

## KIRTLAND CITY COUNCIL MINUTES

September 9, 2020

The meeting of Kirtland City Council was called to order at 7:01 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 and Fire Chief Anthony Hutton.

### MINUTES OF THE AUGUST 24, 2020 WORK SESSION:

Mr. Lesnick requested that language be revised in the sixth paragraph on page 1, so that the last sentence will read as follows: "Pages 6 through 10 address years 2026 through 2030, and those streets would be primarily maintenance." Mr. Lesnick moved to modify the minutes as requested, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: LOWERY, RUPLE, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE. ABSTAINING: SCHULZ).** Mr. Lesnick moved to approve the minutes, as amended, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: LOWERY, RUPLE, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

### MINUTES OF THE AUGUST 24, 2020 COUNCIL MEETING:

Mr. Smolic moved to waive the reading of the minutes, with the second by Mr. Lesnick. The motion of Council passed by unanimous vote. Mr. Smolic moved to approve the minutes, as presented, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: LOWERY, RUPLE, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

### MINUTES OF THE AUGUST 24, 2020 FINANCE COMMITTEE MEETING:

Mr. Lesnick moved to waive the reading of the minutes, with the second by Mrs. Wolfe. The motion of Council passed by unanimous vote. Mr. Lesnick moved to approve the minutes, as presented, with the second by Mrs. Wolfe. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: LOWERY, RUPLE, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

### DEPARTMENT REPORTS:

**Fire Chief Anthony Hutton** advised the monthly report has been distributed. Call volumes have been steady, with no issues or complaints concerning dispatch.

Since the last meeting there was one new COVID case reported in the City of Kirtland, bringing the total positive and presumed positive cases to 23. Lakeland Community College and Kirtland Public Schools are back in session. The Health Department is expecting a spike in cases, and Chief Hutton stated one of the Mentor schools may be shut down. Chief Hutton said his Department is working closely with Mr. VanArnhem, noting that the Kirtland Schools are considered a POD (point of dispensing) site for Kirtland, Waite Hill and Kirtland Hills. In the past the firefighters and paramedics have been authorized to distribute vaccines at POD sites. In Lake County there are several POD sites, and all Fire Chiefs and personnel work together to streamline the process.

**DEPARTMENT REPORTS (continued):**

Chief Hutton reported that last week Firefighter Doug Malvicino announced his retirement, effective in November; he began as a volunteer with the Fire Department in 1988, and is one of the last volunteers still in the department.

There is an active civil service list from 2019, which has been extended to July 2021. Chief Hutton hopes to have someone hired into Mr. Malvicino's role before he retires so the department will not be shorthanded. There is already a shortage of part-time firefighters and paramedics in the department, and program enrollment at local colleges is down.

Councilman Haymer asked for more information on the high-angle rescue on Chief Hutton's report, to which Chief Hutton stated it was a mutual aid call. There were two in Willoughby Hills, along the river, and another this past week as well.

Councilman Lesnick asked if the nine fires on the report involved buildings in the city. Chief Hutton explained all building fires are coded the same, and can be inside or outside the city. He noted that the Mayor is now a part of the paging process, and he will know when there is a structure fire in Kirtland or manpower pages.

Councilman Lesnick asked about the report item "dispatched and cancelled en route", and expressed hope that these types of calls do not negatively affect other dispatch calls. Chief Hutton explained that many of those calls are requests for mutual aid that are cancelled before they arrive.

Councilman Smolic inquired about the exhaust system at the Fire Station. Chief Hutton advised that Station Two was completed approximately two weeks ago and all paperwork has been done. The next step would be to request approval on an amendment for the grant, noting that he and Captain Ponzani will begin working on the amendment tomorrow.

**Police Chief Lance Nosse** began by expressing sympathy to the Cleveland Police Department and the families of two fallen officers, Detective James Skernivitz and Officer Nick Sabo of the Cleveland Police Department. The Kirtland Police Department is saddened to hear of these losses, and will continue to tirelessly work to combat violence across the nation.

Chief Nosse advised that the Police Department recently had an officer come into contact with a COVID patient, and he is happy to report the officer has been tested and the results were negative.

Chief Nosse advised there have been no complaints relating to dispatch. He stated that the few computer glitches have been addressed, calls are coming in and getting out. Noting there were a couple glitches with the phone in the vestibule, Chief Nosse stated it was fixed quickly thanks to Mr. Fornaro, and no calls were lost or went unanswered.

Officer Al Taddeo, the school resource officer, has decided to retire; he has been with the City of Kirtland for 10 years. Officer Faraguna has also decided to retire, after working part-time for the Police Department for 17 years.

Chief Nosse is working diligently to fill the open positions. The school resource officer position has been advertised, many applications have been received, and there have been interviews over the last couple of weeks. The school and the Police Department met recently regarding a candidate for the position.

Chief Nosse advised that there have been no major incidents regarding crime. He noted that a few individuals were caught stealing political signs within a half hour of the crime, due to citizen witnesses who contacted the department quickly. Since these individuals were caught, there has been a decrease in damage and/or theft of political signs.

**DEPARTMENT REPORTS (continued):**

Noting that school is now in session, Chief Nosse reported the crosswalk is being utilized properly. There have been no complaints, and he did not see any violations in the past two days. After some confusion on the first day, the second day was seamless.

Councilman Smolic asked if emergency personnel are given priority when testing for COVID as far as receiving the test and results. Chief Nosse responded emergency personnel still have to follow protocol, however, Chief Hutton made a few phone calls and helped the process move forward. Chief Hutton added that the Lake County Fire Chiefs have a hotline set up with Lake Health Administration which allows a police officer or firefighter to be tested right away. The results still take 48 hours. When asked, Chief Hutton said there is a rapid test available, but Lake Health does not offer it as they believe the standard test is more accurate. There has been a lot of discussion between Lake Health, Occupational Health, the Health Department, and the Fire Chiefs to try and determine the best way to test in Lake County. It has been found if tests are administered too soon, at the initial onset of symptoms, the chances are very high to receive a negative test. Therefore, they suggest waiting 24 hours after the onset of symptoms to be tested. Unfortunately, for emergency personnel this time frame negatively affects the department, so they usually test immediately.

Councilwoman Wolfe asked if there has been any new information on the rash of car burglaries discussed at the last Council Meeting. Chief Nosse responded his department is working on leads but does not have anyone in custody yet. The situation spanned Kirtland, Willoughby, Mentor, Chesterland and Willoughby Hills. There is a person of interest, but the department is not ready to present formal criminal charges.

Councilman Lesnick expressed appreciation to Chief Nosse and the Police Department for all they do, considering current happenings in the country.

**Service Director Joseph Fornaro** reported crews have been making partial depth repairs on streets throughout the city. There have been questions received from residents concerning Kirtland-Chardon Road being patched, and Mr. Fornaro explained this is part of the process to maintain the roads that are good and keep them in good shape.

Council President Lowery mentioned that after the recent heavy rainfall, water was flowing well in areas he visited that have been recently updated and repaired.

Councilman Schulz stated he would like to speak to Mr. Fornaro regarding setting up a meeting of the Utilities Standing Committee.

**Assistant Finance Director Louis Slapnick** addressed two items on the agenda. He noted that a Finance Committee meeting was held last week to address the changes in the amended appropriation Ordinance. Mr. Slapnick advised that the amended appropriations reflect the COVID-19 changes, along with items relating to legislation enacted by Council.

The second agenda item Mr. Slapnick referenced was the Resolution accepting the amounts and rates as determined by the Budget Commission. This relates to the tax budget that was previously passed by Council, and there have been no changes between what was submitted to the county versus what was approved. Mr. Slapnick requested both items pass tonight.

Councilman Schulz thanked Mr. Slapnick for making himself available at late notice this afternoon to discuss the amended changes.

Responding to Councilman Smolic, Mr. Slapnick said the audit is moving along. There are a few last-minute items being wrapped up, but the audit should be done soon.

**DEPARTMENT REPORTS (continued):**

**Law Director Matthew Lallo** reported there is legislation on the agenda tonight for acceptance of a road paving project bid. Mr. Lallo explained the bid was separated into four different sections to allow the City choices on what they would like to move forward on in the bid. The City has 60 days to choose one or all sections. The current legislation is for Section 1 of the paving project, which is for Emerald Glen. Mr. Lallo asked that Council accept the bid, which utilizes grant funding given by Lake County Board of Commissioners. The original grant money was \$52,000, and the bid came in at \$800 more; therefore the grant money will be exhausted, and the City will be responsible for the difference.

**City Engineer Douglas Courtney** reported the 2019 drainage projects are complete and he is awaiting final invoices. Mr. Courtney went into further detail of the 2020 road rehabilitation that Mr. Lallo referenced. The bid was broken up into four sections: Emerald Glen, Springer Drive, Locust area, and Woodlake Drive for a pavement drainage issue. The bids came in close to what had been estimated, with Emerald Glen at \$52,810; repairs on Springer Drive came in at \$34,690; a surface seal on the Locust area was \$17,299; and pavement repair in the Woodlake area was \$10,265. Ronyak Paving was low on Section 1 for Emerald Glen. Specialized Construction submitted low bids for the remainder of the sections. Mr. Courtney recommended awards to Ronyak Paving for Section 1, and Sections 2 through 4 as road funding would allow. Council has 60 days to act on the bids.

The street repair and maintenance plan discussed in detail at the last meeting includes street rehabilitation and maintenance for the next five years, considers primarily street maintenance over the subsequent five years from 2026-2030. The plan estimates roughly \$15.1 million for street rehabilitation, and \$1.7 million for street maintenance over the next five years, and estimates roughly \$600,000 for street maintenance over 2026-2030. All costs are estimated in 2020 dollars and include 10 percent construction contingency and overhead costs.

Old Town sewer findings and orders were signed by Mayor Potter on August 28, 2020 and a project nomination was submitted to the EPA's Water Pollution Control loan fund on August 31, 2020. This would be for a low interest loan to fund the project. Mr. Courtney and others also met with the Lake County Department of Utilities on September 1, 2020 to discuss the next steps for implementation of the project. Current preliminary cost estimates for the work include \$3.4 million for sewer installation and \$2.3 million for pavement rehabilitation after the sewers have been installed. Additional funding sources include OPWC grant/loan combination of \$800,000.

Mr. Courtney stated he and Mr. Fornaro have reviewed several drainage issues throughout the city over the past several weeks and months and will be developing a priority list, along with potential solutions for those issues, as part of a capital improvement plan which will be distributed later this year.

Councilman Smolic asked for clarification on the drainage issues on Woodlake Drive, to which Mr. Courtney responded there is a large ponding area on the pavement. That spot was one of the first investigated when Mr. Courtney took his position, and it will take pavement milling and replacement of a drive apron to get the pavement sloped in the right direction. Responding to Councilman Schulz, Mr. Courtney explained the problem to be the grade of the edge of the pavement, combined with the fact that the lawn at the edge of the pavement is higher than the pavement. This will require grading work to move some water into the lawn and move some water down the pavement to the nearest basin.

Councilman Haymer asked for an update on the Fox Hill project, to which Mr. Fornaro responded Fox Hill was completed last week. There is a little erosion down by the head wall, but the Service Department will be doing that work.

Answering Councilman Schulz, Mr. Courtney confirmed private drives are shown on the spreadsheet, but there is no activity on those streets as they are private.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Potter thanked the Department Heads and Mrs. Helen Petersburg for setting up a "Mayor for the Day" with three students from the Kirtland Elementary School, who won the activity at a recent auction. The children visited the Service Department, Police Station, Fire Station and City Hall. Each department provided activities for the children, and Mayor Potter thanked them for their efforts. The students were grateful for the opportunity and had a great time.

With regard to the sewer project, Mayor Potter stated he signed the findings and orders, as mentioned by Mr. Courtney. The WPCLF loan fund application was made for long-term financing for the project. Mayor Potter explained there will be five years to design, construct, and tie everyone in the old town neighborhood into the system. He thanked Mrs. Wolfe for her help in walking through the process. As the plan moves forward there will be community and neighborhood meetings set up between now and the new year to discuss with residents what they can expect in the coming years and to reassure residents the City will do everything they can to mitigate the cost to residents as best as possible. Mayor Potter thanked Mr. Courtney for his diligence and hard work in getting the WPCLF loan fund request submitted.

Mayor Potter stated the County recently released another \$155,000 to the City of Kirtland for the CARES Act funding, noting that he spoke this afternoon with Mrs. Kovalchik to discuss creating a prioritized list of needs expressed by each Department Head. There are restrictions to how the monies can be used, but technology and equipment will be discussed. The City will be taking advantage of any monies that can be dedicated for wages and COVID response. An example of one high priority item would be the plumbing work at the Community Center (touchless faucets and replacing some toilets). Mr. Fornaro has received at least one proposal for that project, which has been shared with Councilman Haymer. Mr. Haymer will work with Mr. Fornaro on the proposals so the City can make things as safe as possible for residents and seniors as the Community Center prepares to reopen in some capacity.

Mayor Potter will be meeting with Mrs. Petersburg tomorrow to begin planning how and to what capacity the Senior Center will be opening. Two weeks ago the Governor made an announcement that Senior Centers will be able to open as of September 21, 2020, with exceptions and guidelines.

Concerning COVID spending, Mayor Potter stated that Council will be seeing executive directives and resolutions for the spending of the money.

The Mayor expressed his appreciation to Mr. Courtney and Mr. Fornaro for their hard work concerning the drainage issues in the city, noting that the City will be looking to utilize available money through Lake County Stormwater.

Mayor Potter stated that Mrs. Kovalchik is looking into funding opportunities for the road program, as detailed by Mr. Fornaro and Mr. Courtney. The Mayor noted he will likely request Mr. Smolic and Mr. Lesnick to have a joint Service Department and Finance Committee meeting.

Mayor Potter would like to see Council pass Resolution No. 20-R-46 on the agenda, relating to the east end of Emerald Glen, as it's nearly impassable for the residents. The Mayor noted he appreciates the work done by Mr. Courtney and Mr. Fornaro to get the bid packet out.

Councilman Schulz asked for an update on the cell tower project, to which Mayor Potter reported he will reach out to Mr. Styles to find out when the tower will be online and the City will begin seeing revenue. Mr. Schulz asked Mayor Potter to request more trees be planted in the area for extra screening.

Councilman Smolic asked if any City equipment would be placed on the tower, to which Chief Nosse said there would be an antenna placed on the tower. He was unsure of the status of the project, but it will help the Police Department with communications both inside the department and with the Service Department.

**STANDING COMMITTEE REPORTS:**

Councilman Lesnick advised that he will not be available for the Finance Committee meeting scheduled for September 21. Upon agreement of Council members, it was determined the meeting will not go forward; the next Finance Committee meeting will be held on October 19 unless a meeting is needed sooner. Mr. Slapnick will still distribute the August summary to Council and be available for any questions.

**CORRESPONDENCE:**

None.

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

None.

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

None.

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

- (Second Reading) - 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 Second Reading.

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

- (Second Reading) - 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 and placed on Second Reading. Noting that the agreement speaks of several options, Mr. Schulz inquired which option the City is pursuing. Mr. Fornaro stated it is listed as Option 3; the Illuminating Company would fix it at their cost upon failure. Mr. Schulz inquired how it is metered, to which Mr. Fornaro replied it is a flat rate per light.

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

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

The legislation was read by title only. Council President Lowery stated Mrs. Kovalchik and Mr. Slapnick have done a wonderful job presenting the information to Council. Mr. Lesnick moved to waive the three readings, with the second by Mr. Ruple. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE).** Mr. Lesnick moved to adopt, with the second by Mr. Ruple. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE).**

**NEW BUSINESS:**

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

None.

**RESOLUTION NO. 20-R-45** - **A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.**  
**(Mayor Potter)**

The legislation was read by title only. Answering Mr. Lesnick, Mr. Slapnick advised it would be helpful if Council passes the legislation tonight. Mr. Lesnick moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE).** Mr. Lesnick moved to adopt, with the second by Mr. Ruple. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE).**

**RESOLUTION NO. 20-R-46** - **A RESOLUTION ACCEPTING THE BID OF RONYAK PAVING, INC., AWARDING IT SECTION ONE OF THE 2020 PAVEMENT REHABILITATION PROJECT FOR THE REPAIR AND OVERLAY TO A PORTION OF EMERALD GLEN COURT, AND DECLARING AN EMERGENCY.**  
**(Mayor Potter)**

The legislation was read by title only. Mr. Ruple moved to waive the three readings, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE).** Mr. Ruple moved to declare an emergency and adopt, with the second by Mrs. Wolfe. Answering Mr. Schulz, Mr. Courtney advised that he, Mrs. Petersburg and an engineer from his staff were involved in the bid opening process. Mr. Schulz inquired about the anticipated start and completion dates, to which Mr. Courtney advised that Ronyak indicated they could start on September 21 and be complete in 45 days for all four sections. Mr. Courtney confirmed with Ronyak they could begin the project late September, and the Emerald Glen project should take two to three weeks to complete. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. 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. Ruple moved to adjourn, with the second by Mr. Smolic. The motion of Council passed by unanimous vote and the meeting adjourned at 8:11 p.m.

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President of Council

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Clerk of Council