

## KIRTLAND CITY COUNCIL MINUTES

April 5, 2021

The meeting of Kirtland City Council was called to order at 7:10 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, Economic Development Manager Monica Drake, Police Chief Lance Nosse and Fire Chief Anthony Hutton.

### MINUTES OF THE MARCH 15, 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 6/0/1 (VOTING YEA: LOWERY, RUPLE, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

### MINUTES OF THE MARCH 15, 2021 COUNCIL 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 6/0/1 (VOTING YEA: LOWERY, RUPLE, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

### MINUTES OF THE MARCH 29, 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, with the second by Mr. Lesnick. Mr. Schulz requested a change be made to the Minutes, Paragraph 9, replacing the words street notes with bond anticipation notes. Mr. Smolic moved to amend the Minutes to reflect the wording change, with a second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: LOWERY, SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE. ABSTAINING: RUPLE).** Voting began on the motion to approve the minutes, as amended. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: LOWERY, SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE. ABSTAINING: RUPLE).**

### DEPARTMENT REPORTS:

**Fire Chief Anthony Hutton** advised the monthly report has been distributed. There were 102 calls in the month of March.

Bids were opened approximately two weeks ago for the radio grant, which is the regional fire grant; Motorola was the only bidder. Chief Hutton hopes the cost will come in under budget.

The City of Kirtland, and Lake County in general, have transitioned all smaller drive-thru and walk-in clinics (pods) related to COVID to one large mega pod. This will be located at Lakeland Community College.

**DEPARTMENT REPORTS (continued):**

This will require the assistance of Fire Departments and the Health Department, administering 5,000 doses per day. The mega pods will be open on Wednesdays in April, on Wednesdays and Fridays in May, and on Fridays in June. There will be first and second dose clinics. This was set up today and the college will keep it set up until the end of June. The hours will be from 8:00 a.m. until after 6:00 p.m. on Wednesday. If anyone would like to volunteer, please contact Chief Hutton as he is coordinating personnel for the site.

The first mega pod was located at Mentor High School last Wednesday, and there were just under 5,000 doses administered. There were approximately 150 workers from 22 different agencies helping.

Chief Hutton said the City of Mentor has stepped up and offered a lot of equipment consisting of message boards, golf carts, ATVs, and personnel.

It is the time of year for brush fires, and there have already been quite a few in Kirtland and the surrounding area. Chief Hutton reminded residents there is no open burning of yard waste allowed, and to please be careful, especially on windy days, even with fire pits.

Chief Hutton referenced 21-R-18, which is on the agenda tonight. He thanked Mayor Potter and Mr. Lallo for working on the legislation, and thanked Council in advance for their consideration.

Councilman Schulz mentioned this is also the time of year homeowners will check smoke detectors and replace batteries; he asked if the City still has a program to help residents with these duties. Chief Hutton said the program is still active, and reminders are sent out. The Fire Department has a smoke detector program and smoke detectors in stock. The Fire Department will check smoke detectors regularly, especially when responding to homes of elderly residents.

Councilman Smolic asked how the bidding process went with the radio grant, asking if only corporations were invited to bid or if local businesses could also submit a bid. Chief Hutton said the bid is open to anyone who wants to bid, however the radio systems in Lake County are mostly Motorola-specific.

**Police Chief Lance Nosse** advised the monthly report has been distributed. There were 438 calls handled by the Department in March. Concerning recent questions on increased traffic safety, Chief Nosse said there will be strict enforcement again now that the weather has improved. Chief Nosse added the speed trailers will be placed throughout the area, mentioning Kirtland-Chardon Road, Joseph Street, Chardon Road, etc. There will be a rotation so every neighborhood will benefit from the speed trailers more frequently. Chief Nosse hopes to maintain a week-by-week cycle.

Chief Nosse expressed gratitude in the continued ability to use the Kirtland Hills trailer, along with the newer trailer received approximately a month ago. He is working with Mr. Fornaro to secure the new equipment and make it mobile.

Chief Nosse congratulated Officer Phillips on her retirement last month. She is doing well, and has already begun a new career path.

Chief Nosse also congratulated Officer Joe Maslanka who is the recent replacement for Officer Phillips' previous position. Officer Maslanka has been with the Department for several years part-time and will be a good fit for the position; he will now be full-time.

To fill the position vacated by Officer Maslanka, the Department is looking to hire Officer Jim Ours, who is currently full-time with Willoughby Hills and part-time with Lakeland.

**DEPARTMENT REPORTS (continued):**

Chief Nosse mentioned that unemployment fraud is a big issue right now and is reflected in the monthly report. Chief Nosse stressed if anyone believes they are a victim of unemployment fraud, please contact the Police Department and they will help with the process of reporting the fraud to the unemployment office.

Chief Nosse congratulated Steve Gagliardi on becoming the new Chief at Lakeland, saying he has known Chief Gagliardi for many years.

Chief Nosse said over the weekend one of the cruisers had a transmission go out, and the vehicle is currently at the Service Department in hopes that they will be able to fix it and get the vehicle back on the road.

Council President Lowery thanked Chief Nosse for responding to a resident concerning speeding on Kirtland-Chardon Road.

Mr. Smolic asked how one would know they were a victim of unemployment fraud, to which Chief Nosse explained his personal experience with it. He stated he was notified by mail from the unemployment department that he had an active account and was ready to receive his benefits. He immediately reached out to unemployment, advising them of the fraud. He said he received two notifications in the mail, and knows of other city employees who have been victimized.

Noting that there were multiple similar situations at the Cleveland Clinic, Council President Lowery explained the HR Department or owner of the organization the claim was filed against would also receive notification. Mr. Lowery noted there are also fraudulent unemployment websites, adding to the problem. Chief Nosse confirmed the fraudulent websites being a problem, and said that's why he suggests filing a report with the local police department.

Councilman Haymer said the residents at 8500 Eagle Road contacted him about speeding problems, and they would welcome the placement of a speed trailer.

Councilman Lesnick stated residents have expressed concern about an area of Garfield Road, behind Lakeland. Residents are concerned about navigating the curve in the road due to trailers associated with the salvage yard parked on the road or taking up all of the berm. This creates an unsafe situation where residents have to go around the trailers, entering the oncoming lane of traffic. It is especially concerning because the stack of smashed cars is higher than the fence. Mr. Lesnick asked if there are laws concerning height of stacked vehicles and where the trailers are allowed to park. Chief Nosse said he is unaware of any laws regarding the height of the stacked vehicles; he said there is movement in and out every day, mostly during mid-day, with a lane of the road being taken. He went on to say he has been in discussions with the owner of the salvage yard concerning the situation for quite a while. This situation has been grandfathered for quite a while, which gives it a little more leeway than a newer business. The owner of the business is required to follow the same rules as any other company using the street in such a manner, with respect to flaggers and other safety devices. Currently they are trying to limit the hours of operation to allow for someone to be available to help with the situation. Unfortunately, the trucks who visit the yard to pick up the scrap are on their company's schedules and not that of the salvage yard. Chief Nosse said the owner is taking an active approach in trying to resolve the situation.

Councilman Smolic advised that he will schedule a meeting for the Police and Fire Standing Committee to discuss capital budget requests of the Police and Fire Departments.

**DEPARTMENT REPORTS (continued):**

Councilman Schulz advised Chief Nosse there is a man door open on the Licursi property, at the northeast corner. He is concerned there may be some vandalism occurring, as the building hasn't had much activity in a while, and suggested contacting the owner to make them aware. Chief Nosse said he will contact the owner tomorrow.

**Service Director Joseph Fornaro** began with what he hopes to be his last snow report. Crews were dispatched last week, which brings the City to a total of 34 snow events for the year and approximately 2300 tons of salt used.

Crews went out and fixed all the ballfields, striped some soccer fields for spring soccer, and began the spring brush pickup. The brush pick up will last through the month of April. Ward 3 began today; Ward 2 will begin on April 12; Ward 1 will begin on April 19; and Ward 4 will begin on April 27.

Noting that the ballfields are now active with high school sports, Council President Lowery noted that the road between the school and the parking lot in the back is considerably deteriorated since last year, and he asked if there are any plans to work on that roadway. Mr. Fornaro stated there is a drainage issue that must be addressed before the road can be fixed; he noted this needs to be moved to the front of the list. It was noted this project has been delayed due to the Army Corps and the Lake County Engineer, as they are handling the drainage issue.

Councilman Schulz thanked Mr. Fornaro for promptly addressing the issue involving a couple deer being hit, and he stated appreciation for the patching on Beechwood and Parkwood.

Mr. Schulz asked if Mr. Fornaro has given any thought to the problem being caused at the Hawk crosswalk system, as winds seem to be catching the signal heads due to the back plate. Mr. Fornaro said once he's able to get the bucket truck from Willoughby Hills he will be able to get up there and try to correct the problem.

Referring to the retaining wall and sidewalk near Charlesderry extended by the previous administration, Mr. Schulz stated there appears to be a localized failure, possibly from a water valve, located approximately 10 feet from the northern tip of the retaining wall at Charlesderry Road.

Mr. Schulz asked how long the refuse and debris can remain from the house that was razed a little further south from that area. Mr. Fornaro said he would look into it tomorrow.

Mr. Schulz said it's good to see the LED lights that are now in place, and he looks forward to the amber lights being replaced over time.

Mr. Schulz said after the last snowfall he began noticing a lot of collapsed structures around town, and did not know if any of those structures had been addressed for both aesthetics and resident safety. Mayor Potter requested that he send addresses of the collapsed structures to him and Zoning Inspector Baumgart.

Mr. Schulz asked if there had been any progress on the pickleball court project, to which Mr. Fornaro responded the next step in the process will be determining the location, then the project will move forward.

**City Engineer Douglas Courtney** began with Old Town sewer improvements, noting that due to the difficulty with the EPA and getting funding through Water Pollution Control Loan Fund, the Lake County Department of Utilities will now be financing the project, which will include bidding, and construction administration through the MOU with the City. Under that arrangement, the City Engineer will be hired directly to do the design work. Design agreements are in negotiation and Mr. Courtney hopes to have a finalized agreement in the next week or two.

**DEPARTMENT REPORTS (continued):**

There was a pre-construction meeting on the Wisner Road Streambank Stabilization on March 16th, and the contractor mobilized to the site today. There have not yet been any material deliveries, so construction has not begun. The work zone at Wisner has been closed since Thursday. The work, weather permitting, will take approximately one to two weeks.

Updating Council on the Street Repair and Maintenance plan for this year, Mr. Courtney said pavement cores for the project streets were taken at the end of March, and results were received on April 2nd. Mr. Courtney and Mr. Fornaro have both reviewed the results and will be meeting soon to discuss. Field surveys on Billings and Springer have begun.

Mr. Courtney referenced Ordinance 21-O-17, stating he requests Council authorization to advertise for bids so design work for the project can continue. Providing everything goes to plan, Mr. Courtney is hoping to advertise the project in late May, with bids opening in early June, and present contracts ready for reward at the June 21st Council meeting and construction beginning in early July. Mr. Courtney expects a four month construction schedule, which would place the completion date in November.

Relating to the proposed Ordinance, Mr. Schulz asked when Council can expect substantial completion of paving, understanding the schedule proposed is tentative. Mr. Courtney said the last several years paving has gone into November. However, if it gets too cold to pave, the contractors and the plants will shut down.

Mr. Schulz inquired about correspondence received from Mr. Debeljak regarding a drainage issue in the Rockwood/Ledgewood area. Mayor Potter stated this will be part of prioritization of the limited stormwater dollars, and determining if there is a way to change the scope of the project to a much lesser amount. Mr. Fornaro stated they are looking into this, noting he has been in contact with Mr. Debeljak and a couple other residents on Rockwood.

**Assistant Finance Director Louis Slapnicker** advised Council that since the last meeting the Finance Department completed the financial filing with the USDA, as required under the City's loan agreement related to the Templeview Sewer Project from 2006. The Department was able to make use of the new financial software to complete the reporting, which was accepted by the USDA without issue.

Mr. Slapnicker said he and Mrs. Kovalchik met with the City's BWC third-party administrator regarding the City's 2022 Ohio BWC policy period, and the City qualifies for the group retrospective rating program. This would mean the City's BWC policy is combined with other cities' policies under the Ohio Association of Public Treasurers Group. The City pays its workers' compensation premium and, based on the combined claims experience of the group, could be eligible for a refund as calculated by the BWC. As a matter of transparency, Mrs. Kovalchik plans to request that legislation be put before Council concerning this program. There were no increased costs, as Comp Management agreed to the same cost as last year.

The GAAP conversion has been progressing, and reporting has been sent to the State.

Councilman Schulz asked Mr. Slapnicker for an update on the cybersecurity software that Mrs. Kovalchik suggested the City purchase. Mr. Slapnicker deferred to Mayor Potter, stating that would be something handled by the IT provider for the City. Mayor Potter said he would follow-up after looking into it.

Mr. Schulz asked about the current balance of bad debt, which is comprised of residents not paying their income taxes to the City. Mr. Slapnicker said he would pull the most recent statement from RITA in the morning and follow-up with Mr. Schulz after reviewing the report.

**DEPARTMENT REPORTS (continued):**

**Economic Development Manager Monica Drake** reported that Sausalito has signed their lease at the Kirtlander. They have also submitted their site plan and conditional use permit application for outside seating to the Planning and Zoning Commission to be heard on Monday. She supplied the owner with demographic information needed for his small business administration loan.

Dr. Butler has signed the lease at the Kirtland Center for a chiropractic care office and will be submitting her business and sign permit applications to the City in the near future. Dr. Butler anticipates opening her practice in May.

Ms. Drake met with the DiFrancos to discuss development of their recently purchased property.

Global Realty advised Ms. Drake that the first negotiated deal on the Endura Plastics building on Route 6 fell through. They will continue to show the property.

Several departments have submitted "wish lists" to Ms. Drake, and she is hoping to find grant funding for some of those items.

Mayor Potter and Ms. Drake have been working together trying to find funding assistance for the sewer installation costs. Rhea Benton from the Community Development Block Grant Program in Lake County has requested a meeting to discuss the sewer income survey and the Federal Housing and Urban Development criteria as the City moves forward in finding assistance for the residents.

Ms. Drake wanted to make everyone aware that April 14th at 1:00 p.m. is the Community Development Block Grant annual meeting held by Lake County. The meeting will take place via Zoom. Anyone that needs information on how to access the meeting can contact Ms. Drake.

The required community reinvestment area reports have been submitted to Ohio Development Services Agency. Although the City does not have any community reinvestment area agreements in place, the report is still required.

Council President Lowery said he's saddened to see that Honey'z Café is up for sale, along with the Subway next door being vacant. Ms. Drake said it is actively listed, and the owner is allowing Subway to leave their equipment in the building for now, with the hopes that someone will come in and take over the franchise.

Councilman Lesnick asked about the ratio of business leases versus ownerships in the buildings in Kirtland. Ms. Drake said she did not know the ratio, but she believes it would be heavier on leases than ownership when you consider the two plazas and a couple of strip centers. Mr. Lesnick went on to ask if Ms. Drake has an idea if businesses are closing due to lease increases and whether rates are competitive, to which Ms. Drake thinks the problem is due to other issues, including COVID in some part. She believes Subway's problems began before COVID. Despite these closings, the Kirtland Plaza is almost at capacity, with only two places available for lease. As things become available, they are quickly rented as properties are in demand. One gentleman was interested in purchasing a parcel on Route 6 for his business, but unfortunately there are septic issues which may keep him from moving forward on the purchase.

Concerning advertising, Ms. Drake is having a tab added to the City's website to provide information on properties available in the city. Concerning the available properties, currently there are more available for purchase than lease. Three corners on Route 306 and Route 6 are for sale, however there are the septic issues to consider. In answer to the question concerning lease costs, Ms. Drake believes the Kirtland Plaza owners are reasonable and worked well with the tenants during COVID and seem to be very good landlords.

**DEPARTMENT REPORTS (continued):**

**Law Director Matthew Lallo** said the City is looking to restart negotiations with the Police Department and Fire Department concerning collective bargaining agreements, hoping to extend for two years. Negotiations will hopefully begin in the next two months, so the process will not be rushed.

Mr. Lallo noted that Mayor Potter asked him to look into funding options to help residents in the Old Town area with sewer costs, and he is actively looking for funding and discussing options with various funding mechanisms with another law firm in the hopes of getting TIF financing.

There is a Memorandum of Understanding in process with the Kirtland Schools concerning the sharing of the City's mechanic. Mr. Lallo expects to present the finalized memorandum to Council soon.

Mr. Schulz stated there have been several emails received from a gentleman who lives adjacent to Lake Farmpark, complaining of excessive noise outside of the hours of operation. Mr. Schulz asked if there is any legal manner in which the City could address this problem. Mr. Lallo explained that Lake Farmpark is technically a separate political subdivision, which would make the issue difficult for the City to address. He suggested Mr. Schulz give him a call after the meeting to discuss options. Mayor Potter stated he's already reached out to Director Palagyi, who said he would speak to their officers regarding the excessive noise before and after the designated hours.

Mr. Schulz inquired about the Buckeye Institute vs. Columbus City case, relating to people working at home. Mr. Lallo advised that case is in Court, and there is also a statute pending in Ohio Legislature that repeals a portion of House Bill 197. As the law reads, income tax is paid depending on the location in which an individual is working. Pre-COVID, most people were working at their place of employment, and income taxes would be paid in that location. Since COVID, employees are working from home more often. Section 29 of HB 197 addressed the income tax, stating employers will still pay income tax based upon the original location of the employees' work. Therefore, the location of taxes paid will not change. There is a pending case, and a couple of legislators who have put forth a repeal of the provision. If the taxable location is changed, Kirtland will benefit due to residents of Kirtland working from home. The state legislature recently passed a law, overriding the Governor's veto, stating the Governor's State of Emergency Declaration can be revoked. This would revoke that provision of HB 197 as well and affect the taxes collected accordingly.

Depending on what happens with the bill, the City of Kirtland might be able to collect the full two percent of income taxes as opposed to the 0.25 percent currently being collected from the residents who work outside of Kirtland but are now working at home within Kirtland's jurisdiction. However, the Ohio Municipal League is actively lobbying against the proposed change, as it will hurt larger cities. There should be a definitive answer in the next few months.

Mr. Schulz inquired if emails received are considered Council correspondence and whether they should be read in Council Chambers. Mr. Lallo said it is at the discretion of the Council President, noting that a letter, statement, or declaration could possibly be deemed as correspondence; however, there is nothing defining correspondence.

Mr. Lallo mentioned that Ms. Szary has been working with Mr. Fornaro and Mayor Potter in crafting an employee handbook, which will hopefully be completed in the next few months. It has come to the attention of those working on the project that approximately 13 years ago the City discussed creating a handbook, but it was never done.

Responding to Mr. Schulz, Mr. Lallo updated Council on the Cocca property, advising that he and Mayor Potter met with the Coccas about two weeks ago to discuss procedures and process. The Coccas now understand what will be required for permit approval so they can properly start the construction process.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Potter began his report by explaining that the "Welcome to Kirtland" sign behind him was retrieved by Councilman Haymer. With the hard work of Mr. Fornaro and the Service Department, the sign was restored and hung last week in the Mayor's office. Mayor Potter thanked all involved for the beautifully restored sign. Mr. Haymer provided some history on the sign, noting that he restored it with the help of a local painter from RL Signs.

Mayor Potter congratulated Officer Joe Maslanka, who was sworn in last week in Council chambers with family and friends in attendance.

When discussing the Willoughby city pools about a month ago, Mayor Fiala was unsure how they would be handled this year. In the past, Kirtland has given their residents a stipend to offset some of the costs for the Willoughby Municipal Pool participation. Recently Mayor Potter heard from the City of Willoughby, asking if Kirtland was interested in the subsidy if Osborne pool is opened. Mayor Potter would like a discussion with Council concerning the option, and said he would be sending out an email soon.

Mayor Potter voiced support for Resolution No. 21-R-18, which is the proposal for Chief Hutton's retirement and rehiring. He went on to say he doesn't think there is anyone in the city that would disagree with Chief Hutton's commitment and professionalism in his position. Chief Hutton is willing to stay on with the Department and serve his community, and Mayor Potter is grateful for that. If the resolution were to pass tonight, on May 3rd the Chief would retire, and on the 4th he would be rehired at a reduced rate which results in a savings to the City. He reiterated his thanks to Chief Hutton for his willingness to stay on as the Fire Chief, saying he's been fantastic throughout the COVID-19 crisis, and asked that the resolution be passed tonight.

Mayor Potter also voiced support for Resolution No. 21-O-17, which relates to launching the 2021 road program. There have been many discussions concerning the program, and \$2 million has already been committed in the budget in bond anticipation notes to the road program, as well as \$200,000 from the General Fund. Those dollars are the result of the City government working hard to control costs last year, including the dispatch transition and other departmental restructuring. Mayor Potter thanked Councilman Lesnick for the hard work he's done in working to understand and educate others on Council concerning finance issues the City faces. The Mayor requested that Council to waive the three readings and pass the ordinance tonight so Mr. Courtney can begin the bidding process.

Responding to Councilman Schulz, Mayor Potter said notice for the sale of the Charlesderry Road property should be posted in tomorrow's News Herald. Mr. Lallo noted that according to statute, the notice will run once a week for five weeks.

Responding to Mr. Schulz regarding the sale of the excess roller, Mr. Fornaro stated the current bid is at \$60,000; bidding will continue for another 10 days.

Mr. Schulz asked about the Gazebo Green Concert series. Mayor Potter stated that Jane Carle sent the schedule to Ms. Szary today; he will make sure the schedule is posted on the City Facebook page and website.

Mr. Schulz inquired if there are any plans to update the online ordinances, as they are outdated. Mayor Potter noted it was discussed last year, and because of the cost involved and the uncertainty related to COVID, it was paused. Mayor Potter stated he will look into this further.

Mr. Schulz inquired about updating the Council profiles on the City website. Mayor Potter noted that a video was done last month with Council President Lowery, and Ms. Szary reached out to the three newest Council members to schedule those videos next; she will then follow up with the remaining Council members.

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

Mr. Schulz inquired about the chip and seal on Charlesderry and correspondence with Aqua Ohio. Mr. Courtney stated he spoke with Ronyak approximately three weeks ago concerning the work still owed to the City, and when the weather warms up he will touch base with them to schedule the work. Concerning North Star, Mr. Courtney did have Ronyak quote the project; the proposed cost would be approximately \$8,000, which includes a fog seal.

Mr. Schulz told Mayor Potter he would like to be involved in the process of the feasibility study for broadband. Mayor Potter said Jim Gibbs of Fairsite Technology emailed an update this morning, stating the requested proposal should be received any day, and he would be more than happy to include Mr. Schulz in the process, as Chair of the Utility Standing Committee.

**STANDING COMMITTEE REPORTS:**

Councilman Schulz advised that he asked Wendy at First Energy for an update to the Newport Station upgrade she had mentioned on a Zoom meeting earlier in the year. That piece of equipment is tentatively scheduled to be delivered in July for an August installation.

**CORRESPONDENCE:**

Council President Lowery advised that he received an email correspondence from State Senator Jerry Cirino recently, requesting to speak at a future Council meeting in an effort to present a legislative update. This will be scheduled in an upcoming Council meeting, date to be determined.

**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. 21-R-16**  
**(Mayor Potter)**

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**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF SODIUM CHLORIDE (ROCK SALT), AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Discussion ensued on quantity and pricing expected; the resolution provides for purchase of 2200 tons. Mr. Ruple moved to waive the three readings, with the second by Mr. Smolic. Answering Mr. Lesnick, Mr. Fornaro stated he would not expect any change in quantity ordered if the resolution is not adopted tonight. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: LOWERY, RUPLE, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE. ABSTAINING: SCHULZ).** Mr. Smolic moved to declare an emergency and adopt, with the second by Mr. Ruple. **ROLL CALL: ADOPTED 6/0/1 (VOTING YEA: LOWERY, RUPLE, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

**NEW BUSINESS (continued):****ORDINANCE NO. 21-O-17**  
**(Mayor Potter)**

- **AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$2,000,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING STREETS BY RECONSTRUCTING, RESURFACING, GRADING, DRAINING, PAVING AND MAKING OTHER IMPROVEMENTS AS DESIGNATED IN THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL, 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. Mr. Lesnick stressed the need to move forward so paving can be done this year. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE).** Mr. Lesnick moved to declare an emergency and adopt, with the second by Mr. Smolic.

In discussion, Mr. Lesnick thanked Mayor Potter, Mr. Fornaro and Mr. Courtney for putting together an excellent plan. He went on to say it's good to be able to begin this type of project without asking residents for increased taxes or further reduction in services. Council President Lowery thanked Mr. Lesnick and all of Council for the open communication in this regard.

Mr. Schulz requested verification for the record, which was provided by the Mayor, that there will be no new employees or equipment purchased with the road levy dollars. Stormwater issues will be addressed by other funding expected, however there will be drainage components to the street projects. Concerning employee salaries, there is a \$200,000 component from the General Fund which can be used for Service Department maintenance components of the project. If the project comes in under budget, any leftover funding could be utilized for additional roads. Further discussion ensued concerning specifics on project costs and costs of borrowing.

Mr. Courtney confirmed that their proposal does include all design services, contract administration, field services, construction inspection, construction layout if required, pavement coring and testing, and a full-time inspector on the project.

Mr. Slapnick advised any increase in appropriation would have to be presented to Council for approval, in addition to any transfer that would come out of the General Fund.

Concerning a communication plan to the residents, the Mayor advised this will be done via Chronicle articles, the City's Facebook page and the City's website. Recently with the Wisner project, direct letters were sent to affected residents to inform them of the road closure. As bids are opened and awarded, information will be communicated to the residents. Options for communication were discussed.

Voting began on the motion to declare an emergency and adopt. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE).**

Mayor Potter thanked Councilman Ruple for bringing the idea to the forefront relating to the opportunity to capitalize on the low interest market rates that are currently available to the City, and using some of the savings from last year to get a road program launched in 2021. The Mayor thanked all of Council for the good dialogue and questions. He noted there is a lot of work to be done to fund the City's needs going forward. He thanked Mr. Fornaro and Mr. Courtney for all their work in this regard.

**NEW BUSINESS (continued):**

**RESOLUTION NO. 21-R-18**  
**(Mayor Potter)**

- **A RESOLUTION ACKNOWLEDGING THE RETIREMENT OF AND CONFIRMING THE APPOINTMENT OF ANTHONY P. HUTTON AS THE CHIEF OF THE DIVISION OF FIRE FOR THE CITY OF KIRTLAND, PURSUANT TO CONTRACT, AND DECLARING AN EMERGENCY.**

The legislation was read by title only. Mr. Smolic 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. Smolic moved to declare an emergency and adopt, with the second by Mrs. Wolfe. Responding to Mr. Schulz, Mayor Potter said the City will save approximately \$8,000 in salary. Chief Hutton explained further the salary savings is 10 percent off his base salary, which over a five year period will be approximately \$75,000 in savings to the City. The annual professional payment of \$3,000 has already been paid out this year, and will continue as long as Chief Hutton maintains his paramedic certification. Mr. Lesnick thanked Chief Hutton for all he does and for staying with the City. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER AND LESNICK. VOTING NAY: NONE).** Chief Hutton expressed this thanks to Council and the Mayor, and Mayor Potter stated his appreciation to Chief Hutton.

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**COUNCIL COMMENTS:**

Council President Lowery advised that Senator Jerry Cirino responded during this Council meeting, requesting to join Council at the May 17th meeting.

Councilman Lesnick expressed his gratitude in Council's achieving a substantial paving program, noting he looks forward to good things happening this summer.

Councilman Smolic said he could not emphasize enough how much a maintenance program ends up saving the City in funding.

Councilman Lesnick asked if there was anything else needed from Council that would allow Mr. Courtney to begin work on the process tomorrow. Mayor Potter suggested Council make a motion authorizing him to issue a \$20,000 purchase order to allow Mr. Courtney to begin work on the survey and base plan before the next Council meeting, in which there will be a resolution proposed for entering into the full contract for engineering for the road program. This money would come out of the General Fund, and is already considered in the \$2.2 million allotted. Mayor Potter acknowledged he has the authority to issue purchase orders up to \$25,000; however he believes this is such a significant program it would be beneficial symbolically to have Council's agreement to generate the purchase order. Council members concurred with the Mayor issuing the purchase order.

Mr. Schulz said Governor DeWine signed an \$8.3 billion transportation bill last Wednesday, HB 74. The bill allocates \$2.4 billion for local roadways and \$8 million for electronic vehicle charging stations. In communication with NOACA, Mr. Schulz said there will probably be an electronic vehicle charging station installed at Lakeland or other public entities.

Mr. Schulz recognized the 23 Juniors selected to the National Honor Society, saying it's important to recognize the students who are not involved in athletics but do serve the community in other ways.

**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 9:30 p.m.

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President of Council

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Clerk of Council