

KIRTLAND CITY COUNCIL MINUTES

February 17, 2021

The meeting of Kirtland City Council was called to order at 7:05 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 JANUARY 11, 2021 COMBINED MEETING:

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

MINUTES OF THE FEBRUARY 1, 2021 WORK SESSION:

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

MINUTES OF THE FEBRUARY 1, 2021 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 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

MINUTES OF THE FEBRUARY 8, 2021 FINANCE COMMITTEE 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 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised the January report has been distributed. The majority of the Fire Department's time recently has been spent working in the vaccine pods along with other fire departments, pretty much running the clinics on Fridays and Saturdays. This week the Fire Department will be helping at a pod in Willoughby, and on the 24th they will be helping at Willoughby South vaccinating the teachers on the west end.

DEPARTMENT REPORTS (continued):

Personnel time spent administering COVID vaccines should be reimbursed in full, and Chief Hutton is working with the EMA; time and expenses are being tracked on spreadsheets.

Answering Councilman Smolic, Chief Hutton stated his Department has helped with approximately half a dozen vaccine pods and the turnout has been so good that residents are having to pre-register. All vaccines (and then some) have already been used. Two weeks ago in Wickliffe there were 1500 doses available, and they were able to give 1561 vaccines out of those vials. Lake County General Health District prefills the vaccines for each pod and are doing a great job. Chief Hutton noted that both Moderna and Pfizer vaccines have been available and distributed.

Police Chief Lance Nosse advised the January report has been distributed. In January the calls for service and citations were increased slightly, compared to January in previous years.

Chief Nosse reported there weren't as many vehicle accidents during the last snowfall, but quite a few vehicles off the road into yards, mailboxes and trees.

Chief Nosse noted there is one officer out due to the Coronavirus, and he wishes him the best of health and a speedy recovery.

Service Director Joseph Fornaro advised there have been 11 snow events since the last Council meeting, bringing the total snow event count close to 30 for this winter. This is six more than the entire season last year in the neighboring city.

With regard to salt, Mr. Fornaro stated there will be a second delivery of 500 tons next week.

Answering Council President Lowery, Mr. Fornaro stated the trucks are holding up well, with all seven trucks in the fleet up and running.

Answering Councilman Lesnick, Mr. Fornaro said the Service Department has had an opportunity to use the liquid de-ice and it is impressive. With the cold temperatures the crews were able to melt the snow. Even when applied, it does not stick to the pavement; when the snow plows come to clear the roads they are able to get down to bare pavement.

Councilman Smolic asked the status of salt that was pre-purchased and if there are any deliveries left, to which Mr. Fornaro stated there is one more delivery. He then went on to ask if the brine is being run on multiple vehicles, and Mr. Fornaro explained there are currently two trucks set up, and a tank truck. There has been one other system for the back of the truck delivered this week, and Mr. Fornaro hopes to have it up and running by Friday.

City Engineer Douglas Courtney updated Council on the Old Town sewer project. Another meeting was held with the Ohio EPA on the 11th regarding the design loan. Each time there is a meeting something new comes up, delaying the target date. The most recent suggestion was the county applying for the design loan as opposed to the City, or the county co-signing the loan with the City. The reason being given is security for the loan in the event the project is not constructed. This, of course, is not an option for the City. Another reason being given is the lack of a sufficient user charge system on the City's books. Due to these issues, Mr. Courtney is working with the Department of Utilities to see if it is a feasible option for them to apply for the loan. Mr. Courtney plans to follow up on this situation in the coming week.

Concerning Wisner streambank stabilization, Resolution 21-R-7 is on the agenda tonight for the \$61,642 change order to address the bank slide that happened after construction. Mr. Courtney is requesting Council waive the three readings and pass the legislation as an emergency tonight so the change order can be formally executed, and the project can be scheduled with AES.

DEPARTMENT REPORTS (continued):

Mr. Courtney stated that Resolution 21-R-5 on tonight's agenda deals with the Parks Farm Subdivision and the preliminary plat for that subdivision. The subdivision will be located on the north side of Billings Road, across from Loreto Ridge Drive, proposing 15 lots in the R-3B zoning district. The parcel is roughly 47 acres. Two sublots have received front setback variances from the Board of Zoning Appeals; one sublot has existing structures, and the other is an odd-shaped sublot in need of a larger building envelope. The proposed roadway is approximately 1650 feet in length, 22 feet wide, with a 50 foot right-of-way, and it is compliant with the City's general requirements for streets. The City's Planning and Zoning Commission approved the preliminary plat on February 8th.

Councilman Smolic asked for more information concerning the user charge system currently on the books, asking if it is not strong enough to guarantee collections and if this is something Council needs to consider strengthening. Mr. Courtney explained there are user charge systems on the books, but they are exclusive to the package plant areas. There is not a system for the Old Town area. Not only would that fund have to be created, but it would need to have sufficient funding to cover the first couple loan payments which would be approximately \$70,000. The EPA would also require evidence that the system works, which means the residents would have to receive at least one bill to show the system is working properly.

Mr. Courtney explained this is the most difficulty he has experienced with an EPA loan, and he believes they are beginning to tighten up the rules. He went on to say the City is moving as quickly as possible to finalize the loan and receive the funding.

Mr. Smolic then asked if it is typical for the county to be asked to apply for or cosign on such loans, to which Mr. Courtney responded typically the county assesses the properties, and he used the State Route 306 sewer project as an example.

Further discussion ensued concerning the process and changes in expectations by the EPA concerning the loan.

Mr. Courtney noted that there is design money included in the OPWC application, and that funding should be available in July.

Councilman Lesnick asked if the City is responsible for paying for the entire change order referenced in Resolution 20-R-7, or if the cost would be covered by another funding source. Mr. Courtney stated it will be funded out of the City's stormwater funds through Lake County Stormwater.

Economic Development Manager Monica Drake reported there are two new businesses considering moving to Kirtland. There is a Dr. Butler interested in opening a chiropractic business and has been looking at location options. Ms. Drake believes she is leaning toward a location near Mike's Deli in the corner next to the barber shop.

Last Monday Ms. Drake was able to hear a general overview of Sausalito Catering, who is considering locating in the Kirtlander. The business met with Planning and Zoning, as they would like to add outside seating and a restaurant, while continuing with the party center at the Kirtlander.

The carriage house foundation has been laid and they expect lumber to be delivered in the next few days. There is also the continued construction of the wedding barn, which is moving forward.

Ms. Drake has reached out to the broker on the Endura property, as it does not appear that it's been transferred.

She noted that Mayor Potter shared grant information from Senator Brown's office for her to review and summarize. This will make it easier to locate which grants will or will not be useful to Kirtland.

DEPARTMENT REPORTS (continued):

Ms. Drake mentioned the City of Wickliffe is considering having zoning diagnostics performed, which takes a look at zoning. Planning and Zoning Commission Chairman Mike Denk sat in on the same presentation that Ms. Drake attended, and the gentleman who spoke is an attorney that specializes in zoning. The company is able to perform zoning diagnostics and report back to the City what zoning codes are possibly older or less modern. The cost for this service is approximately \$10,000 to \$15,000. Ms. Drake stated she just wanted to make Council aware of the opportunity, as it might be something worth considering as the City moves forward with the comprehensive plan next year.

Council President Lowey inquired if there is any update on the Cocca property. Mr. Courtney said he met with the Coccas approximately three or four weeks ago to review what would be needed before construction can begin, with respect to deposits and a pre-construction meeting, and a few other things. There has not been much contact with them since, but the weather has not been very conducive to construction lately so that may be responsible for the delay.

Assistant Finance Director Louis Slapnicker reported the data conversion from 2020 is now completed. December 2020 end of month reports were sent to Council this afternoon, and will be posted on the website tomorrow.

Reports distributed include the cash fund balance with month-to-date columns for both revenue and expense; an expense revenue report; and an expense report with encumbrance detail, which shows all outstanding purchase orders against each line item as of the end of the year. Again, this is a level of reporting that was unavailable until now.

Mr. Slapnicker advised that the January report will be available soon, noting that monthly reports will be distributed regularly.

Concerning the temporary appropriations there were two changes; one related to Applied Ecological Services and the other for engineering costs related to the event barn. Mr. Slapnicker requested the legislation be passed this evening so it may be incorporated with the final budget.

Responding to Councilman Schulz regarding GASB 87 reporting, Mr. Slapnicker stated the Finance Department will be looking into this, noting that there is an upcoming meeting with the GAAP converters.

Law Director Matthew Lallo reported he's assisted Mr. Courtney with several construction issues in the last several weeks, with the involvement of State and County agencies.

Mr. Lallo advised that he and the Assistant Law Director, Tom Lobe, have been working on implementing an employee handbook. Mayor Potter has been forwarded information for review, and Mr. Lallo will be asking Ms. Szary to work on it as well. The handbook should be ready for distribution in the next few months.

During the audit Mrs. Kovalchik alerted Mr. Lallo there is not much in the way of the Sunshine Law training certifications throughout city workers. There apparently was no uniform rule in place. Therefore, Mr. Lallo emailed everyone with the requisite details to get certification. Mr. Lallo stated there are two options for each employee: attending the three-hour class and receiving certification themselves or designate another city employee as your designee. Mr. Lallo stated every two years at minimum every city employee should attend the three hour course as a refresher. This will help protect the City from legal issues as it relates to the Sunshine Law.

Mr. Lallo, Mr. Courtney, Mr. Baumgart and Mrs. Roelle sat in on a Zoom meeting with the Church of Jesus Christ who are looking to do a little more construction in the city by converting a home and another building by the Historic Town Center area.

DEPARTMENT REPORTS (continued):

Concerning Resolution 21-O-6, this legislation will authorize the City to put the city-owned Charlesderry property up for bid. Mayor Potter did get an assessment of the value of the property, and language has been placed in the ordinance to allow Council to either accept or reject any or all bids. There is no floor set, therefore Council has the option to relist as many times as possible. Mr. Lallo requests the legislation be approved so the property may be listed sooner rather than later.

Concerning Ordinance 21-O-8, Temporary Appropriations, there was a typo in the original legislation that was presented. Mrs. Roelle has corrected the typo and distributed a proposed amended version. There will need to be a motion to amend the legislation to the appropriate version when Council reaches that point in the agenda. He noted there are three changes: the General Fund amount, the total, and incorporating the total in Section I.

Mr. Lallo stated there have been comments or issues relating to the integrity of the CEI Tower and health and safety of a lot of Kirtland residents and others in surrounding areas. He went on to say anytime the City receives any statement regarding the towers both Mr. Lallo and Mayor Potter have contacted Wendy Zele or the First Energy/CEI legal counsel to advise them of the concerns. Every time the City has reached out to these contacts, they have been assured the towers are stable, there is nothing wrong with them, and there are no problems. The most recent communication was this past Thursday from First Energy confirming there are no problems with those towers.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter thanked the crews for the great job they've done over the series of snow events lately, keeping the roads nice and clean.

Concerning legislation on tonight's agenda relating to the advertisement for the Charlesderry property and potential bids, Mayor Potter asked if Mr. Lallo would explain how the bid process or notification process would work to alert parties that may be interested in placing a bid. Mr. Lallo responded that the ad would need to be published in the News-Herald once a week for five consecutive weeks. A bid document has been provided to Mrs. Roelle for those interested to complete and submit. A time and place will be announced in the future for the opening of the bids.

Mayor Potter expressed support for Resolutions 21-R-2 and 21-R-7 on tonight's agenda, hoping Council will pass the legislation tonight.

With regard to the Ordinance amending the temporary appropriations (21-O-8), the Mayor noted that in May, when engineering review deposits were being reviewed in 236.07 of the City's ordinances, it stated the engineering review fees were to be determined. It seems in the past these fees were sometimes applied and sometimes not applied, with review charges passed to the City later on. Therefore, the idea is to make applicants aware up front that there will be review charges applied. To date Mr. Courtney's firm has not been paid for their engineering review work for the event barn, which accounts for \$10,893 of the proposed temporary appropriations. Mayor Potter asked Council to pass the legislation this evening so Mr. Courtney can be paid the monies he's owed.

Mayor Potter stated that the budget is on First Reading tonight, noting that a Finance Committee meeting was held prior to the regular Council meeting this evening; he noted that he looks forward to more discussion.

Further discussion ensued with regard to the engineering review fee structure. Mr. Lallo noted that the Ordinance passed in early October provides much more clarity.

STANDING COMMITTEE REPORTS:

Councilman Lesnick advised there will be another Finance Standing Committee meeting before the next two Council meetings to continue discussions on budget and appropriations for 2021. Council President Lowery thanked Mr. Lesnick for his work and support on the Finance Committee.

CORRESPONDENCE:

None.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

None.

OLD BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF OLD BUSINESS:

None.

**RESOLUTION NO. 21-R-2
(Mayor Potter)**

- (Third Reading) - A RESOLUTION AUTHORIZING THE MAYOR AND HIS FINANCE DIRECTOR TO ADOPT UNIFORM GUIDANCE COST PRINCIPLES, AUDIT AND ADMINISTRATION REQUIREMENTS NECESSARY TO COMPLY WITH FEDERAL COST PRINCIPLES, INTERNAL CONTROLS, PROCUREMENT STANDARDS, PROGRAM INCOME REQUIREMENTS IN OBTAINING FEDERAL GRANTS, AND DECLARING AN EMERGENCY.

The legislation was read by title only. Mr. Schulz moved to declare an emergency and adopt, with the second by Mrs. Wolfe. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

NEW BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS:

None.

**RESOLUTION NO. 21-R-5
(Council President Lowery)**

- A RESOLUTION ACCEPTING THE PRELIMINARY PLAN OF PARKS FARM SUBDIVISION.

The legislation was read by title only.

Carol Parks, 8787 Billings Road, stated their engineering fees have been paid and it was wonderful to know in advance what those fees would be. She then requested the three readings be waived, to allow them to move forward with the final plan submission.

NEW BUSINESS – RESOLUTION NO. 21-R-5 (continued):

Councilman Smolic noted that he has attended all zoning meetings on the proposed plan and voiced support for waiving the three readings.

Mayor Potter thanked the Parks family for their investment in Kirtland.

Councilman Lesnick voiced concern about waiving the three readings, noting that he has not attended the meetings on the proposed plan; he asked if there is anywhere on the city's website or in another public area where residents are able to access information and submitted documents on proposals if they are unable to attend the meetings. Mr. Smolic noted that residents within a specified distance are notified of the meetings and have opportunity to attend or request further information. Discussion ensued in this regard.

Mr. Smolic moved to waive the three readings, with the second by Mr. Ruple. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).** Mr. Ruple moved to adopt, with the second by Mr. Lesnick. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

ORDINANCE NO. 21-O-6
(Mayor Potter)

- **AN ORDINANCE AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE SALE OF REAL PROPERTY LOCATED ON CHARLESDERRY ROAD THAT IS OWNED BY THE CITY OF KIRTLAND, OHIO PURSUANT TO OHIO REVISED CODE SECTION 721.03, 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 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).** Mr. Smolic moved to declare an emergency and adopt, with the second by Mr. Lesnick. Answering Mr. Schulz, Mr. Lallo advised that the five consecutive advertisements are required by law for real estate. Mr. Lallo confirmed that the legislation gives Council the authority to reject any and all bids. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

RESOLUTION NO. 21-R-7
(Mayor Potter)

- **A RESOLUTION AUTHORIZING A CHANGE ORDER WITH APPLIED ECOLOGICAL SERVICES FOR THE KIRTLAND EAST BRANCH CHAGRIN RIVER STREAMBANK STABILIZATION PROJECT IN THE AMOUNT OF \$61,642.00, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Schulz moved to waive the three readings, with the second by Mr. Lesnick. Answering Mr. Lesnick, Mr. Courtney stated that he wants to make sure this gets on their schedule so it is not delayed once the weather breaks. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).** Mr. Lesnick moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

NEW BUSINESS (continued):

ORDINANCE NO. 21-O-8 - **AN ORDINANCE AMENDING ORDINANCE NO. 20-O-73**
(Mayor Potter) **PROVIDING TEMPORARY APPROPRIATIONS FOR THE**
THREE-MONTH PERIOD ENDING MARCH 31, 2021.

The legislation was read by title only. Mr. Lesnick moved to amend Ordinance No. 21-O-8 to reflect changes in the general fund amount and total amount in the whereas clause on page 1, as well as to address the correction of the total appropriations in Section 1 on page 2. Mr. Smolic provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

Mr. Lesnick moved to waive the three readings, with the second by Mr. Schulz. Mr. Lesnick commented that he is happy that this is being addressed and that Mr. Courtney will finally be paid for his engineering review fees; hopefully, the correct fees will be charged up front moving forward. Brief discussion ensued. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).** Mr. Schulz moved to adopt, with the second by Mrs. Wolfe. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).**

ORDINANCE NO. 21-O-9 - **AN ORDINANCE SETTING THE APPROPRIATION FOR**
(Mayor Potter) **THE YEAR 2021.**

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

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COUNCIL COMMENTS:

Councilman Smolic mentioned to Mayor Potter that Facebook posts are suggesting the City is not paying its bills and asked him to address the statements. Mayor Potter advised that there have been some software conversion logistics, and in a couple instances there were vendors that alerted Administration that the U.S. mail took four to five weeks. However, the issues are being addressed by the Finance Department. The Mayor noted these issues were not due to a lack of funds, but issues inadvertently created by the software conversion.

Councilman Smolic then asked others on Council to address another issue stated on Facebook, that when a local restaurant or pub is called out on matters relating to COVID-19, Council is named as the ones calling in the complaint. He stated he himself has never called in a complaint about COVID matters to the County regarding any of the City's businesses, and others on Council adamantly denied making any complaints.

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.

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Mr. Schulz moved to convene an executive session to discuss collective bargaining, employment of a public official, economic development assistance, and sale of City property, pursuant to Article I, Sections 7(a), (b) and (d) of the City Charter. Mr. Smolic provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: HAYMER, LESNICK, LOWERY, RUPLE, SCHULZ, SMOLIC AND WOLFE. VOTING NAY: NONE).** The time was 8:21 p.m.

ADJOURNMENT:

Upon adjournment of the executive session, Mr. Smolic moved to adjourn the Council meeting, with the second by Mr. Lesnick. The motion of Council passed by unanimous vote and the meeting adjourned at 8:49 p.m.

President of Council

Clerk of Council