty.

Responding to questions on the provision concerning the hiring of additional dispatchers, which would result in additional fees to Kirtland, Mr. Lallo explained that would only occur if the call volume for Kirtland alone increased such that another dispatcher was needed to field those calls. If Willoughby's call volume increases in other areas, Kirtland will not be expected to pay for those increased expenses. There was discussion concerning an option in the MOU for negotiating an increase or decrease in fees, including the yearly meeting between Kirtland and Willoughby to address any needed changes.

Responding to Mr. Schulz's inquiry on whether or not the MOU has been proposed to the City of Willoughby's Council, Mayor Potter stated their MOU legislation was passed on the first reading. Mr. Schulz went on to ask Chief Hutton about the language in the MOU that Kirtland will be solely responsible for user fees in specific services, to which Chief Hutton responded those are ongoing costs and fees that would continue to be due regardless of where dispatch is located. Chief Nosse added those fees are included in the current budget.

**Carol Martz, 7475 Euclid-Chardon Road**, referred to Mayor Potter's comment on good government earlier in the discussion, and voiced the opinion that according to many citizens good government is defined as allowing residents to decide how tax dollars are allocated. She went on to say there has been a good bit of discussion on the police levy, but didn't feel there had been a clear answer given. Mrs. Martz suggested since there had been a police levy since 1981 this would be the time for good government to include the residents and allow them to decide how tax dollars are allocated, by putting this on the ballot in November. Mrs. Martz also asked if the residents approved a specific ballot for dispatch funding, wouldn't that free up monies in the General Fund for other things such as the road levy, as there is no current plan to pay for road projects.

Mayor Potter responded, saying there have been large expenditures in the past, such as purchase of fire trucks and police cars that were not put before the voters. He went on to say they are elected to gather information, have conversations -- some of them hard conversations -- and put proposals before Council and the Mayor. He reiterated this is a classic example of good government and is the design of representative type government.

Mrs. Martz restated the residents should have been included in the decision, in a collaborative effort. She then went on to ask at what point will the Council stop cutting expenditures and positions and look into bringing new money into the City, either through tax levies, or bringing in new businesses, or other opportunities. She would like to see both sides of the coin looked at more thoroughly, and residents involved more broadly in decisions. She reminded Mayor Potter that he had impressed upon her the importance of being collaborative and involving residents, stating he has the opportunity to do that with this issue. Mayor Potter responded this opportunity is a good example of what he meant during his campaign when discussing collaboration. This is an opportunity to collaborate with a neighboring city, which already provides a phenomenal service. Therefore, this is an example of intergovernmental collaboration at its finest.

Mrs. Martz then voiced concerns over how many employees are losing their jobs due to the expenditure cuts, and inquired about the plan for the funds that are being saved by cutting the positions. Mr. Smolic responded he's a business owner and has had to make cuts of his own and is pleased to see the City acting more like a business. Mayor Potter responded that the plan is to bolster the General Fund through efficiency in the City. He further stated he does not take the loss of employment lightly; however, the City has a responsibility to the residents and taxpayers to provide the best services for the least amount of money, and to keep them safe.

**PUBLIC COMMENTS ON AGENDA ITEMS OF OLD BUSINESS (continued):**

Mrs. Martz said going forward she hopes any additional positions eliminated are according to the need of the City, not seniority or other irrelevant reasons. She suggested efficiency is gained by providing the right service by the right people for the right cost. She stated she would be happy to continue the discussion at another time with Mayor Potter, and would cease asking questions.

**Mary Jahnke, 10038 Hobart Road**, stated she had several things to discuss. Ms. Jahnke wanted to revisit the no vote on the renewal levy (the one that would not raise taxes). Ms. Jahnke stated equipment is not running, ditches are horrendous, her children have to weedwack on her street which is a busy road. Referring to earlier comments, Ms. Jahnke pointed out it is Council's responsibility to vote on a budget. Mayor Potter responded, thanking Ms. Jahnke for bringing up the overgrowth of grass along the roads. There was a request that was put in from the Service Department last October for a \$140,000 capital purchase of a new mower. Through conversations with the new Service Director, Mayor Potter stated Council is now aware the current mower can be rebuilt for \$20,000 to \$30,000 or a new mower can be purchased for \$65,000. Ms. Jahnke interrupted, stating those are the decisions Council should be making, not making decisions on whether residents may vote on a renewal levy that would have freed up money for the General Fund. Reading from open records from Willoughby, Ms. Jahnke read, "Also, keep in mind, I'm not trying to convince you that closing your own dispatch center to come to Willoughby is the best thing to do. It's not. Keeping your own center allows more efficient operation to your departments, and the best service to the residents. This does, you know, come with a higher cost to operate." Ms. Jahnke added if the levy had been a renewal, she did not elect any of those on Council to take away the right for her voice to be heard. She went on to say she wanted Council voting on new fire trucks and repairing equipment, but not on whether or not she has a voice in her city.

Mayor Potter responded, stating the reference by Chief Beckwith from the Willoughby open records request was a conversation stimulated by an e-mail between Mayor Potter and Mayor Fiala, chiefs from both cities, and ran the gambit of approximately 12 or 13 questions to help understand how this move would affect the city. He went on to point out the operative word in that statement was service, not safety. Safety is the primary concern and function. Concerning the issue of voting, Mayor Potter stated the citizens saw for two years prior police levies that were not placed on a ballot. He noted he was elected Mayor last fall, and Mr. Smolic was re-elected. Therefore, two no votes on the police levy were still re-elected. He believes this was due to their willingness and ability to think differently and demand the City government do better.

Ms. Jahnke asked what harm would have been done to pass the renewal levy, to which Mr. Lesnick informed her the police levy was not a renewal levy. This levy was a replacement, and would have significantly increased taxes to the residents. There was not a police issue; the Police Department would still have been funded and is currently being funded in the current year's budget. He went on to state the pandemic has reduced funding.

Responding to Ms. Jahnke's question on why the budget was not passed before December 1, Mr. Lesnick explained department heads and the Mayor have the opportunity to meet earlier in the latter part of the year to create preliminary budgets. That budget is then prepared by the Mayor and presented to Council for a vote. Typically with a January to December budget this is done in the last quarter of the year. In the past two years he's been on Council a budget has not even been presented by the Mayor until as late as March of the following year. To answer the question, the budget was not passed because it wasn't proposed by the previous mayor.

Mayor Potter added, when there are not the General Funds to support the first few months of government, a temporary appropriation is done at the end of the calendar year to get through February or March. Mayor Potter said the City now needs to work toward bolstering the General Fund and get to a place where a budget can be passed early in the calendar year.

**PUBLIC COMMENTS ON AGENDA ITEMS OF OLD BUSINESS (continued):**

Mr. Lesnick added the other problem that has occurred was a poor accounting system. Council was not able to decipher all the details, and Mrs. Kovalchik and Mr. Slapnick are still researching the old system to decipher where monies were spent, and bring the new system into place. Therefore, when you don't have the information necessary to make those decisions it becomes difficult to create a budget.

**Clint Buchanan, 8217 Kirtland-Chardon Road**, stated he laid out a good many reasons in the last two meetings as to why moving dispatch would not be as safe, with all due respect to the Chiefs and Council. Mr. Buchanan would like to know what citizens would need to do to gain the right to vote on the dispatch situation, which is obviously so near and dear to many in Kirtland. Mayor Potter responded, saying he has a fundamental disagreement with the notion that this should be put on the ballot, for many reasons mentioned before. He and Council have been elected to do a job, and now they have presented the case and discussed all options, and have determined there will be no safety value lost. Mayor Potter stated again he believes this is an exercise in good government, and he believes this is why people are elected to representative government, and Council will not put the vote to the citizens every time there is a hot button issue at hand.

Addressing the issue of safety, Mr. Lesnick reiterated both Chief Nosse and Chief Hutton have stated there will be no degradation in safety if dispatch is outsourced. In addition, he mentioned Chief Nosse has told Council it is difficult to schedule and maintain the police force he wants on staff at all times because of having to schedule around part time employees. Mr. Lesnick stated he believes this will make the City safer.

Mr. Buchanan said he believes he has made many points over the last few Council meetings concerning the safety issues, and has faith in both Chief Nosse and Chief Hutton; however, dispatch is an integral part of the safety forces. By moving dispatch to Willoughby, Mr. Buchanan believes safety is being jeopardized in a city that has maintained great safety records throughout the years. Mr. Lesnick assured those present Council would never do anything to make the city less safe.

Mr. Lowery questioned Mr. Buchanan on the dispatch services and safety in Painesville Township, where Mr. Buchanan is currently a firefighter. Mr. Buchanan responded, stating Painesville Township utilizes an outsourced dispatch company. Mr. Buchanan said he's worked at both Kirtland Fire Department and Painesville Township Fire Department, and there is a marked difference in the two dispatch centers. Mr. Buchanan stated his opinion that Kirtland Fire Department gets a better quality of dispatch than where he currently works. When asked, Mr. Buchanan said his opinion is Painesville Township safety is affected by utilizing outside dispatch. Mr. Smolic added that the two safest cities in Ohio, which he believes are Broadview Heights and Chagrin Valley, are both served by Chagrin Valley Dispatch.

**John Bengal, 8826 Far Bar Road**, asked the Finance Director if the City used accounting practices for EBIDA, and if so what is the City's EBIDA. Mr. Slapnick stated he will have to confer with Mrs. Kovalchik to respond. Mr. Lowery added in his time on Council, EBIDA has never been discussed in any of the Finance Committee meetings.

**Skylar Chappell, 9257 Elm Street**, referenced the full-time officers being added to the Police Department, asking if the Mayor and Council are committing that those officers will not in the future be cut, including additional firefighters. Mayor Potter responded, stating he does not know what the economy will dictate in the future, however his primary focus is to maintain the current staffing on the Fire Department, and for the Police Department to bring the two part-time positions to new full-time positions. He went on to say while he cannot predict the future, he can say definitively the MOU with Willoughby is necessary to continue the current staffing.

**PUBLIC COMMENTS ON AGENDA ITEMS OF OLD BUSINESS (continued):**

Mr. Schulz added he will commit to 100 percent supporting the police and fire going forward when the case is made to fund them and ensure that the Chiefs have adequate coverage on their level of comfortability in how they choose to run their departments.

Mr. Smolic stated he's contributed many things to both police and fire, and fully supports police and fire.

Mr. Lesnick reiterated he has no way to predict the future, but has no plans to reduce forces in police and fire without looking to the Chiefs for their recommendations.

Mr. Schulz asked for confirmation that Willoughby is a unionized dispatch shop, and asked if they are on the same cycle relative to contract negotiations. Mr. Lallo confirmed they are unionized, but not on the same contract. Their current contract goes through 2021 or 2022.

**RESOLUTION NO. 20-R-32** - **(Second Reading) - 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 and placed on Second Reading.

**NEW BUSINESS:**

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

None.

**ORDINANCE NO. 20-O-33** - **AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF THE CITY OF KIRTLAND, OHIO, A PROPOSAL TO AMEND THE CHARTER OF SAID CITY BY AMENDING ARTICLE VII – CHARTER AMENDMENTS, SECTION 2 – CHARTER REVIEW COMMITTEE, AND DECLARING AN EMERGENCY.**  
**(Council President Lowery)**

The legislation was read by title only. Mr. Lallo added, for clarification, in this section the prior Charter Review Committee eliminated language indicating the Mayor shall appoint a Charter Review Committee at least once every 10 years. The phrase "at least once" had been taken out. After a review of the minutes, Mr. Lallo believes the change was made due to confusion as to authority and when it should be done. The way the legislation is being proposed suggests the Mayor shall appoint a Charter Review Committee every decade, and has the discretion to appoint a Charter Review Committee (subject to approval by Council) to convene at any other point within that decade if certain needs should arise.

Mr. Lesnick said, from his understanding, Council has no choice but to pass this legislation, to which Mr. Lallo agreed. Therefore, in the interest to make sure there is time to place this on the November ballot, Mr. Lesnick inquired if it is best to move the legislation forward now. Mr. Lallo explained the Charter Review Committee did allow for enough time for the legislation to go the full three readings and still be turned into the Board of Elections by early August. Mr. Smolic suggested the legislation go to a second reading to allow time for public comments.

**NEW BUSINESS – ORDINANCE NO. 20-O-33 (continued):**

As Parliamentarian, Mr. Schulz agreed, saying he would like to see it go the full three readings, allowing time for the public to review and comment. He believes the longer the information is out there, the better chance the legislation will pass when put on the ballot. Mr. Smolic brought up the point that under the current Charter, a mayor could be in office for two terms (eight years) and never have the option to convene a Charter Review Committee. This language change will correct that issue.

The legislation was placed on First Reading.

**ORDINANCE NO. 20-O-34** - **AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF THE CITY OF KIRTLAND, OHIO, A PROPOSAL TO AMEND THE CHARTER OF SAID CITY BY AMENDING ARTICLE II-A – APPOINTED ADMINISTRATIVE OFFICERS AND DEPARTMENTS, SECTIONS 2, 3, 4, AND 5, AND DECLARING AN EMERGENCY.**  
(Council President Lowery)

The legislation was read by title only. Mr. Lallo was asked to give a short summary. He explained in 2009-2010 a state law came into effect that prohibited residency requirements. The Supreme Court of Ohio indicated that state law is enforceable against cities and counties. There can be no requirement for an employee or appointed official such as listed to have certain residency requirements. Therefore, there is a proposed change in the language of the Charter as the City is barred by state law to enforce the requirements. The legislation was placed on First Reading.

**ORDINANCE NO. 20-O-35** - **AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF THE CITY OF KIRTLAND, OHIO, A PROPOSAL TO AMEND THE CHARTER OF SAID CITY BY REPEALING ARTICLE V – INITIATIVE, REFERENDUM AND RECALL, SECTION 5 – MANDATORY ZONING REFERENDUM AND AMENDING ARTICLE I – THE COUNCIL, SECTION 8 – POWERS AND DUTIES, AND DECLARING AN EMERGENCY.**  
(Council President Lowery)

The legislation was read by title only. Mr. Lallo was asked again to clarify the proposed legislation. He stated Article 5, Section 5 is a mandatory zoning referendum and means that any time you make a zoning or map change within the city it must pass through the Planning and Zoning Commission and City Council, both allowing for public hearing. If City Council votes to approve the change, it must be presented to the voters and there is a 55 percent approval requirement for the changes to take effect. The proposed legislation eliminates the requirement that any changes go to referendum and the required 55 percent passage. Instead, once approved by City Council there will be additional restrictions on City Council's power to enact the zoning change as an emergency. The voters, at that point, will be able to follow through with the referendum process. Therefore there is a change of process, not a loss of right. The legislation was placed on First Reading.

**RESOLUTION NO. 20-R-36** - **A RESOLUTION ADOPTING A TAX BUDGET FOR FISCAL YEAR 2021.**  
(Mayor Potter)

The legislation was read by title only and placed on First Reading. Mr. Slapnick requested the legislation receive two readings, to allow sufficient time to submit to the county. Mr. Slapnick confirmed there will be an amendment.

**COUNCIL COMMENTS:**

Referring to the patching and the new technology, Mr. Schulz asked where the funding for the purchase order will come from, to which Mayor Potter responded the funds will come from the road levy fund. Mr. Schulz said he is interested in the process, and Mayor Potter gave directions to the location at the Community Center where the test patches were completed; he stated he would advise Council when the work is scheduled so they may watch the process live.

**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. Lesnick. The motion of Council passed by unanimous vote and the meeting adjourned at 10:20 p.m.

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President of Council

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Clerk of Council