

KIRTLAND CITY COUNCIL MINUTES

May 3, 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 and Kelly Wolfe. Joseph Smolic joined later in the meeting.

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 Sergeant Jamey Fisher and Fire Chief Anthony Hutton.

MINUTES OF THE APRIL 19, 2021 WORK SESSION:

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 (VOTING YEA: RUPLE, SCHULZ, WOLFE, HAYMER, LESNICK AND LOWERY. VOTING NAY: NONE).**

MINUTES OF THE APRIL 19, 2021 COUNCIL MEETING:

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

DEPARTMENT REPORTS:

Fire Chief Anthony Hutton advised that April was a busy month, noting the Department responded to 106 calls. They are still working on the vaccine clinics; there is one more mega pod at Lakeland Community College on May 15. He stated there are plenty of slots open, noting that residents can visit the Lake County Health Department website to sign up. Chief Hutton noted they will be administering the second dose this week, with over 5700 people signed up.

Chief Hutton advised the hydrant flushing program will begin in May, with completion hopefully in early June. Residents may see discolored water, but letting the water run for a few minutes will clear it.

Referring to Resolution 21-R-24 on tonight's agenda, Chief Hutton stated this is the grant for the diesel exhaust for Fire Station No. 1; it will use the remaining funds from the original grant. He noted it came in a little over budget, based on some time delays and upgrades that had to be done with the new ambulance and moving an ambulance. It is a direct capture system, which is a change from the original system from 1993; it is an upgrade for the firefighters as it relates to health, safety and cancer prevention. He requested that Council pass the legislation tonight.

Chief Hutton stated that the regional radio grant is moving forward; it went to bid through Chester, and they are managing the grant. He advised that Motorola was the only bidder and it came in under budget. He noted that between the two grants (exhaust and radio), it will be under budget.

DEPARTMENT REPORTS (continued):

Sergeant Jamey Fisher thanked Mayor Potter and Council for entrusting him with the responsibility of leading the Department at this time. He personally thanked Chief Hutton and Mr. Fornaro for their support in making sure the Police Department operates with little to no disruption. Sergeant Fisher also thanked the men and women of the Police Department for their support. He noted that character is defined by how one handles adversity; the character of the Kirtland Police Department is high and he is proud of them.

Sergeant LaTurner and Patrolman Germano tried out and were accepted for the Western Lake County Emergency Response Team. It was a physical fitness assessment, shooting and an oral interview. Sergeant Fisher stated he is proud that they represented the Kirtland Police Department. He advised that Patrolman Martin has been accepted to join the Western Lake County Crash Investigation Team, and he will be working on advanced training, and in time he can hopefully become a reconstructionist.

In coordination with the school safety plan, Sergeant Fisher stated that he, SRO (School Resource Officer) Bauckman, Sergeant Valenti and Sergeant LaTurner completed the Ohio School Threat Assessment training. SRO Bauckman and Sgt. Valenti completed an assessment of the Kirtland school buildings; he was advised that it went very well. With the assistance of Superintendent Van Arnhem, the Department was able to submit paperwork for a \$2900 grant; he will inform Council when it is received.

Sergeant Fisher advised that the All Traffic Solutions speed alert sign has been deployed, noting that Administrative Assistant Cindy Gabor was able to receive the sign free of charge for the Department. He noted it has been deployed in various locations throughout the City based on complaints received. The data received from this equipment is incredibly accurate, and they were able to narrow down the exact time and speed of violators, which helps address issues with repeat violators.

Service Director Joseph Fornaro apologized to residents regarding some phone issues at the Department over the weekend and today; he stated that until this is corrected, the best way to reach the Department is to send him an e-mail, and he will respond quickly.

Mr. Fornaro stated the Department is finishing up the brush collection; they went through all the wards and will go back for final clean-up.

Today was opening day for the baseball season, but it was rained out. They will hopefully be playing tomorrow.

Councilman Schulz thanked Mr. Fornaro for his response regarding quickly addressing roadkill, noting that it presents a danger to drivers weaving around it.

Mr. Schulz noted he received a complaint about the wood fence at the cemetery. Mr. Fornaro stated there are a few rails missing, which will be addressed.

With regard to the retaining wall by Charlesderry that Councilman Schulz recently inquired about, Mr. Fornaro advised that it appears the compaction around the gas valve is failing, resulting in the indentation in the wall.

Economic Development Manager Monica Drake reported that a new fitness center will be applying for a business permit and will be opening a facility next to the Flower Barn on Route 6.

Ms. Drake advised that a letter for potential grant assistance was sent to residents who will need sewers in the Old Town area; of the 113 potential eligible dwellings that will be receiving sewer, the City received a response rate from the letter of 19.5 percent; 9 percent were eligible for potential assistance, and 10.5 percent did not meet the eligibility requirement.

DEPARTMENT REPORTS (continued):

Ms. Drake noted that a copy of the letter sent to the residents was provided to Council members, along with the list of names previously provided by Mr. Courtney. She requested that Council members look at the list and contact her by e-mail by Wednesday if they know of a resident that owns a dwelling and might meet the income criteria as outlined in the letter, so she can reach out to that resident to determine if they are eligible.

If there are any residents in attendance at tonight's meeting that have received a letter and not responded, Ms. Drake requested that they call her or e-mail their information to her; her contact information is provided in the letter. She stated she would be happy to answer any questions they might have.

The Community Development Block Grant (CDBG) application for sewer funding assistance will need to be submitted to the County no later than May 20; there are two resolutions that will need to be passed at the May 17 Council meeting to allow this application to be submitted. She noted she provided the Law Director with the information for the resolutions.

Ms. Drake stated she received verification today from the Lake County CDBG manager, Ms. Benton, regarding which items may be eligible for funding assistance. She will coordinate with Mayor Potter and Mr. Courtney regarding the approximate cost that will need to be included in the grant application.

Ms. Drake requested that Councilman Lesnick schedule an Economic Development Standing Committee meeting to discuss local income tax incentives and development questionnaires. She stated that a couple businesses have completed questionnaires; she and Mayor Potter then arrange a meeting with the businesses, and she would like to discuss this with the Standing Committee.

Answering Council President Lowery regarding the income survey letter to residents, Ms. Drake stated she believes part of the reason people have not responded is they may be above the income eligibility. She stated this is based on the Federal Housing and Urban Development program, and 80 percent of median income is used for determination.

Assistant Finance Director Louis Slapnicker advised that the March end-of-month reports were distributed and posted on the City website after the last Council meeting. He stated that the 2020 GAAP conversion is progressing for the annual report.

Mr. Slapnicker advised that a meeting was held with Local Government Services with the State Auditor's office. There is one new GASB (Governmental Accounting Standards Board) pronouncement – GASB 83 pertaining to asset retirement obligations. With regard to the four wastewater treatment plants, the City has to determine the cost to remove the concrete underground tanks; these are estimates that will go into the financial report, on a full accrual basis and recorded as a liability, and amortized over a certain life. Mr. Slapnicker stated he contacted the Ohio EPA in order to determine that estimate.

Referring to tonight's meeting agenda, Mr. Slapnicker stated that Ordinance No. 21-O-23, relating to the issuance and sale of notes, can receive two readings based on the payoff schedule for June 2021. He advised that Mrs. Kovalchik is currently working on the OMAP (Ohio Market Access Program) application as it relates to issuance. It is an important process as it links the City's credit rating with that of the State, which is SP1+, the highest municipal short-term rating. It was estimated that OMAP saved the City \$4,000 in 2020.

Councilman Lesnick noted that he does not see the 2021 approved operating budget on the website. Mr. Slapnicker stated he will follow-up on that.

DEPARTMENT REPORTS (continued):

Responding to an inquiry from Councilman Lesnick relating to the legislation for the vehicle exhaust system, Chief Hutton stated that the \$47,761 includes the Federal portion of the grant and the City portion of the grant; it also includes the City portion of the radio grant, as well as some computer equipment that was included in capital equipment. Mr. Lesnick noted that the laptop computers were a different line item. Chief Hutton confirmed that the diesel exhaust system is costing approximately \$3100 more than anticipated, and it is covered in the \$47,761; he noted the City portion of the radios has dropped from \$18,000 to \$12,000. Chief Hutton noted there will still be a surplus of over \$3000 in that line item. Mr. Lesnick suggested that Finance provide a statement of explanation in the future for such instances.

Law Director Matthew Lallo thanked Ms. Drake for providing the sample resolution relating to the Community Development Block Grant, noting that legislation will be on the next meeting agenda.

Mr. Lallo advised he reached out to a law firm about tax increment financing, and he is working on scheduling a meeting with Administration to determine if this will be a benefit for the residents in the sewer area.

Mr. Lallo reported that he has provided interpretation on several zoning issues and various Board of Zoning Appeals questions.

Mr. Lallo stated there will be some upcoming collective bargaining negotiations, beginning next week.

Mr. Lallo requested that Council convene an executive session at the end of tonight's meeting to consider investigation of charges against a public employee.

Councilman Schulz inquired if there has been any determination on the ability to hold a parade and Memorial Day services, as it relates to COVID-19. Mr. Lallo responded that he has not heard anything to the contrary, noting that he will follow-up on the inquiry. Mayor Potter noted that Kiwanis is having the Strawberry Festival parade, although it will be held in a little different manner than usual.

Mr. Schulz inquired if there have been any updates on resuming in-person meetings. Mr. Lallo responded there have been no updates.

City Engineer Douglas Courtney advised that the Old Town sanitary sewers design agreement is awaiting consideration and passage by the Lake County Commissioners. Field survey work has begun.

Mr. Courtney advised that he received a call from Ohio EPA about H2Ohio funds and their applicability to the Old Town sewer project. The EPA representative indicated these are grant funds, and she is investigating whether the funds can be used to assist residents with their up-front costs of septic abandonment and tie-ins to the sewer.

The Wisner Road streambank stabilization is done; the guardrail has been installed by the Service Department.

With regard to the street repair and maintenance plan, Mr. Courtney stated he is working to finalize the streets list for 2021 to align it with the current budget. He noted he will report the final streets list at the next meeting. The project schedule includes plans to advertise on May 20, with contract award by Council at the June 21 meeting; construction would begin in July and run through early to mid-October.

Mr. Courtney and Mr. Fornaro have been working to prioritize the citywide drainage issues; they will be moving a handful of projects forward to conceptual design and estimating.

DEPARTMENT REPORTS (continued):

Regarding development projects, the Tall Oaks event barn received its temporary occupancy for the barn last week, and the carriage house remains under construction and has not yet received an occupancy permit. He is awaiting construction documents relating to the Cocca property senior living development. The final plat for Parks Farm Subdivision and improvement plans are currently under review. Plans for the renovation and improvement of the Smith house (Church of Latter-day Saints) are currently under review and will be on the Planning and Zoning Commission's agenda for a conditional use permit on Monday.

Answering Councilman Lesnick, Mr. Courtney explained that the County can issue a temporary occupancy permit if the site meets certain conditions but is not quite final; it is generally based on site grading, restoration and stabilization.

Councilman Schulz advised that the cost of epoxy pavement markings has greatly risen, therefore a different type of pavement marking may need to be considered. Mr. Courtney stated that estimates have been based on standard traffic paint.

Mr. Schulz stated that traffic volumes across the state are currently down only seven percent, although the revenues lag several months relative to the gas tax collection.

Answering Mr. Schulz, Mr. Courtney confirmed that bid packages relating to the street repair and maintenance plan will be available on May 20.

Councilman Schulz noted he received an e-mail regarding the Small City program application; he forwarded it to the Mayor and Council members. He noted it relates to construction in 2025.

Mr. Schulz inquired if Safe Routes to Schools funding has been considered, relating to the sewers and road reconstruction. Mr. Courtney replied that he and Mr. Fornaro have been discussing it. Brief discussion ensued regarding the grant funding.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter thanked Mr. Fornaro and Ms. Szary for working with Holden Arboretum and the schools with regard to an educational event on May 20 at the Kirtland Elementary School. On May 22, there will be a tree planting event at City Hall; the details are being finalized.

The Mayor noted that a resident expert in alternative energy will attend the Planning and Zoning Commission meeting next week. Kirtland resident Aaron Godwin is the owner of the Renaissance Group and has been before the Planning and Zoning Commission a couple times relative to the alternative energy ordinance, which was previously passed by City Council at the recommendation of the Planning and Zoning Commission. Mr. Godwin will address the Commission, with some suggestions for cleaning up the ordinance. Additionally, Mr. Godwin will be providing an energy review for all City buildings for possible alternative energy installations, which will also be discussed at the meeting.

Mayor Potter stated that he met last week with Mr. Blum of Kirtland Kiwanis, Mr. Haymer and Mr. Fornaro to discuss pickleball court placement at the Community Center; the City is close to determining a location.

Mayor Potter thanked Ms. Drake and Ms. Szary for their work in getting the CDBG grant eligibility surveys out to the residents of the Old Town area; and he thanked Ms. Drake for following up on the inquiries from those residents.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

The Mayor noted he has been in discussion with Mr. Fornaro and Mr. Courtney regarding the road program and upcoming bid, along with re-evaluation and prioritizing some of the known drainage issues as they relate to stormwater dollars.

The City is still awaiting guidance from the U. S. Treasury relating to spending of the stimulus dollars. Mr. Lallo and Mrs. Kovalchik attended a Zoom meeting last week with the Ohio Municipal League in this regard. Mr. Lallo confirmed that there has been no new guidance yet in this regard.

With regard to Safe Routes to Schools and the Old Town sewer project, Mayor Potter stated he submitted a few grant applications recently through Congressman Joyce's office through several different sub-committees. He noted in one of the applications he included sidewalks and bike lanes as part of the request.

Mayor Potter noted that Vince Crawford of Waste Management is in attendance at tonight's meeting to address the community and City Council relating to Waste Management activities.

With more activities resuming, Councilman Lesnick inquired about determining the time involved for the Police, Fire and Service Departments with regard to these activities, along with determining whether sufficient funds have been budgeted. Chief Hutton advised that for the majority of the special events, the firefighters and police officers are paid directly from the event organizer; these events include the half-marathon, Lakeland Community College graduations, Vintage Ohio, America the Beautiful, etc. The Chief noted there is very little overtime cost associated with those events.

Councilman Lesnick inquired about use of the City's equipment, noting there would be associated cost, such as gasoline. Chief Hutton stated that the City equipment is used, but all personnel costs are covered; he noted that the employees' time is tracked, since they are still covered under the City's Workers' Compensation while working these events. Mr. Lesnick stated it would be helpful to have an itemized summary, which can be included in the budget, indicating that the employees' time is paid, but there is use of the City equipment and vehicles.

Sergeant Fisher noted he can provide a detailed report that the Department used for the last Strawberry Festival event, which addresses all the security provided, the hourly rate paid to each officer, along with the parade detail.

STANDING COMMITTEE REPORTS:

An Economic Development Standing Committee meeting was scheduled for Monday, June 7, 2021 at 5:30 p.m. by Committee Chairman Lesnick to discuss local income tax incentives and the development questionnaires. Ms. Drake noted that she will send out an invitation to all involved.

CORRESPONDENCE:

There was no correspondence, but Council President Lowery reminded Council that Senator Cirino will be attending the next Council meeting, on May 17, to provide an update from the State.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA:

Vince Crawford of Waste Management was present to address Council. With regard to the impact of COVID-19, Mr. Crawford thanked the City for its cooperation in the temporary suspension of pick-up of bulk items during April and May 2020, noting they were able to protect their employees while continuing to pick up trash and recycling. Due to COVID-19, Mr. Crawford stated their employees are social distancing and wearing masks. He noted that protocols have been put in place so they can continue to service their communities every week. He noted their goal is to have all employees back in the office by July 1.

With regard to recycling, Mr. Crawford stated in the last six months commodity prices have improved; it still has a long way to go but has not been on the continued decline as in the recent past.

Mr. Crawford stated that in 2020, 372 tons of recyclables and 1,966 tons of solid waste were picked up in Kirtland. He noted that a pulping plant, Pratt Industries, has been built on the west side of the state, which is good for the paper market. Mr. Crawford stated all recyclables from the Midwest market remain domestic; nothing is being shipped overseas. Waste Management made a commitment to not ship any plastics overseas because of effects of ocean pollution from shipping to third-world areas.

With regard to technology, Mr. Crawford stated that all trucks now serving Kirtland are compressed natural gas, and they are all automated, which is a benefit with regard to safety and retention of employees. Waste Management is working to advance their technology to communicate with customers; there is a mobile app that can be used for managing the account and will provide notification of every other week recycling dates. The app will update to show that a customer's trash has been picked up; it will also provide holiday notifications, along with notifications about delays due to breakdowns. The notification can also be sent to the customer via text message.

Mr. Crawford stated that communication with the Service Department has improved over the past couple years; Mr. Fornaro has been helpful in notifying him of any road closures

Mayor Potter thanked Mr. Crawford for his responsiveness and for providing the City with updates on events and issues.

Noting that scrap prices are up, such as steel, along with paper and plastic, Councilman Smolic inquired if this will result in an adjustment of monthly fees to the residents. Mr. Crawford stated the adjustment is tracked on a yearly basis, looking at the one-year average; he advised they will be looking at it.

Stan Krulc, 10595 Tibbetts Road, addressed Council regarding a notification he received about a sexual offender moving into his neighborhood. He inquired if the City of Kirtland and/or the Police Department are notified when a sex offender moves into the City. Sergeant Fisher stated the Police Department should be notified, depending upon the tier; he was not sure if that process has taken place yet for the individual he is referencing. Sergeant Fisher stated he will look into it.

Mayor Potter stated he had a conversation in this regard with Sergeant Fisher, and he will follow up with the Law Director; he noted that he, Mr. Smolic, Sergeant Fisher and the Law Director would be willing to meet with concerned residents.

Mr. Krulc urged residents to visit the Lake County Sheriff's website. He noted it provides information on sexual offenders that live within a specified distance of a resident's address. Mr. Krulc also noted that residents can register on the following website: <http://offenderwatch.com/alerts/> and they will send an e-mail anytime a sex offender moves into the resident's area.

Mr. Krulc noted that residents and the staff at the Community Center should be aware of a sexual offender living in the area, especially with the children's sports fields on the site.

OLD BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF OLD BUSINESS:

None.

ORDINANCE NO. 21-O-19 - (Second Reading) - **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 Second Reading. It was mentioned that notice has been posted and published regarding the public hearing scheduled for Monday, May 17, 2021 during the 7:00 p.m. Council meeting.

NEW BUSINESS:

PUBLIC COMMENTS ON AGENDA ITEMS OF NEW BUSINESS:

None.

ORDINANCE NO. 21-O-23 - **AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$2,008,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF RETIRING, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE CITY, THE CITY'S OUTSTANDING VARIOUS PURPOSE NOTES, SERIES 2020, DATED JUNE 17, 2020, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

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

RESOLUTION NO. 21-R-24 - **A RESOLUTION AUTHORIZING THE CHIEF OF THE KIRTLAND FIRE DEPARTMENT TO ACCEPT THE PROPOSAL OF CLEAR AIR CONCEPTS FOR A VEHICLE EXHAUST REMOVAL SYSTEM AT FIRE STATION #1, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only. Councilman Lesnick stated his appreciation to Chief Hutton for finding the grants. Mr. Lesnick moved to waive the three readings, with the second by Mr. Ruple. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER, LESNICK AND LOWERY. VOTING NAY: NONE).** Mr. Lesnick moved to declare an emergency and adopt, with the second by Mr. Smolic. Answering Councilman Schulz, Chief Hutton advised that the work should be complete by June; there is a 5-year warranty on the system. Answering Councilman Smolic, Chief Hutton advised there will be two drops with the system, one for the new ambulance and one for the engine. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER, LESNICK AND LOWERY. VOTING NAY: NONE).**

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COUNCIL COMMENTS:

Responding to Councilman Haymer, Councilman Schulz stated the purpose of his inquiry regarding the total amount of back taxes was to determine if the City is making progress on the recommendations of the Fiscal Task Force Review Committee. Mr. Schulz noted it appears to be headed in the right direction.

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 consider the investigation of charges against a public employee, pursuant to Article I, Section 7(a) of the City Charter. Mr. Smolic so moved, and Mr. Lesnick provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: RUPLE, SCHULZ, SMOLIC, WOLFE, HAYMER, LESNICK AND LOWERY. VOTING NAY: NONE).** The time was 8:28 p.m.

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Upon adjournment of the executive session, the regular session of Council reconvened at 9:11 p.m.

ADJOURNMENT:

Mr. Lesnick moved to adjourn, with the second by Mr. Schulz. The motion of Council passed by unanimous vote and the meeting adjourned at 9:12 p.m.

President of Council

Clerk of Council