

KIRTLAND CITY COUNCIL MINUTES

September 21, 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, Richard Lowery, Jeffrey Ruple, Matthew Schulz, Joseph Smolic and Kelly Wolfe. Absent: John Lesnick.

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

MINUTES OF THE SEPTEMBER 1, 2020 FINANCE COMMITTEE MEETING:

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

MINUTES OF THE SEPTEMBER 9, 2020 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

Economic Development Manager Monica Drake reported despite COVID there have been new businesses opening in Kirtland. How Money Works will be opening soon next to the Sweeter than Honeycomb bakery. The Fresh Bowl will be opening at the Kirtland Center, and there are new owners of the Wrap Shack who are changing the business name to Down the Block.

Ms. Drake reported that the cities of Willowick and Wickliffe are looking at a possible small business grant through the CARES Act. This is something the City of Willoughby Hills has already done, and it may benefit Kirtland. Once Ms. Drake has received all the information, she will meet with Mayor Potter to determine if it's in the best interest of Kirtland to participate, noting that the same structure can be used for all three cities.

Councilman Haymer asked for an update on the changing wetlands ruling as it pertains to the City's property on Route 6. Ms. Drake said she is aware there were challenges to the ruling, and it was supposed to be changed; she said she would follow-up with Mr. Haymer with more definitive answers.

Councilman Schulz asked Ms. Drake if she was aware of the disposition of the property auction on Route 6. Ms. Drake said she would look into it and report back. Councilman Smolic stated the property was the old Yesteryear shop across from Tavern 6, with an opening bid of \$71,000. He was unable to attend the auction but saw the sign being removed on Sunday afternoon. Ms. Drake said she was aware of a potential buyer because she had spoken to him a few times, but she was unaware of the outcome of the auction.

DEPARTMENT REPORTS (continued):

Fire Chief Anthony Hutton advised that COVID case numbers have been increasing, bringing Kirtland's total to 33. There are also several at the long-term care facility, with the Fire Department extremely busy attending to COVID patients the last two weeks. On a good note, all personnel remain healthy and things are going okay, but COVID cases are on the rise in Kirtland.

Concerning dispatch, Chief Hutton reported there were over 100 fire/EMS calls in the one month since the move. There have been no complaints, issues, or delays, so things seem to be working out as hoped.

Chief Hutton expressed condolences to the family of retired Lieutenant Larry Green who passed away recently. Lieutenant Green retired from Lake County Sheriff's Office and also served for many years as the Lake County EMA Director. Lieutenant Green was the son-in-law of Mr. and Mrs. Louis Schupp of Kirtland.

Mr. Lallo mentioned his family had the need to contact the Fire Department recently concerning smoke coming from an oven, and praised the Department for how quickly they responded and how personable and friendly they were to all, including the children.

Answering Councilman Ruple, Chief Hutton confirmed that the 33 COVID cases reported do not include the cases in the nursing home.

Police Chief Lance Nosse advised that the August statistics report was distributed. Chief Nosse advised the Police Department has received fewer calls than average recently, a trend he hopes will continue.

The Chief noted that traffic enforcement continues, specifically on Kirtland-Chardon, Tibbetts Road and Joseph Street. Chief Nosse believes having an extra car on the road is helping deter traffic problems.

Every year the school honors First Responders on 9/11, and the schools continued the tradition this year. In the past, Police and Fire walked the line at the elementary school, receiving flyers, papers, and other such appreciation. This year, due to COVID, the departments did a drive-through. The kids seemed to enjoy the drive-through, and all the noise that came with it.

Chief Nosse echoed Chief Hutton's comments on how well the dispatch move has gone, along with the vestibule phone working well.

Councilman Haymer asked for clarification on the reduction in business checks, to which Chief Nosse responded businesses are routinely checked several times daily/nightly and he is unsure why the report shows a reduction, but he will look into it.

Answering Councilman Smolic, Chief Nosse confirmed it is quieter with bars and restaurants closing earlier, although the number of DUI's are not down.

Service Director Joseph Fornaro advised that the service crews are still working on partial depth repairs on Kirtland-Chardon, which should be completed in a couple days.

The Service Department will be doing line of sight clearing for the next two weeks, thanks to the loan of Willoughby Hills' bucket truck. There will also be catch basin repairs throughout the city in the next few weeks.

Councilman Schulz asked for clarification of the line of sight clearing, to which Mr. Fornaro explained that clearing will occur on the side of the road and at intersections.

DEPARTMENT REPORTS (continued):

Councilman Schulz advised he was contacted by the resident at 8555 Bridlehurst who mentioned that the cul-de-sac patchwork has disintegrated, most likely due to bus turnaround.

Concerning the road paving plan put together by Mr. Fornaro and Mr. Courtney, Mr. Schulz asked if costs for upgrading signage and guardrails were included or if those expenses would be run through a maintenance program. Mr. Fornaro explained those expenses, along with striping expenses, will be part of a maintenance program.

Councilman Ruple asked if there's an update on the funding for the property at Woodlake that needs a drainage area fixed. Mr. Courtney responded the County is being contacted for funding on that project, but it most likely will not occur this year. Mayor Potter added the County would reimburse for the project if City funds were available to address the issue. Reimbursement would occur within two weeks of project completion. Mrs. Kovalchik has been informed and copied on e-mails pertaining to the project. He agreed it would be nice to complete the project by the end of fall and will keep everyone updated as more information becomes available.

Councilman Schulz asked for an update on the chip seal at Charlesderry and Glen Park and if there's any expectation of when it will be fixed. Mr. Schulz further explained under the last administration there had been an agreement with Aqua that once the trenching work was completed a chip seal would be placed on the roadways. Mr. Smolic agreed, stating the work was expected to be done this year and Aqua was expected to pay for it. Mayor Potter stated he will work with Mr. Courtney and Mr. Fornaro to follow up with Ronyak regarding their remaining responsibility, if any.

City Engineer Douglas Courtney advised that final invoices have been received from Badger Transfer.

As an update on the 2020 street rehabilitation project, Mr. Courtney is trying to set a pre-construction meeting with Ronyak later this week to determine the expected schedule.

Concerning the Old Town sewer project, Mr. Courtney advised that a conference call was held with OPWC officials last Monday to discuss the project schedule and the pending agreement for funding that has been awarded this cycle. Due to the length of EPA negotiations and submittal of the WPCLF application, the project schedule has run past OPWC's current fiscal year. Their recommendation was to pull the funding application for the current fiscal year and re-apply for the next fiscal year; that pre-application was submitted on Wednesday of last week. Nothing was changed on the application except the dates and schedules, so Kirtland can anticipate receiving a favorable score again this year. The application is a grant/loan combination with \$250,000 in grants and \$150,000 in loans for a total of \$400,000 from OPWC on the project.

Councilman Schulz asked about a listing of drainage projects that have been completed, to which Mr. Courtney said he should have a list by the next Council meeting.

Councilman Smolic asked if there are any emergency drainage projects the City needs to address before the winter season, to which Mr. Courtney responded there is nothing so dire it needs completing this year.

Assistant Finance Director Louis Slapnick advised that the August 2020 end of month reports have been distributed, along with comparisons and an additional spreadsheet.

The audit is nearing completion, and the Finance Department has a telephone meeting scheduled tomorrow and Wednesday with the Auditor of State.

DEPARTMENT REPORTS (continued):

Mr. Slapnicker referred to two items on tonight's agenda that the Finance Department is requesting be passed this evening. The first item is the Local Government Services contract, which refers to the GAAP converters. This is a two-year agreement; and last time it was not to exceed \$12,500 each year for \$25,000 over the two-year period of 2018 and 2019 financials. The current agreement is a contract for 2020 and 2021, at \$10,500 yearly with a total of \$21,000. This is a reduction from the previous contract. This is being requested to pass tonight so the rate can be locked, and the engagement letter can be signed and sent to the LGS office.

The second item on the agenda the Finance Department would like passed tonight is the amended Appropriation. The only change in the ordinance is an additional \$155,654.80 received in COVID funding. The money has been received, accounted for on the revenue side, and then has to be appropriated. This created a change from the last amended Appropriation that was passed at the last Council Meeting.

Law Director Matthew Lallo added to Mr. Courtney's comments on the OPWC grant application, stating a signed copy of the EPA Director's Findings and Orders have been received and filed. Therefore there is a timeline of events for completing the sewer project in the Old Town area. As indicated by Mr. Courtney, the new timeline of events did not coincide with the original OPWC application and that was the reasoning behind releasing the funds for this fiscal year and re-applying for the next fiscal year.

Since there is new guidance regularly released as to how cities can spend the money received from the CARES Act, there are two items on the agenda. Resolution No. 20-R-49 addresses equipment purchase contracts and other miscellaneous services that can be reimbursed with COVID funding. Resolution No. 20-R-50 concerns personnel services that were not initially accounted for and accessing COVID funding for those expenses. Mr. Lallo requested both items be passed tonight as emergency legislation, as there is an October 15th deadline, and he would like the Administration to have a plan in place appropriating those funds.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter stated that on Wednesday he will meet with Mr. Courtney, Mr. Fornaro, and Councilwoman Wolfe to discuss a communication plan for the residents as the Old Town sewer project gets underway, so residents will be kept abreast of project status. The project is expected to span approximately five years, so communication with residents is a necessity.

Mayor Potter stated he and Mr. Fornaro met with a few seniors today to discuss the reopening of the senior center. Some points of discussion were the timeline and what services are most important to seniors in the area. There was a good bit of valuable feedback received, and Mayor Potter will meet with Ms. Petersburg tomorrow to begin work on a plan for reopening the Senior Center. Once there is a tentative timeline there will be a letter sent out to inform the seniors.

The road program that was proposed by Mr. Fornaro and Mr. Courtney is being reviewed by Mrs. Kovalchik. In the next couple of weeks Mayor Potter will meet with Mrs. Kovalchik to discuss options for financing the program.

The Mayor advised that in the near future, there will be legislation proposed that seeks to rectify prior year mis-payments to City employees that upon retirement received sick time accrual payouts that were not in line with City ordinances, and an effort will be made to recoup this money that was overpaid. With the state audit closing, there will likely be a requirement to act on this.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

As of today, the City is budgeted to spend \$300,000 less to operate the City government than last year. This does not include the COVID funding that has been received, and it is a fluid situation where changes are expected. The City has not incurred any new debt this year, and has paid off the \$500,000 loan taken out in 2018 for State Route 306.

Mayor Potter thanked Mr. Fornaro for bringing the Arbor Day Proclamation to his attention, which he requested be passed tonight. It will add no additional cost to the City and will hopefully give the City an opportunity to work with the schools to create something that can be enjoyed in the spring.

Adding his support to Mr. Lallo's request to pass Resolution Nos. 20-R-49 and 20-R-50 by emergency this evening, Mayor Potter stated this legislation will allow the City to begin spending COVID money on technology, new equipment, Senior Center upgrades and wages related to COVID.

When asked to elaborate on the sick time legislation that Council can expect in the upcoming weeks, Mayor Potter explained it has been discovered over the last several months that there were additional sick time accrual payouts made to past retirees in various City positions. This was not in line with the City ordinances, according to the sick time accrual formula and what is expected to be paid out at the time of retirement. Therefore, the City will be required to attempt to recoup the funds from those individuals.

STANDING COMMITTEE REPORTS:

It was noted that the Finance Committee Meeting has been rescheduled for the second Council meeting in October.

Councilman Schulz stated that he and Mr. Fornaro will begin discussions tomorrow regarding a Utility Standing Committee meeting relative to First Energy's lack of reliable service in Ward 3. Mr. Schulz stated he will send questionnaires to other committee members in case they want to add to the agenda.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

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

None.

OLD BUSINESS (continued):

- RESOLUTION NO. 20-R-41** - (Third Reading) - A RESOLUTION AUTHORIZING THE
(Mayor Potter) 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. Mr. Schulz moved to declare an emergency and adopt, with the second by Mr. Ruple. Responding to an inquiry from Mr. Schulz, Mr. Lallo explained this is a renewal to a prior agreement; it provides clarifications, but there is nothing new concerning their authority. Chief Nosse added this has been a standing agreement for a long time. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).**

- RESOLUTION NO. 20-R-42** - (Third Reading) - A RESOLUTION AUTHORIZING THE
(Mayor Potter) 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. Schulz moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).**

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

None.

- RESOLUTION NO. 20-R-47** - ARBOR DAY PROCLAMATION
(Mayor Potter)

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

- RESOLUTION NO. 20-R-48** - A RESOLUTION AUTHORIZING THE MAYOR TO ENTER
(Mayor Potter) INTO A CONTRACT WITH LOCAL GOVERNMENT SERVICES FROM THE OHIO AUDITOR OF STATE'S OFFICE TO PROVIDE ASSISTANCE IN THE PREPARATION OF BASIC FINANCIAL STATEMENTS FOR THE CITY, AND DECLARING AN EMERGENCY.

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

NEW BUSINESS (continued):

RESOLUTION NO. 20-R-49
(Mayor Potter)

- **A RESOLUTION RECOGNIZING THE EXTRAORDINARY AND NECESSARY EXPENDITURE OF FUNDS NECESSITATED BY THE PUBLIC HEALTH EMERGENCY DECLARED WITH RESPECT TO THE COVID 19 PANDEMIC, AND DECLARING AN EMERGENCY.**

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

RESOLUTION NO. 20-R-50
(Mayor Potter)

- **A RESOLUTION RECOGNIZING THE EXTRAORDINARY AND NECESSARY EXPENDITURE OF FUNDS NECESSITATED BY THE PUBLIC HEALTH EMERGENCY DECLARED WITH RESPECT TO THE COVID 19 PANDEMIC, AND DECLARING AN EMERGENCY.**

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

ORDINANCE NO. 20-O-51
(Mayor Potter)

- **AN ORDINANCE AMENDING ORDINANCE NO. 20-O-43 RELATING TO THE APPROPRIATION FOR THE YEAR 2020.**

The legislation was read by title only. Mr. Smolic moved to waive the three readings, with the second by Mrs. Wolfe. Responding to Mr. Schulz, Mr. Slapnickler stated the \$155,000 was placed in Fund 219 (COVID Relief Fund). **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).** Mr. Schulz moved to adopt, with the second by Mrs. Wolfe. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE AND HAYMER. VOTING NAY: NONE).**

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COUNCIL COMMENTS:

None.

CONTINUING CONCERNS:

Council President Lowery noted that this is an opportunity for the public to address Council about any continuing concerns. There were no comments from the public.

ADJOURNMENT:

Mr. Smolic moved to adjourn, with the second by Mr. Schulz. The motion of Council passed by unanimous vote and the meeting adjourned at 8:01 p.m.

President of Council

Clerk of Council