

## KIRTLAND CITY COUNCIL MINUTES

August 24, 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. Lowery led the prayer which followed the Pledge of Allegiance. The members of Council present were: Scott Haymer, John Lesnick, Richard Lowery, Jeffrey Ruple, Joseph Smolic and Kelly Wolfe. Matthew Schulz was absent.

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 and Fire Chief Anthony Hutton.

### MINUTES OF THE JULY 6, 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 6/0 (VOTING YEA: LESNICK, LOWERY, RUPLE, SMOLIC, WOLFE, AND HAYMER. VOTING NAY: NONE).**

### MINUTES OF THE JULY 6, 2020 COUNCIL MEETING:

Mrs. Wolfe moved to waive the reading of the minutes, with the second by Mr. Ruple. The motion of Council passed by unanimous vote. Mrs. Wolfe moved to approve the Minutes, as presented, with the second by Mr. Ruple. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LESNICK, LOWERY, RUPLE, SMOLIC, WOLFE, AND HAYMER. VOTING NAY: NONE).**

### MINUTES OF THE JULY 13, 2020 WORK SESSION:

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 6/0 (VOTING YEA: LESNICK, LOWERY, RUPLE, SMOLIC, WOLFE, AND HAYMER. VOTING NAY: NONE).**

### MINUTES OF THE JULY 13, 2020 COUNCIL MEETING:

Mr. Ruple moved to waive the reading of the minutes, with the second by Mrs. Wolfe. The motion of Council passed by unanimous vote. Mr. Ruple moved to approve the Minutes, as presented, with the second by Mrs. Wolfe. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LESNICK, LOWERY, RUPLE, SMOLIC, WOLFE, AND HAYMER. VOTING NAY: NONE).**

### MINUTES OF THE JULY 13, 2020 FINANCE COMMITTEE MEETING:

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 6/0 (VOTING YEA: LESNICK, LOWERY, RUPLE, SMOLIC, WOLFE, AND HAYMER. VOTING NAY: NONE).**

**DEPARTMENT REPORTS:**

**Fire Chief Anthony Hutton** began by wishing everyone good health, and hoped they'd enjoyed their summer break. Chief Hutton reported a busy summer for the Fire Department. The Dispatch was moved last week. There have also been many meetings in Lake County concerning COVID. Since the pandemic began, there have been 18 positive or presumed positive cases in Kirtland. Those cases are tracked by zip code, so some reported cases were reported in Willoughby. Therefore, 18 is probably a lower number. There was a spike in Lake County in mid-July, and since then the numbers have trended downward.

The diesel exhaust system at Station 2 was completed last week, and came in well under budget which will allow funding for placement of a couple drops at Station 1. Chief Hutton will be working on the amendment and grant process for that project.

Kirtland joined Willoughby Hills, Chesterland, Munson, Hamden, Russell, and Pepper Pike in a Regional Assistance to Firefighters grant. Approximately every 10 years the radios used by the department become obsolete and have to be upgraded. Unfortunately, the county doesn't provide any funding for the replacement radios. By applying for the grant, the Fire Department has received \$187,000. This grant will cover 100 percent of the Fire Department radio replacement, however the AFG will not cover the Police Department.

There is also another grant with AFG for turnout gear and equipment that has not yet been awarded, but there is a good chance it will be received.

Concerning personnel at the Fire Department, Chief Hutton reminded Council he discussed issues a few years back concerning part-time firefighters. For approximately one year, the Department was in good shape and had stability with all the part-timers. Due to the training and opportunities offered in the Kirtland Fire Department, these part-time personnel are very good candidates for other departments when hiring full-time employees. Recently, the Kirtland Fire Department lost three part-time employees to full-time jobs in surrounding communities; one more part-time employee is high on the list. Three of these employees are known as "dependables", which are part-timers that work every third day. This is similar to the schedule of a full-time position. Three part-timers are assigned this way, one per shift, and they are all most likely going to get full-time jobs. Chief Hutton advised he is trying to recruit more part-timers for the department.

Dispatch moved on August 18th. The move required a good deal of work, and went smoothly. As of today there seem to be no operational issues to report.

Council President Lowery asked if the 10-year end-of-life on the radios has been reached, to which Chief Hutton stated the time frame is close to an end. After the 10-year period, the radios will still work but Motorola will no longer support them. So there is no longer the option of repairing any that break.

Concerning dispatch calls, Chief Hutton advised that Fire/EMS received approximately 20 over the past week, not mentioning the police calls that were received. The first day of transition, there were a few EMS and a couple of mutual aid calls received to respond to Eastlake. The next day there was one received to respond to Willoughby. Dispatch has quickly learned how to combine the cities into one larger department, and it has worked out well. Mr. Lowery said there was an incident at his church on Sunday, and the response time was approximately two minutes.

Councilman Smolic asked what training part-time applicants are required to have to qualify for the position. Chief Hutton responded part-timers are required to have Firefighter 1 and 2; he noted the Department will hire Basic EMT's, but right now firefighter paramedics are needed.

**DEPARTMENT REPORTS (continued):**

**Police Chief Lance Nosse** began by saying he hoped everyone had a safe, healthy, and happy summer. He reported that the Dispatch transition occurred on Tuesday, August 18, 2020 at 10:00 a.m. There were a few minor technological issues between CADs and computers talking back and forth, however they were quickly resolved. There are still programming items that will need handling on the Police Department's side concerning communicating. Chief Nosse spoke with the Willoughby Court today, concerning the computer system they will be implementing in the hopes to be paperless by January 2021. Chief Nosse spoke with the Mayor and Mary Kovalchik about implementing e-Citations to lighten the burden, noting that Mr. Lallo was very helpful in getting the Department moving in that direction. The equipment required to begin the process was acquired through a State grant and will hopefully arrive soon. Once that has been received, the Police Department can move forward in getting their technology up to speed with the City of Willoughby and their Court.

Chief Nosse submitted the statistics report for the month of July, which he was happy to report did not show a lot of increases. There was a rash of car break-ins that transpired a few weeks back, and the Department is working on identifying the subjects and will hopefully have them in custody soon.

The Circle K robbery case will be moving to trial on September 1st.

The Chief advised that calls to 256-3333 go directly to Willoughby permanently from here on out, 24/7. That telephone number still belongs to the City of Kirtland, and rings to a dispatcher who will answer the phone. Information will be passed to the Police Department and they will respond to the need for service. Chief Nosse advised there is a call box in the front vestibule at City Hall, which connects directly to Willoughby and will be answered immediately; it is the same as dialing 256-3333. The Police Department will be directed on how to reach the individual that needs service.

For those unaware, the Mayor has opened up City Hall. Monday through Friday, 8:00 a.m. to 5:00 p.m., someone will be in the building on the Police Department side. The window phone and any questions people have at the window will be answered. The City Hall side has precautions in place with COVID-related issues.

Chief Nosse sent a letter to the Lake County Police Chiefs Association regarding how pleased he is with the seamlessness of the transition. He worked with Chief Beckwith, Chief Jim Schulz and Chief Hutton to get the job accomplished, and he is glad everything is moving forward. Chief Nosse stated he has not received any complaints from residents this past week that they did not receive the service they required.

The Chief noted that the Holden Arboretum Agreement is on the agenda. The Department has had this agreement in the past. It is a no money transfer; therefore Kirtland is not charging them money and they are not charging Kirtland money. It's more of a mutual aid agreement, where it authorizes each party to be on the other's property when help is needed. Chief Nosse stated the legislation can receive three readings, or it can be passed tonight as an emergency, noting that either is fine with him. His department is still working with them dealing with policing on their property as well as in the City.

Responding to Council President Lowery, Chief Nosse stated because of a new Chief at Holden, as well as his own transition into Chief, the contract was in need of an update. Mr. Lallo added the contract authorizes Holden Forests and Gardens to retain their own police force within the City of Kirtland, giving their department the power to arrest on their property and the surrounding streets that run through it as well. The contract is memorializing the entire agreement, and runs through December 1, 2025 as stated on page 5 of the contract. However, either party can opt out with 30 days' notice.

**DEPARTMENT REPORTS (continued):**

Councilman Smolic asked for clarification concerning the contract and the relationship the City of Kirtland has with Holden Forests and Gardens, asking if anything different has been included in this contract or if it simply memorializes the ongoing relationship of the two parties. Chief Nosse confirmed this contract is an update, considering personnel changes for both parties.

Councilman Lesnick asked if there were extensive changes, minor changes, or if there is a way Council can view the changes, to which Mr. Lallo responded that changes made included name changes and grammatical changes, and also updating the policies and protocols included in the exhibits. He went on to say he believes when the new Chief started, he updated their use of force policy and other policies, which have been incorporated into the new agreement.

When asked if there have ever been issues with the Arboretum Police, Chief Nosse responded his Department has worked hand-in-hand with the Arboretum Police Department for many years; there have never been any issues and the Departments work very well together.

Mr. Lesnick congratulated both Chiefs on the successful transition of Dispatch.

**Service Director Joseph Fornaro** began by saying it was good to see everyone, and he hoped all had a great summer. Mr. Fornaro reported the crews have been extremely busy with projects, noting that all the stormwater projects have been wrapped up. Guardrails have been finished; and Gildersleeve, Wisner, Fox Hill (which needs a little more restoration) and Tibbetts are completed.

There was another partial round of roadside mowing, due to the City of Mentor loaning the Service Department one of their tractors for three or four days. There have been just under five miles of pavement crack sealed. This will continue in the fall, sealing up the partial depth repairs that are being done now.

The crews did a great job getting the soccer and football fields ready to go.

Concerning Tibbetts, Mr. Smolic asked if the secondary dip further south was completed along with the project Badger had been working on. Mr. Fornaro responded the crews completed that work, milling out approximately two to three inches and repaving.

Mr. Fornaro advised that for the next two to three weeks the crews will be making partial depth repairs on side streets.

Mr. Lesnick thanked Mr. Fornaro for the quick responses received from his department when citizens' requests are sent in on the city's website.

Concerning the Aqua Ohio projects on Hemlock and Riverwood Way, Mr. Lesnick asked for a time period when the seeding will be done. Mr. Fornaro explained that situation is being watched closely. The seeding that went down was not acceptable, and it has been made known to the contractor who will return back in the fall. Mr. Fornaro does not want the contractor to come back out now as the hot weather will cause issues. He said he's spoken to residents in the area, who seem to understand the situation. Concerning last year's projects, Fox Hill and Gildersleeve and others, Mr. Fornaro stated those are complete. There is a little restoration needed on Fox Hill, which should be wrapped up this week.

Council President Lowery asked for an update on the large pothole reported by Mr. Dennis at Kirtland-Chardon and Woods Way Drive. Mr. Fornaro said he's spoken to Mr. Dennis as recently as this morning, and he is aware the Service Department is working toward his area. The Department cannot pave all of Kirtland-Chardon, but they are going to try and get the major areas handled.

Councilman Haymer thanked Mr. Fornaro for his help with the Kiwanis project the past weekend.

**DEPARTMENT REPORTS (continued):**

**City Engineer Douglas Courtney** began by referencing the previous work session in which the accomplishments over the break had been discussed. He stated that bids for the pavement rehabilitation project on the streets for this year will be due on September 2 at 11:00 a.m., with the estimate for that project being \$122,000 although it is broken into four sections. The City will be able to pick and choose which ones will be done based on budget. Mr. Courtney expects to present to Council the winning bid at the Council meeting scheduled for September 9. Construction would be expected to begin in early October and end by mid-November.

**Assistant Finance Director Louis Slapnicker** advised the July 2020 end of month reports have been distributed. Mr. Slapnicker stated he was open to questions on the report, and will be discussing them in further detail during the Finance Committee meeting following the Council meeting.

The 2018 and 2019 audit is ongoing. State auditors were on site last week and are expecting to wrap up the audit. To help with this, the Finance Department is working to complete all requests made by the auditors.

Concerning Resolution No. 20-O-43 on the agenda, amending the appropriations, the Finance Department is looking to have it passed at the next meeting on September 9. The amendment represents all changes occurring during the year, and best estimates known at this time. Council would have received several worksheets from Mrs. Kovalchik or Council President Lowery to include summary and a detailed appropriations budget. Also included is a memo highlighting several important changes, to include estimates at this time for income tax to be a decrease of \$150,000. Gas tax is expected to be down 15 percent. There are several other decreases in the appropriations, as far as the Senior Center closing (which was state mandated at the time), dispatch changeover, and several other items.

**Law Director Matthew Lallo** referenced two resolutions on the agenda; the Holden Agreement that has been previously discussed, along with the Quit Claim for the two parcels on Charlesderry Road. The City received donated parcels from residents (two different parcels at the end of Charlesderry Road). The City has determined it would be best to combine those parcels for potential resale. On tonight's agenda is a resolution only to combine the parcels. The Mayor would be authorized to sign a Quit Claim deed, and then it will be properly filed. Potential sale of the property could be discussed at a later date.

Mr. Lallo advised those present that Willoughby Courts are open, so there have been a good many cases on the prosecution side. During COVID, the revenue the court would typically receive dropped significantly. At some point, that will affect all cities that participate in that court. Mr. Lallo doesn't expect Kirtland to be affected as much as other cities. Due to the backlog of cases being resolved, Mr. Lallo hopes once things level out the total expected shortfall may be lower than expected.

Responding to Mr. Lesnick, Mr. Lallo advised that the Willoughby Court was open, but it was limited. Cases were still coming through, just not as many; the court had to stay open and keep functioning. Just like the City, they're self-funded for unemployment, so they went through all the pros and cons of laying people off or just not filling positions when people retire. With staying open, the revenue and projected budget shortfalls were significant for the three-month period. The hope is that a lot of the cases were continued, along with a number of arraignments and new cases that started in mid- to late June. The court pushed cases back a couple of months. The hope is with those cases now coming in, the court will recoup some of the lost revenue at a later date. When the court's six-month budget is released, the second half of the year will show a recoup, hopefully, but probably not all, due to fewer patrols, fewer arrests.

Mr. Lesnick questioned why the cities will have to carry that burden of lost income due to courts not being able to operate at capacity, to which Mr. Lallo responded that the cities are responsible for the municipal court.

**DEPARTMENT REPORTS (continued):**

Councilman Ruple asked Mr. Lallo if there is anything on the agenda that needs to pass tonight, to which Mr. Lallo deferred to Mr. Fornaro as it related to the lighting agreement. Other than that, Mr. Lallo noted that passing the Quit Claim deed would speed up the process of selling or auctioning the property. Mr. Ruple agreed, stating now would be the right time as the resolution does not concern the actual sale of the property, just the handling of a Quit Claim deed.

Mr. Fornaro addressed the resolution concerning the lighting agreement, stating he did not feel it's an emergency and could go three readings.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Potter said it was good to be back and see everyone after a different type of summer break. He went on to say he hopes everyone stays healthy, and as the school year begins he reminded everyone to do what is necessary to keep everyone safe.

The Mayor noted that the Strawberry Shortcake Drive-Thru was put on by the Kiwanis this weekend at the high school. Mayor Potter thanked the school for donating space for the event and said it went off without a hitch. Mr. Blum had an incredible schematic setup at the event, and cars came through the drive-thru for four straight hours on Saturday and four straight hours on Sunday. The event was a testament to the Kiwanis and the community, who came out in support although the traditional Strawberry Festival was cancelled this year.

Mayor Potter thanked Chief Hutton and Chief Nosse for the extra hard work they put in to make the dispatch transition. It went very smoothly, and the switchover happened as expected.

Mayor Potter thanked Mr. Fornaro and Mr. Courtney for the hard work that was put into the spreadsheet viewed during the work session concerning the anticipated road program for the City moving forward.

The Mayor noted that tonight is the first reading for the amended appropriation ordinance for 2020. Mr. Slapnick mentioned it does not have to be passed tonight. Hopefully everyone will take the next two weeks to go over the documents received, ask any questions they may have, and the ordinance will be passed in a couple of weeks.

Concerning the two parcels that were donated, Mayor Potter asked that the resolution be passed sooner rather than later so the lots can be consolidated for potential future sale.

Mayor Potter stated that on Thursday he and Helen Petersburg will be meeting with an audio/video company at City Hall for Council Chambers. Mayor Potter had asked Ms. Petersburg to look into how Council might be able to begin meeting again in person, with the capabilities to broadcast the meetings out to the community. Unfortunately, the acoustics are very poor in Council Chambers and the City will need help on the audio side. The anticipation for in-person meetings would be to still maintain social distancing and have anywhere from 5 to 10 (on average) residents attending meetings in person along with broadcasting to the community.

Concerning the lighting agreement legislation on the agenda, Mayor Potter explained in further detail the purpose of the agreement. As an example, if a light goes out currently it is not replaced with an LED light. This agreement helps to make sure the light is replaced with an LED at the cost of First Energy and not the City. Mr. Fornaro agreed, adding that currently the City does not pay for traditional light replacements. There have been two lights burn out in the last three months, and he would like time to review the other option in the agreement and possible NOPEC dollars moving forward.

**STANDING COMMITTEE REPORTS:**

Councilman Lesnick noted that there will be a Finance Committee meeting immediately following the Council meeting, covering monthly updates on revenues and expenditures.

**CORRESPONDENCE:**

None.

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

None.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

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

None.

**RESOLUTION NO. 20-R-41  
(Mayor Potter)**

- A RESOLUTION AUTHORIZING THE MAYOR AND CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH HOLDEN FORESTS & GARDENS FOR THE HOLDEN ARBORETUM POLICE DEPARTMENT TO PROVIDE CERTAIN POLICE SERVICES IN THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.

The legislation was read by title only and placed on First Reading.

**RESOLUTION NO. 20-R-42  
(Mayor Potter)**

- A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CLEVELAND ILLUMINATING COMPANY FOR LED STREET LIGHTING, AND DECLARING AN EMERGENCY.

The legislation was read by title only. Mr. Fornaro verified there would be no cost to the City for the replacement bulbs. Responding to Councilman Smolic regarding energy savings with LED lighting, Mr. Lesnick stated there was a proposal received from a third-party company, in which the cost to the City would have been recuperated in a number of years. The legislation was placed on First Reading.

**ORDINANCE NO. 20-O-43  
(Mayor Potter)**

- AN ORDINANCE AMENDING ORDINANCE NO. 20-O-16 RELATING TO THE APPROPRIATION FOR THE YEAR 2020.

The legislation was read by title only and placed on First Reading.

**NEW BUSINESS (continued):**

**RESOLUTION NO. 20-R-44**  
**(Mayor Potter)**

- **A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A QUIT CLAIM DEED TO CONSOLIDATE TWO CITY-OWNED PARCELS ON CHARLESDERRY ROAD, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Lesnick moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LESNICK, LOWERY, RUPLE, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).** Mr. Lesnick moved to declare an emergency and adopt, with the second by Mrs. Wolfe. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LESNICK, LOWERY, RUPLE, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).**

\* \* \* \* \*

**COUNCIL COMMENTS:**

Mr. Lesnick thanked Council members and those new in Administration, noting this has been a challenging year with the pandemic and the unknown regarding finances. As the Finance Chair, he has had meetings every month to try to stay on top of the finance situation; he commended the Mayor, Chief Nosse and Chief Hutton, along with new members of Administration, Doug Courtney, Joe Fornaro, Matt Lallo, Louis Slapnick and Mary Kovalchik. Mr. Lesnick stated he is happy with how everyone has handled the situation. He went on to say he looks forward to being able to meet in person, but is impressed with the ability to do things remotely, receive quick answers, and stay on top of everything. Kudos to all who have participated.

**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 7:55 p.m.

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

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