

## KIRTLAND CITY COUNCIL MINUTES

April 19, 2021

The meeting of Kirtland City Council was called to order at 7:02 p.m. by Council President Richard Lowery. Due to the current state of emergency regarding COVID-19, the meeting was held virtually via Zoom. Mr. 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 and Joseph Smolic. Kelly Wolfe was absent.

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

### MINUTES OF THE APRIL 5, 2021 WORK SESSION:

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

### MINUTES OF THE APRIL 5, 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 5/0/1 (VOTING YEA: LOWERY, RUPLE, SMOLIC, HAYMER AND LESNICK. VOTING NAY: NONE. ABSTAINING: SCHULZ).**

### DEPARTMENT REPORTS:

**Fire Chief Anthony Hutton** reported that the Fire Department will be helping at five vaccination clinics this week: Lakeland Community College, Eastlake, Wickliffe, and two in Mentor. Just under 5,000 people were vaccinated at the first pod at Lakeland. The numbers have dropped dramatically since then, and Chief Hutton is hoping there will be a transition back to the smaller pods, reducing the demand on the Fire Departments.

Last week Chief Hutton met with the Police and Fire Standing Committee. They discussed the next 10 years of capital leads for the Fire Department. He thanked Council for listening to his input. Councilman Smolic and Councilman Lesnick thanked Chief Hutton for his attention to detail in presenting his 10-year plan for the Fire Department.

Pertaining to the Johnson & Johnson vaccine problems that have recently been reported, Chief Hutton reassured Council there has been no distribution of the Johnson & Johnson vaccines in their clinics. Only Pfizer and Moderna have been distributed.

**Service Director Joseph Fornaro** reported the crews have been busy with brush pickup, which is going smoothly. Mr. Fornaro thanked the crews for the great job they're doing, and thanked the residents for being patient.

There have been 20 loads of recycled woodchips delivered to residents. Any residents looking for woodchips should call the Service Department with their address and the Department will deliver them.

**DEPARTMENT REPORTS (continued):**

Mr. Fornaro reminded residents there is winter weather coming in, and it is expected to be a wet, heavy snow. Mr. Fornaro stressed that everyone needs to be patient, slow down, and give the crews enough room to work.

Responding to Councilman Schulz, Mr. Fornaro stated that repair to the cabinet was contracted; it was not in-house.

Councilman Smolic asked if the woodchips being delivered are taken from a pile that is kept year-round or if they are recently ground. Mr. Fornaro said there is a pile in the back of the Service Department yard, however the woodchips delivered to residents are mostly recently ground.

**City Engineer Douglas Courtney** advised that the Old Town sanitary sewers design agreement and resolution to fund the design contract is expected to be on the Commissioners' agenda for their meeting this Thursday. Once it has been passed, the project should move fairly fast.

The Wisner Road Streambank project repair work has been completed. Mr. Courtney and Mr. Fornaro did a walk-through with Lake County Stormwater and Chagrin River Watershed Partners last Friday. Everyone was satisfied with the completed work. The only work left to do would be to remove the barricades and put the guardrail up, which will be done by the Service Department.

Mr. Courtney and Mr. Fornaro have reviewed the pavement core results for the street repair and maintenance project. On most streets the report showed good pavement thicknesses. The exceptions were the Parkwood and Beechwood neighborhood; these areas were between 5 to 8 inches, with one core as low as 3-7/8 inches. They are discussing how that situation will be addressed, and how to add pavement thickness to those areas.

The field work on Billings Road and Springer Drive is complete and is being drafted.

Referring to legislation on tonight's agenda, Mr. Courtney stated that Resolution 21-R-21 authorizes Engineering to prepare the bid book and advertise for bids, and Resolution 21-R-22 authorizes the design work and the contract administration for the project.

Mr. Courtney, Mr. Fornaro, Lake County Stormwater, and Lake County Soil and Water will be doing the first walkthrough on the barn site tomorrow for the finished site work.

Responding to Councilman Lesnick's request for clarification, Mr. Courtney stated the field survey work on Billings Road and Springer Drive is separate from pavement cores that were taken. Both of those streets have plenty of pavement depth.

**Economic Development Manager Monica Drake** reported the City sent out an income survey letter to all property owners who will be connecting to the new sewer installation. If a property owner meets the Federal Housing and Urban Development (HUD) financial thresholds and criteria, the City may request financial assistance from Lake County's Community Development Block Grant Program (CDBG). This would assist qualifying residents with some of the cost of the sewer connections, and also to collapse their sewer systems. For the City to submit an application to the CDBG Program, two resolutions would be required in May. One will be the mandatory HUD resolution, and the second is to authorize the Mayor to submit the grant application to Lake County.

Ms. Drake and Mayor Potter met with Mr. Chandrababu ("Babu"), who has recently leased the Kirtlander. The party center business and his visions for a Sausalito of Kirtland restaurant business were discussed.

**DEPARTMENT REPORTS (continued):**

Ms. Drake and Mayor Potter are also in contact with Village Outdoors Landscaping regarding their new location and expansion of their business. Ms. Drake hopes to have a meeting set up in the next week.

There is a party exploring the potential of purchasing property consisting of two acres in the Historic Town Center District area, with the intention of opening a business. Ms. Drake is working with them concerning zoning and other questions that party has posed.

Tall Oaks wedding barn and the carriage house are progressing nicely. The wedding barn is expected to be ready in the next few weeks, and the carriage house is expected to be completed and open in July.

**Assistant Finance Director Louis Slapnicker** advised the March end-of-month reporting is nearly completed. Mr. Slapnicker is waiting on a full description of a deposit from the U.S. Treasury for \$1,028. Once that full description has been received the reports will be distributed, hopefully tomorrow.

The City received the first half settlement from property taxes from the County during March; it is comparable to last March, with an increase of approximately \$2700 (0.30%). Looking at the income tax numbers, they are also consistent with last year.

Answering Councilman Lesnick, Mr. Slapnicker advised the revenue report shows the City is at 54% collections on the property tax.

Councilman Schulz asked for an update on the bad debt expense collections, to which Mr. Slapnicker advised the property tax delinquencies are down almost 8%. Last year at this time the delinquencies were approximately \$40,000 and currently they are approximately \$37,000.

Concerning the income taxes for delinquency, as of 12/31/2020 the total delinquencies were \$115,136.98.

**Law Director Matthew Lallo** reminded Council of the correspondence received for the liquor permit for the Tall Oaks wedding barn.

Mr. Lallo advised that the Planning and Zoning Commission passed Resolution 21-PZ-2, recommending modifications of three ordinance sections relative to signs within the City. This is on the agenda tonight as Ordinance No. 21-O-19. Mr. Lallo advised that the legislation should receive three readings, as a public hearing is required for the ordinance. Mr. Lallo suggested a public hearing be scheduled for the third reading, so there will be opportunity for further discussion after the public hearing, and then the vote. He noted that in addition to the final version of the Ordinance, the redlined version of the changes was provided to Council; therefore, Council should be able to view the changes being made.

Mr. Lallo advised he is in the preliminary stages of beginning the Collective Bargaining Agreement negotiations with all departments. Mr. Lallo is hoping to begin negotiations soon.

Mr. Lallo asked that Council convene an Executive Session at the end of the meeting tonight, so the residents will not have to wait. He requested that three separate issues be addressed in this session: the sale of surplus or unneeded property, consideration of the appointment of a public employee, and consideration of investigation of a public employee.

Mr. Schulz stated it does not appear that the audio from the March 29 Finance Committee meeting and the April 5 Council meeting have been uploaded to the City's website. Mr. Lallo said they're all stored in a Dropbox folder, which is shared with the City for personnel to upload the audio. He said he would reach out to someone at the City to have the audios uploaded.

**DEPARTMENT REPORTS (continued):**

With regard to the proposed amendments to the sign ordinance, Councilman Smolic noted that a Planning and Zoning Standing Committee meeting can be scheduled if needed.

**MAYOR'S REPORT/ANNOUNCEMENTS:**

Mayor Potter thanked Alaina Bowers and Mrs. Kovalchik for arranging the Ohio Open Checkbook information that was reviewed in the work session, which is something many Council members have asked for over the last few years. This is one more opportunity to demonstrate this Administration's resolve for transparency to the community.

The Mayor advised an investigation has been opened relating to a member of the Police Department. Mayor Potter thanked Sergeant Fisher for being willing to step up and take on the role of Executive Officer. Mayor Potter went on to say he has full faith and confidence in Sergeant Fisher's ability to provide continuity in the Department during this troubling time. The Mayor noted that information was presented to him on Friday afternoon, which prompted a statement to be released on Saturday evening announcing the investigation. Mayor Potter said he takes issues of misconduct very seriously, noting that the City will address this quickly, fairly, and legally. Concerning updating the community and Council, any release of information will follow legal guidelines.

Mayor Potter stated he has full faith and trust in the men and women at the Police Department. They execute their duties every day to the best of their ability and the highest standard of integrity. Mayor Potter met with some members of the Department this morning and will be meeting with the entire Department tomorrow night.

**STANDING COMMITTEE REPORTS:**

Councilman Smolic thanked all who attended the Police and Fire Standing Committee meeting, noting that it was a productive meeting.

**CORRESPONDENCE:**

Council President Lowery stated that a Notice to Legislative Authority for TCE Tall Oaks, LLC, was received from the Ohio Division of Liquor Control; it must be determined whether the City would like to request a hearing on the application for liquor permit. There were no comments or concerns from Council members, and no hearing was requested.

Council President Lowery acknowledged receipt of correspondence from the Lake County Engineer's Office concerning the Sanctuary Drive bridge in Kirtland Hills. The letter stated that after evaluation of the bridge, the load restrictions require the bridge to be restricted to a one-lane bridge. Mr. Lowery said he believes that has already been done, and the plan implementation was noted on the letter as March 23rd.

Mr. Lowery advised that Senator Cirino has confirmed he will be presenting a legislative update at the May 17th Council meeting.

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

None.

**OLD BUSINESS:**

None.

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

None.

**ORDINANCE NO. 21-O-19** - **AN ORDINANCE AMENDING SECTIONS 1286.08, 1286.09 AND 1286.14 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO SIGNS.**  
(Council President Lowery)

The legislation was read by title only and placed on First Reading. Council members agreed to schedule a public hearing on Monday, May 17, 2021 during the 7:00 p.m. Council meeting.

**ORDINANCE NO. 21-O-20** - **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE CITY OF LYNDHURST FOR THE PURCHASE OF SODIUM CHLORIDE (ROCK SALT), AND DECLARING AN EMERGENCY.**  
(Mayor Potter)

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

**RESOLUTION NO. 21-R-21** - **A RESOLUTION AUTHORIZING THE CITY ENGINEER TO PREPARE BIDDING DOCUMENTS AND TO DIRECT THE CLERK OF COUNCIL TO ADVERTISE BIDS FOR THE 2021 STREET REPAIR AND MAINTENANCE PROJECT, AND DECLARING AN EMERGENCY.**  
(Council President Lowery)

The legislation was read by title only. Mr. Courtney recommended the legislation be adopted tonight; Mr. Lallo stated it will allow the City to get the bid documents out as soon as possible for the most competitive bids for the road program. Mr. Smolic moved to waive the three readings, with the second by Mr. Lesnick. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, HAYMER AND LESNICK. VOTING NAY: NONE).** Mr. Lesnick moved to declare an emergency and adopt, with the second by Mr. Smolic. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, HAYMER AND LESNICK. VOTING NAY: NONE).**

**RESOLUTION NO. 21-R-22** - **A RESOLUTION AUTHORIZING THE MAYOR TO RETAIN THE SERVICES OF THE C.W. COURTNEY COMPANY AS ENGINEERS FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION OF THE 2021 STREET REPAIR AND MAINTENANCE PROJECT, AND DECLARING AN EMERGENCY.**  
(Mayor Potter)

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 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, HAYMER AND LESNICK. VOTING NAY: NONE).** Mr. Lesnick moved to declare an emergency and adopt, with the second by Mr. Smolic.

**NEW BUSINESS – RESOLUTION NO. 21-R-22 (continued):**

Councilman Schulz referred to the Scope of Services, Page 1 of Exhibit A, asking for clarification on the costs listed. Discussion ensued regarding costs. **ROLL CALL: ADOPTED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, HAYMER AND LESNICK. VOTING NAY: NONE).**

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**COUNCIL COMMENTS:**

Councilman Lesnick thanked everyone involved with the street maintenance program for all their hard work. He also confirmed that 20 percent, or four miles, of paving/rehabilitation and approximately 13 miles of maintenance is expected to be completed this year.

**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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Council President Lowery stated he would entertain a motion to convene an executive session to discuss the appointment of a public employee, to consider investigation of charges against a public employee, and to discuss the potential sale of public property, pursuant to Article I, Sections 7(a) and 7(b) of the City Charter. Mr. Lesnick so moved, and Mr. Smolic provided the second. **ROLL CALL: MOTION CARRIED 6/0 (VOTING YEA: LOWERY, RUPLE, SCHULZ, SMOLIC, HAYMER AND LESNICK. VOTING NAY: NONE).** The time was 7:54 p.m.

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Upon adjournment of the executive session, the regular session of Council reconvened at 9:15 p.m.

**ADJOURNMENT:**

Mr. Lesnick moved to adjourn, with the second by Mr. Smolic. The motion of Council passed by unanimous vote and the meeting adjourned at 9:16 p.m.

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President of Council

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Clerk of Council