

KIRTLAND CITY COUNCIL MINUTES

June 7, 2021

The meeting of Kirtland City Council was called to order at 7:00 p.m. by Council President Richard Lowery. 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, Community and Senior Center Coordinator Teresa Szary, Police Sergeant Jamey Fisher and Fire Chief Anthony Hutton.

MINUTES OF THE MAY 17, 2021 WORK SESSION:

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

MINUTES OF THE MAY 17, 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. There were no amendments to the minutes; however, it was noted by Mr. Lesnick that in the fourth paragraph on page 1, Mr. Cirino referred to the "septic project", but it should have been referred to as the "sewer project". Mr. Lesnick moved to approve the Minutes, as presented, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 6/0/1 (VOTING YEA: SCHULZ, SMOLIC, WOLFE, HAYMER, LESNICK AND LOWERY. VOTING NAY: NONE. ABSTAINING: RUPLE).**

DEPARTMENT REPORTS:

Economic Development Manager Monica Drake advised that the Community Development Block grant application was submitted to Lake County Planning for assistance with construction of an outside restroom facility at the Senior/Community Center. She noted that Rhea Benton, who heads the program, toured the Center last Thursday and met with her and Ms. Szary for an overview of the needs. Ms. Benton said Lake County has a grant program focused on assisting with capital projects at senior centers in the county.

Ms. Drake is currently updating the listing of local businesses she created last year, providing more detailed information to include business permits and other necessary information. This will assist in determining where there are holes in the program, sharing information with the Departments, and the creation of a survey Mayor Potter would like to send out.

Fire Chief Anthony Hutton advised the monthly report for May has been distributed. He noted that call volume is up this month, and the Department has been very busy.

While there were a few medical issues during the half marathon yesterday, Chief Hutton advised there were no transports, and the day went well.

Chief Hutton said the diesel exhaust system is being installed this week and should be completed by Friday or Saturday.

DEPARTMENT REPORTS (continued):

The Fire Department is working with the EMA, with a tentative meeting scheduled for Thursday to discuss public assistance for COVID vaccine clinics. The report generated shows a cost of \$18,335, and Chief Hutton hopes to be reimbursed for the full amount.

Concerning vehicles and equipment, Chief Hutton stated everything is doing well. He thanked Mr. Fornaro for his help with the frontline squad during the marathon. During their daily check the batteries began smoking and Mr. Fornaro was able to replace them, allowing the frontline squad to remain in service. The engines are beginning to show some issues, with the two American LaFrance having similar issues. Chief Hutton expects to replace one of the American LaFrance soon.

The Department is doing well concerning staffing; however a few part-timers have been hired full-time by other departments recently. Chief Hutton expects to see a shortage of part-timers in the near future and said other communities are already having this problem.

Answering Council President Lowery, Chief Hutton said those who leave for full-time positions do sometimes continue to work for Kirtland part-time, but do not work as many hours. Also, some departments do not allow their personnel to work part-time for other departments.

Answering Mr. Lesnick, Chief Hutton noted there have been a lot of calls in Kirtland Hills; he noted there were some windstorms, with a lot of trees and wires down. He noted that there is a contract with Kirtland Hills, so there is no separate billing for the calls.

Councilman Schulz asked about the authorized controlled burn listed on the report, and Chief Hutton explained that pertains to responding to a call for an open burning that falls in the legal parameters of an allowed recreational fire. Examples would be a campfire, cooking fire, etc.

Sergeant Jamey Fisher advised the monthly report has been distributed.

Sergeant Fisher thanked Sergeant LaTurner for coordinating the half marathon. He noted that 200 runners competed, and there were 17 Kirtland officers involved, along with 2 from Kirtland Hills, 1 from Waite Hill, and 2 from Lake Metroparks.

Sergeant Fisher pointed out in the report there is a significant increase in traffic stops, which is directly related to the initiative on Kirtland-Chardon Road. There has been a significant reduction in speed, partly due to 64 of the 75 traffic stops conducted since the 17th resulting in citations. OSP (Ohio State Highway Patrol) has also worked the area, with 8 traffic stops and 5 citations. Residents have been complimentary to the police presence, and no complaints have been received from cited motorists concerning behavior of officers.

Officer Godfrey, who has been with the Department since 2013, submitted her letter of resignation to pursue a full-time police career in the City of Willoughby. Her last day will be June 19, and Sergeant Fisher wishes her good luck in her future endeavors. Sergeant Fisher said the Department will be looking to hire for positions, and is hopeful the community will attract the right people for the open positions.

Answering Councilman Lesnick concerning the separation of emergency and non-emergency on the monthly report, Sergeant Fisher explained the software is not user friendly for reports, stating the traffic stop separations on the report have to be manually entered. He will reach out to the software company to see if they can provide assistance. Concerning duplications on the report, this is due to multiple charges attached to an individual stop.

DEPARTMENT REPORTS (continued):

Service Director Joseph Fornaro thanked the Public Works employees for the hard work they put in every day. The Department has had a busy couple of weeks, putting out Memorial Day flowers and flags, and keeping the grass cut.

Arbor Day was kicked off in conjunction with the City of Kirtland being recognized as a Tree City USA. The Service Department visited the school, spending approximately three hours teaching 75 third graders about trees. Mr. Fornaro thanked everyone for attending, and the schools for the opportunity to teach the kids about trees and the environment.

Mr. Fornaro advised that bids were opened for the road program this past Friday, and there were good bids received; he looks forward to beginning the program.

The tractor is back in service and cutting grass. The repair cost the City approximately \$6,000, including 40 hours of the mechanic's labor and parts.

Mr. Fornaro thanked everyone who helped with the cleaning and mulching at Veterans' Park. Mr. Fornaro commented on the abundance of volunteers, including the Boy Scouts who put markers and flags on graves. He went on to say there are not many cities where the residents are so involved, and he is grateful to work in Kirtland.

Councilman Ruple referenced the correspondence from Mr. and Mrs. Kirby on Sperry Road that he passed along to Mr. Fornaro prior to the meeting, and asked if Mr. Fornaro could give an explanation of City policy concerning installation of pipe in ditches. Mr. Fornaro explained there have in the past been some issues with the ditch enclosure process. Current procedure is when a resident makes a request, it is reviewed by the City Engineer. The pipe and fittings, catch basin, and stone are purchased and paid for by the resident, with the stone being delivered to the Service Department's yard. The Service Department performs the work, including filling but excluding any landscaping.

Councilman Schulz thanked Mr. Fornaro for his help in readying the materials for the Scouts to mark the graves.

Mr. Schulz asked for a status on the sidewalk repair in front of the Cocca Property, to which Mr. Fornaro and Mr. Courtney said they would follow up with Dominion and get an update.

Mr. Schulz advised the west driveway to Dorchester Farms has massive boulders being used to block the drive, and asked if they could be moved because they are a hazard. Once the road has been resurfaced, he has concerns about those boulders being in the right-of-way.

Mr. Schulz said there has been discussion on social media concerning the Route 6/Route 306 intersection needing a facelift. Mr. Fornaro agreed, noting there have been discussions about finding funding for that corner.

Mr. Schulz asked if there was any value to the fencing that was received, to which Mr. Fornaro said it has already been put to good use.

Mr. Schulz advised that he received a complaint that the signal at Joseph Street may have a defective actuation. Mr. Fornaro said the light is working properly, explaining when there is a power loss the UPS power supply kicks on and will not use the loops but will run the cycle. Once it returns to full power, it will go back to running the loops.

DEPARTMENT REPORTS (continued):

Councilman Smolic asked if most of the signals had their batteries changed recently, to which Mr. Fornaro explained the UPS needs a lot of work; there are three convertors in need of repair.

City Engineer Douglas Courtney advised that the Old Town Sewer improvements project is progressing. There was a kickoff meeting with Lake County Department of Utilities on May 21. Field surveys and base mapping of the area is progressing, and he is working with the Department of Utilities on refining the draft assessment list. Mr. Courtney will advise Council at future meetings on the progress.

The Street Repair and Maintenance Plan Program received two bids on Friday for the following streets: Billings Road, Springer Drive, Springer Circle, Beechwood Drive, Crestwood Drive to Oakwood Drive, Oakwood Drive, and an add-on alternate for Prelog Lane. Final cost estimate, including inspection and contingencies, was calculated at approximately \$1.9 million without Prelog Lane and \$2.1 million with Prelog Lane. The low bid received without Prelog Lane was approximately 3/10% over engineer's estimate, at \$1,906,000. Including Prelog Lane the lowest bid received was approximately 3/10% under the engineer's estimate, at \$2,105,000. Mr. Courtney will review bid results with Mr. Fornaro and Mayor Potter this week, and expects to present formal recommendations for contract award at the next Council meeting.

Concerning citywide drainage issues, Mr. Courtney, Mr. Fornaro, Mayor Potter, and Councilman Smolic met with the property owner at 7380 Ledgewood Drive to review drainage concerns that resident has with water coming from Rockwood Drive. The area is currently being analyzed for drainage areas that contribute to the problem, and Council will be updated as more information becomes available. Mr. Courtney said he is trying to come up with a solution that avoids going over the end of Rockwood Drive into the deep ravine.

Mr. Courtney stated there are no updates on the Tall Oaks event barn or the Cocca development. He stated that the final plat for Parks Farm Subdivision is on the agenda tonight (Ord. 21-O-36). He stated that the remodeling and patio addition at the Kirtlander was approved by the Planning and Zoning Commission on May 24. He noted that improvements to the Smith House were discussed at the May 10 Planning and Zoning Commission meeting and remain under review.

Councilman Smolic thanked Mr. Courtney for looking at the issue on Rockwood, which has been an ongoing issue for several years.

Referring to the inspection and maintenance agreement for stormwater best management practices for Parks subdivision, Councilman Schulz asked if this is part of the HOA or if the City is requiring any funds be set aside. Mr. Courtney said the agreement was provided for information purposes, indicating that the fees for these services will be included in the HOA fees.

Assistant Finance Director Louis Slapnicker advised that the City's 2020 GAAP conversion is complete, financial statements have been prepared and filed with the Auditor of State's Office and the audit will be forthcoming.

He noted that LGS (Local Government Services), which is the company contracted to prepare the financial statements, complimented on the new system and reporting.

Last week the City of Kirtland sold the BAN (Bond Anticipation Note) for \$2,008,000 at a rate of 0.50%, and it will be due in June 2022. Total proceeds were \$2,008,947.52. The additional \$947 is a premium on the bond, and must be retained in the debt service fund for additional future payments. Total interest due next year on the BAN is \$10,040. To compare with last year, the sale was 1.5% with total interest of \$36,075.

DEPARTMENT REPORTS (continued):

Mr. Slapnicker mentioned the 2022 Tax Budget is on First Reading this evening, noting that the budget must be filed with the County Auditor by July 15, 2021. A public hearing is scheduled for the next Council meeting, and Mrs. Kovalchik distributed a memorandum concerning the 2022 Tax Budget. Mr. Slapnicker highlighted a few items in the memo, noting that the tax budget provides information necessary to the County Auditor to set property tax rates for next year; failure to pass the tax budget would result in zero real estate dollars for the City for 2022. The budget does not appropriate any funds for next year; it provides a revenue base for the appropriations for Council in 2022. He stated the legislation can received three readings.

Referencing Mrs. Kovalchik's memo, Mr. Schulz said Kirtland has reported median sales of \$489,700 for 66 homes since March, an increase of 6.5% over the prior year.

Community and Senior Center Coordinator Teresa Szary reported the Senior Center re-opened on June 1. The seniors have been very patient with the reopening and flexible with quickly changing guidelines. For County levy purposes, the staff keeps track of how many people are coming in the building, and Ms. Szary said she expects 30 to 50 people daily.

Law Director Matthew Lallo addressed questions as to whether the in-person meetings signified the end of the COVID state of emergency. In an abundance of caution, Mr. Lallo stated it was decided to begin in-person meetings in June. He noted he does not see any change in the law forthcoming regarding open meetings; therefore those members voting must attend in person. Concerning Zoom or any livestreaming of the meetings, Mr. Lallo stated there can be the option to observe and listen but no participation offered. Residents who would like to participate or speak at the meetings will need to come in person.

Mr. Lallo noted he is currently in collective bargaining negotiations with a couple of units.

With regard to the Senate Budget Bill recently passed, Mr. Lallo stated an interesting fact on that bill relates to the income tax previously discussed by Council. The Municipal League is urging all members to contact the legislature to ask that the bill be overturned. Mr. Lallo believes the bill is a benefit to the City, especially concerning the collection of income tax based on where the employee is physically working. This law allows residents to petition for a refund from the original city that received the income tax, and then taxes would be paid to the city in which they were actually working.

Mr. Lallo requested Council go into executive session to discuss collective bargaining, to consider the employment of three employees, and to consider the discipline of one employee.

Further discussion ensued concerning the Senate Budget Bill and the income tax payments.

MAYOR'S REPORT/ANNOUNCEMENTS:

Mayor Potter congratulated Timmy Lowery and Danny Calvert for achieving Eagle Scout last November. The Mayor noted he had the honor of issuing a proclamation at the ceremony last Sunday.

Mayor Potter thanked all who came out to help with the Memorial Day cleanup, including the Kiwanis, the American Legion, the Garden Club, Mr. Fornaro, and all the other volunteers. He went on to say there was a tremendous Memorial Day celebration and presentation at the Veteran's Memorial. Retired Colonel Michael Stall spoke at the celebration, and the Kirtland High School Band performed. The Mayor thanked Keith McCrory for all his work in organizing the event.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

The Mayor advised that this coming Saturday will be the first Mayor's Action Network voluntary yard cleanup to help seniors in the community. There are 10 or 11 residents that need help with weeding, hedge trimming, and mulching. Volunteers will meet at City Hall just before 9:00 a.m. on Saturday and split into four groups. There will be a captain designated for each group.

The Friends of the Library are bringing back the summer concerts, beginning on June 30. The City will be a partner in this endeavor, with three of the concerts being themed in City, Faith, and Beauty.

On City Night the businesses will be invited to come out and engage with residents, discuss what their business does, and offer their wares. There will also be hamburgers and hotdogs, and volunteers are needed. The Chardon Polka Band will be playing at 7:00.

On Faith Night, July 21, all the local churches will be invited to come out and meet with the community and engage in fellowship. The Celtic rock band Plaid Sabbath will play, and a food truck will provide concessions.

On Beauty Night, August 18, the Holden Arboretum and Lake Metroparks will be invited, along with running shops, cycling shops, and other similar businesses, to mingle with the community and enjoy the beauty of Kirtland. The Bob Wick Duo will play that evening.

Mayor Potter advised Council he was approached recently and asked if the City will reconsider the medical marijuana prohibition. Mayor Potter said he would like to hear views on the subject, including other communities' experiences with either banning or legalizing.

Mayor Potter noted a meeting was held with a Ledgewood resident regarding some drainage issues.

There is no update on economic relief or grants for Old Town Sewers, but the City continues to look for funding opportunities that will lessen the impact on the residents affected by the project.

The stimulus funding has not yet been received, but Mayor Potter noted there will be discussion related to how those dollars can be spent. There are now Federal Treasury Guidelines on how the money should be used, and they will need to be reviewed.

Mayor Potter noted he will informally ask Council for their blessing related to the Pickleball courts. There has been a lot of discussion relating to where the court will be installed, with the initial discussion being the City spend \$12,000 to pave an area on the east side of the Community Center for up to two courts. After further discussion it has been suggested this may not be the best idea as it could potentially create a fire lane blockage. Moving it to the rear of the building, between the building, the pavilion, and the bocce courts, will allow room for three courts. This will also create more accessibility. Mayor Potter has requested additional monies for the project be allocated from the sale of the Charlesderry property. These monies were initially earmarked for public land improvements, and this project would fall under those guidelines. Mayor Potter is asking to revise the budget for the project, adding \$25,000. A quote for asphalt has been received, in the amount of \$17,000; there will also be costs associated with fencing and paint.

The Mayor stated that Mr. Fornaro is working on the Keep America Beautiful / Keep Kirtland Beautiful project, noting that 12 to 15 volunteers met on Saturday, broke into groups and drove the roads in the city to take note of litter in the roadsides and ditches.

A resident survey was distributed with the intent of asking the residents what the City is doing well, what can be done better, and how to move forward into the 2032 plan. There will be a business survey sent out as well.

MAYOR'S REPORT/ANNOUNCEMENTS (continued):

Sanjay Parker, a resident in the community, created the online version of the survey at no cost to the City. As results come in they are being tallied, and a report will be produced after the close of the survey on June 15. Mayor Potter stated his thanks to Sanjay Parker and to another resident, James Schleicher, for their help in this regard.

Mayor Potter expects to be well underway to a resolution to the current Chief of Police situation by the meeting on June 21.

Councilman Lesnick suggested that the upcoming events be placed on the community calendar on the City website, and that updates regarding the road program be posted on the website.

STANDING COMMITTEE REPORTS:

Councilman Lesnick noted that the Economic Development Standing Committee met tonight and discussed questionnaires for the CRA, and a business list is being put together.

Mayor Potter requested that Council members remind their constituents to complete the resident survey by June 15. Councilman Schulz noted that several years ago the Kiwanis conducted a similar survey.

CORRESPONDENCE:

None.

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-32
(Mayor Potter)

- **A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2021 ENERGIZED COMMUNITY GRANT(S) FUNDS, AND DECLARING AN EMERGENCY.**

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

NEW BUSINESS (continued):

- RESOLUTION NO. 21-R-33** - **A RESOLUTION PURSUANT TO SECTION 5705.19(h) OF THE OHIO REVISED CODE SUBMITTING TO THE ELECTORS OF THE CITY A QUESTION OF PROVIDING FOR A RENEWAL OF THE CURRENT LEVY OF 0.85 MILL FOR FIVE YEARS FOR COMMUNITY SENIOR CITIZEN AND RECREATIONAL FACILITIES AND PROGRAMS, OUTSIDE THE TEN MILL LIMITATION.**
(Mayor Potter)

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

- RESOLUTION NO. 21-R-34** - **A RESOLUTION CONFIRMING THE REAPPOINTMENT OF IRENE LESICA DRUZINA, M.D., TO THE BOARD OF HEALTH OF THE LAKE COUNTY GENERAL HEALTH DISTRICT, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

The legislation was read by title only and placed on First Reading. Mayor Potter noted that Dr. Druzina will be attending the June 21 meeting.

- RESOLUTION NO. 21-R-35** - **A RESOLUTION ADOPTING A TAX BUDGET FOR FISCAL YEAR 2022.**
(Mayor Potter)

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

- ORDINANCE NO. 21-O-36** - **AN ORDINANCE ACCEPTING THE PLAT OF PARKS FARM SUBDIVISION FOR RECORD PURPOSES ONLY.**
(Council President Lowery)

The legislation was read by title only. Mayor Potter requested that Council consider waiving the three readings and approving the legislation tonight, noting that the subdivision has received approval from the City Engineer and the Planning and Zoning Commission.

Carol Parks, 8787 Billings Road, asked that the three readings be waived so the project can move forward as soon as possible to avoid being in the way when Billings Road gets paved.

Mr. Smolic moved to waive the three readings, with the second by Mr. Lesnick. Mr. Lesnick asked the City Engineer about Block A and Block B shown on the plat. Mr. Courtney advised it is preserved land. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SCHULZ, SMOLIC, WOLFE, HAYMER, LESNICK, LOWERY, AND RUPLE. VOTING NAY: NONE).**

Mr. Smolic moved to adopt, with the second by Mr. Lesnick. Answering Mr. Schulz, Mrs. Parks advised that the street will be asphalt with concrete curbs. Answering Mr. Lesnick, Mrs. Parks stated they anticipate starting in August. Mr. Schulz suggested that the successful bidder for the road project be asked to coordinate with the development of the subdivision, since there will be heavy equipment on Billings. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SMOLIC, WOLFE, HAYMER, LESNICK, LOWERY, AND RUPLE. VOTING NAY: NONE).**

- RESOLUTION NO. 21-R-37** - **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE KIRTLAND LOCAL SCHOOL DISTRICT FOR THE SHARED SERVICES OF THE CITY'S MECHANIC, AND DECLARING AN EMERGENCY.**
(Mayor Potter)

NEW BUSINESS – RESOLUTION NO. 21-R-37 (continued):

The legislation was read by title only. It was noted that the agreement will extend only to June 30. Answering questions from Council, Mr. Lallo advised that the school is considering hiring a mechanic, but they are currently in desperate need of a mechanic’s services. The school may request that the MOU be revisited in the future.

Mr. Lesnick moved to waive the three readings, with the second by Mr. Smolic. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SCHULZ, SMOLIC, WOLFE, HAYMER, LESNICK, LOWERY AND RUPLE. VOTING NAY: NONE).** Mr. Lesnick moved to declare an emergency and adopt, with the second by Mrs. Wolfe. Mr. Smolic asked if this will be continued into the next school year, to which Mr. Fornaro said this has not yet been determined. Answering Mr. Schulz, Mr. Fornaro stated the work would be performed at the City garage; the hourly rate was determined by the all-in rate for the city's mechanic, with overtime built in if needed. Answering Mr. Schulz, Mr. Slapnickler stated there will be no special fund set up, but it can be assigned to a project to track it. Mr. Fornaro stated it will be tagged on the Service Department time sheets. Mr. Schulz inquired if this is contingent upon background checks and fingerprinting, as required by the school; Mr. Fornaro confirmed that is correct. **ROLL CALL: ADOPTED 7/0 (VOTING YEA: SCHULZ, SMOLIC, WOLFE, HAYMER, LESNICK, LOWERY AND RUPLE. VOTING NAY: NONE).**

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COUNCIL COMMENTS:

Council members commented that they are happy to be back to in-person meetings.

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 collective bargaining, discipline of one public employee, and to consider the employment of three employees, pursuant to Article I, Sections 7(a) and 7(d) of the City Charter. Mr. Schulz so moved, and Mr. Lesnick provided the second. **ROLL CALL: MOTION CARRIED 7/0 (VOTING YEA: SCHULZ, SMOLIC, WOLFE, HAYMER, LESNICK, LOWERY AND RUPLE. VOTING NAY: NONE).** The time was 8:14 p.m.

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Upon adjournment of the executive session, the regular session of Council reconvened at 9:20 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 9:21 p.m.

President of Council

Clerk of Council